

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE OCTOBER 18, 2016 MEETING**

MEMBERS PRESENT:

Mr. Dennis Bass
Ms. Lauri Harding
Mr. Steve Stapleton
Mr. Mark Turner
Mr. Michael Williams, TPO
Mr. Larry Barrow, Vice Chair

STAFF PRESENT:

Ms. Cynthia Minter, Director
Mr. Kirk Hunter, Principal Planner
Ms. Stephanie Turner, Recording Secretary
Mr. Matt Smith, Legal Counsel

MEMBERS ABSENT:

Ms. Deborah Blake
Mr. Edward Stubbs
Mr. Justin Verst, Chair

STAFF ABSENT:

Mr. Barrow called the meeting to order at 7:00 PM. Following the Pledge of Allegiance, Mr. Barrow called for a roll call. The roll call found a quorum was present. Mr. Barrow asked if everyone had reviewed the August 9, 2016 meeting minutes and asked if there were any additions or corrections. There being none, Mr. Barrow called for a motion. Mr. Williams made a motion to approve the August 9th meeting minutes as submitted. Mr. Turner seconded the motion. Mr. Barrow called for a roll call vote. A roll call vote found Mr. Stapleton, Mr. Turner, Mr. Williams and Mr. Barrow in favor of the motion. Mr. Bass and Ms. Harding abstained. Motion passed.

Ms. Minter advised the Commission that the first case on the agenda tonight is listed as case #167-16-SDP-01 by Mr. Allen Norwich for a land division. The applicant contacted staff late Monday and requested that the case be tabled and withdrawn from tonight's meeting. The applicant reserves the right to request this case to be added to a later agenda.

Ms. Minter informed the Commission the first case to be heard tonight is the application by Mr. Greg Neal for a zone map amendment in Southgate. Mr. Barrow recognized Mayor Jim Hamberg, Councilman Chris Robisch and Councilman Dan Speier from Southgate in attendance at the proceedings tonight.

Mr. Barrow reminded everyone that this was a public hearing and there were a number of citizens in attendance tonight. Mr. Barrow introduced case #169-16-ZMA-01 an application by Mr. Greg Neal for the property identified as 350 Blossom Lane and/or 931 Alexandria Pike for a zone map amendment to change from the R-1E Zone to the R-1E/RCD Overlay Zone. Mr. Barrow asked staff to present the staff report. Mr. Hunter presented the staff report as follows:

Case #: 169-16-ZMA-01

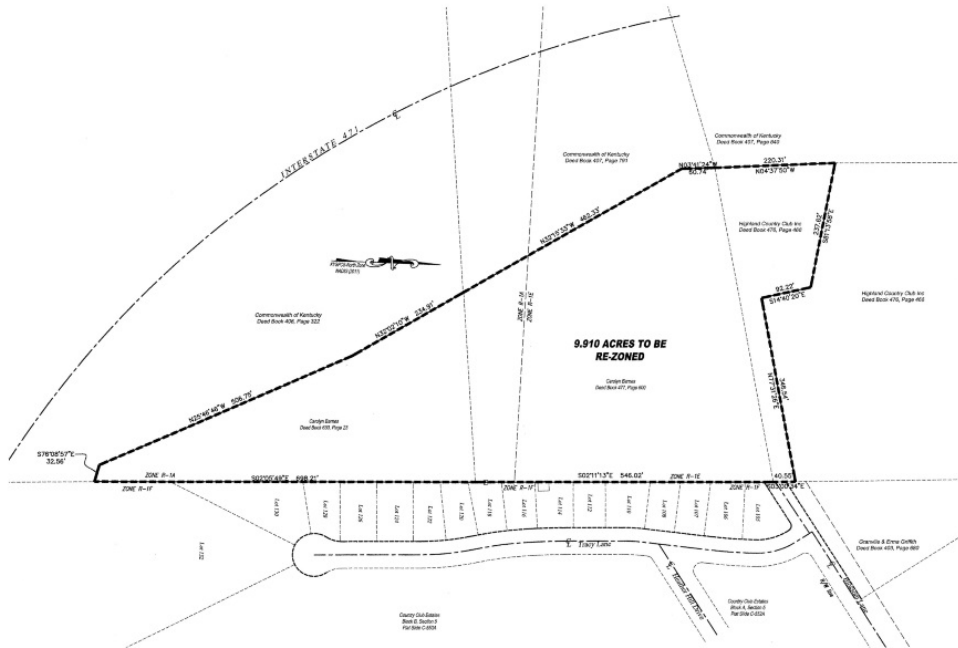
Applicant: Greg Neal

Location: 350 Blossom Lane / 931 Alexandria Pike

Request: A proposed zone map amendment from Residential One-E (R1-E) Zone to Residential One-E/Residential Cluster Development (R1-E/RCD) Zone.

Overview:

350 Blossom Lane (PIDN# 999-99-10-445.00) is part of a 21.4-acre area recently de-annexed from the City of Wilder to the City of Southgate (Southgate Ordinance No. 16-0802, Wilder Ordinance No. 16-06).



Considerations:

1. The site consists of approximately 10 acres and is located in the city of Southgate.
2. The site is currently zoned Residential One-E (R-1E) as defined in the City of Southgate Official Zoning Ordinance, Article X, Section 10.1.
3. Existing use is single-family residential.
4. Sanitary sewer capacity is available at the site.
5. Domestic water supply is available at the site.
6. Adjacent parcels include Highland Country Club (zoned R-1E) to the north; Single-family housing (zoned R1-F) to the east; and Interstate 471 to the west and south.
7. A review of the public records finds no planning and zoning cases for this property. There were no cases before the Campbell County & Municipal Board of Adjustment. The existing structures on the property predate Campbell County Building Department records.
8. The City of Southgate Official Zoning Ordinance defines the following permitted uses for the R-1E zone (section 10.1) and Residential Cluster Development Overlay (RCD) zone (section 10.7) respectively:

Permitted Uses

R-1E

Single family dwellings (detached)

Permitted Uses

RCD

RESIDENTIAL USES AND DENSITIES: Attached and detached single-family dwellings may be permitted within a RCD Overlay zone, including single-family, two-family, and multi-family units. The density of dwelling units in a RCD, shall be determined by the density (dwelling units per acre) as calculated from the existing residential (R) zone superimposed by the RCD Overlay Zone. This density shall be applied to the total project area excluding that land devoted to commercial uses and streets (public and private).

PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the RCD. These uses shall be delineated on the Stage I development plan and shall be limited to one or more of the following uses;

1. Schools (nursery, elementary and secondary)
2. Churches
3. Community centers, including day care facilities
4. Country Clubs
5. Libraries.
6. Fire and Police stations
7. Open space-recreation areas

The City of Southgate Official Zoning Ordinance defines the zone requirements for the R-1E zone (section 10.1) and Residential Cluster Development Overlay (RCD) zone (section 10.7) respectively:

Zone Requirements	R-1E	RCD
Minimum Lot Area	Ten-thousand (10,000) square feet	Per Development Plan
Minimum Lot Width	Ninety (90) feet	Per Development Plan
Minimum Front Yard Depth	Twenty-five (25) feet	Per Development Plan
Minimum Side Yard Depth	Five (5) feet	Per Development Plan
Minimum Rear Yard Depth	Twenty-five (25) feet	Per Development Plan

9. Because of the recent de-annexation of the site area, it was not included in the 2008 Campbell County Comprehensive Plan Update. The proposed development is consistent with neighboring developments.
10. The consulting engineers have determined that the site area does not meet the minimum threshold of new daily trips per day to require a traffic impact study.

"The KYTC threshold for a Traffic Impact Survey is 100 new trips. The 32 low-rise condominium/townhomes that are proposed will only generate 18 trips during the peak AM, and 21 trips in the peak PM, and therefore will not require a Traffic Impact Study."

11. As per City of Southgate Zoning Ordinance, Section 9.20 Plan Requirements, the proposed Stage 1 Site Plan shows the following:
- a. The total area of the project is shown as 9.08 acres.
 - b. The present zoning of the subject property and all adjacent properties is R-1E.
 - c. All public and private rights-of-way and easement lines proposed to be continued, created, enlarged, relocated, or abandoned that pertain to subject property are included on the plan.
 - d. Existing topography and approximate delineation of any topographical changes shown by contour.
 - e. Delineation of all existing and proposed residential areas in the project with a statement indicating net density of the total project:
 - f. Delineation of all existing and proposed nonresidential uses in the project:
 - g. Location of proposed pedestrian walkways, identifying approximate dimensions;
 - h. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades.
 - i. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes. Indication should also be given regarding the provision of electric and telephone service.
 - j. Certification from appropriate water and sewer agencies that services will be available.
 - k. Identification of the soil types and geologic formation on the subject property, indicating anticipated problems and proposed methods of handling said problems.
 - l. Other information that may be determined necessary for description and/or to insure proper integration of the proposed project in the area.

will be able to ask the applicant additional questions regarding this topic when they make their presentation.

2. Pavement conditions on Blossom Lane – The pavement condition is something that staff is aware of and would like to address. The existing pavement has almost reached the end of its use expectancy meaning the road is in consideration for when and how to replace the pavement. There are additional considerations such as the Northern Kentucky Water District (NKWD) who is anticipating replacing the water line on Blossom Lane. It is coordination between the County, the City and the NKWD that is being worked through right now to determine the best construction practice to insure that both the pavement replacement and the water line replacement are done in proper timing while still providing access to the citizens of these neighborhoods with as little delay and interruption as possible and keeping this point of access open. There is only one way in and one way out on Blossom Lane.
3. Electric service issues - One citizen provided an electric service inquiry where he loses electric with even minor storms and would like to see this problem addressed while utilities are being installed to the proposed development.

Ms. Minter played the drainage video. The video was from 2011, but very reflective of the type of storm water drainage issues that exist on the site. The storm water ran from the back of the properties identified as 126 and 130 Tracy Lane and rushed down the driveway towards the street at a speed that caused the water to jump into the air when it struck the fire hydrant in front of their homes. The video was approximately 2 minutes long. Staff played the video again to insure everyone had the opportunity to view it.

After the Commission had an opportunity to view the video, Ms. Minter presented the Commission with a larger print of a topographical map with the site where the video was recorded indicated on the map. The Commission passed the map around until all Commissioners had an opportunity to review the map. Ms. Minter informed the Commission that this video was provided to the applicant's representative, Viox & Viox, earlier this afternoon and they will address these types of instances in their presentation. Mr. Hunter summarized the site, zoning, density and the applicant's proposal. Mr. Hunter provided staff's recommendation and the bases for their recommendation.

After a brief discussion between the Commission and staff, it was determined that it would be easier for the applicant to approach the podium and make their presentation prior to taking any audience questions because the applicant may answer their questions during their presentation. Mr. Bill Viox stepped forward as the representative of Mr. Greg Neal. Mr. Neal is out of town and unable to attend tonight. Mr. Viox advised the Commission that Mr. Neal is a life-long resident of Ft. Thomas and a member of the Highland Country Club. Mr. Neal is the President/CEO of Advanced Testing Laboratory in Cincinnati, OH; has won multiple awards; and currently employs over 600 associates.

Mr. Viox introduced Viox & Viox as an engineering firm founded in Erlanger, KY in 1945. They provide services such as civil engineering, traffic engineering, surveying, landscape architecture, and planning. A portion of Mr. Viox's presentation reviewed the information provided by staff in

regards to the current and proposed zoning of the property. Mr. Viox stated that they had reviewed the Comprehensive Plan's Goals and Objectives and that this project would meet two of those objectives:

- 1.) Encourage a variety of residential densities and housing types in appropriate locations in the County... to promote a high quality environment.
- 2.) Provide a safe, healthy and attractive environment for Campbell County's residents

The property was originally located in both cities of Southgate and Wilder. An application was made to the City of Wilder to de-annex the portion of the properties in their jurisdiction. It was then annexed into the City of Southgate so that the entire property would be under one jurisdiction.

