

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
MINUTES OF THE NOVEMBER 14, 2017 MEETING**

MEMBERS PRESENT:

Mr. Dennis Bass
Ms. Deborah Blake (*arrived 6:40 PM*)
Ms. Lauri Harding
Mr. Steve Stapleton
Mr. Edward Stubbs
Mr. Michael Williams, TPO
Mr. Larry Barrow, Vice Chair
Mr. Justin Verst, Chair

STAFF PRESENT:

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

MEMBERS ABSENT:

Mr. Mark Turner

STAFF ABSENT:

Mr. Verst called the meeting to order at 6:02 PM. Following the Pledge of Allegiance, Mr. Verst called for a roll call. The roll call found a quorum was present. Mr. Verst asked if everyone had reviewed the August 15, 2017 meeting minutes and if there were any additions or corrections. Ms. Minter advised the Commission that there was an error on the Agenda. The minutes submitted for review and approval is actually the minutes for the special meeting held on September 12, 2017. Mr. Verst thanked Ms. Minter for catching that error. Mr. Verst asked the Commission if they had reviewed the September 12, 2017 meeting minutes and if there were any additions or corrections to those minutes. There being none, Mr. Verst called for a motion. Mr. Barrow made a motion to approve the September 12 meeting minutes as submitted. Mr. Stubbs seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No opposition. No one abstained. Motion passed.

Mr. Verst introduced new business on the Agenda as case #32-17-ZMA-02 (PZ-17-004), a zone map amendment for property located adjacent to 5145 Mary Ingles Highway in Silver Grove, Kentucky changing from Residential Rural Estate (R-RE) Zone to Industrial Four (I-4) Zone. Mr. Verst asked staff to present the staff report. Ms. Minter presented the staff report as follows:

File Number: 32-17-ZMA-02

Applicant: Whitney, Bailey, Cox & Magnani (Engineer for Continental Building Products)

Location: 5145 Mary Ingles Highway, Silver Grove, KY

Request: Zone map amendment from Residential-Rural Estate (R-RE) Zone to Industrial River (I-4) Zone

Overview:

The area under review consists approximately forty-eight (48) acres in the City of Silver Grove between Mary Ingles Highway (KY8) and CSX Railroad. The site is adjacent to a primary industrial plant for Continental Building Products. Continental Building Products (formerly Lafarge North America Inc.'s gypsum division) is a leading North American manufacturer of gypsum wallboard, joint compound and complementary finishing products. The site utilizes the transportation corridors of the Ohio River, railroad and KY8 for delivery of its raw materials and finished products. A zone change from R-RE to I-4 is being requested due to an expansion of the plant for Continental Building Products.

Notice of this hearing was published in the Campbell County Recorder and signs were placed on site in accordance with Article 17 of the Silver Grove Zoning Ordinance. In addition, Continental

OHIO RIVER

ADM COUNTRYMARK, LLC
DB 226, PG 533
PARCEL 1
999-99-27-919.00

ADM COUNTRYMARK, LLC
DB 322, PG 533
PARCEL 1
999-99-27-919.00

CONTINENTAL SILVER GROVE LLC
DB 327, PG 64
EXHIBIT "A", TRACT 1
999-99-36-03.00

CONTINENTAL SILVER GROVE LLC
DB 327, PG 64
EXHIBIT "A", TRACT 2
999-99-36-152.00

CONTINENTAL SILVER GROVE LLC
DB 322, PG 1
999-99-28-223.00
7.30 ACRES

CONTINENTAL SILVER GROVE LLC
DB 322, PG 1
999-99-28-235.00
8.90 ACRES

CONTINENTAL SILVER GROVE LLC
DB 327, PG 75
999-99-28-658.00
8.70 ACRES

CONTINENTAL SILVER GROVE LLC
DB 322, PG 1
999-99-28-08.00
8.10 ACRES

VOGEL ACRES SUBDIVISION
SECTION 1
P.B. 4, PG 15A.B.C.

ADM COUNTRYMARK, LLC
DB 322, PG 64
EXHIBIT "A", TRACT 2
999-99-36-152.00

STATE ROUTE 63 - MARY AGNES HIGHWAY (37' R/W)

