

CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE
April 9, 2024
MEETING

MEMBERS PRESENT:

Mr. CJ Peters-Chair
Mr. Michael Williams
Mr. Jeff Schuchter
Ms. Megan Williams
Mr. Dennis Bass

MEMBERS ABSENT:

Mr. Troy Franzen
Ms. Sharon Haynes
Mr. Mark Turner
Mr. Justin Verst

STAFF PRESENT:

Ms. Cindy Minter, Director
Mr. Kirk Hunter, Principal Planner
Ms. Diane Brossart, Admin. Assistant
Mr. Matt Smith, Legal Counsel

1 Mr. Peters called the meeting to order at 6:31 PM. Following the Pledge of Allegiance, Ms.
2 Brossart called the roll. A quorum was found.

3
4 Mr. Schuchter moved to approve the minutes from March 12, 2024 which was seconded by Mr.
5 Williams. There was no discussion on the motion. The roll was called. All present voted in
6 favor. The motion passed and minutes were approved.

7
8 There was no old business to present.

9
10 Mr. Peters introduced the first of two new orders of business: case PZ-23-009. James and
11 Tamara Wagner. Location is 923 Camel Crossing in Unincorporated Campbell County. Mr.
12 Peters turned over discussion to staff.

13
14
15
16 [begin staff report]

17
18 **April 3, 2024**

19
20 **Campbell County and Municipal Planning and Zoning Commission**
21 **Staff Comments, Findings, and Recommendations**

1 Issue to be heard: Tuesday, April 9, 2024
2 Campbell County Fiscal Court
3 1098 Monmouth Street
4 Newport, KY 41071
5
6 FILE NUMBER: PZ-23-009
7 APPLICANT: James and Tamara Wagner
8 LOCATION: 932 Camel Crossing, Unincorporated Campbell County
9 REQUEST: Zone Map Amendment of approximately two (2) acres from R-RE (Rural
10 Residential Estate) to HC (Highway Commercial)



Figure 1: Vicinity Map



Figure 2: Subject Area

11 **Overview:**

12 There is currently a single-family house and barn at the site. The applicants own two adjacent
13 parcels at this location.



14 Figure 3: One of two parcels owned by the applicant within the subject area. Note the right-of-way bisecting the parcel.



16 Figure 4: Second of two parcels owned by the applicant within the subject area. Note the right of way bisecting the
17 parcel.
18

19 The subject area includes several “paper alleys” that remain from the original Claryville town plat. Over
20 the years, the Claryville parcels have been combined, divided and reconfigured. What haven’t changed
21 are the public rights-of-way in that subdivision. You can still see those on the LINK-GIS map. Those paper
22 alleys were never improved, and adjoining land uses have gradually migrated onto these public rights-

of-way. Over the last year, staff has worked with the applicant and the County Attorney's office to vacate these rights-of-way and convey them to the neighboring property owners. The applicant has had a survey completed showing the land addition of these rights-of-way to their two properties.



Figure 5: Recent survey showing the conveyance of the rights-of-way

The applicant operates a contracting business as a *home-based business* at the site. There are several recreational vehicles parked at the rear of the property. Aerial imagery confirms that the commercial operation has been on-site for more than ten years.

The applicant intends to transition the commercial part of the site to a landscaping business with storage for landscaping materials. They intend to continue to store campers on the site.



Figure 6: Vicinity map showing adjacent zoning districts



Figure 7: Aerial photograph indicating adjacent and nearby land uses

The parcels are currently zoned Residential-Rural Estate (R-RE). The adjoining parcels to the west and north are within the R-RE zone and comprised of single-family residential uses. The R-RE zone continues to the south where the Campbell County High School situates as a conditional use. Adjoining to the immediate east of the subject property is an undeveloped parcel that lies within a 19-acre HC zone along US27. There is an area of Neighborhood Commercial beyond the immediate neighbors to the west at the corner of Licking Pike and Camel Crossing that includes a gas station/convenience store and a tavern.