Mr. Viox provided a proposed site development reflecting the location of the homes, general landscaping and retention ponds. The development will need to remove the top portion of the hill thereby lowering the slope percentage to approximately 3:1. A series of retention ponds and channels will then be installed to divert storm water runoff over towards the Interstate 471 (I-471) side of the property.



Mr. Viox also provided a rough architectural drawing of the elevation and the floorplan created by Glaserworks. Mr. Viox stated that Glaserworks is a highly reputable company that does wonderfully creative and very appealing designs.

Mr. Viox spoke of the concerns regarding traffic as a result of this new development and advised that the size of this project is small enough that it does not warrant a Traffic Study to be completed. The Zoning Ordinance permits the applicant to install up to 42 units; however, the applicant wants to maintain green space and viewsheds and has personally limited the development to no more than 32 units. Mr. Viox stated that their estimation is that the people who would likely be residents of this subdivision would only generate approximately 18 trips in the morning peak hour and 21 trips in the evening peak hour. This will be a minimal impact to Blossom Lane traffic in their estimation.

Mr. Viox played a video that was a 3-D representation of the new subdivision. It was approximately 2 minutes long and Mr. Viox played it twice to insure the Commission and audience all had an opportunity to view it. Mr. Viox pointed out the location of the retention ponds that would divert storm water runoff away from Tracy Lane and eliminate much of their drainage issues.

Mr. Viox concluded his presentation by asking if the Commission had any questions for him. Mr. Barrow asked the Commission if they had any questions. Ms. Harding asked Mr. Viox to point out in the video where the retention ponds were – the lighter green? Mr. Viox replied that was correct. The retention pond was in the light green color. Ms. Harding asked what the difference in height would be for the retention pond at its peak level and the lowest improvement. Mr. Viox replied that the patios of the proposed buildings by the retention pond would be 8 to 10 feet above the retention level. The storm water instead should be headed through the channels towards the I-471 side of the lot. Ms. Harding asked what happened when it got to the I-471 side. Mr. Viox stated that side of the property drained into a storm water system installed on State property. Ms. Minter referred everyone to the site plans given to the Commission to point out the retention pond and the yellow arrow showing it flows down to the lower pond and then out towards the state drainage system. Mr. Hunter stepped forward to point this information out to the Commissioners.

Mr. Stapleton asked if this was the only area that was having drainage issues. Ms. Minter stated that this was the only water drainage issue brought to staff's attention. The applicant was very much aware of the topographical issues on this site and were already in anticipation of some drainage issues there. It was not until the legal notice went out and the public began to contact our office that we learned the extent of the storm water drainage issues. Two neighbors on Tracy Lane came in together to talk about the issues they were having and wanting to see that problem resolved and definitely not increased.

Ms. Harding asked about the area being densely populated with trees at this time or is it just scrub. Mr. Viox stated that they did have some hardwoods along the fence line. As you move up the site, there is some second growth area. Our plan includes installing evergreens, deciduous trees and other plantings. Now the folks living in this development are going to be "patio" living.

Mr. Stapleton asked if when they performed their traffic study they assumed the residents would be retirement people. Mr. Viox stated they are not saying you have to be retired, but the story tells you that. Mr. Stapleton stated he asked because the [traffic] numbers look a little low for 32 units. Mr. Viox stated they used the state guidelines for what they anticipated for the morning and

evening. We didn't even take into consideration that some of these people would be more senior living.

Mr. Bass asked Mr. Viox to confirm that they are going to route the water currently going down to Tracy Lane away from those residences. Mr. Viox did so.

Mr. Barrow asked if the Commission had any other questions for staff or the applicant. There being none, Mr. Barrow opened the public comment period of the public hearing. The public was asked to sign in if they had questions or wanted to comment on the proposed development.

The first person signed in was Madeline Blevins. Mr. Barrow asked if she had any questions or comments for the applicant. Mrs. Elizabeth Blevins approach the podium and stated that she owned 142 Tracy Lane and her back yard backs up to the proposed site. I have lots of questions. First, is the health concerns regarding the retention pond and the stagnate water. What is going to happen with that? It just sits there and there is the potential for mosquitos and the diseases they are known to carry. Secondly, the level of the grade of the land. Right now, the topography on my lot is like this [Mrs. E. Blevins made a hand gesture to indicate her property angles up and away from her home]. If they take that grading down, what is going to prevent my property from sliding? Also, there is a natural waterway; an almost dry bed creek that takes the water down the hill. If you level that, where is that water going. That is either on or very near my property. Where is it going? There is only one way out. If we add more people up there, we had a water main break there 3 years ago and no one could go to work. There's one way in or out of that street. What is the footage between my property and theirs as far as a buffer? Also, if there is old growth trees there, are we just tearing them down and just putting evergreens in or are we making an effort to save as many of these established trees as possible?

There was a pause in which Mrs. E. Blevins was waiting for a response. Mr. Smith stated that the public hearing would allow each person who wanted to comment to do so. It would be more efficient and then the applicant can go through and address or answer all the questions once everyone has spoken. Mr. Smith asked Mrs. E. Blevins what her lot number was. Mrs. E. Blevins stated that her address is 142 Tracy Lane and she believes her lot number is 122.

Mr. Barrow called the next person to the podium. Ms. Madeline Blevins approached the podium and identified herself as a resident of 142 Tracy Lane. Ms. M. Blevins stated that her concerns also stem from the secondary. It's almost an established forest behind our lot. She thinks the applicant stated that they would be doing "re-planting" so she wasn't sure if all the trees from the forest are going to be torn down and then re-planted. Also with the traffic he said that the traffic didn't require a study because of the low density, but with there being no secondary access, doesn't that warrant a traffic study? Three years ago someone needed the ambulance during the water main break and there was no way to get to him. The fire department needed to use a gator to get to him. The erosion is also a concern. How will the applicant make sure that externalities such as erosion be addressed?

