



August 26, 2024 – **UPDATE September 3, 2024**

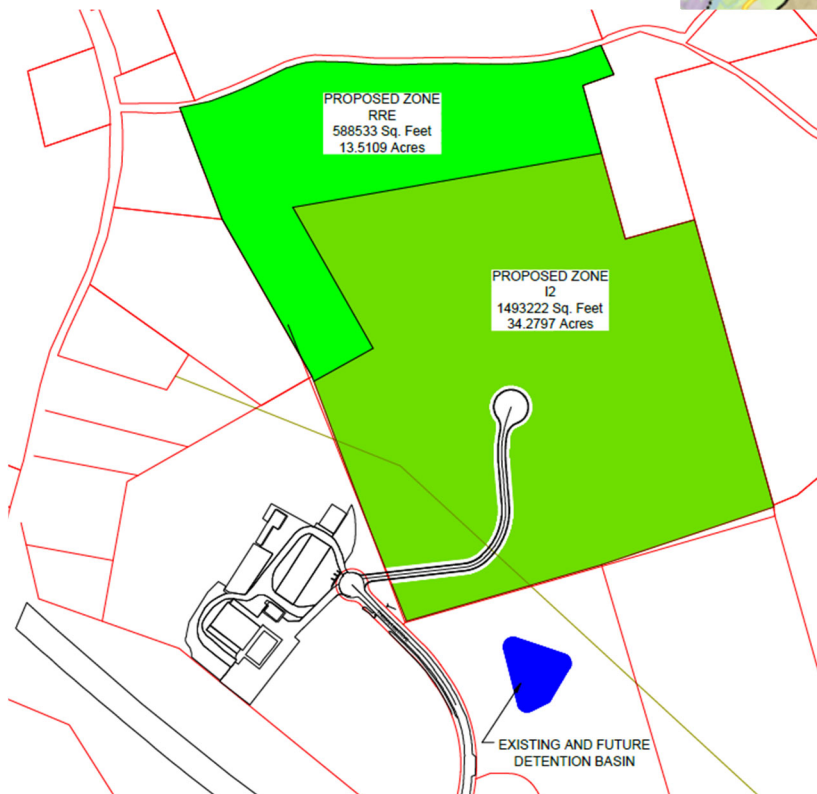
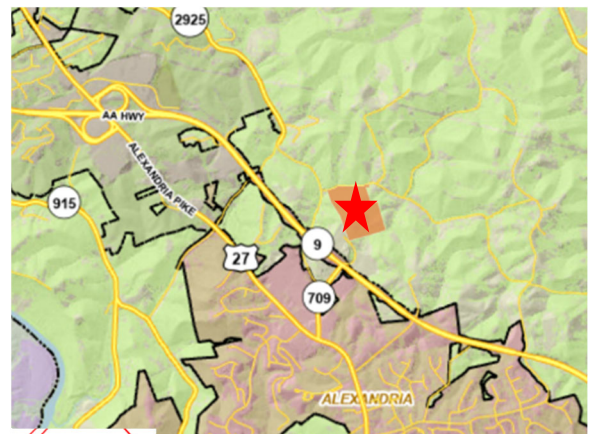
Campbell County & Municipal Planning Commission

Campbell County Staff Comments, Findings, and Recommendations

~~Issue to be heard September 10, 2024 at 6:30 PM at the Campbell County Fiscal Court Chambers, 1098 Monmouth Street in Newport, KY.~~

This item has been removed from the September 10, 2024 Agenda. The applicant has requested to postpone the case in order to submit more information.

CASE: PZ-24-041
APPLICANT: Brandon Bray
LOCATION: Southern portion of 1421 Upper Tug Fork Rd, Unincorporated Campbell County
REQUEST: Zone Map Amendment of approximately thirty-five (35) acres from R-RE (Rural Residential Estate) to I-2 (Industrial Two) with access from Thelma Lee Drive



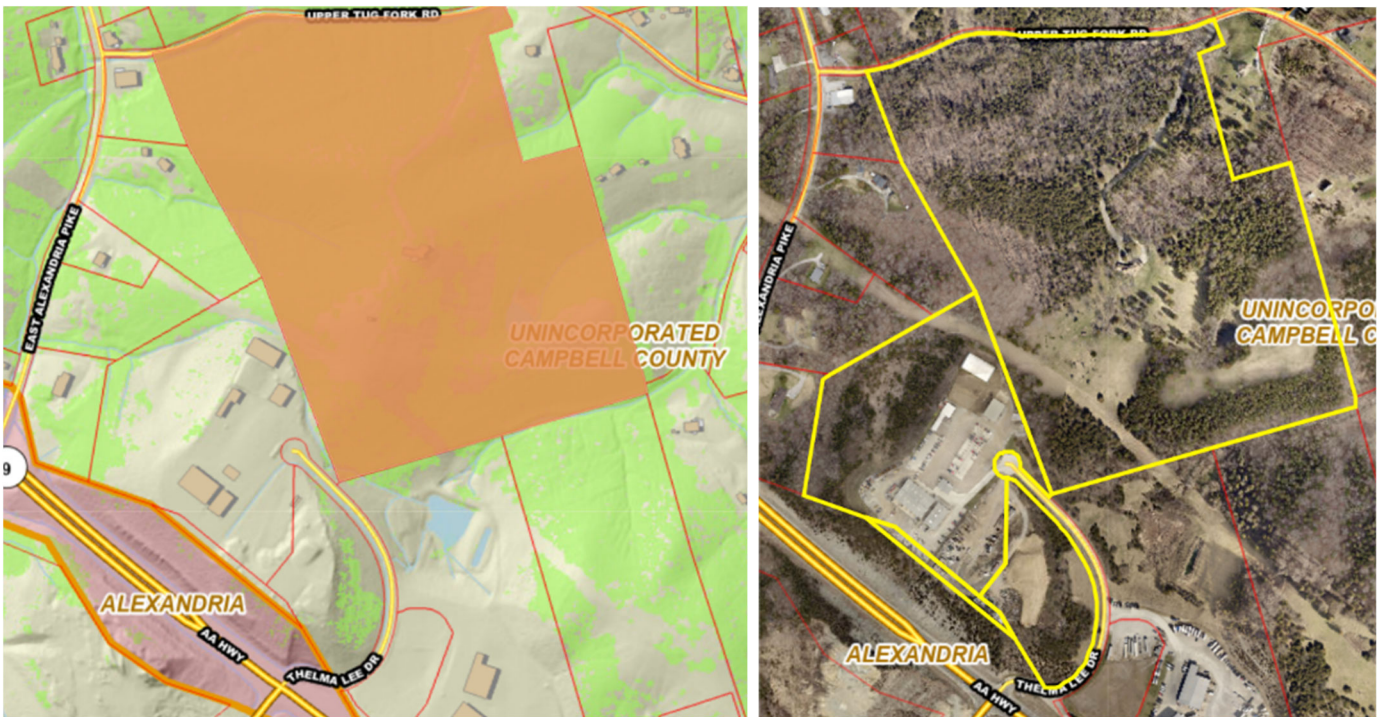
Overview:

The area under review consists of approximately 35 acres of a 48-acre parcel referred to as 1421 Upper Tug Fork Rd in Unincorporated Campbell County. PVA records list the parcel at 46 acres. [PIDN 999-99-24-813.00]

The area under consideration is located on the southern end of the Parcel, and is accessible from Thelma Lee Drive. Thelma Lee Drive has direct access to State Route 9 (AA Highway).

Mr. Brandon Bray is the applicant and currently has the entire parcel under contract from the Girtton Preservation Trust.

The request is for a Zone Map Amendment of approximately thirty-five (35) acres from R-RE (Rural Residential Estate) to I-2 (Industrial Two) with access from Thelma Lee Drive in Unincorporated Campbell County. The remaining 13.5 acres which abuts Upper Tug Fork Road would remain zoned as R-RE.



The parcel under consideration abuts three parcels encompassing 19 acres owned by Crown Companies LLC and two parcels encompassing 19 acres owned by KNG Properties, LLC along Thelma Lee Drive. Mr. Bray is an officer with Crown Companies LLC. The applicant states:

Bray Construction Services, Bray Trucking and Bray trucking has the largest fleet of dump trucks in the tri-state. We service 95% of new built single-family homes in NKY. We are the largest purchaser of aggregates in NKY. We sell the most Topsoil in the tristate.

Kenny's collision service is the largest body shop in the tri-state specializing in heavy truck, school bus, firetruck service.

Bray Construction services is a Specialty contractor. Recent projects UC Practice facility, onenky building, IRS redevelopment, Good Samaritain Tower, CVG conrac facility.

A conceptual site plan was included in the application. This site plan depicts a private driveway connecting to Thelma Lee Drive.

Aerial views are shown below:







Relevant details are summarized as follows:

1. Article 17 of the Campbell County Zoning Ordinance 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. The area proposed for the zone change is approximately 35 acres and abuts existing acreage zoned Industrial Two (I-2).

2. The existing lot is currently heavily wooded with one single family home.

3. In comparing the zoning, existing land use and future land use maps from the 2008 Campbell County & Municipal Comprehensive Plan, we note several discrepancies related to the properties along Thelma Lee Drive.

The 2008 Existing Zoning figure identifies the Thelma Lee Drive parcels as Heavy Industrial. This area is currently zoned Industrial Two (I-2).

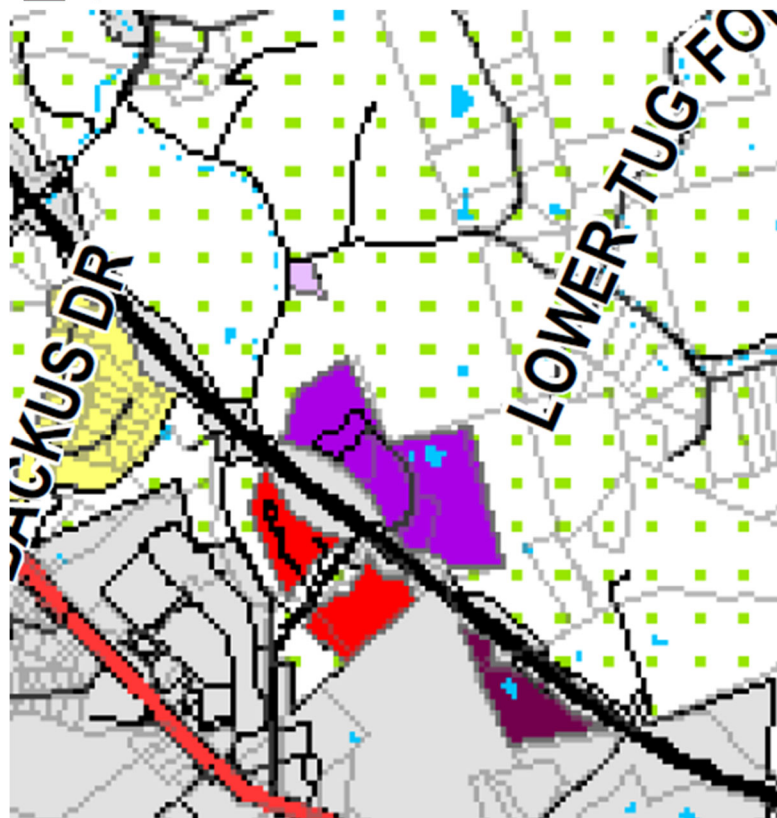
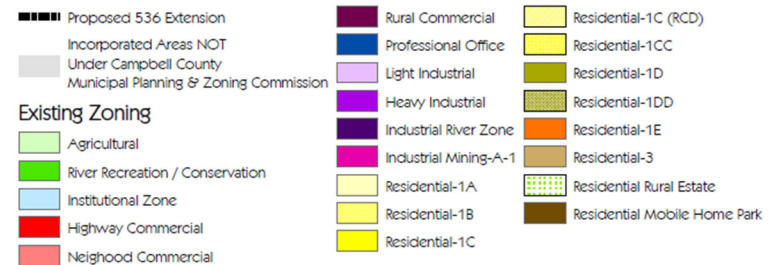
The 2008 Existing Land Use figure identifies the same area as Commercial. The correct identification should be Industrial.

