

CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE
March 12, 2024
MEETING

MEMBERS PRESENT:

Mr. CJ Peters-Chair
Mr. Michael Williams
Mr. Mark Turner
Mr. Jeff Schuchter
Ms. Megan Williams
Mr. Justin Verst
Mr. Dennis Bass

MEMBERS ABSENT:

Mr. Troy Franzen
Ms. Sharon Haynes

STAFF PRESENT:

Ms. Cindy Minter, Director
Mr. Devin Allmoslecher, Clerk
Ms. Diane Brossart, Admin. Assistant
Mr. Matt Smith, Legal Counsel

Mr. Peters called the meeting to order at 6:31 PM. Following the Pledge of Allegiance, Ms. Brossart called the roll. A quorum was found. Mr. Peters noted there were several members of the public in attendance, but standard meeting procedure was presented on the screen.

Mr. Williams moved to approve the minutes from December 12, 2023 which was seconded by Mr. Verst. There was no discussion on the motion. The roll was called: Mr. Turner and Mr. Schuchter abstained, but all others present voted in favor. The motion passed and minutes were approved.

There was no old business to present.

Mr. Peters introduced the first of two new orders of business: case PZ-24-005. The Campbell County Progress Authority. Location is US27 and Bud Pogue Way in Unincorporated Campbell County. Mr. Peters turned over discussion to staff.

Ms. Minter noted that this is a case for a zone change from Rural Residential Estate to Industrial One. The area under review is located on Bud Pogue Way in Claryville. Ms. Minter clarified that the north pond was not part of the zone change and was under private ownership.

[begin staff report]

Overview:

The area under review consists of approximately 33.47 acres at the Southern Campbell County Industrial park in Unincorporated Campbell County. The vacant land, referenced by PIDN: 999-99-23-263.02, is owned by the Campbell County Economic Progress Authority Inc. (CCEPA), a Kentucky non-profit corporation. The CCEPA was created in 1982 to aid in the acquisition, retention and development/redevelopment of land for industrial and commercial purposes.

The property was acquired through a grant from the Kentucky Product Development Initiative (KPDII). The KPDII is a program that financially supports upgrading infrastructure on industrial sites throughout the state as a catalyst for economic activity. The Kentucky Cabinet for Economic Development oversees the initiative.

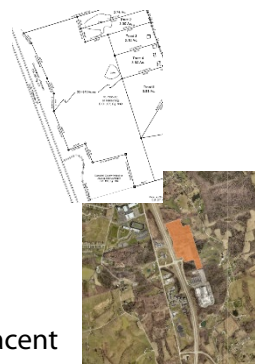
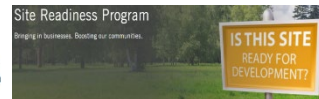
The site was also evaluated through the DUKE ENERGY Site Readiness Program.

CCEPA is the land owner and applicant. The Campbell County Fiscal Court, along with the CCEPA, will assist with the development of this site at the Southern Campbell County Industrial Park.

The site is located at Bud Pogue Way next to the Tyson Foods — Claryville Plant.

The request is for a zone map amendment of approximately 33.5 acres plus adjacent right-of-way along US 27 and Bud Pogue Way in unincorporated Campbell County.

The CCEPA, formerly known as the Campbell County Industrial Authority, owns the adjacent five acres identified as PIDN: 999-99-35-473.07 on Bob Huber Drive. This five-acre parcel is zoned I-1. Collectively the 33.5- and 5-acre parcels form an approximate 38-acre site available for development.



A conceptual site plan for an industrial tenant was included in the application. This site plan spans both parcels over 38 acres. This plan will be utilized to prepare the site for development as guided by the KPDII process and envisioned through the site readiness program.

The request is for a zone change to Industrial One (I-1) from Rural Residential Estate (R-RE).



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 over 33 acres and abuts existing acreage zoned Industrial One (I-1).
2. The existing acreage, including the 33.5-acre parcel to be rezoned and the adjacent 5-acre parcel included in the conceptual site plan are vacant.