CEAR ROAD

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LOT 3

LOT 2

LOT 1

WATER ROAD

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LOT 2 BUILD

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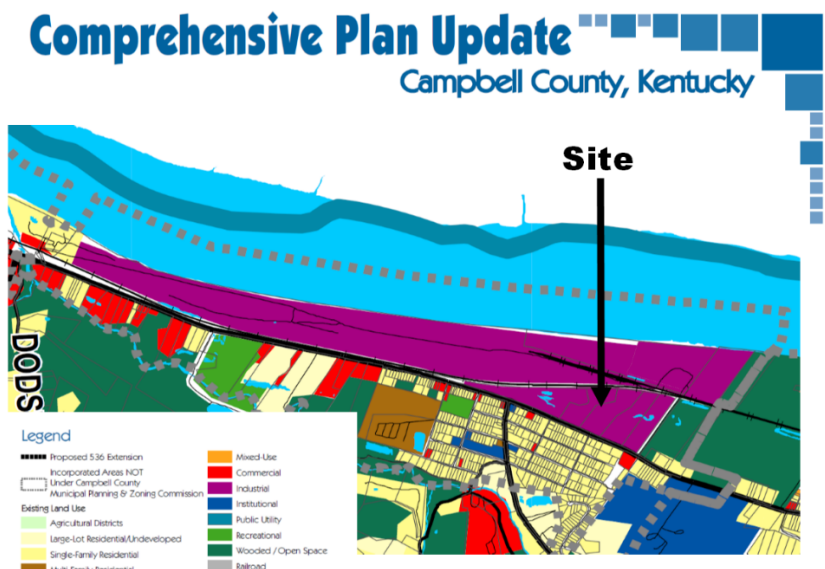
LOT 290 BUILD



1. The area under consideration consists of approximately forty-eight (48) acres.

2. The site is currently zoned Residential-Rural Estate (R-RE) as defined in the Silver Grove Zoning Ordinance, Article X, Section 10.1.
3. There is a CSX railroad right-of-way going through the area. Silver Grove is unique in that it was originally planned as a railroad town taking advantage of its proximity to both the river and rail corridors.
4. Adjacent zones are
 - a. City of Silver Grove I-4 Industrial River Zone to the North and Northwest;
 - b. City of Silver Grove Neighborhood Commercial (NS) to the Southwest;
 - c. City of Silver Grove Residential-1E (R-1E) to the South
 - d. City of Silver Grove Rural-Residential Estate (R-RE) to the East.
5. The 2008 Campbell County Comprehensive Plan specifies the current land use as Industrial for this site. The future land use plan identifies the vicinity of Silver Grove as Village Mixed Use. Select areas along Mary Ingles highway focus on industrial uses. The plan directs the Planning commission for consider the following Development Concepts for Industrial Uses:
 - *Locations of industrial type development should be based on area-wide considerations that will benefit the County as a whole; specifically, not an attempt to locate a certain amount of industrial development in each political subdivision. Location should be determined based on the advantageous characteristics that any given area exhibits for such development and without consideration to arbitrary jurisdictional limitations.*
 - *Land that is most advantageous for industrial development should contain the following characteristics: (a) good access to major transportation facilities; (b) good proximity to urban development (employment sources); (c) relatively flat land; and (d) a full range of urban services.*
 - *Land that can be most advantageously used for industrial purposes should be identified and reserved for industrial use and encouraged to be exclusively used for such purposes.*

Areas in the vicinity of Silver Grove along State Route 8 (Mary Ingles Highway), the railroad and Ohio River are identified as areas of industrial focus throughout the Comprehensive Plan.



6. The 2015 update of the Goals and Objectives of Comprehensive Plan identified the following relevant items:

Goal: Land Use - Balance existing and future land use patterns to provide various well-planned, high quality, and effective developments.

- Effectively manage potential conflicts from proposed development through functional and attractive transitions between land uses.
- Foster infill redevelopment and reinvestment, minimizing vacant urban properties, and improving underutilized properties for higher and better uses.

Goal: Economic Development and Employment - Evaluate and encourage compatible investments, which will increase quality employment opportunities for the residents of the County and its Cities.

- Identify and support opportunities to attract high quality office, technology-related, education, research, and light industry balanced with infrastructure, transportation, and compatible land uses.
- Support programs that facilitate entrepreneurship, business incubators / accelerators, and expansion of existing operations, particularly in fields identified as emerging economic development opportunities.
- Assist with the efforts of Campbell County Economic Progress Authority and Northern Kentucky Tri-County Economic Development Corporation to enhance the business climate and foster a spirit of regional cooperation.

Goal: Residential Development - Foster a safe, healthy, attractive and life-long residential environment for Campbell County's residents.

- Utilize land use regulations and regulatory tools to protect residential land uses from the intrusion of incompatible land uses.

Goal: Environmental Stewardship - To excel in balancing, managing, protecting, conserving, and enhancing the County's natural environment.

- Manage development and redevelopment near our rivers and within our watersheds to maintain and increase environmental quality and natural community amenities.
- Reflect a practical and economically viable balance between property rights and the protection of the environment and community-at-large.

7. The Silver Grove Zoning Ordinance defines the following permitted uses for the R-RE zone (section 10.1) and I-4 Industrial River zone (section 10.9) respectively:

Permitted Uses**R-RE**

1. Single-family dwellings (detached).
2. Sale of products that are raised, produced, and processed on the premises.
3. Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises provided that the storage of manure shall not be permitted near the front of a street, road, highway, or right-of-way line than one hundred (100) feet, or not nearer a side lot line than fifty (50) feet.
4. Stables and riding academies, both public and private.