Mr. Barrow called the next person on the list, Ms. Pam Stallard. Ms. Pam Stallard approached the podium and identified herself as the owner of 110 Tracy Lane. Ms. Stallard asked if the drainage issue with two neighbors was hers because she and her neighbor Ms. Alpha Gilbert do have an issue with stormwater drainage coming down between their properties. It is like a fire

hydrant has been opened. Ms. Stallard asked her neighbor what her address was. Ms. Gilbert stated her property is 114 Tracy Lane.

Ms. Stallard had a concern with the stability of the hill because it has collapsed in the past. Mine was not impacted because it was prior to my purchase of the property, but it did impact Ms. Gilbert's. Ms. Stallard asked Ms. Gilbert when the collapse occurred. Ms. Gilbert replied it occurred in 1997. Part of the hill just collapsed away so the stability of the hill is a large concern to them. Mr. Stapleton asked Ms. Stallard to clarify if the hill directly behind them collapsed down onto their property? Ms. Stallard stated that was correct. It looks like on the drawings that they have already marked out their purchase of the first home on the corner of Tracy Lane, but the road up to the condos looks like it is very close to my property and that is an issue for me. How long will the construction go on and when will it start? 32 Units have been proposed right? Also noise limitations, what are the hours that construction work will be occurring?

Mr. Barrow called the next person on the list, Mr. Doug Johnstone. Mr. Doug Johnstone approached the podium and identified himself as the owner of 236 Blossom Lane. Mr. Johnstone stated that his questions have already been asked.

Mr. Barrow thanked him and called the next person on the list, Ms. Alpha Gilbert. Ms. Alpha Gilbert approached the podium and identified herself as the owner of 114 Tracy Lane. Ms. Gilbert stated she had a few concerns. When they first moved to this home, they built a brick wall going across the back of their property at the base of the hill. In 1997, my husband watched from the window and saw that hill come down and just knock half of that wall down. It came this close to my house [Ms. Gilbert positions her index finger and thumb very close together]. It is very unstable. It has bushes and trees there. I'm afraid to move any of my plants. And then me and another neighbor, not Ms. Stallard, but the neighbor on the other side of me, we had to have a guy come in and haul all that dirt away and then he had to put in the big giant concrete things in this way [Ms. Gilbert indicated side to side as if they were horizontally placed next to one another] and it still would not hold that hill. He had to come back and place them in long ways like this [Ms. Gilbert indicated front to back as if they were placed in a manner to increase the depth of the wall]. Ms. Gilbert is afraid that if that hill comes down with all that pressure up there, it won't hold and it will collapse onto her house. There has got to be something done.

When this happened in 1997, I had the City of Southgate Council down there and they walked all over that hill and nothing was done. I was very angry at that time. Water does gush down through there. Not too long ago she had water in her garage; she doesn't have a basement; it was water, mud and everything. They had better think of the stability of that hill before they do anything because if I lose my home someone is going to pay. Someone is going to buy me a new home. You can go look for yourself and look at that hill behind my house. That hill is not stable. Someone has to do something up there before they build anything behind her home.

Mr. Barrow called the next person on the list, Mr. Jim Neltner. Mr. Jim Neltner stated he came down as friends to Ms. Alpha Gilbert and Ms. Pam Stallard. He just had a couple of questions. He pointed out on the map where their homes were located. He walked the property today and looked at it. They wanted to know where the property line was, but I told them I don't know because they did not have it surveyed. Right at the top of the hill, what he doesn't understand on the map is the topography; how does this drop? There are lines real close together here, but over

here they are further apart. Does this have a steeper slope where these lines close together there? Right now the dirt that comes down towards them is soft dirt and when it rains hard, it's not like it is in the video, but it brings that soft dirt down onto them and the dirt is already over the first row of brick. They have a little gully between them. They need to go in there with a bobcat and scrape that soft dirt off there and get it back down the way it is supposed to be. All that soft dirt came off that hill. They are concerned with trying to keep that dirt under control.

Mr. Barrow asked if anyone else had any questions or comments for the Commission's consideration. There being none, Mr. Barrow asked Mr. Viox to step forward and address the issues and questions asked. Mr. Viox stated that he would go in reverse order because he felt Mr. Neltner did a very accurate assessment of what is wrong with the erosion on this site.

Viox had Thelen Engineering (now called Geotechnology Inc.) on site to look at the entire property for stability. The Thelen Company is very highly regarded as experts in subsurface evaluations. A lot of the issues that the citizens are having in that regard have to do to that soft dirt and run off taking that soft dirt away. We anticipate removing the soft dirt and replacing it with compacted dirt. I actually talked to the geotechnical engineer a couple of days ago and he reassured me that there will be adequate stability for the project as it has been proposed. As far as the small lines versus the large line, that was our grading limits so we added in extra contour lines in between. It's really not that steep. A 3:1 slope is still something that you can mow.

Ms. Minter asked Mr. Viox to pause for moment. Ms. Minter asked Mr. Neltner if Mr. Viox's explanation made sense to him. Ms. Minter pointed out the area on the slide where the lines were closer together on the map and repeated that it is not extra-steep in that area, but while they were reviewing the site in this area they wanted to add some additional lines for their purposes to see contours. Mr. Viox concurred.

Mr. Viox stated that one citizen stated that she was concerned that she would actually be looking down at us, but we are still going to be up. We are just taking the top of the hill off and then setting units in place. Some units will be a walkout from the lower level. We are not trying to take it down so low that we take it below the level of Tracy Lane; but at the same time we are taking all the unstable dirt out and replacing it with stable dirt. We are going to place all of the units and the street on a solid foundation.

We are required by the Sanitation District #1 (SD1) and the state to prepare a soil erosion plan. The plan must be implemented. As I previously stated, we have those folks that can prepare the plan and we have on staff inspectors as does SD1 and the City to inspect the work being completed. Once we put that soil erosion plan in place, we send it down to state and obtain their approval. Once it has been approved, it must be followed and it has to be on site every day and inspected after every rain event. I don't anticipate issues where you will have erosion during construction or even after construction that would go down into these peoples yard because it has to be seeded temporarily while the work is continuing and then permanently seeded when completed.