3. The 2008 Campbell County & Municipal Comprehensive Plan identifies the future land use as Mixed Office / Industrial.

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.



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 & 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.

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.

5. As defined in Article 10, section 10.23 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:*

- | | |
|--|---|
| • Candy and confectionery products, food and beverage products except the rendering or refining of fats and oils and excluding poultry and animal slaughtering and-dressing. | • Glass products, made of purchased glass. |
| • Cigars and cigarettes. | • Jewelry, silverware and plated wire, kitchenware. |
| • Cosmetics, pharmaceuticals and toiletries, compounding only. | • Leather products, excluding tanning and finishing. |
| • Animated and/or illuminated billboards and other commercial advertising structures. | • Craftsman and artisan shops, taxidermy, blacksmith and welding shops. |
| • Electric appliances, television sets, phonographs, household appliances. | • Marine warehousing, sales and service. |
| • Electrical machinery, equipment and supplies. | • Nurseries. |
| • Fountain and beverage dispensing equipment. | |
| • Furniture | |
| • Instruments for professional, scientific, photographic and optical use. | |
| • Metal products, and metal finishing excluding the use of blast furnaces or drop forges. | |
| • Musical instruments, toys, novelties, jewelry, rubber or metal stamps, sporting and athletic equipment. | |
| • Office Equipment. | |
| • Pottery and figurines, using only previously pulverized clay and kilns fired only with gas or electricity. | |
| • Textile products including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope, and twine. | |
| • Dairy products and related items. | |

2. *Brewing or distilling of liquors and bottling the product.*
3. *Building materials, sales yards, excluding mixing and blending operations.*
4. *Crating services.*
5. *Freight terminals.*
6. *Governmentally owned and/or operated city, county, and state garages.*
7. *Industrial engineering consultant offices.*
8. *Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for and industrial organization or concern, whether public or private.*
9. *Machine shops.*
10. *Printing, engraving, and related reproduction processes.*
11. *Public utilities right-of-way and pertinent structures.*
12. *Publishing and distribution of books, newspapers, and other printed materials.*
13. *Railroad facilities exclusive of marshaling yards, maintenance, and fueling facilities.*
14. *Schools for industrial or business training.*
15. *Truck terminals.*
16. *Warehousing or wholesaling.*
17. *Marine warehousing, sales and service and nurseries.*

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.

Staff concludes that that proposed use as an industrial site is consistent with the Comprehensive Plan.



6) A conceptual site plan was submitted which indicated that approximately 20.75 acres of the site is buildable. A proposed building of 375,000 square feet with 562 spaces was outlined. A review of the conceptual site development plan and supporting documents indicate the following:

a) A review of the topographical contours identifies large sections of the site suitable for development.

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). The Project Area consists of the following soil mapping units:

- CaB: Otwood silt loam, 2 to 6 % slopes
- LID: Licking silty clay loam, 12 to 20 % slopes
- LIC: Licking silty clay loam, 6 to 12 % slopes
- LkB: Licking silt loam, 2 to 6% slopes
- Nk: Newark silt loam, 0-2% slopes, occasionally flooded



c) A wetland delineation report and preliminary environmental permitting assessment was completed for the site. The preliminary assessment concluded that:

- No perennial streams are located on the property
- Four intermittent streams are located on the property, with a combined on-site length of 2,235 linear ft.
- Seven ephemeral streams are located on the property, with a combined length of about 640 linear ft.
- One pond is partially located on the property. The total area of the open-water portion of this pond is about 0.45 acre, with approximately 0.42 acre being located within the property.
- Five wetlands are located on the property, with a combined on-site area of about 0.6 acre. Three of these wetlands could likely be jurisdictional Waters of the United States and 2 would not be considered jurisdictional Waters of the United States.



d) A cultural resources literature review for the site was completed. No structures were identified on the site. Per records from the Kentucky Heritage Council, no National Register Properties or Kentucky Historic Inventory properties are within or within visual distance of the site.

e) US Fish and Wildlife confirmed that there are 12 threatened, endangered or candidate species known to the region. However, there are no critical habitats within the project area under their jurisdiction.

f) A preliminary geotechnical exploration was completed for the site. This information was used in the analysis of a potential building pad site.



g) The site is adjacent to US 27 and within a strong regional transportation network.

h) No housing is planned for the site.

