



CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE JUNE 30, 2020 MEETING

MEMBERS PRESENT:

Mr. C J Peters, Chair
Ms. Sharon Haynes
Mr. Mark Turner
Mr. Mike Williams
Mr. Larry Barrow
Mr. Justin Verst
Mr. Roger Mason

MEMBERS ABSENT:

Mr. Dennis Bass
Mr. Ed Stubbs

STAFF PRESENT:

Ms. Cynthia Minter, Director
Mr. Kirk Hunter, Principal Planner
Mr. Matt Smith, Legal Counsel
Ms. Paula Spicer, Secretary

PUBLIC PRESENT:

Joe Kramer, Cardinal Engineering
Jeff Smith, Applicant
Roger & Kelli Helton, Resident
Don & Karla Kennedy, Resident
Jeremy Hensley, Resident
Joe Paulowski, Resident

Call to order at 6:30pm no pledge of allegiance, a quorum was present, Ms. Minter advised that Mr. Stubbs is still recovering, and welcomed Paula Spicer who is filling in for Emily who is out sick

Mr. Hunter presented the staff report as follows:

FILE NUMBER: 229-20-ZMA-01

APPLICANT: Jeff Smith

LOCATION: Approximately 5 acres at 13455 Alexandria Pike in Unincorporated Campbell County, KY.

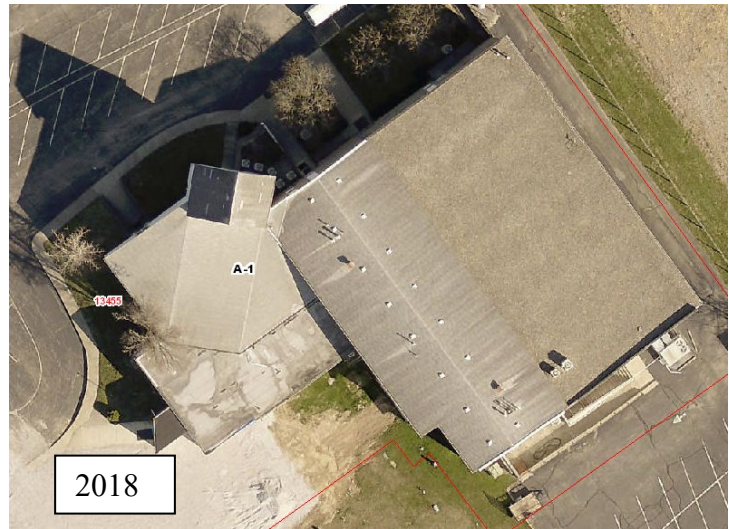
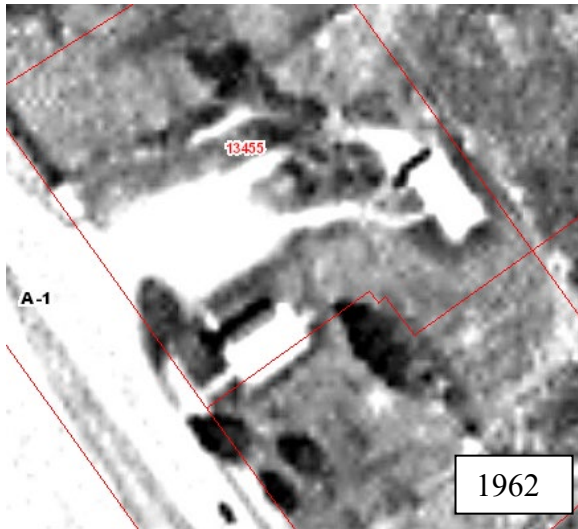
REQUEST: Zone map amendment from Agricultural (A-1) Zone to Rural Commercial (RC) Zone.

Overview:

The area under review consists approximately five (5) acres near Grants Lick in unincorporated Campbell County on Alexandria Pike (US 27) between the intersections of Nagel and Peach Grove Roads.



The proposed zone map amendment is within a larger twelve (12) acre parcel. The recreational areas are not part of the zone change request. This is the former site of Plum Creek Christian Church. This church originated as a small church with an adjacent cemetery (see 1962 aerial). The facilities grew over the years with the additional of a larger sanctuary, gymnasium, commercial kitchen and classrooms (see 2018 aerial).