Permitted Uses**I-4**

1. The assembling, compounding, manufacturing, packaging or processing of the following uses: Drywall; Gypsum; lime or plaster of paris.
 2. Contractor's offices and accessory storage yards, including storage of general construction equipment and vehicles.
 3. Brick, tile, or terra cotta
 4. Cement, concrete and concrete products
 5. Electrical and non-electrical machinery, equipment and supplies
 6. Instruments of professional, scientific, photographic, and optical use
 7. Products from the following previously prepared materials: bone, cellophane, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paper, precious or semi-precious metals, plastics, rubber, shell, steel, tin, tobacco, wood, wool, or yam
 8. Stone and monument works employing power driven tools
 9. Sand and gravel, including storage
 10. Barge Shipping, and docking facilities
 11. Bulk storage stations and/or transfer stations for materials
 12. Carting, express, hauling or storage yards.
 13. Crafting service
 14. Freight terminals.
 15. Laboratories, offices, and other facilities for research, both basic and applied, conducted by, or for, an industrial organization or concern, public or private
 16. Machine shops
8. The City of Silver Grove Zoning Ordinance defines the zone requirements for the R-RE zone (section 10.1):

<u>Zone Requirements</u>	<u>R-RE</u>
Minimum Lot Area	Three (3) acres
Minimum Lot Width at Minimum Setback	Three Hundred (300) feet
Minimum Front Yard Depth	Forty (40) feet
Minimum Side Yard Depth	Twenty-five (25) feet
Minimum Rear Yard Depth	Twenty-five (25) feet
Maximum Building Height	Thirty-five (35) feet and two stories

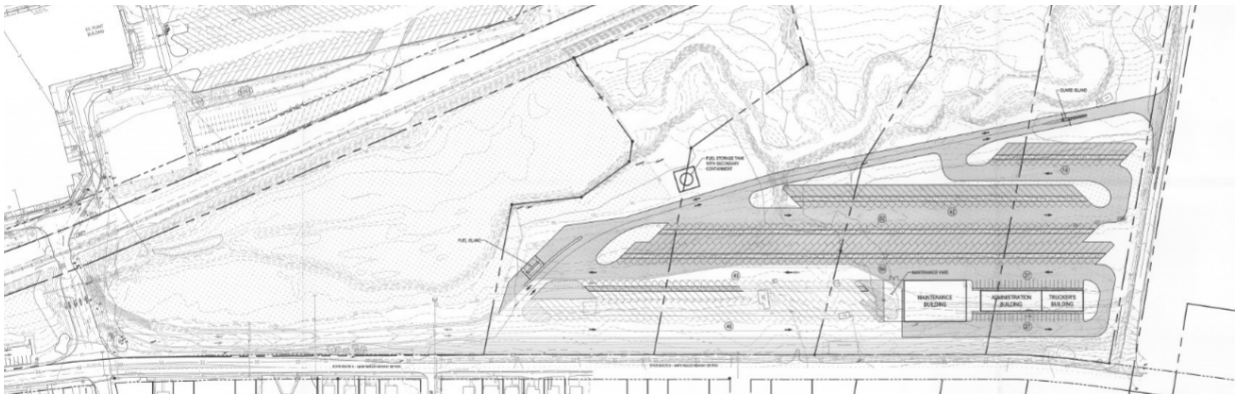
9. The City of Silver Grove Zoning Ordinance defines the zone requirements for the R-RE zone (section 10.1):

<u>Zone Requirements</u>	<u>I-4</u>
<u>Minimum Lot Area</u>	Five (5) acres
<u>Minimum Lot Width</u>	Three Hundred (300) feet
<u>Minimum Front Yard Depth</u>	Fifty (50) feet
<u>Minimum Side Yard Depth</u>	Fifty (50) feet
<u>Minimum Rear Yard Depth</u>	Fifty (50) feet, unless abutting the river front
<u>Maximum Building Height</u>	Fifty (50) feet, or more if approved by the Planning Commission

10. The applicant intends to expand the truck terminal area of their operation and has submitted concepts for two phases of development. These plans have been provided in an effort to assist the public and the Planning Commission of their intent but are not considered Stage 1 Plans, Stage 2 Plans nor construction drawings.



Phase 1



Phase 2

11. The Site is within a special the AE Special Flood Hazard Zone that is also referred to as the 100-year Flood Zone. The Concept Plan does depict avoidance of the natural stream channels on the site.

Staff notes that approval of a zone change does not preclude the requirement of additional analyses of the flood zone areas consistent with future development plans.

12. Article 17 of the Silver Grove Zoning Ordinance identifies that before any map amendment is granted, the Planning and Zoning Commission, must
 - a. find that the amendment is in agreement with the adopted comprehensive plan
 - or
 - b. in the absence of such a finding, that one or more of the following apply
 - That the original zoning classification given to the property was inappropriate or improper; and
 - 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 finds that this zone change is consistent with the Comprehensive Plan and is the result of economic growth changes.

13. Article 17 of the Silver Grove 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 this site is more than five (5) acres and is adjacent to an existing I-4 zone.

Staff Recommendation:

The Campbell County & Municipal Planning and Zoning Commission approves the proposed Zone Map Amendment from R-RE to I-4 and refers their recommendation to the City of Silver Grove for further action.