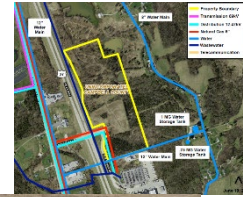
i) There are no recreational facilities identified. Numerous areas were identified for potential detention basins.



j) Utility access has been reviewed and determined to be adequate for industrial development.

- i) Water
- ii) Wastewater
- iii) Electric
- iv) Gas

Small cell service has recently been added along Bob Huber Drive.



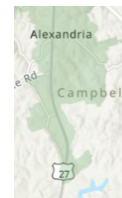
k) Landscaping is identified on the concept plan.

l) Signage but would be permitted on the structure. The site would also be able to be identified on the signage for the entrance to the industrial complex.

m) Off street parking is identified. The parking was calculated based upon 1.5 acres per 1,000 square footage.

n) Pedestrian walkways from parking areas to the primary building are indicated.

o) Stormwater management erosion control measures will be required on subsequent plans. The concept plan does indicate notable areas for stormwater management. The site is within the Urban Service Boundary for Stormwater management. A grading permit will be required to be submitted to SD1.



6. The CCEPA has begun marketing the site. Site preparation will begin in 2024 and continue through 2027. These steps will include but not be limited to clearing, grading, and stream mitigation.

Staff Recommendation - Zone Map Amendment

To approve the request for a zone map amendment from Rural Residential Estate (R-RE) to Industrial One (I-1) and forward the action to Campbell County Fiscal Court for consideration.

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 and found to be consistent with the recommendations of the 2008 Campbell County & Municipal Comprehensive Plan Update, the Goals and Objectives as adopted in 2016, the Campbell County & Municipal Subdivision Regulations and Campbell County Zoning Ordinance.

NOTE TO APPLICANT: A grading permit is required for the site preparation which involves earthwork

[end of staff report]

Mr. Peters opened up to commission for any comments or questions for staff.

1 Mr. Peters asked question regarding pond on northeast corner as to runoff. Ms. Minter commented
2 that the pond sits uphill and would flow down toward US27.

3
4 Mr. Schuchter asked Ms. Minter if she could address sewer. Ms. Minter responded saying that waste
5 water runs along US27. There is a package treatment plant that is on-site for Tyson and they
6 preprocess the water before it goes into the system. There is adequate waste water management on-
7 site, and storm water management.

8
9 Mr. Schuchter asked if the name, Southern Campbell County Industrial Park, was the name given by
10 the developer a long time ago. Ms. Minter responded that there was a representative from the
11 Economic Progress Authority present and deferred to the representative. Ms. Minter went on to
12 describe Old 27 and New 27 and the segments of the Industrial Park.

13
14 Mr. Peters invited the applicant up to speak.

15
16 Mr. Justin Otto, President of the Campbell County Economic Progress Authority, thanked the
17 Commission for their work. Mr. Otto stated this has been a project with many partners for almost a
18 decade.

19
20 Mr. Peters asked if any questions for the applicant. There were none.

21
22 Mr. Peters opened the floor to public testimony for anyone in favor.

23
24 Mr. Peters called Doug and Christine to come up and speak.