In 2005, the congregation relocated to a new facility at Nagel Road. The Church continued to use the facilities for special events and recreational uses.



In 2018, the church restructured the property to separate the cemetery from into its own parcel and place the property including the buildings and the recreational fields for sale. The structures are served by a private septic system, which is piped under US 27 and leeches into the field.

The applicant has entered into a sale contract for the property but has yet to determine the full intended use. The applicant desires to balance the character of the property, recognizing the community use of the recreational facilities, with complementary rural commercial activities.



Considerations:

1. The area under consideration consists of approximately twelve (12) acres.
2. The site is currently zoned Agricultural One (A-1) as defined in the Campbell County Zoning Ordinance, Article X, Section 10.1.
3. The proposed zone change contains three parcels:
 - Approximately two-acre parcel containing the existing church building and parking lot
 - Approximately eight (8) acre parcel containing athletic fields
 - Approximately two (2) acres of Kentucky Transportation Cabinet property.
4. Adjacent zoning is Agricultural (A-1) in the area.
5. Adjacent land uses are predominantly agricultural and residential.
6. The 2008 Campbell County Comprehensive Plan specifies the current land use as institutional.
7. The future land use category for the site is identified as Agricultural in the 2008 Campbell County Comprehensive Plan.
8. The Urban Service Boundary has been reduced since 2008 and is no longer near this property.
9. In addition to the conveyance plat separating the cemetery, the planning and zoning records for this property show:
 - No cases before the Campbell County & Municipal Planning Commission;
 - Two cases before the Campbell County & Municipal Board of Adjustment;
 - BA-03-88 – Conditional Use Permit and Dimensional Variance for the construction of building addition
 - BA-17-96 – Conditional Use Permit for picnic shelter



10. The Campbell County Zoning Ordinance defines the following permitted and conditional uses for the A-1 Agricultural (section 10.1) and RC Rural Commercial zones (section 10.22) respectively. Previous and proposed uses are highlighted.

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

Permitted Uses (Continued)

RC

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.

11. 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

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

<u>Zone Requirements</u>	<u>RC</u>
Minimum Lot Area	One (1) acre
Minimum Lot Width	One Hundred (100) feet
Minimum Front Yard Depth	Fifty (50) feet
Minimum Side Yard Depth	<p>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.</p> <p>When buildings abut each other, firewall construction, as required by the County's Building Code, shall be required.</p> <p>A side yard is never to be less than fifteen (15) feet.</p>
Minimum Rear Yard Depth	Forty (40) feet
Maximum Building Height	Forty (40) feet

13. Due to the location of the cemetery, the existing structures do not meet the side yard setback for either the A-1 and RC zone.
14. The applicant has provided a summary (see Appendix A which outlines his intentions. Items of note include :
- The gymnasium, ballfields, kitchen and cafeteria facilities are used special events by the church, local community and other ministries.
 - The Church also uses the buildings for storage and existing offices.
 - The applicant has stated that these uses are pre-existing non-conforming use within the A-1 zone. *Staff concludes that these many of these are pre-existing conditional uses, which were reaffirmed by the 1988 and 1996 Board of Adjustments cases.*
 - The applicant and current owner (church) have agreed to the mutual use of the existing parking spaces (primary lot and cemetery lot) for a permanent access easement through the property to the cemetery.
 - The applicant requests that use of the recreational facilities be permitted to continue.

- The submitted development plan shows the facility as it exists today. There are no proposed improvements at this time.
 - The applicant has verbally indicated that he intends to utilize the structures for rental office space including the commercial kitchen.
15. 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 five (5) acres.
16. 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 current use is consistent with the existing and future land uses as identified in the Comprehensive Plan.
2. Economic conditions in terms of the relocation of the church have occurred which were not anticipated in the comprehensive plan and which have substantially altered a portion of the basic character of such area.
3. The current (A-1) zoning classification is appropriate for the recreational facilities.
4. The current (A-1) zoning is not appropriate considering some uses on the property including use of the office, commercial kitchen and meeting space for commercial purposes.