Figure 8: Single-family house at 932 Camel Crossing



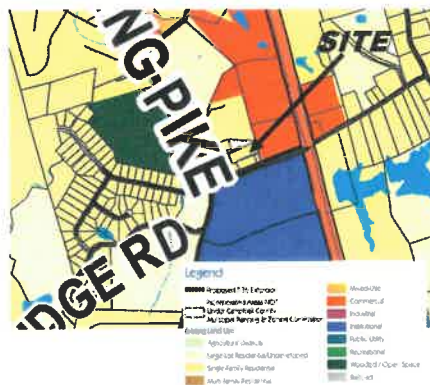
Figure 9: Barn and associated contractor items



Figure 10: RV Storage along rear frontage (Center Street)

Considerations:

1. The area under consideration consists of approximately two (2) acres.
2. The 2008 Campbell County Comprehensive Plan specifies the current land use as single-family residential.



3. The future land use category for the site is identified as "Mixed Office/Industrial" in the 2008 Campbell County Comprehensive Plan. It describes Mixed Office/Industrial as:

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 predominately in a mixed office/industrial type environment.



4. The Campbell County Zoning Ordinance defines the following permitted and conditional

uses for the R-RE (Residential Rural Estate) (section 10.2) and HC (Highway Commercial) zones (section 10.18) respectively.

Permitted Uses: R-RE

1. Single family dwellings, detached.
2. Horse related uses, including riding and boarding stables for personal use with minimum lot area of 4 acres.
3. Greenhouse, nurseries or gazebo for personal use with minimum lot area of 4 acres.

Conditional Uses: R-RE

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. Institutions for higher education providing they are located adjacent an arterial street.
4. Nursery schools.
5. Public and parochial schools.
6. Publicly owner 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 and clubs
 - f. gun clubs and ranges
 - g. riding stables and saddle clubs
8. Institutions for human medical care-hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located on arterial streets.
9. Police and fire stations provided they are located adjacent to an arterial street.
10. Essential services and public utility stations.
11. Noncommercial structure without a detached single-family dwelling provided that the location for a detached single-family has been sited meeting all applicable area and height regulations for all structures.

Permitted Uses: HC

1. Automobile, motorcycle, and truck sales, new or used.
2. Automotive service and repairs providing that all business activities shall be conducted within a completely enclosed building.
3. Banks and other financial institutions including savings, loan, and finance companies, with drive-in windows.
4. Boat and other marine equipment sales and service, new and used.
5. Bowling alley.
6. Eating and drinking places including drive-ins.
7. Flea market.
8. Hotels and motels.
9. Mobile home and trailer sales, rental and service (new and used).
10. Off-street parking lots and garages.
11. Police and fire stations.

12. Skating rinks, golf driving ranges, miniature and par-3 golf courses.
13. Veterinary clinics and animal hospitals.
14. Theater, drive-in.
15. Service station.
16. 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
17. Kennel.
18. Floor covering warehouse and retail sales.
19. Food Stores.
20. Barber shops and beauty shops.
21. News and confectionery stands.
22. Equipment sales and rental services.

Conditional Uses: HC

There are no conditional uses in the Highway Commercial Zone

5. The Campbell County Zoning Ordinance defines the dimensional requirements for the R-RE zone (section 10.2):

<u>Zone Requirements</u>	<u>R-RE</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	Twenty-five (25) feet
Maximum Building Height	Thirty-five (35) feet

6. The Campbell County Zoning Ordinance defines the dimensional requirements for the HC zone (section 10.18):

<u>Zone Requirements</u>	<u>HC</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	Twenty-five (25) feet
Maximum Building Height	Forty (40) feet

7. Please note the development controls associated with the Highway Commercial Zone:

- Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
- No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed approved containers.
- No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
- Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by Section 9.17 of this ordinance.
- A site plan as regulated by Section 9.19 of this Ordinance shall be required for any use in this zone.
- No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
- Off-street parking and loading and/or unloading areas may be located in front and side yard areas in this zone provided that no off-street parking areas shall be closer than fifteen (15) feet to the street, road, highway or right-of-way line or the boundary line of any adjacent district. This fifteen (15) foot area shall remain open and unobstructed except by items specifically permitted in yard areas in this Ordinance.

8. In 2022 there were complaints in regard to the campers along the Center Street frontage of the property, resulting in a warning letter advising of the zoning violation. Not long after the warning, the applicants approached Planning and Zoning Staff about a zone change.

9. The proposed uses as *Contractor's Offices and Storage*, and *RV Storage*, are not among the permitted uses in the Highway Commercial Zone. A more appropriate zone for these uses would be the *Rural Commercial (RC) Zone*. The applicant does not have the minimum acreage necessary for a standalone zone.