25
26 Christine Veselsky and husband Doug of 10174 Woeste Road in Alexandria approached the
27 microphone. They indicated they own the 5.8 acres that are on the other side of the property that
28 Cindy noted were incorrectly included in the initial plans. Ms. Veselsky would like it to go on record as
29 the land is developed and preparations are made that the developer respects the trees and natural
30 environment that is in place on the property including the required articles that were mentioned by
31 Cindy earlier. Mr. Veselsky, referenced a slide that showed possible future land use. The slide shows
32 the Veselsky house. Doug questioned whether the indicated future land diagram would also be zoned
33 industrial.

34
35 Ms. Minter responded that the staff is updating the Comprehensive Plan and the maps would be
36 looked at as part of that. The diagram doesn't have the precision needed to answer the question but
37 she can give the question to the planning commission to try to address. Ms. Minter encouraged them
38 to stay involved in the Comprehensive Plan update.

39
40 Mr. Peters acknowledged there will be several meetings regarding the Comprehensive Plan update
41 and all public feedback is appreciated.

42
43 Mr. Hunter noted that the Veselskys own their property and the county can't just go in and rezone it.
44 The Veselskys would need to request to rezone it. The Veselskys commented that they are concerned
45 about how far the rezoned area stretches.

46
47 Mr. Peters called for any other speakers. None came forward.

48
49 Mr. Peters called for recess of public hearing to allow commission to debate.

Mr. Peters opened up discussion of committee. Mr. Verst commented that Campbell County needs employment places and it's rare to find a spot that is as well set up as this property is for this type of development. The rezone is consistent with the Comprehensive Plan. Mr. Williams asked if there was any opposition. Ms. Minter responded that no other public comments were received.

Mr. Peters reopened the public hearing.

Mr. Peters asked if anyone needed clarification. No one spoke.

Mr. Peters closed the public hearing.

Mr. Verst made a motion to forward the recommendation on to the Campbell County Fiscal Court to approve a zone change for case # PZ-24-005 to rezone the property from RRE to I1. The basis of the recommendation is that he finds the proposed development is consistent with the Campbell County Comprehensive Plan and finding the facts to support the motion are the testimony provided by the staff and applicant and witnesses here tonight.

Motion seconded by Mr. Turner.

No discussion followed.

Mr. Peters called for role call vote. All members in attendance voted yes.

Mr. Peters announced the motion passed.

Mr. Peters announced next case under new business, PZ-24-001. Applicant is US27 Red Barn LLC. Location 13724 Alexandria Pike in Unincorporated Campbell County.

Mr. Hunter began presentation by stating that we will be looking at another zone change in the county that comes with a site plan and business plan and some relief from zoning regulations, a two-part zone change and variance.

[begin staff report]

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 directions are also zoned A-1.

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

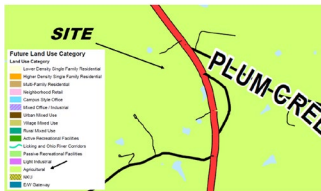
I. Zone Map Amendment

Considerations:

7. The area under consideration consists of approximately ten (10) acres.
8. The site is currently zoned Agricultural (A-1) as defined in the Campbell County Zoning Ordinance, Article X.
9. Adjacent zoning is Agricultural (A-1).
10. 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.
11. The 2008 Campbell County Comprehensive Plan specifies the current land use as commercial.



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



13. 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:

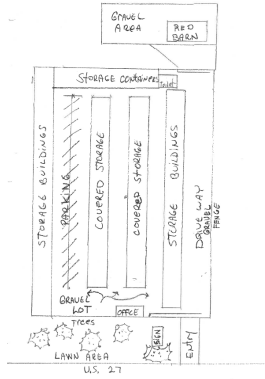
1. Any lot containing such conditional use shall contain a minimum of one (1) acre of land.
2. Each such conditional use shall be separated from any residential zone by a landscaped side yard in accordance with Section 10.22 of this ordinance.

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.
14. 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

15. 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>	15
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	



16. The applicant has provided a site plan illustrating the following:

- a. Storage buildings, including storage containers and covered storage;
- b. Parking area;
- c. Office location;
- d. Bathroom location;
- e. Gravel surfaces;
- f. Simplified landscaping;
- g. Lighting; and
- h. Fencing.