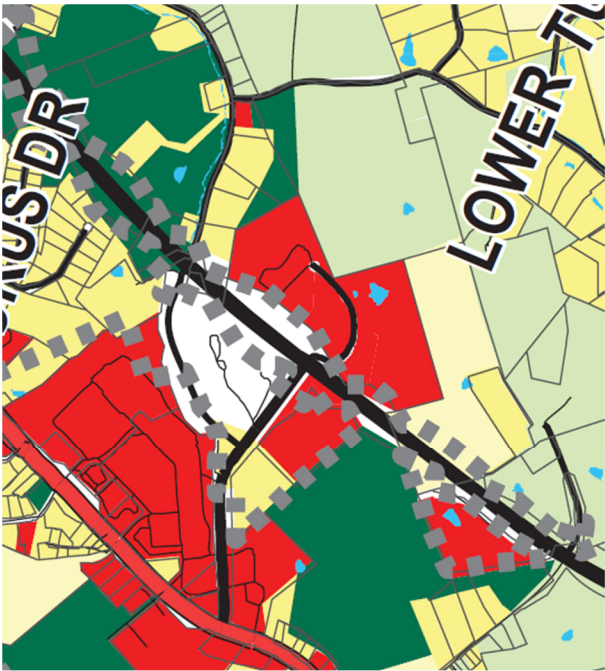
The 2008 Future Land Use figure identifies the same area as Lower Density Single Family Residential. The correct identification should be Industrial.

On these same figures, the parcel under consideration for the zone change is identified as:

- Zoning – Rural Residential Estate
- Existing Land Use – Agricultural District
- Future Land Use – Lower Density Single Family Residential

Unincorporated Existing Zoning





Existing Land Use

Legend

- Proposed 536 Extension
- Incorporated Areas NOT Under Campbell County Municipal Planning & Zoning Commission
- Existing Land Use
 - Agricultural Districts
 - Large-Lot Residential/Undeveloped
 - Single-Family Residential
 - Multi-Family Residential
 - Mixed-Use
 - Commercial
 - Industrial
 - Institutional
 - Public Utility
 - Recreational
 - Wooded / Open Space
 - Railroad



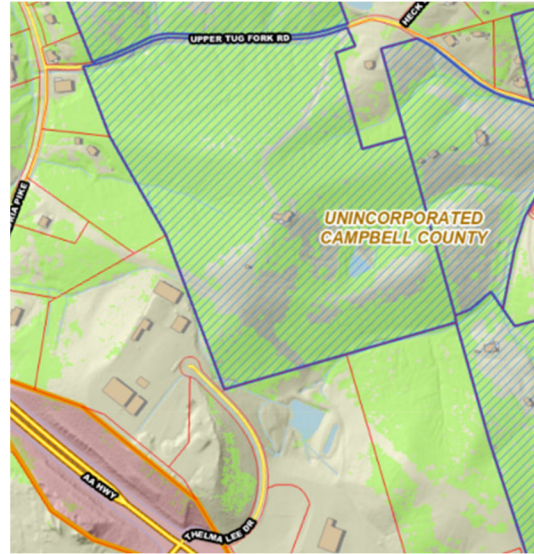
Future Land Use Category

Land Use Category

- Lower Density Single Family Residential
- Higher Density Single Family Residential
- Multi-Family Residential
- Neighborhood Retail
- Campus Style Office
- Mixed Office / Industrial

4. The Campbell County Conservation District was notified of a potential zone change to a parcel within an Agricultural District.

A revision to the Agricultural District will be required if the zone change is approved.



5. The Campbell County & Municipal Vision Statement and Goals and Objectives as updated in 2016 highlights the importance of a growing business community. Excerpts from this document include:

Vision

Campbell County is a dynamic community that provides meaningful opportunities for all people in which to live, learn, work, play, worship, and achieve their goals. The County promotes lifelong learning, innovative enterprises, quality neighborhoods, agricultural heritage, diverse recreational opportunities, environmental balance, and participatory governance. We draw from the strength of our rich history of values, creativity, and decisions to realize the vision for Campbell County.....

Campbell County enjoys a growing business community that provides an extensive range of economic development and employment opportunities for our citizens. Our agricultural enterprises are thriving because of new and innovative aspects, including success in agritourism.