Mr. Viox stated that they not taking out all the trees. There are areas where we are not even going to touch the landscape; but any area we do touch, we are only going to take out the trees we need to in order to place the improvements and/or units. Any trees that are diseased and

going to die anyway will be removed. Of course, we all know about the Ash borer issue. We will replace them with trees of size; no midget trees will be put in. You are talking about a combination of evergreens and deciduous trees native to this area that will be placed back in there.

In terms of the lengths of the project, it is probably a 2 year project and with the approvals that we have to go through, I can't anticipate we would grade before next May or June and we are talking about 2 years after that to complete. The grading operation will last approximately 3 months. Then the street goes in and after that it is a building operation depending on how fast the units are purchased. There are only 32 units.

Mr. Bass asked about their concerns for hours of operation. Mr. Bass stated he thinks those are regulated as well. Mr. Viox stated it would be regular work hours. They are going to be regulated just like all of us are. Mr. Bass asked if they will be weekend work. Mr. Viox stated only if they were getting behind or it was getting late in the season and we were trying to get the pavement in and it rains on a Friday and they couldn't do it then they may work Saturday to get it in. He doesn't think you would ever have anyone in on a Sunday, but it is possible they may work on a Saturday morning. Ms. Harding asked if the operation was staggered construction and occupancy or will they build all the units and then sell them. Mr. Viox stated it would be staggered with closing some units while constructing other units.

Mr. Viox continued that there should not be any more flooding on Tracy Lane. We are required to regulate our storm water. We are very cognizant the number of units we could have had per zoning, but the applicant was insistent that we cut it off at 32 units. We really don't think there will be a traffic issue as a result of these units.

SD1 requires dry retention basin system. After a hard rain, it will take a little time to drain, but it will not go stagnate and have mosquitos. If it is just a drizzle, it would be the same as any other property with little to no water retention. As I stated previously, the storm water runoff will be diverted over to the I-471 side of the site.

Mrs. E. Blevins asked if Mr. Viox could tell her approximately how far the development is from her home. Mr. Viox asked her to point out her lot on the map. Once the correct lot was pointed out, Mr. Viox estimated that the development is approximately 150 feet from her home and approximately 80 feet from the cul-de-sac and treed area. Mrs. Blevins asked how they were going to retain the dirt once they cut the top off as they planned. Will there be a retaining wall running along her property line? Mr. Viox answered there would not be a retaining wall. Once they cut the top off and replace the soft dirt with the compacted dirt, the stability should be there to just allow the land to slope up and away from her property without any additional support. It would be sloped back towards the development but it would still be mow-able.

Ms. Stallard asked Mr. Viox to approximate the distance from the proposed road to her home. Mr. Viox asked her to point out her lot and then estimated that the road will be approximately 100 feet from her home and 35 feet from her back property line.

Mr. Barrow asked if there were any other questions. Mrs. E. Blevins asked, if in the future there were storm water runoff of this site into their yards, what is their recourse? Mr. Viox stated that citizens would have the same recourse as any other homeowner anywhere else. Mrs. E. Blevins

asked if that meant they would have to hire an attorney to obtain a solution. Mr. Viox stated that he really doesn't think that will ever happen, but if it does, that may be necessary dependent upon the type of resolution the homeowner is wanting.

Mr. Neltner asked Mr. Viox to explain the grading again. If they plan to remove the top of the hill, does this mean the slope is a deep recess so that the water moves away from Tracy Lane and further back onto their property? Mr. Viox explained that the grading will not be recessed. They are only removing approximately 8 feet at the top of the hill. They have no intention of grading all the way down to the property lines of the people from Tracy Lane. They will remove the soft dirt and the put in compacted dirt to make it "harder than God put there". There will be a system of channels on the property to pull the water into a retention pond and then make it flow down to a lower retention pond. The lower retention pond will be drained off towards the state storm system by I-471. Ms. Gilbert asked about her lot with its shape in the rear. It is not a perfect rectangle, but angles up on one side. Ms. Minter showed Ms. Gilbert her site on the plan and answered her question.

Mr. Barrow asked if anyone had any other questions. Mayor Jim Hamberg approached the podium and asked Mr. Viox if, with the location of the retention pond, there was potential deflection of the storm water runoff going on to Tracy Lane. Mr. Viox stated that their intention was to cut off all the runoff currently going down to Tracy Lane and instead route it through the retention ponds and over to the state storm water system by I-471. Mayor Hamberg asked if the property would still slope upwards. Mr. Viox stated that it would still slope up. It would be mow-able, but it will slope up at a 3:1 ratio. We will cut off the top of the hill so that it is lowered, remove the soft dirt, compact it, and bring in stable dirt, then plant trees to cut down on the soil erosion. The flooding that occurs on Tracy Lane will be prevented and each site will have natural drainage.

Ms. Minter asked Mr. Viox to show his video one more time for the Commission and the audience. Mr. Viox did so. Mr. Bass asked Ms. Minter to pause the video where it comes back around and shows the retention areas. Ms. Minter did so and pointed out the drainage concerns currently existing on Tracy Lane. Mr. Bass asked Mr. Viox to confirm that the runoff onto Tracy Lane will be at least cut in half. Mr. Viox confirmed it would. Mr. Bass asked Mr. Viox the approximate distance from the trees reflected on the site plan and the back of the citizens' properties. Mr. Viox stated that they did not show any trees on the citizens' lots. The plan only shows what they are going to do in development of this lot. Several homeowners confirmed that their lots were heavily wooded in the rear.

Mr. Barrow asked if there were any other questions. Ms. Stallard asked how much was going to be cut off the top of the hill. Mr. Viox stated at the highest point they will cut off approximately 8 feet. Mr. Williams asked where the compacted dirt "harder than what God put there" is going to be placed. Mr. Viox pointed all those areas out on the site plan. Ms. Harding asked Mr. Viox to point out how the water was being diverted. Mr. Viox pointed the anticipated water flow pattern for the proposed development.