Bases for Recommendation:

1. Notice has been given regarding the Zone Map Amendment consistent with Article 17 of the Silver Grove 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 is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the 2015 Goals and Objectives, the Campbell County Subdivision Regulations and City of Silver Grove Zoning Ordinance.

Discussion:

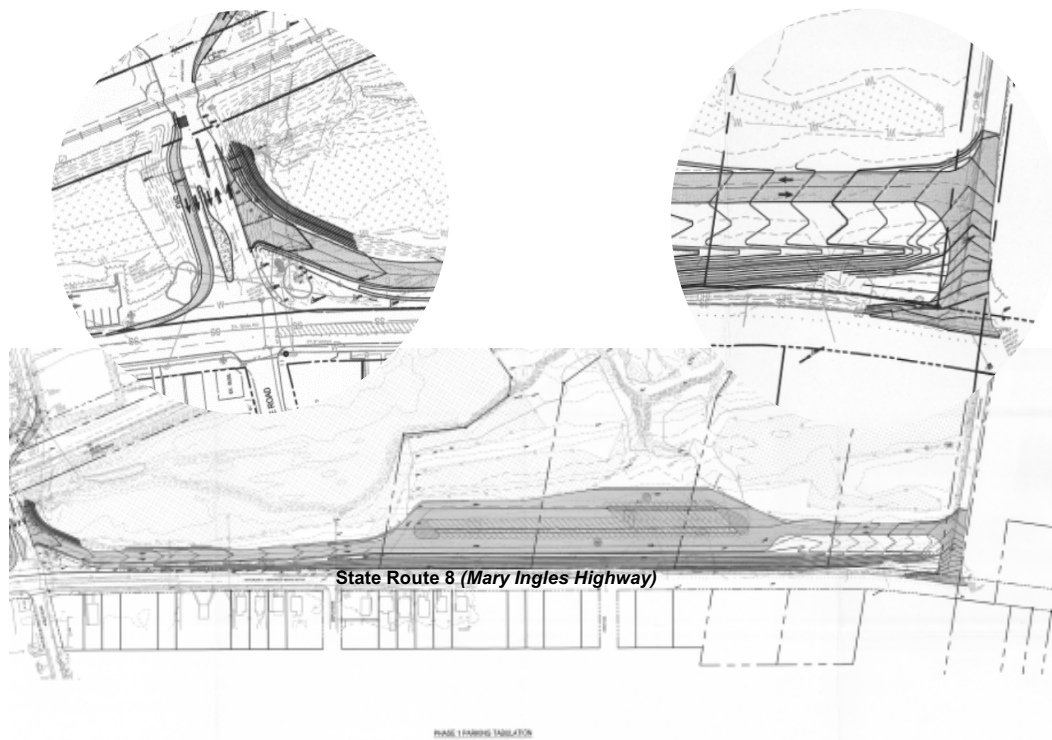
Ms. Minter noted that there have been some advance public comments including concerns about noise barriers, landscaping/visual buffers, sidewalks along Mary Ingles Highway, speed along Mary Ingles Highway, circulation patterns, traffic volumes, location and height of buildings and consideration of Industrial Park (IP) Zone. Ms. Minter provided a brief comparison of the I-4 and

IP zones. She noted that the case was advertised as a change from R-RE to I-4 Zone. If the Commission were to make a change to an IP zone, the case would need to be re-advertised.

Ms. Minter asked if the Commission had any questions in regards to this request. Mr. Verst asked the Commission if there were any questions of staff. Mr. Smith clarified that Ms. Minter's statement that the applicant "has submitted concepts for two phases of development. These plans have been provided in an effort to assist the public and the Planning Commission of their intent but are not considered Stage 1 Plans, Stage 2 Plans nor construction drawings." Mr. Smith stated that the submitted concepts do not exempt the applicant from any other zoning regulations or ordinances currently in effect. Ms. Minter agreed.

Mr. Verst asked what the zone is for the property the actual plant sits on. Ms. Minter replied it is in the Industrial River (I-4) Zone. Mr. Verst questioned Ms. Minter on the intent for the applicant to install internal drives and parking areas. Are the new drives completely on their property for their internal use and where will they have access to State Route 8 (Mary Ingles Highway)? Ms. Minter returned to the slide in the presentation showing the concept plans submitted to staff. Mr. Verst asked if the R-RE Zone was from the county prior to being annexed into the city limits of Silver Grove. Ms. Minter agreed that the zone was left from the previous uses of the properties.

On the slide, the applicant shows that the new drives and parking area are for their internal traffic of moving the raw materials as well as their products. It shows the entrance to this proposed design as coming off of their driveway in front of the railroad tracks. The driveway runs parallel to Mary Ingles Highway. The applicant is currently in discussions with ADM, the owners and users of the private drive Morscher Road. They may use that access point as an entrance or exit onto Mary Ingles Highway. This is a concept plan. Until the zone change is approved, there has not been a need to finalize any agreements or plans. These private drives will allow the applicant to stream line the flow of their trucks across their property and improve safety of their pedestrian movements.