GOAL: LAND USE - BALANCE EXISTING AND FUTURE LAND USE PATTERNS TO PROVIDE VARIOUS WELL-PLANNED, HIGH QUALITY, AND EFFECTIVE DEVELOPMENTS.

- Cultivate future development and redevelopment, which reinforces the County’s high quality natural and livable environment through its buildings, site development, traffic patterns, signage, and landscaping.
- Encourage practical regulatory strategies, which foster investments and preclude incompatible land uses.
- Effectively manage potential conflicts from proposed development through functional and attractive transitions between land uses.
- Foster infill redevelopment and reinvestment, minimizing vacant urban properties, and improving underutilized properties for higher and better uses.

GOAL: ECONOMIC DEVELOPMENT AND EMPLOYMENT - EVALUATE AND ENCOURAGE COMPATIBLE INVESTMENTS, WHICH WILL INCREASE QUALITY EMPLOYMENT OPPORTUNITIES FOR THE RESIDENTS OF THE COUNTY AND ITS CITIES.

- Identify and support opportunities to attract high quality office, technology-related, education, research, and light industry balanced with infrastructure, transportation, and compatible land uses.
- Support programs that facilitate entrepreneurship, business incubators / accelerators, and expansion of existing operations, particularly in fields identified as emerging economic development opportunities.
- Support quality educational and workforce training, such as those provided by Northern Kentucky University, Gateway Community College and Campbell County Area Technology Center, thereby strengthening an employee talent pool that is well prepared to meet the County and regional employment needs.
- Assist with the efforts of Campbell County Economic Progress Authority and Northern Kentucky Tri-County Economic Development Corporation to enhance the business climate and foster a spirit of regional cooperation.
- Support partnerships which promote practical and economically feasible improvements and expansion to our infrastructure.
- Stream the development process and minimizing barriers to implementation to foster high-value growth in the construction industry.

Goal: Environmental Stewardship To excel in balancing, managing, protecting, conserving, and enhancing the County's natural environment.

- Include and maintain appropriate and economically feasible, levels of open space, landscaping, trees, and other natural features in conjunction with all development or redevelopment.
- Foster public awareness and support conservation initiatives for preserving the natural environment, including soil conservation, hillside stabilization, natural storm water management, and the protection of environmentally sensitive features.
- Utilize innovative planning tools and existing scientific and economic data to help the County adequately consider methods of managing energy, water consumption and stormwater management.
- Support feasible and practical agricultural transitions to environmentally sustainable crops, products, and operations.
- Manage development and redevelopment near our rivers and within our watersheds to maintain and increase environmental quality and natural community amenities.
- Reflect a practical and economically viable balance between property rights and the protection of the environment and community-at-large.

Light Industrial – Uses that include any type of manufacturing, assembly, warehousing, distribution or similar operation that can conduct its activity without creating significant nuisances for surrounding parcels. Typically, all processing is conducted within buildings, requires limited exterior storage, generates small amounts of tractor trailer traffic, and are reasonably free of potentially hazardous or objectionable elements such as noise, odor, dust, smoke, glare, or other pollutants (e.g. electronics assembly plant, bottling plant, machine shop, etc.).



Lower Density Single Family Residential – Large-lot one-family detached residential dwellings, located on lots one acre or larger, where sanitary sewer and or water may not be readily available and where a rural atmosphere is largely present (e.g. detached single family dwelling on 1.5 acres, farm house, etc.).



Mixed Office/Industrial – A development on a tract of land containing office buildings used for conducting the professional affairs of businesses, services, industries or government constructed and managed on an integrated and coordinated basis as well as light industrial type uses that include any type of manufacturing, assembly, warehousing, distribution or similar operation that can conduct its activity without creating significant nuisances for surrounding parcels. Typically, research and development type industrial uses or warehousing/distribution are predominate in a mixed office/industrial type environment.