Mr. Johnstone asked about how his home would be impacted by these changes. He owns the home at 236 Blossom Lane right on the corner of Blossom Lane and Tracy Lane. Right now the water run off goes right down the hill on Blossom and into his driveway. Will there be less water? Mr. Viox stated that by the installation of curb and gutter, the water should be diverted away from

his driveway. The water will be drastically reduced and you should not experience this as you do today. Ms. M. Blevins asked how exactly the water will be deflected? Mr. Viox pointed out the contour lines showing how they will grade the land to create a swale behind the trees and force the water to flow towards the retention ponds. Mrs. E. Blevins asked exactly what the slope will be at the location behind 142 Tracy Lane. She stated that Mr. Viox keeps saying "mow-able", but her property in her back yard is like this [Mrs. E. Blevins slanted her hand to show the property flowed up and away from her home] and I still mow it. Mr. Viox replied that it is going to be 3:1 slope which means every 3 feet the grade will rise 1 foot. Mrs. E. Blevins asked if that would be the situation over the entire 80 feet from her property line to their development. Mr. Viox replied that it would.

Mr. Barrow asked if there were any other questions or comments from the public. There being none, Mr. Barrow called on staff to finalize the presentations. Mr. Hunter summarized the request before the Commission; staff's recommendation; and the bases for this recommendation.

Mr. Bass asked the public if all of their questions were answered. Do you think this development is going to be better or worse for you? Ms. Stallard and Ms. Gilbert commented that they did not believe it would get better, but actually make the situation worse. Those trees are the only thing holding the hill in place. Mr. Bass commented that they were going to replace the trees, maybe not with full grown adult trees, but mature trees.

Mr. Stapleton asked about the Blossom Lane life expectancy. What is the plan to replace this? Ms. Minter stated that the pavement life is at the end of its cycle just due to normal wear and tear. It is being openly discussed within the public works departments on when and how to replace it. We are also aware that there is also a water main line beneath the road that needs to be replaced by the NKWD. We are trying to coordinate those to occur at the same time so that we don't put in a road just to tear a portion of it back up and that it all happens at the same time.

Mayor Hamberg advised staff that the City would like to request that during construction the roads be cleaned and maintained from construction debris throughout all construction phases. Ms. Minter whole heartedly agreed that was a requirement and they also need to maintain public access to their streets with as little delay and/or disruption as possible. It is construction so it will not be pretty, but we need to keep the interruption of the citizens' life down as much as possible.

Mr. Barrow asked if there were any other questions or comments. There being none, Mr. Barrow closed the public hearing portion of this case and opened the floor for discussion among the Commission. Mr. Barrow asked the Commission what their thoughts were on this case. Ms. Harding stated that the first thing that should be done is to thank the citizens of Southgate for attending the meeting tonight. Their comments and concerns are very important to this Commission and the points raised help the Commission to have a comprehensive view of the request before them tonight. Ms. Harding added that the Commission does need to look at this project objectively and listen to both the public and the applicant. We don't make a decision; we just make a recommendation.

Mr. Williams stated that he has heard very legitimate concerns here tonight and the biggest being the water coming off the hill and flooding their yards. From the applicant, we have heard those issues be addressed. Mr. Viox has advised us that half of the water will be diverted to the other

side of the property. The applicant's presentation was credible; Mr. Viox was very sincere; and I have heard no evidence to say that he is wrong or that what he is saying is not sincere or will not be accomplished. To find to the contrary, I would have to speculate and I'm not willing to do that. I think he has addressed the problems. Having been victimized by heavy rain damage in my past I know where they are coming from but it sounds like they are being addressed. As far as the noise, this is progress. For a while there may be some noise during the day, but that is not something that will last forever; it won't be overnight; maybe Saturday morning, but not on Sunday. I'm sure that he believes that. There may come a time down the road where there may be exceptions, but right now we have to go with that there will be no work at night, no work on Sunday. It sounds like it would be a benefit to the city. I have heard nothing that would prevent me from casting my vote in approval.

Mr. Stapleton advised the public that he has professionally constructed commercial structures. He has experience with retention ponds; with Viox & Viox; and with Thelen Engineering. Mr. Stapleton stated he knows they are reputable and trustworthy entities. He has had retention ponds on his property and when you have flash flood they do help to control flooding. Mr. Stapleton continued that he hopes the County and NKWD get your roads fixed. Additional traffic on this road, rather they are retired or not, is a concern for you as it would be for me. Personally, this is going to be a pretty nice complex and will definitely increase your property values. I think your Mayor is here to let you know you have someone in your corner supporting your efforts.

Mr. Turner added that the audience's quality of life is very important to him. From what he has heard tonight, he feels like the improvements coming along with this development is going to improve yours. I would never vote in favor of something that would degrade your quality of life. Ms. Harding agreed with Mr. Turner. We can't anticipate all potential situations that could happen down the road, but I do believe the applicant has addressed the concerns under the balancing of competing interests.

Ms. Minter reminded the Commission that what they have seen tonight is the Stage I Plan for this proposed development as well as the zone map amendment request. If you should choose to approve this request, you will be approving the Stage I Plan so that they can begin to develop their Stage II Plan which will be even more detailed drawings with an additional level of engineering. You will also be making a recommendation to recommend that the City of Southgate approved the zone map amendment of a residential cluster development overlay. The City of Southgate would need to have 2 readings for that zone map amendment to be approved. Mr. Stapleton asked if that meant they need to make 2 motions. Ms. Minter replied they did not. Staff's recommendation is 1 motion to accomplish both issues under review by the Commission tonight.

Mr. Williams added that he forgot to mention earlier that he does have family that lives on Blossom Lane whom he has visited regularly over the past 35 years. Mr. Williams stated he has been up there over all hours of the day and has never seen traffic being a problem. I remember rush hour where there may be 8 cars backed up, but in 1 cycle we got through. I don't think the amount of traffic that they are predicting is going to be a problem; and I hate traffic.