Mr. Stapleton indicated that this doesn't look like a freight terminal. It is more of a truck parking lot. Ms. Minter agreed. Mr. Bass asked Ms. Minter to point out again where the plan access State Route 8 and she did so. Ms. Minter added that the access points are shown on this concept plan as proposed points of access. The applicant has already provided City Council of Silver Grove with copies as well so that they can get feedback for the final designs. They are interested in getting the best possible final plan as is feasible.

Mr. Verst asked Ms. Minter to confirm that this is more for their own internal travel on the site. It does not seem like they repeatedly access the public roads across the proposed driveway. Ms. Minter agreed that the applicant has not proposed repeated crossing of State Route 8. Their current entrance will be an entrance to the private drive and they are just proposing a secondary point further down the property.

Ms. Harding asked about the access of the trucks to State Route 8. Right now all the trucks come from US 27 (Alexandria Pike) down State Route 1998 (Industrial Road) to enter onto State Route 8 (Mary Ingles Highway). Has there been any discussion locally or even at the state level of expanding the potential accesses off of AA Highway or improvements to Industrial Road for the additional traffic? Ms. Minter replied that she has not been made aware of any possible improvement to access off of AA Highway nor are there any plans to make improvements to Industrial Road. The applicant relies heavily on river traffic to deliver the raw materials they need to produce the gypsum board. They then ship as much as they can on railroads to increase the distribution of their product. They need the proposed additional railroad stubs to increase the plant's capacity to create additional product. This means more jobs coming to Silver Grove. The truck terminals current location is preventing the expansion of the railway.

Mr. Williams asked what the current capacity of the plant is. Ms. Minter advised him to ask that question of the applicant. Ms. Harding asked about the structures on the property and the last use of the land. Ms. Minter stated the property was most recently farm land. There are shells of accessory structures remaining on the property, but none that are currently in use. Mr. Verst asked Ms. Minter about the property being in the floodplain. Ms. Minter stated that the applicant has already made changes on the plan to account for wetlands currently on this property. The applicant will be required to complete a Water Quality Analysis and a Water Quantity Analysis. They will apply to the Kentucky Division of Water for a permit for any proposed improvements to be made.

Mr. Verst asked if there were any other questions of staff. There being none, Mr. Verst asked the applicant to come forward. Mr. Mark Hagerman of 7920 Arcadia Blvd, Alexandria, KY identified himself as the Plant Manager at Continental Building Products. The plant was originally constructed in 2000 and a second line was built in 2008. As many of you know, the market for building supplies was down from 2008 to 2012 due to poor construction market. With the rebound in the market, Continental would like to increase their second line production. Currently, the first line production is 7 days a week and the second line production is between 5 and 5 ½ days a week. By bumping the second line up to 7 days a week, this would result in increase in employment at the plant.

Mr. Hagerman stated that for every 1 rail car that is shipped out is the equivalent of 4 full trucks of products. We will be cannibalizing the truck spaces to allow us to expand the rail stubs. Right now we have a lot of pedestrian traffic in and out of the entrance to the plant competing with the trucks coming in and out of the site all the while blocking access to the rail way stubs. This plan

will allow us to run more efficient; hire more employees; and improve the safety for all at the entry to the plant.

Mr. Bass asked where they will be exiting the plant. At Morscher Road or at the stop light at Four Mile Road? Mr. Hagerman stated that they are looking at all possible options but the goal is to achieve one entrance and one exit. Internally, they load trucks and rail cars 24 hours a day. Trucks access their property between 5 AM and 8 PM 5 days a week. Mr. Stapleton asked if the second line would be working 24 hours a day. Mr. Hagerman stated they would follow the same times as the first line between 5 AM and 8 PM 5 days a week. Mr. Hagerman continued that currently they run about 175 trucks a day and this may increase slightly to 180 to 185 trucks once the second line is running at full capacity.

Ms. Harding asked Mr. Hagerman if he believed there would be issues with increased dust and fumes with the proposed relocation of the truck terminals. Mr. Hagerman answered that he has been at the plant for 3 years. He is aware that when the plant was original constructed there were issues with dust and noise for the public. When the raw materials arrives at the plant, there is dust from the dumping of the materials. Mr. Hagerman stated he believes those issues were resolved and is unaware of any such issues currently. With the construction phase for the improvements, Mr. Hagerman stated that there may be a slight increase in dust and noise, but just until the new terminal is complete. He does not foresee any long term issues with this expansion. With new technology in lighting, they can use low close to the road lights so that they do not glare onto neighboring properties. They plan to install trees and plantings to help mitigate the noise levels.

Mr. Verst asked Mr. Hagerman to describe the flow of traffic to the Commission. Mr. Hagerman stated that trucks sitting in a parking terminals were a loss of revenue. The goal is to get the truck in, load it and get them back on the road as quickly as possible. We are trying to run as efficient as possible. Our plan is to have a truck enter the property with an empty trailer. The empty trailer is detached and a fully loaded trailer is attached to the truck. They should be on our site for approximately 30 minutes. Mr. Verst asked if the neighbors should be concerned with idling trucks. Mr. Hagerman stated that this should not be an issue. The truck parks and the trailer is detached and a new one attached in a relatively short time span. This expansion will assist them in gaining a lot of efficiency with their trucking but it will really benefit them by allowing the expansion of the rail stubs as well. They need 4 additional stubs to go to 20 rail cars a day.

