

CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION

MINUTES OF THE JUNE 12, 2018 MEETING

MEMBERS PRESENT:

Mr. Dennis Bass
Ms. Sharon Haynes (*arrived 6:03 pm*)
Mr. C J Peters
Mr. Edward Stubbs
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, Secretary

MEMBERS ABSENT:

Mr. Justin Verst, Chair

STAFF ABSENT:

Mr. Matt Smith, Legal Counsel

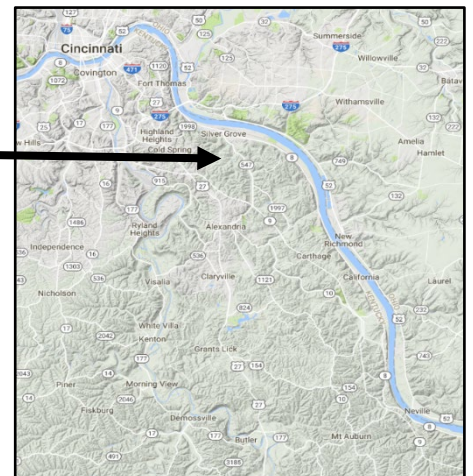
Mr. Barrow called the meeting to order at 6:00 PM. Following the Pledge of Allegiance, Mr. Barrow called for a roll call. The roll call found a quorum was present. Mr. Barrow noted for the records that legal counsel was not present. Mr. Barrow asked if everyone had reviewed the May 8, 2018 meeting minutes and if there were any additions or corrections. There being none, Mr. Barrow called for a motion. Mr. Williams made a motion to approve the May 8 meeting minutes as submitted. Mr. Stubbs seconded the motion. Mr. Barrow called for a roll call vote. A roll call vote found Mr. Bass, Mr. Peters, Mr. Stubbs, Mr. Williams and Mr. Barrow in favor of the motion. Mr. Turner abstained. No opposition. Motion passed.

Mr. Barrow introduced the first case on the agenda as case #194-18-IMP-01, a proposed site improvement plan for a waste water treatment plant upgrade at Tyson Foods located at 1086 Bob Huber Drive in the Unincorporated Campbell County. Mr. Barrow called Mr. Hunter to present the staff report.

File Number: 194-18-IMP-01
Applicant: Tyson Foods, Inc. Claryville Plant
Location: 1086 Bob Huber Drive, Unincorporated Campbell County.
Request: A proposed site improvement plan for a waste water treatment plant upgrade

Considerations:

1. The site is approximately two and a half (2-1/2) acres at 1086 Bob Huber Drive, Unincorporated Campbell County.



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- Future Land Use Category**
- Land Use Category**
- Lower Density Single Family Residential
 - Higher Density Single Family Residential
 - Multi-Family Residential
 - Neighborhood Retail
 - Campus Style Office
 - Mixed Office / Industrial
 - Urban Mixed Use
 - Village Mixed Use
 - Rural Mixed Use
 - Active Recreational Facilities
 - Licking and Ohio River Corridors
 - Passive Recreational Facilities
 - Light Industrial
 - Agricultural
 - NKU
 - E/W Gateway

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- a. Plans of the subject property shall be drawn to a scale not smaller than one inch equals 100 feet showing existing topography and approximate delineation of any topographical changes shown by contour with intervals not to exceed five feet.

- ***The plan submitted is drawn to a scale of one (1) inch equals one hundred (100) feet.***
- ***The existing topography is shown on the Existing Conditions Plans (Drawings C-102, C-103 and C-104) in one-foot contour intervals.***