17. 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.

18. 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.

19. 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:

4. Notice has been given regarding the Zone Map Amendment consistent with Article 17 of the Campbell County Zoning Ordinance.
5. As defined in Article 17, the Planning Commission has the authority to review such Zone map Amendments and provide recommendations to the legislative body.
6. 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.

[end staff report]

Mr. Peters asked for questions from commission for staff.

Mr. Verst asked Mr. Hunter what previous commercial use was on the lot. Mr. Hunter said he wasn't sure but the consensus was someone was running a business out of the barn. Mr. Verst asked if sanitary sewer was available in the vicinity. Mr. Hunter said he didn't think so. Mr. Verst asked if this is just one lot. Mr. Hunter said yes, the applicant's personal business is currently operating on the site.

Mr. Schuchter asked if the property to the north is owned by the same property owner. Mr. Hunter said no. Rick and Sue Neltner own that. Mr. Schuchter asked if the current access to the barn through the northern property. Mr. Hunter said yes and showed the aerial slide. The applicant would be paving his own driveway to remain off of the Neltner's property and confirmed today's egress/ingress is by the northern property. Mr. Schuchter asked if there an easement with that. Ms. Minter said not to her knowledge. Mr. Schuchter questioned if Mr. Hunter's mention that the area to the north, the event center, also has a storage area being used. Mr. Hunter said yes and said Rick has a contracting business and uses that lot to store some of his contracting equipment. Mr. Schuchter asked if the variance is decided by the Board of Adjustments. Mr. Hunter said when the Planning Commission is considering a site plan they can act as the Board of Adjustment, so in your capacity of approving a site plan you can also do conditional uses and variances if necessary- If they're part of a site plan.

Mr. Peters asked Mr. Smith if they can decide a variance if it's part of a site plan or part of a zone change.

Mr. Smith stated we can consider it part of the site plan as long as the zoning ordinance delegates the ability for us to grant variances then we're able to grant variance whether it's in connection with a concept plan or in connection with a zone change but we have to have that delegation of authority from the city or county and their zoning regulations. If we have that and what the statutes provide then we have the authority to grant variances.

Mr. Schuchter stated confusion as far as the gravel and dust control and what is being approved. Mr. Hunter explained the requirement is that the parking area be poured cement or asphalt, however, RV storage doesn't have the amount of traffic as does a parking lot for a store. Because of the language of the ordinance it's technically parking but people don't want to be forced to pave it with cement because of the cost involved. Mr. Schuchter voiced concern because it's all gravel, is that going to

1 cause a nuisance to the property to the north when they have events. Mr. Hunter stated he doesn't
2 think it will because it will be a limited amount of traffic. Mr. Verst asked Mr. Hunter if this is the same
3 request approved for Barone which would allow gravel while it was just RV storage then once
4 buildings started being built for storage then pavement was required between the buildings. Mr.
5 Hunter said yes that was a good solution of how to do it. Mr. Hunter stated there is also gravel to the
6 north on the event center and pointed out other gravel driveways and lots.

7
8 Mr. Verst asked Mr. Hunter, on the previous application mentioned a screening requirement for the
9 industrial zone going up against the residential zone, in this case with the rural commercial requested
10 zone, does the zoning code have prescribed screening requirements. Mr. Hunter replied yes, it does. It
11 doesn't have the same setback but it needs ten-foot screening or a fence.

12
13 Mr. Bass mentioned the property goes on back further past the red barn. Mr. Hunter said yes but
14 haven't discussed if anything will happen behind the barn. The zone change request is for the entire
15 parcel.

16
17 Mr. Peters asked if any more comments or questions for staff. None.

18
19 Mr. Peters invited the applicant to come up.

20
21 The applicant explained the project and that they moved their landscape business to the property and
22 want to put an RV storage lot on it. It's a long-term plan.

23
24 Mr. Peters opened the floor to questions and comments from the commission for the applicant.

