



**March 30, 2021**

**Campbell County and Municipal Planning and Zoning Commission**

Staff Comments, Findings, and Recommendations

Issue to be heard: Tuesday, April 13, 2021  
Campbell County Fiscal Court  
1098 Monmouth Street  
Newport, KY 41071

FILE NUMBER: 240-21-ZMA-01

APPLICANT: Chris Baker

LOCATION: An approximately 5-acre lot, located on Alexandria Pike in  
Unincorporated Campbell County

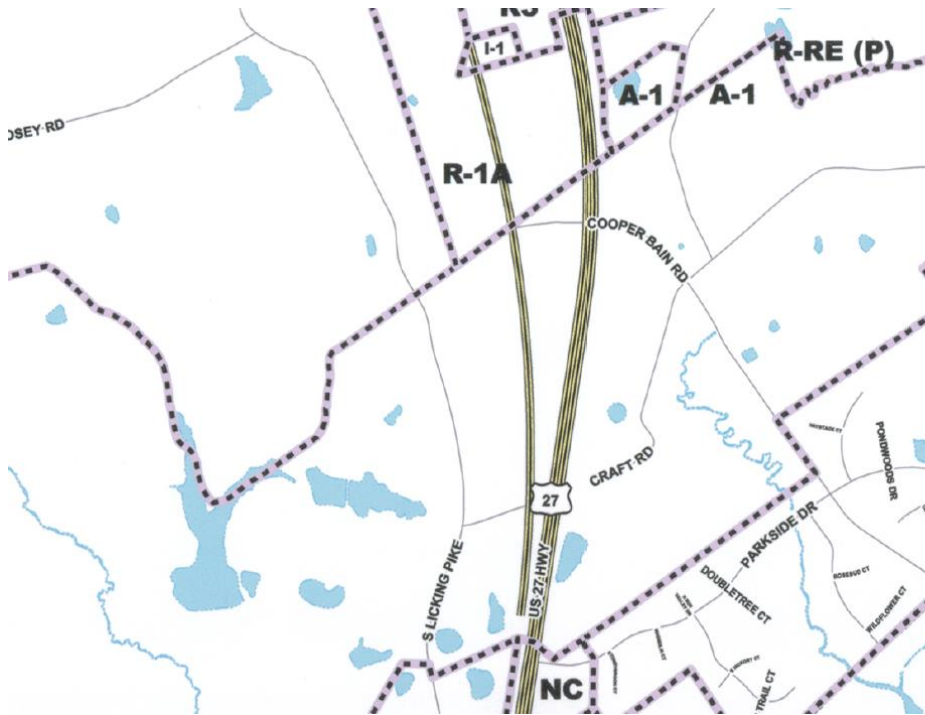
REQUEST: A proposed Zone Change from A-1 (Agricultural One) zone to RC (Rural  
Commercial) zone and approval of Stage I plans for a storage lot, and a  
waiver for a fenced gravel lot for outdoor storage

**Overview:**

The applicant intends to construct a recreational vehicle storage lot. The area under review consists approximately five (5) acres in Unincorporated Campbell County on Alexandria Pike (US 27) approximately 800 feet south of Cooper Bain Road. The parcel is currently zoned Agricultural One (A-1).