Staff Recommendations:

Due to the stated intent to retain the use of the ballfield as recreational, that the Campbell County & Municipal Planning and Zoning Commission request a modification to the zone change request by the applicant to exclude the recreational areas, allowing them to continue as conditional uses; and to submit a list of intended uses as defined within the desired (RC) for further action.

If such a list is submitted to the Planning Commission at or before the public hearing, consideration can be given to approve an amended Zone Change area from A-1 to RC and to refer these recommendations to the Campbell County Fiscal Court for further action.

Bases for Recommendation:

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

Appendix A: From the Applicant
Plum Creek Christian Church Zone Change Narrative

The applicant is requesting a zone change from the current Agricultural Zone-1 (A-1) to Rural Commercial (RC) at the former Plum Creek Christian Church site on the northeast side of U.S. 27 in southern Campbell County.

The former church site exists on both sides of U.S. 27. On the northeast side, the church auditorium, gymnasium, cafeteria, kitchen, office and storage exist for the needs and programs of the church. On the southwest side of U.S. 27 there is a baseball field and picnic shelter used for recreational purposes. Also, on the northeast side is a cemetery that the Plum Creek Christian Church will retain and maintain. The church has agreed to allow the applicant to use the existing parking spaces that exist on the cemetery property.

In 2005, the church began construction of a new facility on Nagel Road; however, they continued to operate their facilities on U.S. 27. This included renting out the gymnasium and ballfield for teams and tournaments, using the kitchen and cafeteria facilities for special events and other ministries, providing storage and using the existing offices. The site is currently operating as a pre-existing non-conforming use within the A-1 zone.

The applicant intends on purchasing the site and continue with the uses mentioned above. This site has been operating commercially for over 50 years and continues to serve the needs of the local population. The submitted development plan shows the facility as it exists today. There are no proposed improvements at this time.

The current Campbell County comprehensive plan was adopted in 2008. In 2015, Campbell County updated the goals and objectives. The land use map shows this area as agricultural and is just outside of the urban service area. The site has public water and provides sanitary sewage via an existing septic system on the southwest side of U.S. 27. There is direct access to U.S. 27 which is classified as an urban principal arterial street.

While the present site does not conform with the land use map, it is important to recognize that "Because of its conceptual nature, the future land use plan element is not intended to provide precise boundaries between proposed land uses. Rather, it is designed to provide land use recommendations for general areas and provide flexibility to adapt to continual changes in the market and desires of the residents of the County". Because it does not conform to the future land use map, we looked further into the text and goals & objectives which leads to the conclusion that the proposed zoning is appropriate.

One of the objectives of the Comprehensive plan is to "foster redevelopment and reinvestment, eliminate vacant properties and improve the underutilized property to their highest and best uses." The church continues to transition their programs and outreach from their U.S. 27 facility to their new facility on Nagel Road and no longer have the need to retain this property. The applicant wishes to reinvest in this property to avoid it becoming vacant.

The applicant lives in this area and has benefitted from the use of this property and does not want its use to stop serving the needs of others in the area.

The applicant feels that given the history and operation of this site, the original zoning is not appropriate and that the proposed zoning is appropriate. Therefore, the applicant requests that the current Agricultural-1 Zone (A-1) be changed to a Rural Commercial Zone (RC).

Staff Comments

Mr. Peters asked if the conditional uses that were grandfathered in would have to be reapproved for the RC zone. Using the aerial photo, Ms. Minter pointed out the building and described interior uses, the site of the old church which was demolished and serves as a parking lot, the cemetery, the ballfields and picnic shelter. The applicant wishes to retain the ballfields in the A-1 zone as a conditional use. She suggested that the P&Z Commission reaffirm the conditional use permit for the recreational facilities. She pointed out an area across US 27 that needs to stay with the primary parcel because it contains leach lines. In the first case, the entire parcel was going to change to RC. After pushback from residents, the applicant decided to keep the recreational uses in A-1 and focus on changing the primary structure that looks and acts like a commercial structure to RC. The applicant wants to reaffirm the conditional use permit for indoor recreational uses for the gymnasium. Ms. Minter clarified that there are no additions proposed for the site and reiterated that the applicant wants reaffirmation that the picnic shelter/ballfields will continue as a recreational use – it is not part of the zone change. The applicant intends to use RC uses on the property except for the recreational areas. Mr. Verst asked if the zone change alters the conditional use for the gym. Mr. Matt Smith recommended that the conditional use be reviewed. He understands that they simply want to continue the recreational use for that building. Ms. Minter stated that there is a small sanctuary in the building and the applicant may be interested in leasing that space to a small church which would be continuation of a conditional use and can not be expanded.