25
26 Mr. Peters asked if the pictures presented were an accurate representation of what they are looking to
27 create. Mr. Spaulding said yes, they represent his long-term plan. He is not for the paving since places
28 around him have gravel. Mr. Peters asked if Mr. Spaulding envisioned this being a 24/7 place or if it
29 would have business hours. Mr. Spaulding answered that he is looking at business hours and doesn't
30 envision contractors coming in and out late or on weekends. For the RV camper storage, he doesn't
31 believe the customers would be churning up dust.

32
33 Mr. Peters announced the public comment period.

34
35 Mr. Peters called Mr. Tom Sargent to the podium.

36
37 Mr. Sargent of 13808 Alexandria Pike, Butler stated he lives about 400 feet from the property. Mr.
38 Sargent indicated he is concerned about the traffic on US27. He talked to the highway department
39 about his traffic concerns and the new driveway will be in the bend of the road.

40
41 Mr. Peters thanked Mr. Sargent for his comments.

42
43 Mr. Peters called Sue Neltner to the podium.

44
45 Rick and Sue Nelter of 9 Stonegate Dr. in Alexandria approached the podium, stated they own South
46 Wind Farm 13688 Alexandria Pike which is north of the applicant's property. There is no easement for
47 the driveway. It was a gentleman's agreement. They let the applicant use the driveway until he gets
48 his put in. There is no construction company or storage on their farm. All the equipment belongs to
49 the farm. They have all rock but will eventually blacktop their driveway. The concern they have is the
50 drainage and which way the drainage will go after structures are built. Sue stated that they have a

1 renter and don't want her to be disturbed all hours of the night, and that the property looks nice, and
2 hazardous waste is taken into consideration.

3
4 Mr. Peters called Jason Rebholz to the podium.

5
6 Jason Rebholz of 13646 Alexandria Pike, Butler Ky stated concern with traffic, dust, runoff and waste
7 storage. His property is the lowest of the properties. He questioned if a retention pond is needed.

8
9 Mr. Peters asked if anyone else from the public wished to comment.

10
11 David Barone of 1917 Licking Pike approached podium mentioned drainage issue and runoff. Stated
12 most people who have campers run the wheels off during camping season and gravel is not
13 acceptable also storage containers could be an issue.

14
15 Mr. Peters invited Mr. Spaulding, the applicant, back up to the podium.

16
17 The applicant addressed the drainage, stating the grading that will be done will have the water
18 running to the creek and away from the other property. He also addressed the traffic concern and
19 moved his driveway and cleared the land for better visibility. The state approved his driveway. The
20 driveway will be a personal driveway. Josh Spaulding explained the screening will be done mostly by
21 the buildings. The storage building will all face to the inside.

22
23 Mr. Verst asked Mr. Hunter for a brief overview of what happens if a zone change is approved tonight
24 and what the next step is to go through before they can build something. Mr. Hunter said this is a
25 concept plan so the applicant needs to do a stage one development plan before they start. They could
26 add phases to that and go through different stages of what will happen.

27
28 Mr. Verst asked if the zone change is appropriate for this piece of property and that before they can
29 build anything they need to come back with a site plan. The site plan will have to address where the
30 building will be and how the storm water will be managed, and all that gets addressed in the site plan
31 no matter what is built.

32
33 Mr. Verst asked Mr. Hunter if this property is outside of the sanitation district storm water service
34 boundary. Ms. Minter said storm water review would be reviewed in-house but also ask for SD1's
35 assistance and they would operate under the county's zoning ordinance.

36
37 Mr. Verst asked how many acres are level in the front. Mr. Spaulding said about five. Mr. Verst said Mr.
38 Spaulding will need to address drainage in the site plan but doesn't need to be addressed in the zone
39 plan.

40
41 Mr. Verst asked if noise and dust fall inside the nuisance code. Mr. Hunter said yes. Mr. Verst said if
42 noise and dust become an issue for the neighbors they need to report it.