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

## I. Zone Map Amendment



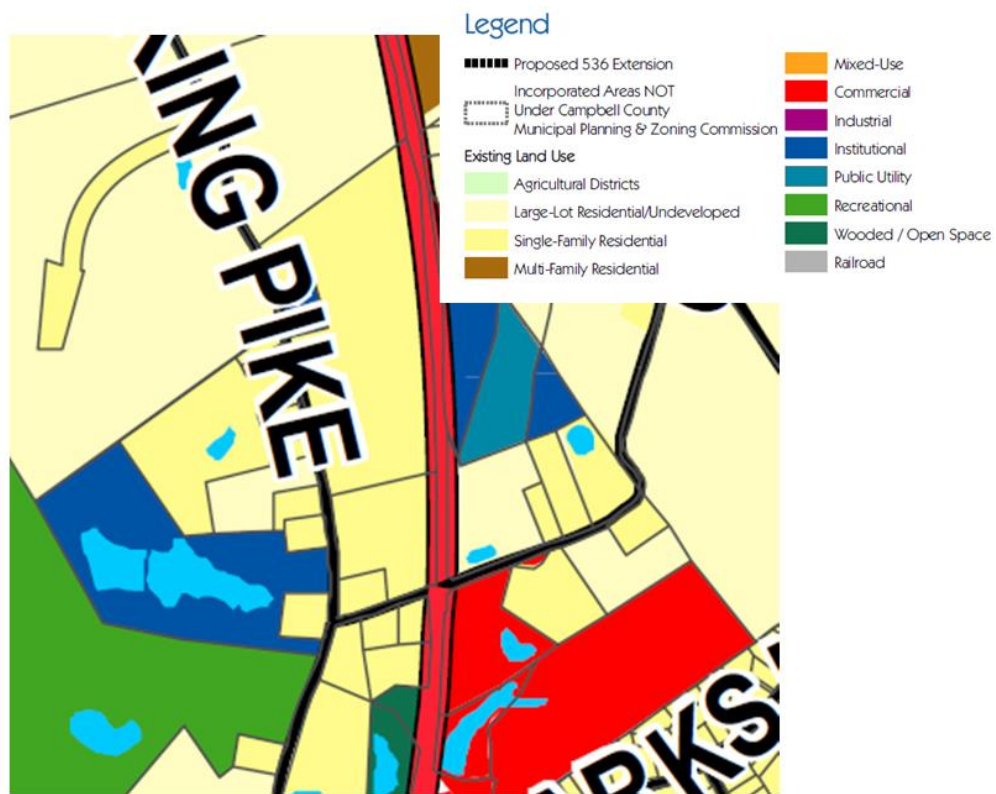


*Existing Site*

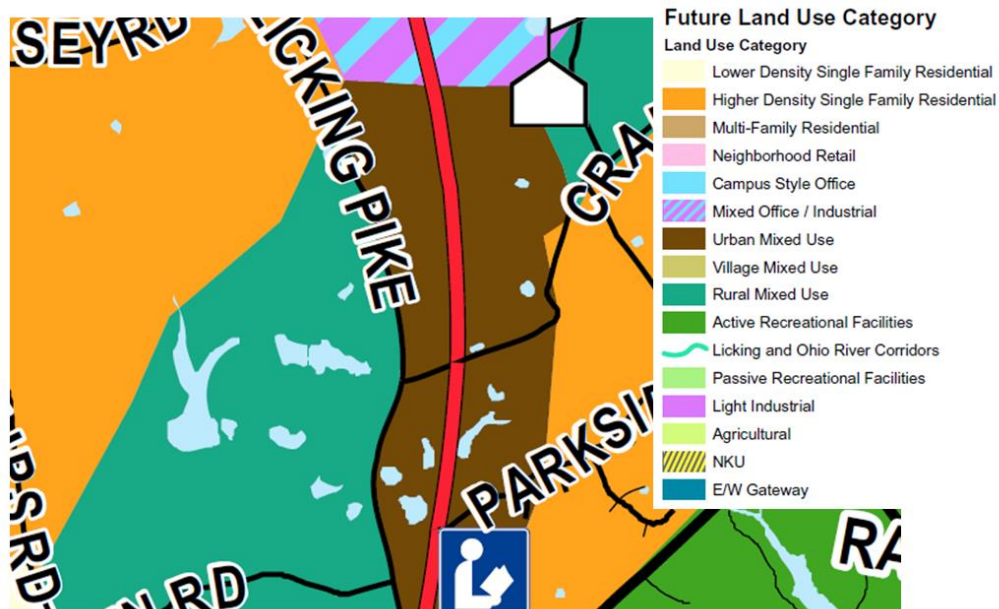
### Considerations:

1. The area under consideration consists of approximately five acres.
2. Agricultural-One (A-1) as defined in the Campbell County Zoning Ordinance, Article X.
3. Adjacent zoning is Agricultural (A-1) in the area.
4. Adjacent land uses are predominantly agricultural and residential with some commercial uses as well.
5. The 2008 Campbell County Comprehensive Plan specifies the current land use as

single-family residential.