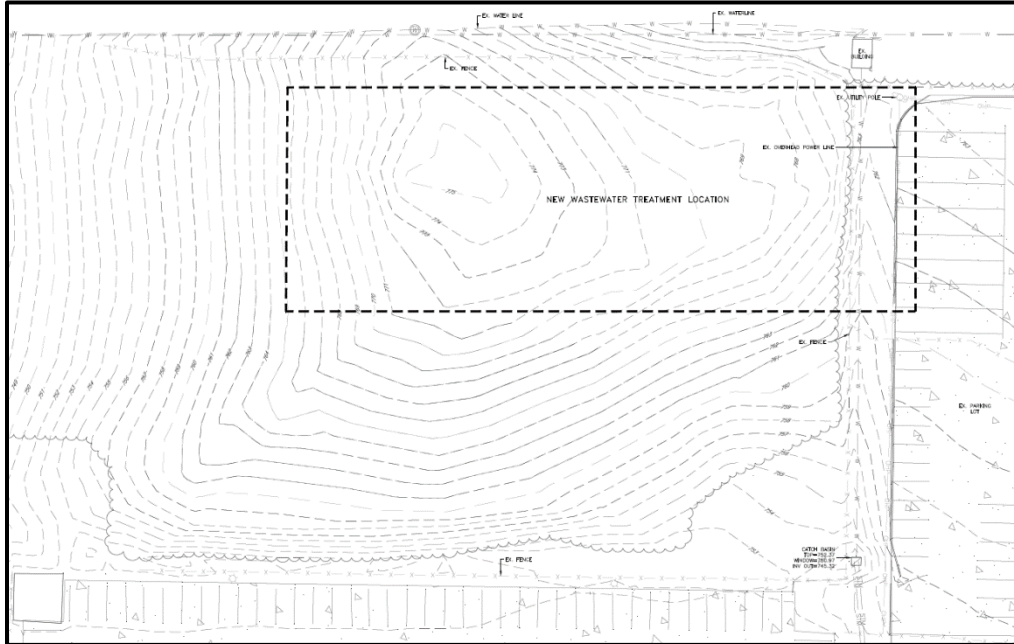


Figure 2 Existing Conditions Detail

- ***The proposed topography is shown on the Proposed Grading Plan (Drawings C-300 and C-301) in one-foot contour intervals.***
- b. All housing units on the property.
- ***No housing is proposed.***
- c. Location, height, arrangement and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with exact lot dimensions.
- ***The site plan shows the arrangement and location of:***
 - 1. One (1) existing building to remain.***
 - 2. One (1) existing wastewater pretreatment building.***
 - 3. One (1) proposed wastewater treatment building and tank.***

I-1 Zone Regulations Require:

Minimum Lot Area:	Two (2) acres
Minimum Lot Width:	One hundred fifty (150) feet
Minimum Front Yard Depth:	Seventy-five (75) feet
Minimum Side Yard Depth:	Twenty-five (25)
Minimum Rear Yard Depth:	Twenty-five (25)
Maximum Building Height:	Fifty (50) feet

- **The proposed site plan meets Industrial-One (I-1) zone dimensional requirements.**
- d. All common open space areas, including accurate lot dimensions and the location and arrangement of all recreational facilities.
 - **The site plan shows the lot dimensions and arrangement of buildings. There is no recreational area proposed.**
- e. Landscaping features, including identification of planting areas and the location, type and height of walls and fences.
 - **No landscaping features are indicated on the submission drawings**
 - **The location of existing and proposed fencing is shown on multiple sheets. Height of fencing is not indicated.**
- f. Locations of signs indicating their orientation, size and height.
 - **No new signs are proposed**