10. The current business includes equipment rental and may continue in the proposed HC zone.

11. The existing single-family house would become a non-conforming use within an HC zone.

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 adjoins a 19-acre HC zone, and will not create a standalone zone of less than five 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:

As evidenced by aerial imagery, the commercial use at this site was in place at the time of the 2008 comprehensive plan. The single-family house was also there at that time.

The future land use anticipated in the 2008 Comprehensive is *Mixed Office/Industrial*. The amendment would not be in agreement with the adopted comprehensive plan. The Highway Commercial zone is a more retail-oriented zone that would be more suited to areas identified as *Village Mixed-Use* or *Rural Mixed-Use* on the Future Land Use Map.

Because of the age of the 2008 Comprehensive plan staff acknowledges that the future land uses anticipated in 2008 have not materialized in this area. However, staff notes that a new Comprehensive Plan is in process now that will address the current conditions and reconsider the previous projections. The neighboring properties to the west and north continue to be single-family residential and the property to the east, which is zoned HC, continues to be undeveloped. Further beyond the immediately adjacent, HC-zoned parcel to the east are shed sales, auto repair and a restaurant. These uses are consistent with the existing zoning designation but not compatible with the future land use map.

There have been changes of an economic and physical nature within the area involved which were not anticipated in the comprehensive plan that have altered the basic character of the area, however these have gone in gradually and informally without plans or zoning review. These changes are concentrated on this specific site.

A review of records does not find any zoning permits for the commercial use at this site nor for the camper storage.

Staff cannot recommend the zone change based on Article XVII. The primary use at the site has continued as a single-family residence with a home-based business as an accessory use.

Because of the continuous use of the property as a commercial use for more than ten years however, staff suggests a partial rezoning to include only the commercial side of the site. A new survey that would divide the house on to its own lot would be required. No plans have been presented for the house beyond the mention that it would continue as a residential use. If the intention is, or ever becomes, a transition of the house to a commercial use, staff would recommend a requirement that the applicant return to the Planning Commission with a site plan for that portion.

Staff Recommendations:

1. To approve a Zone Map Amendment from Residential-Rural Estate (R-RE) to Highway Commercial (HC) with the following conditions:
 - a. A new survey is prepared that:
 - i. Conveys the vacated rights-of-way to the subject parcels; and
 - ii. Reconfigures the two parcels so that the existing single-family house is

- on its own minimum one (1) acre lot in order to remain in the R-RE zone.
- b. All outside storage be screened from view by a fence or landscape buffer.
 - c. Storage of recreational vehicles be limited to the rear of the property.
 - d. The storage of recreational vehicles be limited to immediate family and not be held out for rental or lease to the general public.

2. 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.

Additional Information:

The Applicant is responsible for ensuring that all uses on the site are in compliance with the development controls for the zone. Article X, §10.18, D. (See appendix for complete section)

Report prepared by:



Kirk Hunter, AICP
Principal Planner

APPENDIX A:

SECTION 10.18 HC HIGHWAY COMMERCIAL ZONE:

A. **USES PERMITTED:** The following retail sales and service businesses:

- 1. Automobile, motorcycle, and truck sales, new or used.
- 2. Automotive service and repairs providing that all business activities shall be conducted within a completely enclosed building.
- 3. Banks and other financial institutions including savings, loan, and finance companies, with drive-in windows.
- 4. Boat and other marine equipment sales and service, new and used.
- 5. Bowling alley.
- 6. Eating and drinking places including drive-ins.
- 7. Flea market.
- 8. Hotels and motels.
- 9. Mobile home and trailer sales, rental and service (new and used).
- 10. Off-street parking lots and garages.

11. Police and fire stations.
12. Skating rinks, golf driving ranges, miniature and par-3 golf courses.
13. Veterinary clinics and animal hospitals.
14. Theater, drive-in.
15. Service station.
16. 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
17. Kennel.
18. Floor covering warehouse and retail sales.
19. Food Stores.
20. Barber shops and beauty shops.
21. News and confectionery stands.
22. Equipment sales and rental services.

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. Swimming pools, indoor and outdoor in connection with motel or hotel.

C. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter, except in accordance with the following regulations:

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

D. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking and loading or unloading shall be provided in accordance with Articles XI and XII of this Ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed approved containers.
3. No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area as regulated by Section 9.17 of this ordinance.
5. A site plan as regulated by Section 9.19 of this Ordinance shall be required for any use in this zone.
6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
7. Off-street parking and loading and/or unloading areas may be located in front and side yard areas in this zone provided that no off-street parking areas shall be closer

1 than fifteen (15) feet to the street, road, highway or right-of-way line or the
2 boundary line of any adjacent district. This fifteen (15) foot area shall remain open
3 and unobstructed except by items specifically permitted in yard areas in this
4 Ordinance.

5
6 [end of staff report]

7
8 Mr. Peters opened up to commission for any comments or questions for staff.

9
10 Mr. Williams stated one option is that we find that it's consistent with the Comprehensive Plan.
11 Number two is that the original zone is inappropriate. The other option is to show there was a change
12 of economic or social nature. Mr. Williams asked which option would apply.

13
14 Mr. Hunter stated that the home base business has been in effect for a while. The Comprehensive Plan
15 was anticipating changes but the changes didn't happen.

16
17 Mr. Peters asked if with the recommended changes if that will bring the existing property into
18 conformance. Mr. Hunter said no. It was considered a home-based business and applicant was
19 wanting to change it to a commercial use. Mr. Peters clarified that that the business doesn't conform
20 but they are grandfathered in because of how long it has been going on. Mr. Hunter stated that any
21 new business that went in would have to fit within the Highway Commercial zone that is being asked
22 for. Landscaping wouldn't be allowed in a Highway Commercial zone because of the materials that
23 are stored. Mr. Hunter is not proposing that it be used for a landscaping business. Mr. Hunter
24 admitted he is struggling with how to rezone the land so that it can be used for what the applicant
25 needs. The zone change gives them options for other commercial use.

26
27 Mr. Peters invited the applicant up to speak.

28
29 The applicant, Jim Wagner 932 Camel Crossing, approached the stand. Mr. Peters asked applicant
30 what he hopes to get out of the rezoning. Applicant stated the landscaper has a mower business and
31 needs a place to park his equipment and store mulch. The mulch would be in a covered storage.

32
33 Mr. Peters asked Mr. Hunter if his understanding is that the Highway Commercial zone would the two
34 options that applicant talked about, the shop with tools and covered mulch, be compliant. Mr. Hunter
35 said no. The mulch smell could be a nuisance issue. Mr. Hunter stated the house would remain in the
36 residential zone. Mr. Peters stated he doesn't believe the zone change will help the applicant
37 accomplish what he is looking to accomplish and the change wouldn't benefit him in the long run.

38
39 Mr. Hunter stated the existing use with the camper storage has been grandfathered in but the
40 business is looking to change. Ms. Williams stated that a zone change would cause the applicant to
41 lose his grandfathered status. Mr. Smith agreed that the zone change probably wouldn't benefit the
42 applicant.

43
44 Mr. Peters asked the applicant back up to the stand to ask if the zone change is still something he
45 wants to proceed with. Applicant states he just wants to be legal. Commission explained that
46 changing the zone doesn't get applicant what he is hoping to achieve and the new zone wouldn't
47 support a landscaping business. Mr. Hunter explained that if the house is parceled off then the
48 business being run is no longer considered a home-based business. Commission agreed that
49 applicant is better off not changing the zone and keeping his grandfather status.

Mr. Peters told applicant he recommends that there be no zone change and commission advises to withdraw the request and see if the future Comprehensive Plan or zoning staff can re-address the issue.

Applicant stated that he requested to withdraw PZ-23-009 and take it back to staff for further discussion.

Mr. Peters announced next case: PZ-24-008 Applicant is DM KY Properties LLC. Location is 1872 Haubner Road.

[begin staff report]

April 3, 2024

Campbell County and Municipal Planning and Zoning Commission

Staff Comments, Findings, and Recommendations

Issue to be heard: Tuesday, April 9, 2024.

CASE: PZ-24-008
APPLICANT: DM KY Properties LLC
LOCATION: 1872 Haubner Road, Unincorporated Campbell County
REQUEST: Preliminary Plat Approval for a ten-lot Subdivision with no public improvements



Considerations:

1. The Campbell County Zoning Ordinance classifies the location as within the Agricultural-One (A-1) Zone.
2. Currently, the lot is a single 190-acre farm with a house and several farm buildings.
3. The existing land use at the site is identified by the 2008 Campbell County Comprehensive Plan Update as *"Large-Lot Residential"* and *"Single-Family Residential"*



4. The site is situated in an area designated by the 2008 Campbell County Future Land Use Map as *"Agricultural"*.

are not counted toward the total number because they will be added to neighboring parcels.