6. The future land use category for the site is identified as Urban Mixed Use in the 2008 Campbell County Comprehensive Plan.



7. The Campbell County Zoning Ordinance defines the following permitted and conditional uses for the Agricultural-One (A-1) (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

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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**

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#### **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 setback 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.

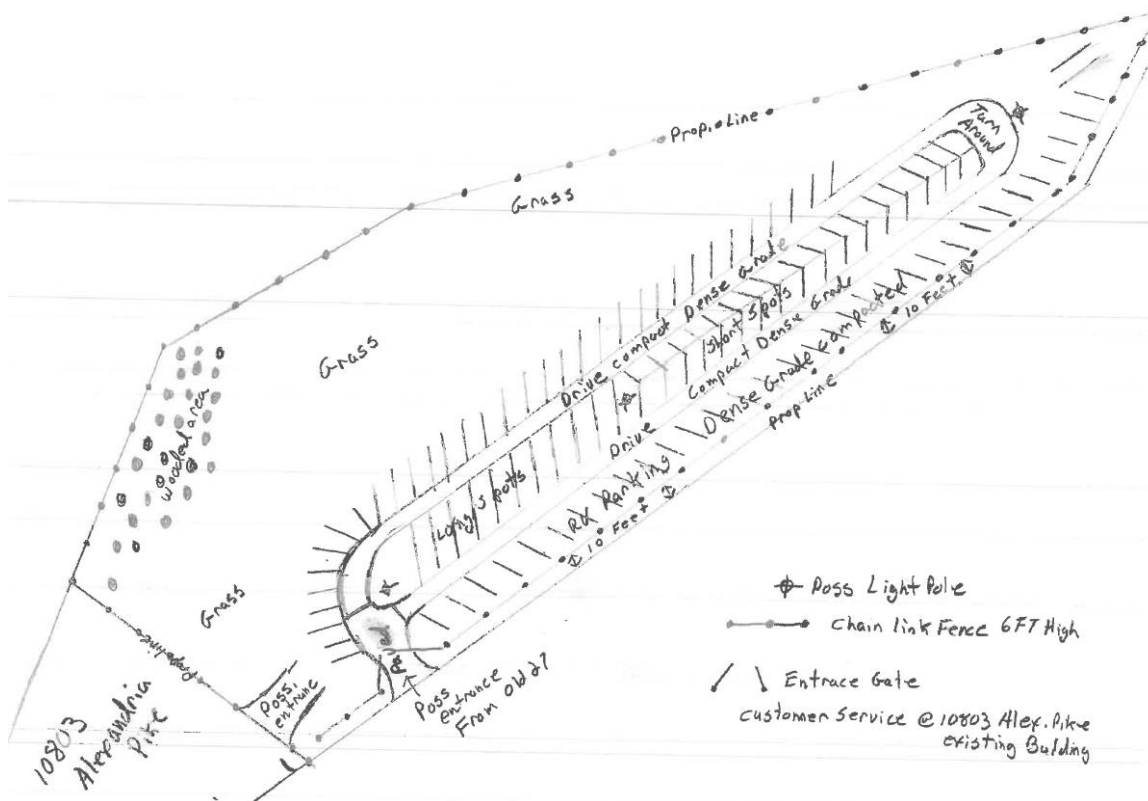
4. No flashing lights, streamers, or lights strung on overhead wires or lines shall be permitted. All signs shall be in conformance with the requirements of Article XIV of this ordinance.
5. Vehicles offered for sale in or upon such conditional use shall be limited to standard passenger automobiles and 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.

25. The Campbell County Zoning Ordinance defines the zone requirements for the NC 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