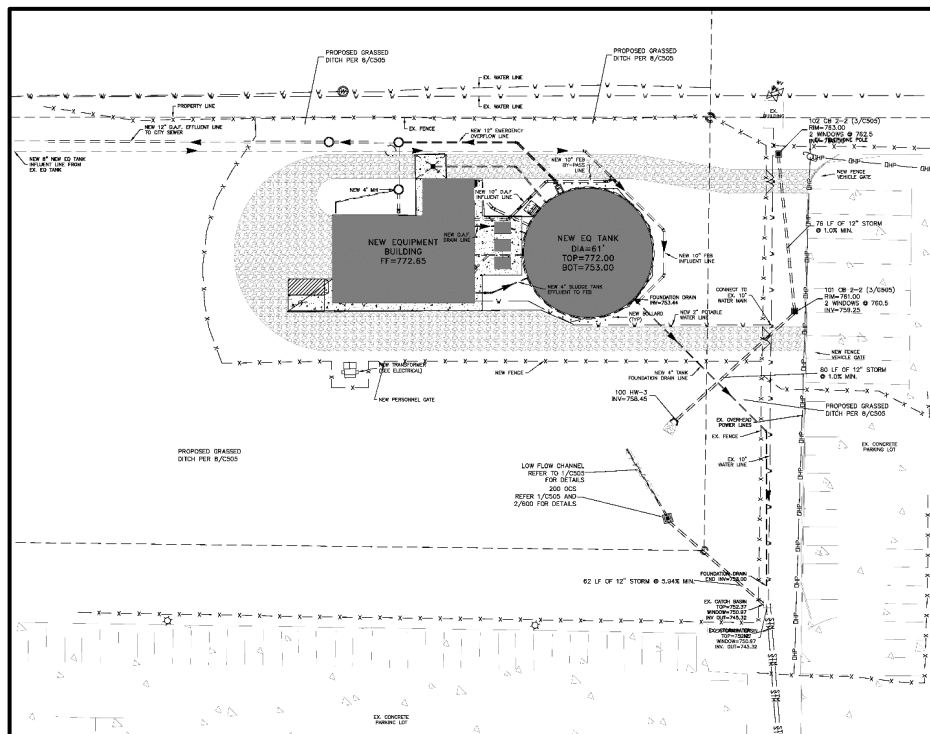


Figure 3: Utility Plan Detail

g. All utility lines and easements:

▪ **The Proposed Utility Plan (Sheet C400) shows:**

1. **Existing overhead power lines,**
2. **New and existing water lines**
3. **Existing gas lines**
4. **Existing storm and sanitary lines**

h. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces.

▪ **No changes to the parking area were proposed in this submittal.**

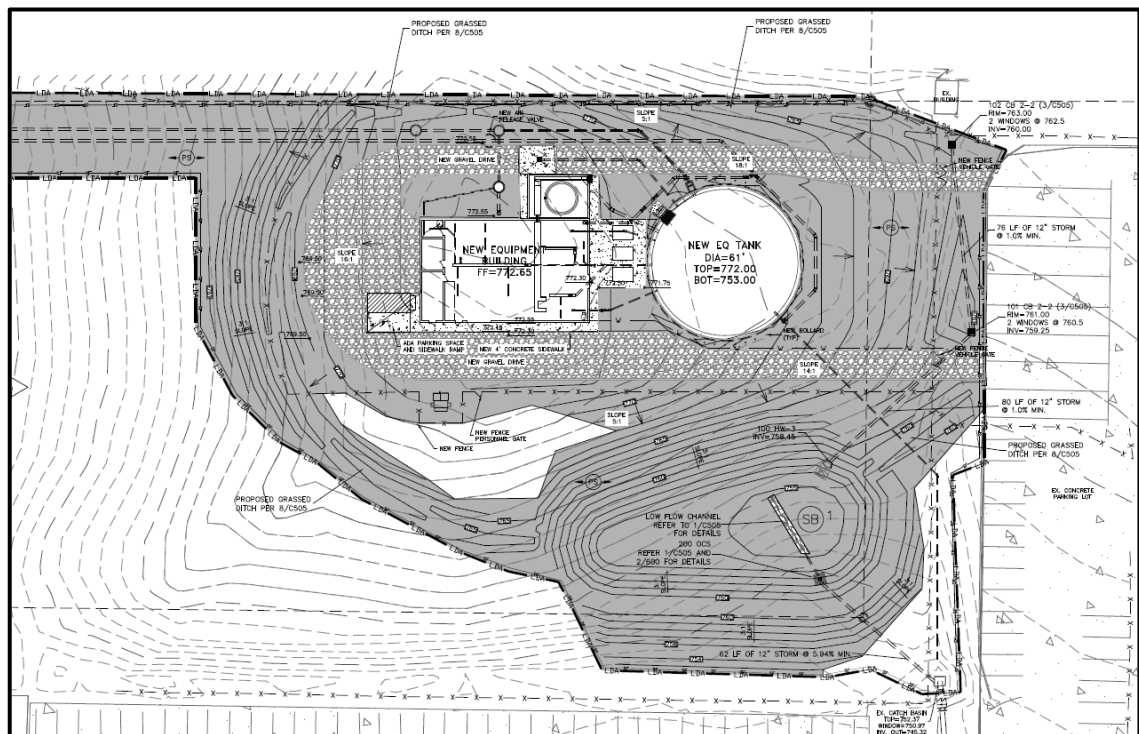


Figure 4: Proposed SWPP Plan

i. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.