- b. A waiver of subdivision regulations was approved by staff to allow a second flag stem in the subdivision. *The regulations limit the number of flag lots in a major subdivision to be 15% of the total number of lots. The total number of lots required to permit two flag lots is fourteen (14).*

8. As per Campbell County Subdivision Regulations Section 300: Summary of the Subdivision Review Procedure: *"The review procedure for a major division of land involves a preliminary plat, improvement plan, and a final plat. If, however, the division of land of six (6) or more buildable lots does not require any public utility or public street improvements, the developer will only be required to submit a Preliminary Plat and a Final Plat for review and approval. Finally, even if the developer is beyond the minor division of land or the five (5) buildable lot requirement, then the developer shall follow the requirements of a major division of land."*

9. County records indicate the width of Haubner Road is fourteen (14) feet and is in conflict with minimum county standards. Local streets shall have a minimum pavement width of 25'.

As per Campbell County Subdivision Regulations Section 405: Street design:

Where the pavement width of such existing street is less than that required by these regulations. The Planning Commission, before requiring street improvements along the property of such street in each case, shall conduct an individual analysis as to whether it is reasonable to require the street improvements based on the anticipated burden of development. Before requiring street improvements, the Planning Commission shall find:

- (1) That it is reasonable to require the street improvements be provided, based on the anticipated burden of the new development on the existing street.
- (2) The need for street improvements is reasonably necessitated by the nature of the proposed development; and
- (3) That it is reasonable for the developer to bear the street improvement costs based on the nature of the development.

If the Planning Commission cannot make the findings required, then it shall not require that street improvements be made or an escrow of funds be deposited as a condition to plat approval.

Staff Comments:

1. It is not reasonable to require the street improvements be provided, based on the anticipated burden of the new development consistent of eight (8) home sites on the existing street.
2. The need for street improvements is not reasonably necessitated by the nature of the proposed development; the proposed road frontage of the eight building lots is approximately 1440 feet on the south side of the road and approximately 865 feet on the north side.
3. It is not reasonable for the developer to bear the street improvement costs based on the nature of the development.
4. The applicant has dedicated the appropriate required right-of-way width for future improvements as required by this ordinance;
5. Staff finds that the ratio of proposed lots to street frontage does not demonstrate a reasonably anticipated need for future street improvement in view of a consideration of the reasonably anticipated, future burden the development will have upon the existing street.

1 **Recommendation for Preliminary Plat:**

2 To approve the proposed division of the Haubner Subdivision Section 1

3 **Bases for Recommendation for Preliminary Plat:**

4 The proposed subdivision is consistent with the recommendations of the 2008 Campbell County
5 Comprehensive Plan Update, the Campbell County Subdivision Regulations and Zoning Ordinance.

6
7 Respectfully submitted,

8 Campbell County Planning, Zoning and Building Department
9

10 
11
12

13 Kirk Hunter, AICP
14 Principal Planner
15
16

17
18 [end staff report]
19

20 Mr. Peters asked for questions from commission for staff.
21

22 Mr. Schuchter asked Mr. Hunter if all preliminary plat sub divisions come to staff. Mr. Hunter said if
23 they exceed five lots from the parent track they get reviewed by the planning commission. Mr.
24 Schuchter asked if in the future the neighbor splits a plot at what point does the road get improved.
25 Mr. Hunter said if they are putting in a bunch of lots county would probably have a traffic study done.
26

27 Mr. Peters ask if any more questions for staff. There were none.
28

29 Mr. Peters invited the applicant up. The applicant was not present.
30

31 Mr. Mike Haley of 1835 Haubner Road approached the mic. He stated there's an encroachment of
32 where the driveway is. The new survey shows it is 10 feet over the property line. Mr. Peters stated if
33 once the property is divided anything on the new divisions would become the property of whoever
34 buys the lot, so if Mr. Haley has existing structures on a lot, he would no longer have permission to use
35 it. Mr. Haley stated he needs 10 more feet to keep the property lines clean. Mr. Peters suggested he
36 approach the current owner. Mr. Hunter stated that Mr. Haley wouldn't need to come back before the
37 board if he can make an agreement with the new owners to move property lines. It would be a
38 conveyance plat.
39

40 Melanie Haley approached the mic to ask if the new zoning from agricultural to residential would
41 impede them starting a farm. Kirk stated that the zone is not changing.
42

43 Mr. Peters asked if anyone else from the public who would like to speak.
44 There was not.

1
2 Mr. Peters opened up for commission discussion.