Mr. Peters then recognized Joe Kramer, Cardinal Engineering representing the applicant Jeff Smith. Mr. Kramer thanked Ms. Minter for her thorough review of the plan. The applicant initially had a zone change request for a larger area but scaled it back. The applicant intends to continue the uses that are in the building. The applicant has interest in having 1-2-person offices in the building. The reason for the zone change is so that all of the uses are not conditional which they are in the A-1 zone. They felt that RC was the most appropriate zone that would allow for more uses. He also explained the Church's desire to install a gravel driveway directly from US 27 to serve the cemetery. Ms. Minter explained that the Church still owns the cemetery and wants to affirm its desire to build a gravel driveway for cemetery access in the future. Mr. Verst questioned whether it was appropriate to address the driveway issue at this meeting. Ms. Minter stated that it will be the subject of a future case. Ms. Haynes asked Ms. Minter to outline the entire 12 acres. Ms. Minter did so, indicating a larger portion of acreage that is not included in the requested zone change. The Church will continue

ownership of the cemetery which totals 3 acres and is actively used. Ms. Minter recapped the zone change request. If the applicant wanted to expand any of the uses, it would have to go before the Board of Adjustment for review and approval. Mr. Smith cautioned the Board about reaffirming that which has already been done regarding the conditional uses. Regardless of the zone change, the conditional use continues subject to original restrictions.

Mr. Peters then opened the meeting for audience comments and reminded them to sign in if they wished to speak. Kelli Helton, 949 Marl Rich Lane, asked if the owner would have to come back before the Commission in order to make additions and expressed concern about the capacity of the leach fields and the culvert pipe which empties into the creek by her subdivision if the property is modified. Ms. Minter stated that it would be difficult to redevelop the area containing the leach fields as a commercial use. She explained that any substantial improvements/expansion to the property would have to be reviewed by the Planning and Zoning Commission and would be subject to current storm water management and sanitary sewer systems. She added that the applicant intends to improve the landscaping around the property which will help absorb water. Don Kennedy, 13421 Alexandria Pike, stated that he is concerned about what would happen if Mr. Jeff Smith sold the property. He also expressed concern about future expansion of US 27 which he believes will encroach/relocate the current leach line. If there is still going to be a church there and other uses, why do they have to change the zone – why not keep it at A-1. Mr. Matt Smith explained that with the RC zone, if offices were added, the owner would not have to come back to the Board to get a conditional use permit. Ms. Minter stated that the applicant wanted assurances that if they went to some commercial uses, like commercial offices, that they would be able to do that. The current office space is an accessory use for the church. Ms. Minter further stated that the Transportation Cabinet has proposed improvements along US 27. The Cabinet is very cognizant of this area and that they would have to go through a recreational facility and a cemetery. They also know where the leach lines are and the pipes under US 27. Jeremy Hensley, 903 Marl Rich Lane, stated that not all of the homes in his subdivision were notified of the zone change request. He would like to have another church there and to keep the ballfield. Completely changing it to RC opens it up to other uses. Mr. Hensley pointed to the aerial photo some homes that would be acquired by the Transportation Cabinet and the proposed route of the road. The gravel lot and picnic area will be gone. He doesn't know how the ballfields will be used unless they improve the property containing the leach fields. If everything is staying the way it is, why change the zone. Mr. Peters stated that the zone change request goes back to permitted uses vs. conditional uses between the A-1 and RC. Ms. Minter stated that by changing to RC the owner is able to utilize items in the permitted uses. She stated that the Transportation Cabinet has approached owners of the properties it needs to acquire, however there is no funding for construction yet. Mr. Hensley fears that if the area is zoned RC it would be easier for a bank, hair salon or dollar store to be approved. It would be nice if they could exclude the three-acre site of the leach lines. Ms. Minter explained why she believes that it is highly unlikely that the septic system would be taken as part of the Transportation project or that the owner would develop that parcel since they would have to build a new sanitation system. She further explained that the zone change requires a minimum of five acres which is why