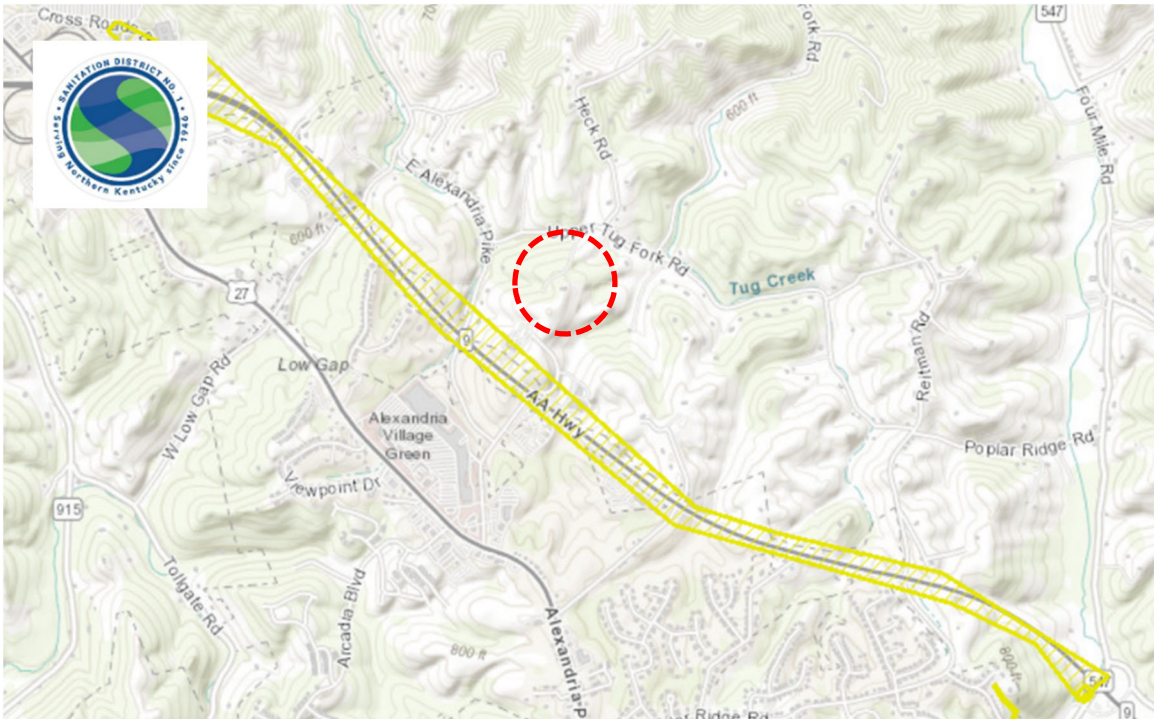
ARTICLE XVII - AMENDMENT PROCEDURE

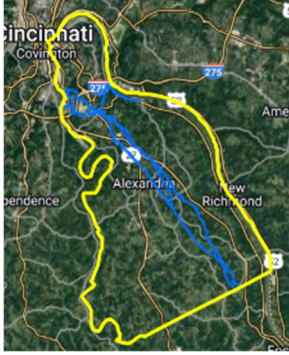
SECTION 17.0 AMENDMENT OF MAPS AND ZONES PROCEDURE:

- E. 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.

6. Major Infrastructure changes:

In 2024, Sanitation District No. 1 will be completing a major capital improvement project along the AA Highway. As a result, access to sanitary sewer will be available along the AA highway from the intersection of the AA Highway & US 27 to Low Gap Road.

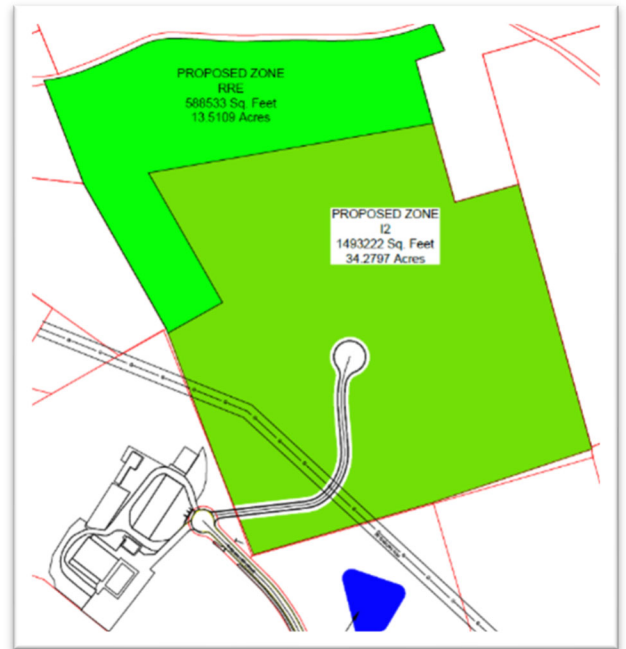
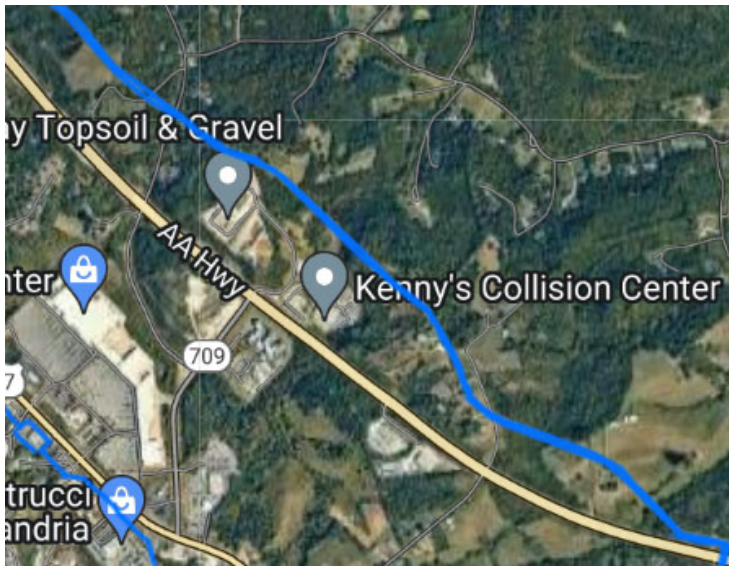




In 2024, TC Energy identified the need to replace the three gas transmission lines that cross through Campbell County. The intent is to consolidate these three lines into one line. Engineering is ongoing.



An existing line is located in the southwest triangle of the property. Preliminary engineering indicates that the proposed replacement alignment will continue to cross this property in a similar fashion.



The sanitation infrastructure improvement along the AA is a major change of an economic and physical nature within the area. This sanitation improvement was not anticipated in the comprehensive plan. It has substantially altered the basic character of land between the AA and US 27 as evident by the ongoing developments between the AA and US 27 which were not deemed feasible without the area wide sanitation investment.

However, the applicant has not indicted how the addition of sanitary sewer in the proximity of the site effects this proposed zone change.

Similarly, the planned relocation of the TC Energy Gas Pipeline may influence the use of the site.