43
44 Mr. Williams stated he didn't think the dust would be an issue and asked if the church has gravel. Mr.
45 Spaulding said no. Mr. Verst agreed that the campers would be moving slow so would not cause a lot
46 of dust. Mr. Verst clarified that they are being asked to approve a zoning change and a variance to
47 allow gravel.

48
49 Mr. Peters stated that they are being asked to approve a zoning change from A-1 to RC with a variance
50 for recreational vehicle storage.

1
2 Mr. Verst explained that they need to understand how the gravel will affect the runoff but don't need
3 to decide the runoff.

4
5 Mr. Williams asked if the applicant had to pave the entire thing what would be the cost- reminding,
6 everyone about the hardship condition. Mr. Verst said that if you run a business you need to be able to
7 handle cost so that your business functions properly without being a nuisance to the neighbors. Mr.
8 Verst clarified his answer by referring to the requirements for the Barone site.

9
10 Mr. Peters thanked the applicant.

11
12 Mr. Peters extended the invite to the audience to ask questions.

13
14 Jason Rebholz returned to the podium to clarify his concern regarding the runoff and quality of the
15 runoff.

16
17 Mr. Peters asked staff if the county ordinance has the same water quality requirement as the sanitation
18 district. Ms. Minter stated she would have to work with the applicant on effective storm water
19 management. There would likely need to be a retention area that would disperse the water gradually.
20 The county doesn't require treatment of the water.

21
22 Mr. Peters asked if anyone would like to speak.

23
24 Mr. Peters recessed the public hearing portion for discussion among the members.

25
26 Mr. Verst asked Mr. Hunter how far it is to the nearest commercially zoned property. Mr. Hunter said
27 you have to go quite a way for that. A slide was shown of a trucking company in an industrial zone. Ms.
28 Minter confirmed this will not be the only non-agricultural zone in the vicinity. Mr. Verst asked Mr.
29 Hunter to step him through the findings for the zone change. The first step, is it in compliance with
30 the comprehensive plan, and if not, there are several other steps to evaluate; at least the future land
31 use map is not compliant with that, but the recommendation was based on other elements. Mr.
32 Hunter responded that the economical and physical changes of the area have allowed for commercial
33 operations, and the realignment of the area makes it more attractive to commercial use. The current
34 zoning classification is improper for the mini warehouse and RV storage.

35
36 Mr. Peters asked if any other discussion among the committee.

37
38 Mr. Peters closed the hearing and proceeded toward the motion. Mr. Peters noted there are two items
39 before the commission, the zone change of A1 to RC, and the request of the variance of gravel
40 pavement of recreational vehicle storage as well as the driveway. Mr. Peters reminded the commission
41 it will be two separate motions.

42
43 Mr. Williams made a motion to accept the zone change.

44
45 Mr. Verst asked if the basis for the motion is consistent with the comprehensive plan. Mr. Verst noted
46 that the staff said it was not consistent with the comprehensive plan but had other findings. Mr.
47 Hunter stated that changes that were unforeseen in the comprehensive plan have occurred and
48 things that were unplanned.

1 Mr. Williams amended his motion to approve the zone change based on being consistent with the
2 comprehensive plan and also based on the staff findings that major changes have occurred in the area
3 over time.

4
5 Mr. Peters asked Mr. Hunter if it is the opinion of the staff that the zone change is not consistent with
6 the comprehensive plan. Mr. Hunter said yes.

7
8 Mr. Williams withdrew his motion.

9
10 Ms. Minter stated that while it doesn't match the future land use map, there are other features of the
11 comprehensive plan that it does align with. The zoning classification is inappropriate due to the
12 existence of a commercial use at the time of the creation of the 2008 land use map. Uses around that
13 area are emerging as a commercial use, thus, a rural commercial is more appropriate. Mr. Verst agreed.

14
15 Mr. Verst made a motion to approve case #pz-24-001 request rezoning from A1 to RC.