Mr. Barrow called for a motion. Mr. Stapleton made a motion on case #169-16-ZMA-01 an application by Mr. Greg Neal for the property identified as 350 Blossom Lane and/or 931

Alexandria Pike for a zone map amendment to change from the R-1E Zone to the R-1E/RCD Overlay Zone. Mr. Stapleton's motion is to approve the Stage I Plan and to make a recommendation to the City of Southgate to approve the zone map amendment to change from the R-1E Zone to the R-1E/RCD Zone. Mr. Williams stated that he seconded the motion. Ms. Minter asked Mr. Stapleton to clarify the bases for his motion. Mr. Stapleton stated the bases for his motion is that the proposed subdivision is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Zoning Ordinance; testimony heard tonight by the public; information presented by the applicant and staff; and discussion among the Commission. Mr. Barrow stated we have a motion and a second and called for a roll call vote. A roll call vote found Mr. Bass, Ms. Harding, Mr. Stapleton, Mr. Turner, Mr. Williams and Mr. Barrow in favor of the motion. No one abstained. Motion passed.

Mr. Barrow commented to the public that the motion is approved. Mr. Barrow thanked the public for coming and taking the time to find out what is going on in their city. Mr. Barrow added that these are some of the best drawings and layouts that he has seen in years and for the applicant to come and address each concern of the people present tonight and actually show them what they are going to do and what is coming so that you have an idea of what is going on in your backyard. Mr. Barrow stated that his review of the plan leads him to believe that two-thirds or more of the runoff water issues are going to go away for the public.

Ms. Minter wanted to update the public on the next series of public meetings. The City of Southgate will be having a meeting this week, but we will not be on the agenda for that item simply because time is needed to get information out to city council. The next meeting would be November 2nd which would be the potential first reading of the zone map amendment application and November 16th will be the second reading. Mayor Hamberg reiterated to the public how much he appreciated the public coming to the meeting tonight to learn more about the project. Mayor Hamberg thanked the Commission and staff for their time and efforts and the open discussion with the public on this request.

Mr. Barrow called a 5 minute recess at 8:28 PM.

Mr. Barrow called the meeting to order at 8:35 PM.

As the meeting resumed, Mr. Williams stated that before the Commission considered the next case, he just wanted to recognize Ms. Minter for doing an outstanding job at recent meetings for her professionalism, demeanor and patience. Mr. Williams stated that Ms. Minter is someone that the Commission can be proud to call their representative to the public. Mr. Williams thanked those Commissioners that were able to attend and support Ms. Minter.

Mr. Barrow introduced case #170-16-WAV-01, an application by Mr. Curtis Bihl, to request a dimensional waiver of Section 415 Lot Arrangement and Size, (D) Flag Lots of the Campbell County Subdivision Regulations. Mr. Barrow called staff to present the staff report. Mr. Hunter presented the staff report as follows:

Case #: 170-16-WAV-01
Applicant: Curtis Bihl

Location: 2889 Nine Mile Road, Unincorporated Campbell County.
Request: Dimensional Waiver of Section 415 Lot Arrangement and Size, (D) Flag Lots of the Campbell County Subdivision Regulations

Overview:

As the Zoning Official representing the Campbell County and Municipal Planning & Zoning Commission, I am requesting the review and input of the Planning Commission regarding a waiver request for the length of a flag stem on Nine Mile Road.

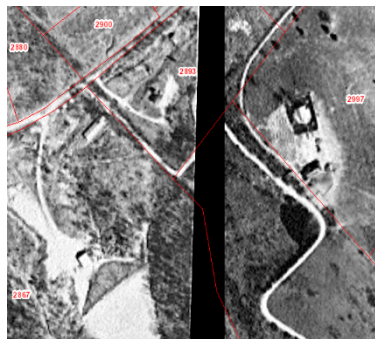
Mr. Curtis Bihl has submitted a conveyance plat requesting a division from his property. The property has the required road frontage on Gunkel Road. The remainder connects to Nine Mile Road via an approximately three hundred and eighty (380) foot flag stem.

Request:

Grant a waiver to create a new flag lot with a dimensional variation from a 350-foot length to a 380-foot length.

Considerations:

1. The property is in the Agricultural 1 (A-1) Zone.
2. The property consists of 63 Acres deeded to Curtis and Laura Bihl.
3. The property is accessed by a driveway that runs the length of the flag stem. While Link-GIS does not show this flag stem, this irregularly-shaped flag stem is the current access route to the existing farm.



4. A review of aerial photography from 1962 confirms this driveway as the access point to the home site. The boundary description in the deed describes a flag stem. The county's consulting engineer confirmed the existence of the flag stem.

5. The applicant desires to divide an approximately 48-acre parcel from the 63-acre parcel of the property. The remainder will retain the home site using its existing drive through the flag stem.

Additional Information:

1. Campbell County Subdivision Regulations, Section 415 Lot Arrangement and Sizes, (D) Flag Lots defines residential flag standards to have a stem with at a minimum width of 25 feet and maximum length of 350 feet. (Page 4.25).
2. As defined in Campbell County Subdivision Regulations, Section 140 Waiver of Subdivision Regulations, the Administrative Official shall review the individual request and may grant a waiver under unusual or extreme circumstances; however, the Administrative Official must make a finding of facts to support the granting of the waiver. This finding of facts must include:

1.
 - a) The waiver is not in conflict with the intent and purpose of these Subdivision Regulations, the zoning ordinance and the adopted comprehensive plan; and,
 - b) The waiver will not be detrimental to the public welfare.

AND at least one of the following:

2.
 - a) Unusual topographic or exceptional physical conditions exist on the proposed site that are or were not created by actions of the subdivider or anyone on his/her behalf; OR
 - b) Strict compliance with these Subdivision Regulations would deprive the subdivider of reasonable use of the land; OR,
 - c) The waiver will provide for an innovative design layout of the subdivision.

The Administrative Official shall also inform the Planning Commission, on a regular basis, of the results of all waiver requests

Staff concludes that:

1. The dimensional waiver is not in conflict with the intent and purpose of Campbell County Subdivision Regulations, Zoning Ordinance and the adopted comprehensive plan; and,
2. The waiver will not be detrimental to the public welfare.

AND

1. Strict compliance with these Subdivision Regulations would deprive the subdivider of reasonable use of the land.

Staff Preliminary Recommendation:

To recommend approval of the flag stem waiver and approval of the division.