The Applicant has been in coordination with TC energy and provided a concept which shows the realignment running parallel to the existing line. Neither the depth of the line nor any anticipated grade changes were indicated.

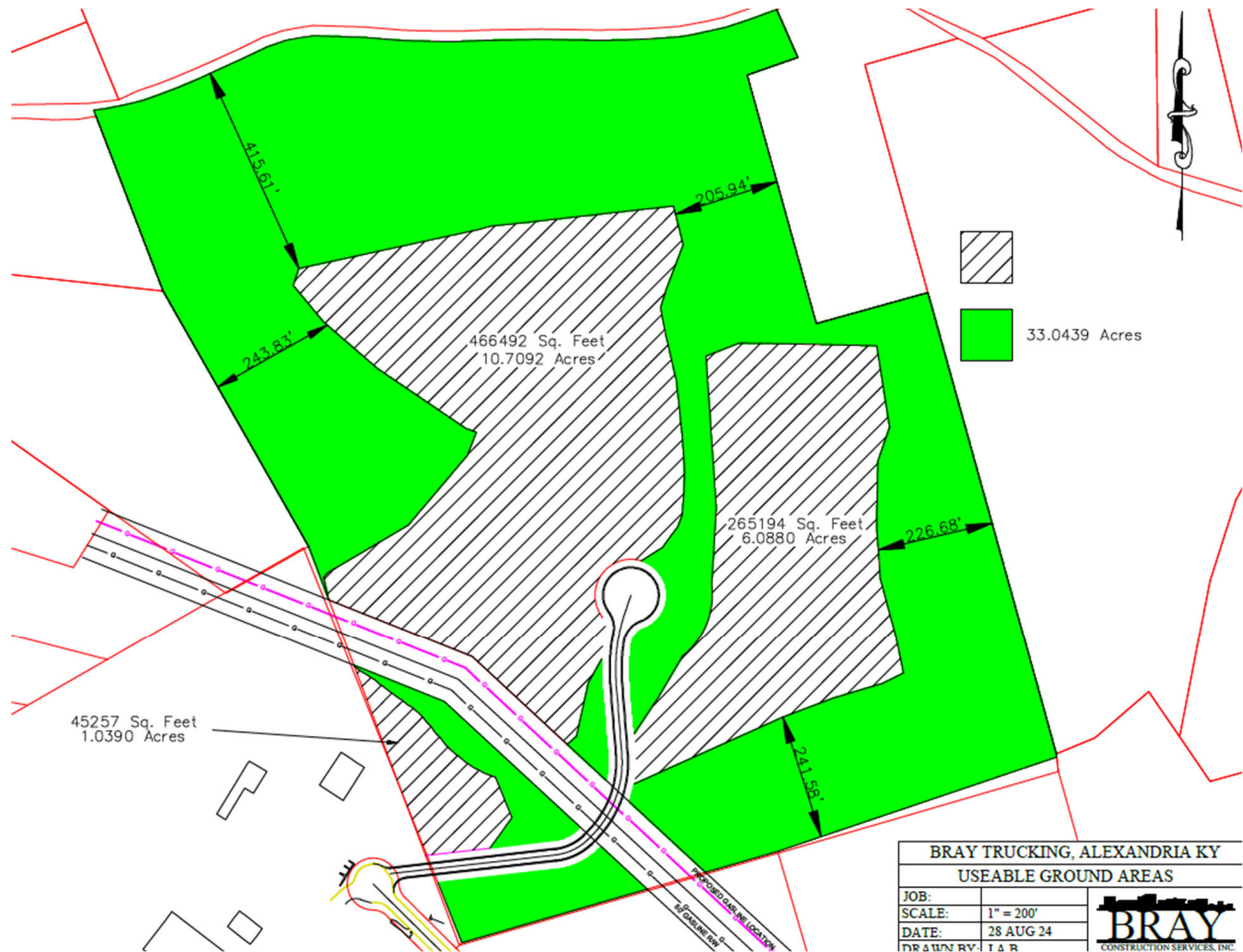
7. As defined in Article 10 , section 10.24 of the Campbell County Zoning Ordinance the following uses are permitted for proposed site:

1. *Except for those that decompose by detonation, the manufacturing, compounding, processing, packing or assembling of the following uses:*
 - *Acetylene, butane and bottled gas including bulk storage.*
 - *Asphalt and asphalt products.*
 - *Brewing and distilling of liquors.*
 - *Brick, tile or terra cotta, manufacture and storage.*
 - *Candy and confectionery products, food and beverage products, including the rendering or refining of fats and oils.*
 - *Cement, concrete and concrete products.*
 - *Chemicals including ammonia, bleach, bluing, calcimine, chlorine, corrosive acid or alkali, dyes.*
 - *Cigars and cigarettes.*
 - *Cosmetics, pharmaceuticals, and toiletries.*
 - *Animated and/or illuminated billboards and other commercial advertising structures.*
 - *Electric appliances, television sets.*
 - *Electrical and non-electrical machinery, equipment and supplies.*
 - *Fertilizer, gypsum, lime or plaster of paris.*
 - *Fountain and beverage dispensing equipment.*
 - *Furniture.*
 - *Instruments of professional, scientific, photographic, and optical use.*
 - *Iron, steel, aluminum foundry or forge works and heavy weight casting.*
 - *Lumber mills and storage and storage yards.*
 - *Lampblack.*
 - *Metal, metal finishing and metal products including the use of blast furnaces or drop forges.*
 - *Musical instruments, toys, novelties, jewelry, rubber, or metal stamps.*
 - *Office equipment.*
 - *Oil cloth or linoleum.*
 - *Paint, oil, shellac, turpentine, lacquer, varnish, gasoline.*
 - *Paper, paperboard, pulp.*
 - *Petroleum refining and products including bulk storage.*
 - *Plastic and plastic products.*
 - *Pottery and figurines.*
 - *Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious, or semiprecious metals, hair, horn, shell, tin, steel, wood, plastics rubber, bone, cork, felt, fibers, yarn, wool, tobacco.*
 - *Rolling mills.*
 - *Rubber and rubber products.*
 - *Soap and soap products.*
 - *Stone and monument works employing power driven tools.*
 - *Vinegar and yeast, production.*
 - *Gravel, including storage*
2. *Bag, carpet and rug cleaning.*
3. *Bottling and canning works.*
4. *Bulk storage stations.*
5. *Busline shops and storage.*
6. *Carting express, hauling or storage yards.*
7. *Coal, coke, or wood yards.*
8. *Contractors offices and accessory storage yards including storage of general construction equipment and vehicles.*
9. *Crating services.*
10. *Flour mills.*
11. *Forge plants.*
12. *Foundries.*
13. *Governmentally owned and/or operated city, county or state garages.*
14. *Laundries and dry cleaning plants involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles.*
15. *Machine shops, heavy type industries.*
16. *Plating plants.*
17. *Processing of junk, waste, discarded, or salvaged materials, machinery, or equipment, including automobile wrecking or dismantling.*
18. *Public utilities rights-of-way and pertinent structures.*

- 19. Railroad facilities exclusive of marshaling yards, maintenance and fueling facilities.
- 20. Trucking terminals.
- 21. Schools for industrial or business training.
- 22. Warehousing or wholesaling.

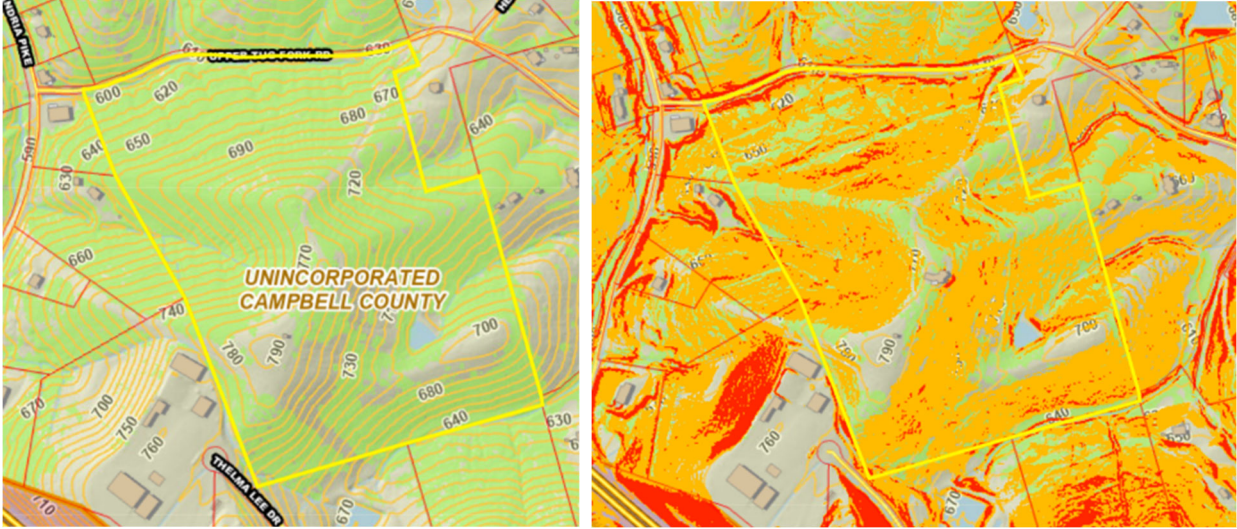
6) A conceptual site plan was submitted which indicated that approximately 35 acres of the site would be rezoned to I-2. **A survey to determine the subset of this parcel was not provided.**

As additional exhibit was submitted which indicated an anticipated realignment of the gas line and the useable acreage as defined by the applicant.