3
4 Mr. Peters adjourned the public hearing portion for discussion among the commission.
5 There was no discussion.

6
7 Mr. Schuchter made a motion to approve the division of the Haubner property and, as part of the staff
8 recommendation, there is no need for street improvements.

9
10 Mr. Williams seconded the motion.

11
12 Mr. Peters asked for a roll call vote. All present voted in favor and the motion passed.

13
14 Mr. Peters announced the end of new business.

15
16 Mr. Peters called for administrator report.

17
18 Ms. Minter presented a memo regarding the city of Silver Grove and some topics they would like the
19 commission to hear as future cases.

20
21 [begin presentation]
22

23 **MEMORANDUM**

24 **March 27, 2024**

25 **To:** CJ Peters, PZ Chair

26 **From:** Cindy Minter, Director of Planning & Zoning

27
28 **Re:** Silver Grove Text Changes
29

30 The City of Silver Grove has identified some items that they would like to have addressed in their Zoning
31 Ordinance:
32

- 33 **A. Multi Family Zones** – Despite having three multifamily apartment buildings, The City Zoning
34 Ordinance is silent on multifamily developments. They have asked that the Planning Commission
35 consider adding an R-3 Multifamily Zone.
- 36 **B. Residential Mobile Home Parks** – The RMHP Zone is out of date and does not reflect the differences
37 between Manufactured Homes and Mobile Homes. They would also like to consider other type of
38 high-density housing within this zone.
- 39 **C. Minimum Size of New Zones** – Per Article 17 Section 17.0 F, the minimum lot size for a stand-alone
40 zone is five (5) acres. Silver Grove is approximately 1.64 square miles in size or a little over 1000
41 acres. Reducing the minimum zone size to a more applicable acreage is desirable. NOTE this is not
42 intended to reduce the minimum lots size required within any zone.
- 43 **D. River Orientated Development** – The City has a Conservation Zone (CO) and an Industrial Rive Zone
44 (I-4), but lacks a zone which permits river-orientated development by right. The City desires to
45 either add a non-industrial river-orientated development which can capitalize on the recreational
46 features along the Ohio River and Four Mile Creek.

47
48 Motions to consider:

- 1 (1) Open a planning and zoning case to add a zone which permits multifamily zoning to the Silver
2 Grove Zoning Ordinance
3 (2) Open a planning and zoning case amend and modernize the Residential Mobile Home Park
4 Zone.
5 (3) Open a planning and zoning case to amend Article 17.0 regarding the minimum zone size.
6 (4) Open a planning and zoning case address the river-orientated recreational development
7 permitted by right within its zoning ordinance.
8

9 cc: Matt Smith
10 [end presentation]
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13 Ms. Minter stated that staff would like the commission to consider sponsoring text amendments for
14 the city of Silver Grove.
15

16 Mr. Schuchter made a motion to open four separate cases listed in the memo based on the request
17 from Silver Grove. Mr. Bass seconded the motion.
18

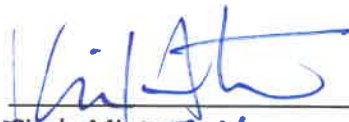
19 Ms. Brossart called the role. All present voted in favor, and the motion passed.
20

21 Ms. Minter announced an in-house training opportunity on the topic of housing with dinner provided.
22 It will be held on May 21, dinner at 5:30, session starting at 6:00.
23

24 Mr. Williams made a motion to adjourn the meeting and Mr. Schuchter seconded the motion.
25 Everyone voted in favor with none opposed. The motion passed, and the meeting was officially
26 adjourned at approximately 8:00 PM.
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33 Respectfully Submitted,

Approved:

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36

37 Cindy Minter
38 Director

KIRK HUNTER
PRINCIPAL PLANNER


37

CJ Peters
Chair

6th class - 6th year
Mark Hunter