Supporting Information / Bases for Staff Recommendation:

1. The Subdivision Regulations for the Campbell County Municipal Planning & Zoning Commission were adopted in accordance with Kentucky Revised Statutes (KRS) Chapter 100.
2. Consistent with the Campbell County Subdivision Regulations, Section 140 Waiver of Subdivision Regulations, evidence has been presented that these are unusual circumstances that are not detrimental to the public welfare, and that the waiver is not in conflict with the intent and purpose of these Subdivision Regulations, the zoning ordinance and the adopted comprehensive plan; and that strict compliance with these Subdivision Regulations would deprive the subdivider of reasonable use of the land.
3. The Administrative Official has informed the Planning Commission of this waiver request.

Mr. Hunter identified that when this proposed division was first submitted to staff we thought they were trying to create a land locked parcel. After extensive research and reviewing the deeds, there is a driveway that has historically been used for at least the past 50 years, but probably longer than that, to access the parcel off of Nine Mile Road. The issue with the flag stem coming off of Nine Mile Road is that it is 380 feet in length. Our Subdivision Regulations only allow a flag stem of 350 feet so the existing stem is 30 feet too long which is why we are here tonight to request this waiver.

Mr. Smith asked if there was a picture of the flag stem. Mr. Hunter pointed it out on the slide. Ms. Minter explained that the homesite on this lot is towards the back of the side of the lot, but their entry is off of Nine Mile Road. At first, on LinkGIS, it did not show the flag stem. The owner presented us with the deeds depicting the driveway and staff consulted with the County Surveyor. The County uses Cardinal Engineering and they were able to confirm that the flag stem is in existence and used for this site.

Mr. Bass asked staff to confirm that the applicant was asking for an additional 30 feet so that he can continue using that driveway. Ms. Minter agreed that was correct. Ms. Harding asked Mr. Hunter to point out the flag stem on the slide again and he did so. Ms. Harding asked staff to confirm that the distance from Nine Mile Road to the remainder is 380 feet. Staff confirmed it was. Ms. Minter clarified that they are not "adding" 30 feet to their driveway. It exists already at 380 feet, but with the proposed division, the remainder lot must meet guidelines as specified in our current Subdivision Regulations. Our current Subdivision Regulations state that the flag stem can only be 350 feet. The applicant is requesting the Commission waive the requirement it be only 350 feet long and instead allow their existing driveway of 380 feet to be approved.

Mr. Stapleton stated he had a question for the applicant. Is the applicant present? Mr. Hunter stated he was not here tonight. Ms. Turner added that Mr. Bihl stated he had nothing to really

add to the staff report prepared by Mr. Hunter and advised us he would not be in attendance. Mr. Stapleton commented that, if the property is part of an agriculture district with the Conservation District, he will need to submit to them a letter advising them he was removing this portion of the property from the agriculture district under his ownership. Before we take any action on this, I think we need to address this.

Staff could not confirm if the applicant was part of an agriculture district. Ms. Minter advised the Commission to add a condition that the applicant must coordinate with the Conservation District prior to the approval of the conveyance plat if they are indeed in an agriculture district.

There were public comments tonight. Mr. Jerry Saner introduced himself as the owner of 6411 Mystic Rose and the prospective buyer of the property in question. Mr. J. Saner asked who owned the driveway off Nine Mile Road that was used by Mr. Bihl. Mr. J. Saner stated he was 62 years old and that driveway was there before he was born. Ms. Minter replied that Mr. Bihl owned it. Mr. J. Saner asked staff to confirm that the waiver was needed because the flag stem was longer than 350 feet. Ms. Minter replied that was correct.

Mr. Ed Saner was also signed in to speak. When Mr. Barrow called on him, Mr. E. Saner stated that his questions had been asked. Mr. Barrow asked if anyone else in the audience wanted to speak. There being none, Mr. Barrow asked the Commission if there were any questions or comments. Mr. Barrow reminded the Commission that they would need to determine their bases for approving the waiver. Mr. Smith advised that they could state it was based upon the staff report and potentially depriving the property owner from a reasonable use of his land.

Ms. Minter amended the staff recommendation as follows:

To recommend approval of the flag stem waiver and approve the division ***subject to the condition that the applicant comply with applicable provisions of an agricultural district as defined by the conservation district.***

Mr. Barrow asked the Commission if they had any questions or comments regarding the modified recommendation. There being none, Mr. Barrow called for a motion. Ms. Harding made a motion on case #170-16-WAV-01, an application by Mr. Curtis Bihl, to request a dimension waiver of Section 415 Lot Arrangement and Size, (D) Flag Lots of the Campbell County Subdivision Regulations and motioned to approve the flag stem waiver and approve the division subject to the condition that the applicant comply with applicable provisions of an agricultural district as defined by the conservation district. The bases for her recommendation was that the dimensional waiver is not in conflict with the intent and purpose of Campbell County Subdivision Regulations, Zoning Ordinance and the adopted comprehensive plan; that the waiver will not be detrimental to the public welfare and that strict compliance with these Subdivision Regulations would deprive the subdivider of reasonable use of the land. Mr. Williams seconded the motion. Mr. Barrow stated we have a motion and a second and asked if there were any comments or questions on the motion. There being none, Mr. Barrow called for a roll call vote. A roll call vote found Mr. Bass, Ms. Harding, Mr. Stapleton, Mr. Turner, Mr. Williams and Mr. Barrow in favor of the motion. No one abstained. Motion passed.

Mr. Barrow called for the Director's Report. Ms. Minter stated that since this was a special meeting there would not be a Director's Report or approval of any training.

Ms. Minter advised the Commission that the next regularly scheduled meeting would be on November 8th. However there are no scheduled cases so we will cancel the November meeting. Staff will advise you at a future date if there will be a December meeting.

Mr. Barrow called for a motion to adjourn. Mr. Bass made a motion to adjourn the meeting. Ms. Harding seconded the motion. An oral vote found all in favor, none opposed and none abstained. Motion passed. Meeting adjourned at 8:58 PM.

Respectfully Submitted,

Approved:

Cynthia Minter
Director of Planning & Zoning

Larry Barrow
Vice Chair