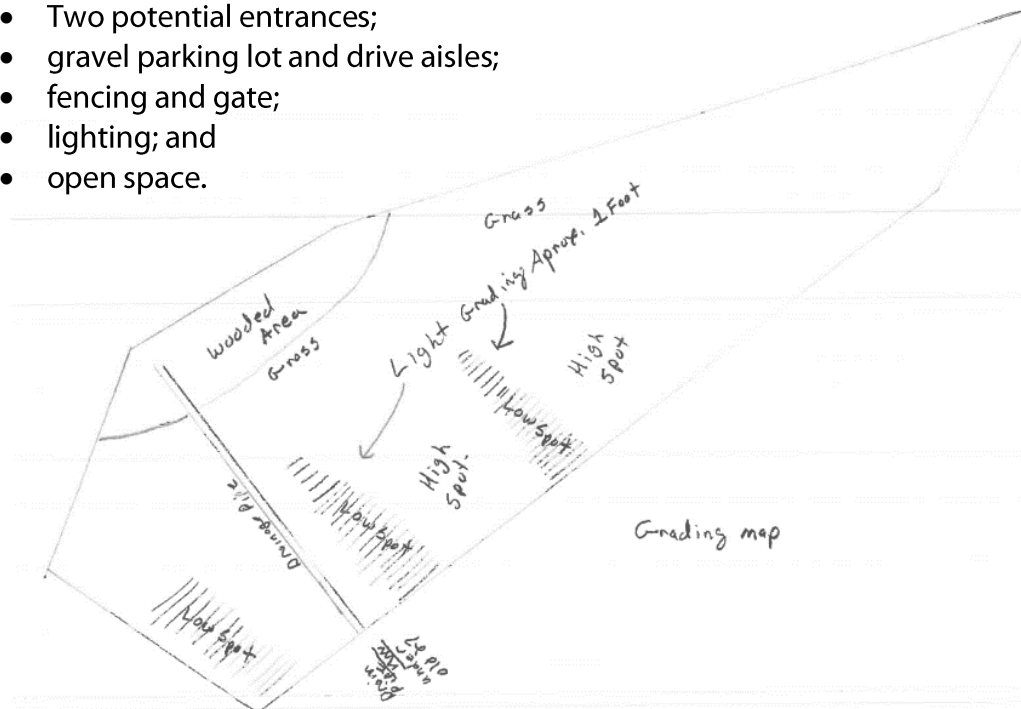
26. The Campbell County Zoning Ordinance defines the zone requirements for the Rural Commercial (RC) zone (section 10.22):

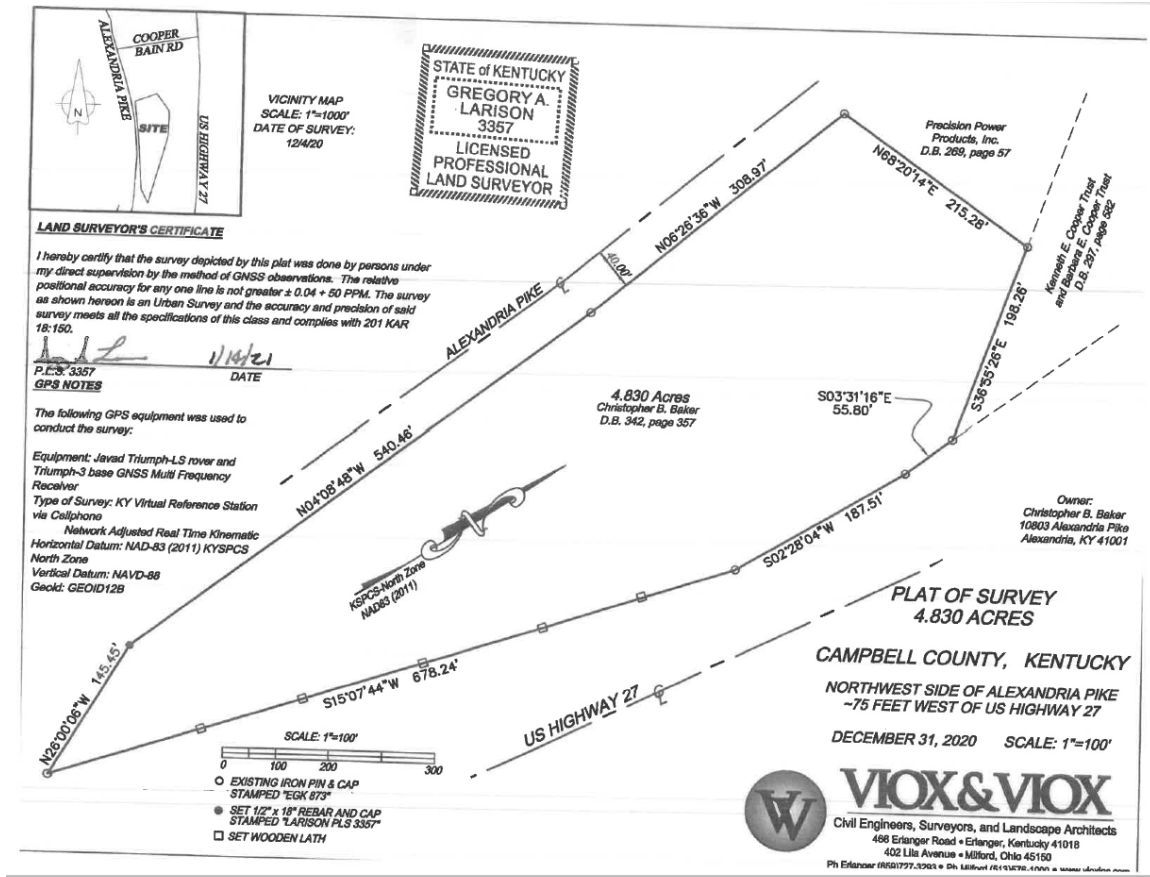
<u>Zone Requirements</u>	<u>RC</u>
Minimum Lot Area	One (1) acre
Minimum Lot Width	One Hundred (100) feet
Minimum Front Yard Depth	Fifty (50) feet
Minimum Side Yard Depth	Restrictions when adjacent to a street or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the County's Building Code, shall be required. A side yard is never to be less than fifteen (15) feet.
Minimum Rear Yard Depth	Forty (40) feet
Maximum Building Height	Forty (40) feet