16
17 Motion seconded by Mr. Schuchter.

18
19 Mr. Peters asked for a roll call vote. Mr. Peters, Mr. Turner, Mr. Verst, Mr. Williams, Mr. Schuchter, Mr.
20 Bass, Ms. Williams voted yes.

21
22 Mr. Peters announced the request for the variance for the recreational vehicle area as well as the
23 driveway to be made of gravel.

24
25 Mr. Peters asked the applicant if that is the driveway from 27 all the way to the red barn.

26
27 Mr. Verst understands the new driveway being gravel just like it is of the one used today, but the area
28 for the buildings should be paved.

29
30 Mr. Verst made a motion for BA-24-002 in reference to off-street parking regulations to approve a
31 variance to allow for the gravel driveway and to approve a variance for the RV parking area but the
32 commission requires pavement around the storage areas at such time they are constructed.

33
34 Mr. Bass seconded the motion.

35
36 Mr. Peters asked if gravel not prone to dust is needed or weed control. Mr. Verst left that to be handled
37 under the nuisance ordinance.

38
39 Mr. Verst amended his motion that gravel is allowed provided the applicant provide proper weed
40 control.

41
42 Mr. Bass seconded the amended motion.

43
44 Mr. Peters asked for a roll call vote. All present voted in favor and the motion passed.

45
46 Mr. Peters announced the end of new business.

47
48 Mr. Hunter asked if the commission would like a site plan to come back to the planning commission or
49 delegate authority to staff. Commission gave authority to staff.

1
2 Mr. Peters called for administrator report.
3

4 -----
5

6 Ms. Minter presented training hours obtained in 2023 and 2024, and asked commission to consider a
7 motion approving the training.
8

9 Planning & Zoning From A-Z (Video) – November 7, 2023

10 Jeff Schuchter – 2 Hours

11 ► KACo P&Z Training, Frankfort KY - October 11, 2023

12 Mike Williams – 8 Hours

13 ► KEPSC Requalification Course - March 21, 2023

14 Joe Williams – 4 Hours

15 ► Campbell County Emergency Operations Center Tabletop Exercise - January 30th, 2024

16 Cindy Minter – 5 Hours

17 ► 2024 Planning & Zoning Workshop Ohio / KY APA March 1, 2024

18 Sharon Haynes – 8 Hours

19 Mike Williams – 8 Hours

20 Jeff Schuchter – 4.25 Hours

21 Cindy Minter – 8 Hours

22 Upcoming Training Opportunity

23 ► KACo Leadership Institute: 2024 Planning and Zoning in KY (Frankfort) – May 29, 2024

24 Sharon Haynes

25 Mike Williams

26 Cindy Minter
27

28 Mr. Verst moved to approve the training per the Administrator's Report which was seconded by Ms.
29 Williams. There was no discussion on the motion. Ms. Brossart called the role. Mr. Bass brought up an
30 issue and Ms. Minter added that Mr. Bass participated in Campbell County extension service New
31 Landowner exercise and spent 3 hours.
32

33 Mr. Verst amended his motion and Ms. Williams seconded the motion. There was no discussion on the
34 motion. Ms. Brossart called the role. All present voted in favor, and the motion passed.
35

36 Ms. Minter welcomed Diane Brossart to the team.
37

38 Ms. Minter announced a training opportunity on Leadership in Frankfort on May 29th. On March 19th
39 there will be a joint workshop to introduce the team working on the comprehensive plan. There will
40 be a P&Z meeting on April 9th.
41

42 Mr. Verst made a motion to adjourn the meeting and Mr. Schuchter seconded the motion. Everyone
43 voted in favor with none opposed. The motion passed, and the meeting was officially adjourned at
44 approximately 9:15 PM.
45
46
47
48
49
50

1 Respectfully Submitted,

2

3

4

5 _____
Cindy Minter

6 Director

Approved:

CJ Peters
Chair