Mr. Verst asked Mr. Hagerman to speak on the mitigation of visual screening and noise reducing screening. This is the first time the plant has encroached on this side (city side) of the railroad. Mr. Hagerman stated the first and foremost barrier is the actual zoning setback requirements. They are currently in discussions with the state regarding what trees and plantings they will allow to be installed in the state right-of-way. They plan to use less invasive lighting to reduce any potential glares. Mr. Hagerman asked his associate to comment. Mr. Justin Lindsey of 849 Fairfield Avenue, Baltimore, Maryland stated that the first phase stays out of the wetlands but they will go back as far as they can. They will be staying at about the same elevation as is currently there since there is no fill permitted in the floodway.

Mr. Verst asked if they intended to build an earthen berm or just use trees and plants on slope. Mr. Lindsey replied that since you cannot fill in floodway there will not be any berms, but they will plant on slope and hopefully in the state right-of-way to provide as good a screen as is possible.

Mr. Verst asked the Commission if there were any questions of the applicant. There being none, Mr. Verst asked for the sign in sheets and advised the public that everyone would get an

opportunity to speak as signed in on the sheets. Mr. Verst asked that they step to the podium to speak and begin by stating their name and address for the record.

1. Mr. John Fessler [224 E. 2nd Street, Silver Grove]: Mr. Fessler stated he resided approximately 750 feet from the proposed zone change site. He thanked the Commission for their service and thanked Continental for contributions to Silver Grove in terms of employment and tax revenue.

Mr. Fessler stated he recently learned a new phrase in terms of disagreeing with a project as that of being “injuriously affected or aggrieved”. He continued that he was stating for the record that any zone map amendment for this site would be injuriously affect and aggrieve the City of Silver Grove.

Mr. Fessler asked that the Commission refer to the Silver Grove Zoning Ordinance, Article X, Section 10.9 I-4 (Industrial River) Zone, Paragraph A. Permitted Uses. It explicitly states:

1. PERMITTED USES: It is the purpose of this zone to provide for industrial activities that orient towards the use of its river, the railroad and the highway as a transportation point of exchange and distribution and do not require extensive urban services. The following uses are permitted **providing that a primary function of the use requires use of the adjacent river**, and that all uses are in compliance with the performance standards as set forth in Article XV of this Ordinance.

This zone map amendment does not provide a primary function of the use requiring use of the adjacent river. A freight terminal is not a use of the adjacent river. It will increase traffic on State Route 8. Residents on Mary Ingles Highway back out of their driveways. This will be even more difficult to do with increased truck traffic.

Right now they have the hayfields there and they want to make it a truck terminal. In December, there are regulation changes requiring trucks to use electronic trackers so they can enforce 10 hours on the road 10 hours off the road regulations. There are already safety horn being sounded at all times of the day and night. We can't regulate this noise either. Silver Grove Zoning Ordinance, Article XV, Section 15.2 Performance Standards, Paragraph C. Noise states:

- C. NOISE: For the purpose of measuring the intensity and frequencies of a sound, a type I or type 2 sound level meter shall be employed that conforms to specifications published by the American National Standards Institute (specifications for Sound Level Meters SL4 - 1971, or the latest edition of such standards, shall be used). In the enforcement of the regulation, **noises produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel level**. The sound pressure of noise radiated continuously from any activity shall not exceed the value given in Tables 1 and 2 of this section, at the location of any receiving land use. If the noise is not smooth and continuous, one or more of the corrections in Table 2 of this section shall be added or subtracted from each of the decibel levels given in Table 1 of this ordinance.

The Performance Standards don't even allow us the opportunity to register a valid complaint. I think this is a bad move for Silver Grove.

2. Ms. Patsy Wolf [12940 Peach Grove Road, Alexandria]: Ms. Wolf stated she signed in on the wrong sign in sheet. She has no comments on this issue.
3. Ms. Barbara Bolton [5210 Mary Ingles Highway, Silver Grove]: Ms. Bolton stated that whenever there is a heavy rain, this lot floods. She lives near this site and is concerned that once they install the truck terminals the site will flood to the point that it runs off into her basement. She also has two 10-year old children living with her. The increased traffic is a safety concern for the children that ride their bikes along Mary Ingles Highway.
4. Ms. Jennifer Wade [2006 Grandview Road, Alexandria]: Ms. Wade explained that, although she does not live in Silver Grove, she has close friendships with residents of Silver Grove and as such was here tonight to support those friends. She is not an attorney, but after just a few minutes looking on the internet she came across 2 cases that she felt would be pertinent to this request.