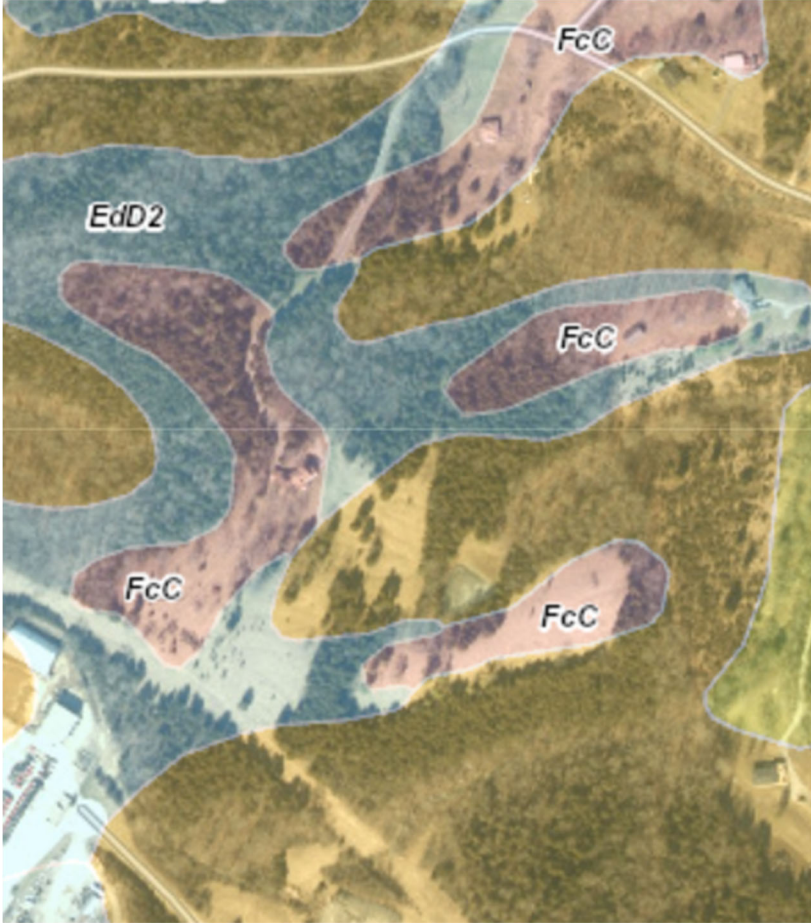


A review of the conceptual site development plan and supporting documents indicate the following:

- a) Topographical contours were provided. The site has a variety of slopes. The Applicant verbally indicated that significant grading would be completed across the entire parcel. **A grading plan was not submitted.**



b) Soil survey information for Campbell County, Kentucky was obtained from the United States Department of Agriculture – Natural Resources Conservation Service (USDA/NRCS) online soil survey mapping website (USDA/NRCS 2017).



- c) The USGS maps for the area indicate a pond and a stream.

The conceptual plan did not indicate if these areas were to be disturbed or maintained.



- d) No geotechnical exploration was completed for the site.
- e) The site is adjacent to the AA Highway and within a strong regional transportation network.

The Bray companies serve residential & commercial customers throughout Greater Cincinnati and Northern Kentucky.

The Applicant has verbally indicated that all industrial related access will be via Thelma Lee Drive to the AA Highway (State Route 9).

Thelma Lee was adopted as a County Maintained Road (CR 1501) in 2000. In 2014, it was approved for major repairs. *No anticipated traffic volume or traffic type were provided to confirm the viability of these State*



or County Roadways to handle additional industrial traffic.

Upper Tug Fork [CR 1024] is a blacktop road with an average width of 17 feet. It is not designed for industrial traffic.

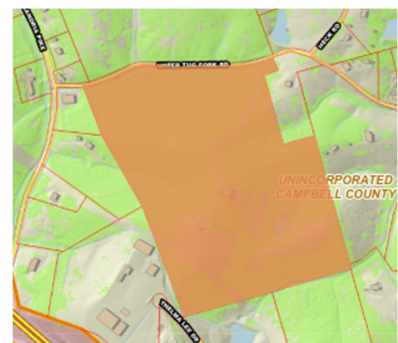
- f) No housing is planned for the site.
- g) There are no recreational facilities identified.
- h) The applicant has indicated that utility access for the area includes: water, wastewater, electric, and gas.
- i) A useable area map was provided which did indicate setbacks from the property lines. **Neither an area of disturbance nor a landscaping plan was provided.**
- j) No signage is proposed at this time.
- k) No off-street parking is identified.
- l) No pedestrian walkways are indicated.
- m) The concept plan does indicate an existing share detention basin for the area. Stormwater management erosion control measures will be required on subsequent plans.
- n) It is anticipated that the site will change ownership in 2024. A construction schedule will be required with subsequent plans.

In closing, staff notes that the 2008 Future Land Use figure identifies the following parcels on Thelma Lee Drive as Lower Density Single Family Residential. The correct identification based upon the current zoning and current land use should have been Industrial.

- 999-99-25-806.03
- 999-99-25-806.01
- 999-99-25-806.04
- 999-99-25-806.06
- 999-99-25-806.05



Staff finds that the identification on the 2008 Future Land Use figure for the 48-acre parcel referred to as 1421 Upper Tug Fork Rd, Unincorporated Campbell County is correctly identified as large lot single-family. [PIDN 999-99-24-813.00]



Staff Recommendation - Zone Map Amendment

To disapprove the request for a zone map amendment from Rural Residential Estate (R-RE) to Industrial Two (I-2) and forward the action to Campbell County Fiscal Court for consideration, noting that:

- The proposed zone change is not in agreement with the current comprehensive plan.
- The proposed site plan is insufficient to determine the intended use of the land.
- The proposed site plan is insufficient to determine the plausible compatibility with the adjacent land uses.
- The parcel identified as 1421 Upper Tug Fork Rd, Unincorporated Campbell County. The parcel identified as PIDN 999-99-24-813.00 is correctly identified as large lot single-family on the future land use map.
- While the sanitation infrastructure improvements along the AA may be considered a major change of an economic and physical nature which were not anticipated in the comprehensive plan, this change does not directly influence this parcel nor has the infrastructure improvements substantially altered the basic character of the area.
- The proposed relocation of the gas line is premature to determining an influence on the area.
- The concept plan fails to align with the Vision Goals and Objective, adopted in 2016 which seeks a balanced approach that “cultivates future development and redevelopment, which reinforces the County’s high quality natural and livable environment through its buildings, site development, traffic patterns, signage, and landscaping”.

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.

Should you have any questions, please do not hesitate to call our office at (859) 292-3880 for assistance.

Respectfully,



Cindy Minter, AICP CFM
Director - Campbell County Planning and Zoning

cc: Donnie Warner, attorney