▪ **Page C500 details all provisions for control of erosion and sedimentation'**

▪ **Page C500 indicates that the total area disturbed by grading will be .88 acre.**

- j. A schedule of development, including the staging and phasing of:
 - 1. Residential areas, in order of priority, by types of dwelling units;
 - ***No residential areas are proposed.***
 - 2. Streets, utilities, and other public facility improvements, in order of priority;
 - ***No streets, utilities, and other public facility improvements are proposed.***
 - 3. Dedication of land to public use or set aside for common ownership;
 - ***No land is proposed to be dedicated.***
 - 4. Nonresidential buildings and uses, in order of priority;
 - ***The site plan indicates one (1) new non-residential building and tank.***
 - 5. Notice of Intent (NOI) for coverage under a Kentucky Pollutant Discharge Elimination System (KPDES) General Permit for Storm Water Discharges Associated with Construction Activities (KYR10) has been submitted.

Summary of Applicants Request:

The applicant has submitted a request for approval of a Site Improvement Plan for the construction of a new wastewater treatment facility.

Staff Recommendation:

To approve the proposed site development plan.

Supporting Information / Basis for Recommendation

The proposed site development plan is consistent with the Zoning Ordinance Article X, Section 10.18.

Note to the Applicant:

- 1. The applicant is responsible for obtaining applicable construction permits, including building, fence, and electrical permits.

Mr. Hunter concluded his presentation by asking if there were any questions of staff. Ms. Minter clarified that the site was previously owned by the Campbell County Economic Progress Authority (CCEPA) and was always intended for industrial use and was included in the Comprehensive Plan to continue as such. Mr. Barrow asked if there were any questions of staff. Ms. Haynes asked who the audience members were. The only audience members were the applicant and their engineer. Mr. Barrow asked that they step to the podium and identify themselves just for the record. They identified themselves as: Mr. Ken Burke, Plant Maintenance & Engineering Manager and the Tyson facility. The waste treatment facility will fall under his authority. Mr. John McClain, Plant Engineer and Mr. Kevin Hansen, Cardinal Engineering, also identified themselves.

Mr. Bass asked for clarification for what was in the water that required waste treatment before it could be directed towards Sanitation District #1 (SD1) for processing. Mr. Burke explained that they would be treating the water to remove fats, oils and grease residue as a result of treating their meat products; animal waste; chemical oxygen demand and chloride that can be in it. We make sure our discharge from our treatment plants do not contain anything that SD1 cannot accept.

Mr. Peters asked if there had been any public comments received. Ms. Minter stated that staff received one call from a neighbor who just wanted to know what the plan was about and once it was explained they had no further comments. Ms. Haynes asked if there had been any other community issues in regards to this property over the last three to five years to the best of your knowledge. Ms. Minter stated that to the best of her knowledge Tyson has been a very good employer for Campbell County and have maintained a very clean site. There are no issues that we are aware of. It is a good facility to have in the southern portion of Campbell County.

Mr. Williams asked, out of curiosity, what products are made at this facility. Mr. Burke replied that they have a hot dog and/or sausage division; cocktail meats; luncheon meats of various flavors and types; and their newer "small plates" products. Ms. Minter added that it was originally the Kahn's facility and then moved to Sara Lee products and most recently Tyson Foods.

Mr. Barrow asked if there were any other questions of staff or the applicant. There being none, Mr. Barrow called for a motion. Mr. Williams made a motion on case #194-18-IMP-01, a proposed site improvement plan submitted by Tyson Foods located at 1086 Bob Huber Drive in the Unincorporated Campbell County, to approve the plan as submitted to allow for the construction of a new waste water treatment plant. Mr. Williams indicated the basis for his motion is that the proposed modification to the site is consistent with the Zoning Ordinance Article X, Section 10.18.; and that 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. Mr. Barrow asked if there were any questions or comments on the motion. There being none, Mr. Barrow called for a second. Mr. Peters seconded the motion. Mr. Barrow called for a roll call vote. A roll call vote found Mr. Bass, Ms. Haynes, Mr. Peters, Mr. Stubbs, Mr. Turner, Mr. Williams and Mr. Barrow in favor of the motion. No one abstained. No opposition. Motion passed.