The first was *Brand v. Wilson*, a 1984 case heard by the Supreme Court of Georgia, determined that:

"...heard testimony from an expert appraiser that the property of one of the complainants, which adjoined to tract in question, would suffer a reduction in value of between 15 and 20 percent by reason of the rezoning. This is sufficient evidence upon which a trial court might find substantial damage to a substantial interest."

The second case she found was *DeKalb County (Georgia) v. Wapensky*, also a 1984 case heard by the Georgia Supreme Court found that:

"...we concluded that evidence of a 15-20 percent decline in value of a complainant's property (which adjoined the site in question) was sufficient evidence upon which a trial court might find substantial damage to a substantial interest. In the present case not only was there testimony that the value of neighboring properties would be reduced, but that additional damages in the form of noise, odor, and visual intrusions on peace and privacy would occur to deny in varying degrees the complainants' use of their property."

This request will increase traffic, increase flooding in Silver Grove, and the FEMA flood insurance keeps increasing as well. This would qualify as "substantial damage". Runoff from this parking terminal will cause the neighbors to flood. Look at the Walmart parking lots and the Park & Ride parking lots. How are you going to keep people from living in RV's and campers in that terminal?

5. Ms. Kathryn Dee [5316 Mary Ingles Highway, Melbourne]: Ms. Dee approached the Commission with a handout. It was a combination of zoning ordinances and photos of this site. Mr. Verst asked Ms. Dee if she wanted this information entered into the record. When she stated she did, Mr. Verst advised there that a copy had to be given to staff to add to their records. Upon looking at the handout, Mr. Verst advised Ms. Dee that the zoning ordinance copies she supplied was for the Unincorporated Campbell County. Silver Grove

has its own zoning ordinance. Ms. Turner had made copies of the Silver Grove zoning ordinance for the Commission.

Ms. Dee had a prepared statement that she read.

Good evening, I am Kathryn Dee a business woman and property owner in Silver Grove. I first want to thank you for this opportunity to address this council. I tend to scatter so I have written this out primarily to stay focused and not waste your time this evening.

My wonderful husband Eric and I purchased 72 units in Silver Grove 6 years ago. These properties were all built by my grandfather, Gilbert Laycock, in the early 70's. They have always been a staple in Silver Grove. Our growing business is an economical contributor to the *city*.

We have taken much respect and a little pride in being the 3rd generation to own and personally operate every aspect of this business. Everything from renting to cleaning to electrical. In the short amount of time we've been in business we have learned that if you want to make good money you learn to do things yourself and hold onto as much money as you can. But more importantly, if you want a successful business by means of good tenants, minimal police presence and fewer headaches, you take care of the people who live in your properties, not just the structure itself. We do this by spending quality time with our tenants, by going to doctor appointments and by holding their hands during tough times. We believe by doing this, by caring for each person as an individual the bad just leave and the good refer their friends and family. That is what builds a community.

I wanted to lay down the why I am here first. We currently have 70 individuals who I stand for here this evening. Many of these people, who all live directly across the street from the property in question tonight, are not used to having a voice. It is my duty to advise this council how our lives will be directly impacted by this zone change.

That brings us to my first question, Have any of you had the opportunity to visit the property we are discussing tonight? We have available in front of you tonight a few pictures taken from our property. If you'd please take a moment the first 4 pictures, they give you a general idea of the location of Morscher Rd in juncture with our entrance. These pictures show you the direct impact traffic coming and going would have on the 70 people that use it on a daily basis. As you can see our entrance is directly across Route 8. The additional traffic would cause great headaches for us as well as our tenants trying to leave the complex.

At this time I'd like you to look at the first Zoning Regulation in front of you. Article 12 Section 1 Part D.

"D. Access: Each required off-street loading and/or unloading space *shall be designed with direct access via an approved access drive, to a deeded right-of-way which offers satisfactory ingress and egress for trucks.* Access drives or aisles shall be laid out with a width of at least twelve feet

for one-way circulation and at least twenty-four (24) feet for two-way circulation.

Off-street loading and/or unloading space shall be so designed and constructed so that all maneuvering for loading and/or unloading can take place entirely within the property lines of the premises. Such off street loading and/or unloading space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, road, highway or deeded rights-of-way."

The question I pose to you is what determines satisfactory? From what we know when it comes to using our entrance, an additional 200 semi trucks per day would create a very unsafe path for us and the tenants. If you would look at the next 2 pictures, you will see there is a short line of distance, especially from the east, that could become extremely unsafe. The current situation of 100 plus semi trucks per day coming and going from ADM Grain using Morscher Rd already creates a dangerous situation. Route 8 is not wide enough to accommodate these trucks and it's a shame we are considering doubling, if not tripling this number of semi's.

If you will, close your eyes and travel with me a quarter of a mile west down Route 8. After passing 19 residential homes you come to the Dairy Bar. Now I cannot directly speak for the owners, however, as a citizen of Silver Grove or even a guest of the town from one of its wonderful parks, this is not a situation which I would enjoy after a big win or a sad loss of a ball game. Many out of towners join us on any given summer day to enjoy a chili dog or ice cream cone. As we enjoy a grape slush we are soon to be overcome with multiple semi trucks slowing down, speeding up or sitting at the light. Today as things are now cars fill up both sides of Route 8. Families and ball teams picnic on both sides of route 8. This increase in semi traffic creates a very unsafe situation and has a direct impact on the money brought in by outsiders that Silver Grove gets today. Fewer visitors mean less revenue which directly impacts the quality of life for the citizens of Silver Grove as a whole.