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

- Two potential entrances;
- gravel parking lot and drive aisles;
- fencing and gate;
- lighting; and
- open space.





28. 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.

- The parcel is comprised of 4.83 acres.
- Zone map amendments are drawn to the center of the road, increasing the total acreage by calculating beyond the subject parcel.
- The proposed zone map amendment is over five (5) acres.

29. 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. Physical conditions 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 not appropriate for the RV storage (Mini Warehousing).

**Staff Recommendations:**

To approve a Zone Map Amendment 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.

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## II. Variance Request

### Considerations:

The applicant is requesting a variance for the construction of a gravel surfaced RV storage lot of a new storage building.

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 five (5) acres. This site is currently located in the Agricultural (A-1) Zone with a proposed zone change to Rural Commercial (RC). The Recommended Land Use Map of the 2008 Campbell County Comprehensive Plan identifies the site and surrounding areas as “Urban Mixed Use”.
2. To the west and north of the site, the zoning and land uses are single family residential and agricultural. To the east, there is state highway right of way. There is an Industrial-One (I-1) zone to the south. There is a mixture of commercial, residential and industrial uses in the neighboring vicinity.
3. A review of public records indicates no previous requests for variance.
4. The proposed pavement variance is intended only for the *storage* lot section of the business.
5. 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.
6. 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 consistent with the adopted 2008 Comprehensive 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 gravel parking area is intended for long-term storage of recreational vehicles. It will not be used for normal in-and-out business activity.

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 application of the provisions of this Ordinance would create unnecessary hardship on the applicant.

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

The essential character of the neighborhood is a mix of commercial, residential 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

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

### **Basis for Recommendation**

1. In accordance with Section 18.2 of the Campbell County Zoning Ordinance, notice of public hearing was given.
2. In accordance with KRS 100.241 Variances, the board shall have the power to hear and decide on applications for variances. The board may impose any reasonable conditions or restrictions on any variance it decides to grant.
3. The evidence presented by the applicant and staff is such as to make a finding that:
  - a. The requirements for a variance have been met by the applicant for a variance and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  - b. The variance requested will not adversely affect the public health, safety, or welfare, will not adversely alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board considered whether:
    - i. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
    - ii. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
    - iii. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

- iv. The variance will not allow unreasonable circumstance of the requirements of the zoning regulations and will not alter the essential character of the neighborhood.
- v. The variance requested will not confer on the applicant any special privilege that is not conferred by this ordinance to other lands, structures or buildings in the same zone.

Report prepared by:   
Kirk Hunter, AICP  
Principal Planner