they included the leach line site. Joe Paulowski, 904 Marl Rich Lane, stated that the common shared area for the subdivision is adjacent to the proposed zone change site. He requested that the notification be sent to the entire subdivision since they have a shared interest in the common area. He only found out about the meeting an hour ago. There were numerous errors made in the report that was published. He is supportive of keeping the A-1 zone and keeping everything grandfathered in. Ms. Minter explained the notification requirements for the meeting.

Mr. Peters stated that nobody else had signed in to speak and opened discussion by the Commission. Ms. Minter showed the subdivision's common area on the aerial photo. It is owned by the Homeowner's Association and is intended for a playground; it technically is not adjacent to the parcel to be rezoned. The subdivision was started in 2000 and is built-out; no other homes can be added.

Mr. Verst stated that the crux of the problem seems to be the office which is not a permitted use in the A-1 zone unless it is part of the church. If there is not a church operating here and the offices are not used by the church, the new owner can do nothing with the building under the current zone. The Comprehensive Plan encourages commercial development on major arterial roadways – US 27 – so that it doesn't go through other rural roads. This is a good place for a commercial use. Anything built here would have to meet the County's development standards. His opinion is that this is a good use of the property. If it remains agricultural and is not a church it will likely be vacant. The Comprehensive Plan speaks to the highest and best use of property and given the existing substantial facility he thinks the highest and best use is the RC zone type use.

Mr. Barrow asked if the ballfield was part of the zone change area. Ms. Minter stated that it was not. Some of the parking and driveway to the ballfields is included. Mr. Mason asked if there is a limit on how many potential tenants can be in the structure or is it based on leach field capacity. Ms. Minter stated that there is no limit however the existing infrastructure is a limiting factor. If they wanted to do a major expansion, it would trigger the need to modify parking/utilities substantially and they would have to come back to the Planning Commission. Mr. Verst stated that anytime they would apply to bring in a new tenant (office, beauty salon, etc) they would have to go to the Planning Commission for a permit and submit a plan that there is enough parking and utility service. Ms. Minter stated the some of those issues would be handled by staff but a major change to the property would have to come back before the Planning Commission. Mr. Barrow asked if SD1 would be involved if any changes were made to the leach field. Ms. Minter replied that this is outside the urban service boundary, but staff does consult with SD1 regularly on things that are outside the boundary. Additional certifications and recertifications would be required for a major leach field to be changed – those are Health Department issues.

Mr. Peters requested a motion for or against the proposed zone change. Mr. Hunter recapped the basis for recommendation.

Mr. Verst made a motion for Case Number 229-20-ZMA-01 to approve the zoning map amendment from A-1 (Agricultural-One) to RC (Rural Commercial) zone for the approximate five-acre parcel submitted. The basis for the motion is that he finds it to be in conformance with the Campbell County Comprehensive Plan particularly given its proximity to an arterial roadway (US 27), the urban service boundary and this would promote the highest and best use of a substantial existing facility. The findings of fact for the motion would be the staff report, the testimony of the applicant, testimony of the public as well as discussion amongst the Commission. He added that the motion also includes a recommendation that the Fiscal Court approve the zone change. Mr. Turner seconded the motion. After a roll call vote, the motion passed unanimously.

Ms. Minter stated that there was no other business to be considered. The next meeting of the Planning and Zoning Commission is July 14, 2020 at the Southgate Community Center. The next action for the current case is to go before the Fiscal Court; she is unsure of the date, but it will be published.

There being no other business, Mr. Peters entertained a motion to adjourn. Mr. Verst made the motion, seconded by Ms. Haynes. An oral vote found all in favor and the meeting was adjourned at 7:44PM.