Mr. Barrow noted the next item on the agenda was to approve of training obtained by the Commission, Board of Adjustment and staff. Ms. Minter presented the following training for approval by the Commission:

- **P&Z:**

Dennis Bass (0.5 Hr.)	Kentucky League of Cities: "Service Animals" & "Shades of Green – Urban Forestry in Ky. Cities" Articles (0.5 hr.)
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- **Staff:**

Cindy Minter (3.0 Hrs.)	Kentucky Emergency Management: Mobile Damage Assessment App Training (3.0 hrs.)
Mark Brant (3.0 Hrs.)	Kentucky Emergency Management: Mobile Damage Assessment App Training (3.0 hrs.)

Mr. Barrow called for a motion to approve training. Mr. Williams made a motion to approve the training identified above. Ms. Haynes seconded the motion. Mr. Barrow called for a roll call vote.

A roll call vote found Mr. Bass, Ms. Haynes, Mr. Peters, Mr. Stubbs, Mr. Turner, Mr. Williams and Mr. Barrow in favor of the motion. No one abstained. No opposition. Motion passed.

Ms. Haynes and Mr. Williams attended a session offered by David Pike in Maysville, KY. The title of this session was "HB 55 Planning and Zoning". Both recommended to the Commission that they attend one of his seminars if possible. He is a great presenter. Ms. Turner assured them their training would be approved at the next scheduled meeting.

Mr. Williams asked for a moment of the Commission's time. During the presentation, Mr. Pike commented that if an audience member introduced themselves as "representing" the applicant that the Commission must ask if they were an attorney with a legal license to practice law in the Commonwealth of Kentucky. If not, they should be reported to the Bar Association for practicing law without a license. Mr. Williams stated that he had a side conversation with Mr. Pike to gather additional information and would like to pose this question to our legal counsel. Ms. Minter assured Mr. Williams that she would do research and would follow up with Mr. Matt Smith, our legal counsel, to determine the intent and purpose of KRS towards this topic. Ms. Haynes stated that respecting the audience and allowing them to represent their opinions to speak on behalf of an applicant or property owner was in no way representing themselves as "legal counsel" or practicing law. That is their right as a member of our community to be heard. All Commissioners agreed with this. Ms. Minter advised that she would have this issue reviewed and available for discussion at a future meeting.

Director's Report

Ms. Minter advised the Commission that staff would like to bring the topic of campers/recreational vehicles back to the Commission for further review and possibly action. After a general discussion, it was determined that several of the Commissioners would not be available in July due to vacations. Ms. Minter stated that staff would prepare and release the staff report to interested parties so that they had an opportunity to review the topic in July, but would hold this topic for the August agenda. Ms. Minter explained that there were additional KRS and KAR references that she wanted to present to the Commission. They were not contained in Chapter 100 which regulates planning and zoning, but other sections of KRS and KAR. They would be important to our topic in that they further define the purpose and intent of recreational vehicles and recreational vehicle communities.

Ms. Minter notified the Commission that their next potential meeting would be on July 10th and that as long as no requests were submitted, this meeting may be cancelled. Staff will advise the Commission within the next ten days if the meeting will occur or not. Otherwise, staff will reintroduce the campers/recreational vehicles at the August meeting. Ms. Minter had no other items for the Commission to discuss.

Mr. Barrow asked the Commission if there were any other comments or points for discussion. There being none, Mr. Barrow asked for a motion to adjourn. Mr. Williams made to adjourn the meeting. Mr. Peters seconded the motion. An oral vote found all in favor, none opposed and none abstained. Motion passed. Meeting adjourned at 6:28 PM.

Respectfully Submitted,

Approved:

Cindy Minter
Director

Larry Barrow
Vice Chair