Next I'd ask that you turn to Article 10 Section 26 Part E. The 6th bullet point here talks to outdoor storage being screened. This is also spoke about in Article 15 Section 2 Part K. We have included three pictures from our second story that shows you how this will not be screened for many years no matter what trees they plan to plant. That puts them in violation of this zone from the beginning. The glare of the truck lights coming out of the loading zone would have a direct impact on the apartments located on this 2nd story.

The last picture we included was taken March 15th, 2015. It clearly shows how the property in question holds valuable flood waters that help our small community when the river is on the rise. We attend city council meetings regularly and floods are a monthly topic of conversation. We often dream of finding literal holes, lower levels of elevation that would hold our flood waters therefore protecting our residence. By changing this zone you are placing the residence of Silver Grove in grave danger when the water does decide to rise. This brings me to my final question. Have you received assurance from the Core of Engineers that any *fill* they place on this property would not

have any impact of the flood levels upstream? In reading Article 9 Section 24 Part 8-4 in the last paragraph, which you have in front of you, speaks to this. I believe it would be in the interest of this community to have this done prior to granting this request to change the current zone.

There is 1 final picture and when you look at the big picture, Continental already owns a huge portion of property in Silver Grove. There may be flaws in the original design of there plant, however, that doesn't mean the citizens of Silver Grove need to be the ones to pay for this. I, along with the many who signed this petition, agree that this is not the right move for Silver Grove residence. The main comments and concerns of the citizens in town we have already spoke about this evening. The danger of the truck traffic coming all the way through town has a direct impact of how the citizens from Four Mile to the end of town conduct their daily lives. It will affect anyone who now uses Maple or Linden to access Route 8. The noise of the trailers "hooking up" will be a big disturbance to the many that live on this route. Limiting the flood waters a place to go when the river rises. All of these are written concerns on our petition. Continental owns acreage on the other side of town which is already zoned industrial. If they would take the time to figure a way to utilize the property they already own we would not be here today.

I hope I have painted a picture of how this zone change is flawed in many ways. I again want to thank you for the time and energy you have put into this decision. Do you have any questions for me at this time?

Again, I thank you for your time

Ms. Harding asked if Ms. Dee had a copy for the applicant so they can comment on these items. Ms. Dee stated she did not. [A copy was shared from one of the Commissioners]. Mr. Stapleton asked if Ms. Dee felt the Morscher Road access point was an issue for her. Ms. Dee replied it was. Morscher cannot handle ADM and Continental will only increase issues faced by the only residential area left in Silver Grove.

Mr. Williams asked how many additional Continental trucks would be accessing Morscher Road. Ms. Dee clarified that right now her property sees zero Continental trucks, but all are ADM trucks. What Continental is proposing would cause all of their trucks to come down by her property. Mr. Verst asked Ms. Dee to point out her property on the slide and she did so.

Ms. Dee presented a petition to the Commission with approximately 100 signatures opposing this request. Mr. Verst accepted the petition. After a brief review, Mr. Verst stated that it appears there are about 32 signatures on one petition and 96 signatures on the other. He asked Ms. Dee to read the top portion of the petition so that the applicants could hear it. Ms. Dee read:

"Lights, Diesel, Exhaust and Noise. We the undersigned residents of Silver Grove, KY hereby protest the rezoning of the residential rural estates land between Continental Building Supply (5145 Mary Ingles Highway) and ADM Silver Grove (5321 Mary Ingles Highway) to industrial river zone. Continental Building Supply seeks to develop a new truck parking lot, plant-only roads, and barrier trees on this property."

Mr. Stapleton asked how many of her 70 residents signed the petition. Ms. Dee replied only about 20, but the others wouldn't sign because they work for Continental and didn't feel safe signing. Ms. Harding asked if the majority of her residents were elderly, house bound, working professionals, etc. Ms. Dee replied that the majority were working, but a few were elderly.

6. Mr. David Schalck [5250 Mary Ingles Highway, Silver Grove]: Mr. Schalck owns several properties in Silver Grove. Mr. Schalck thanked Continental for coming to Silver Grove, but stated this was a terrible thing to do. It will drastically hurt our property values. Why not look at the Industrial Park site by the Dollar General?

There was a flood in 2001 [not a major flood, but a flood nonetheless]. It went all the way to the road. Storm water pipes empty out to this property. Continental's proposed truck terminal will have all kinds of water problems. Mr. Schalck stated he disagreed with the manner in which Continental purchased and demolished several homes along Mary Ingles Highway.

Is he going to have to sue to be able to sell his properties? His properties are across the street from Continental. His tenants don't care, but Mr. Schalck explained the "5th wheel slap" noises that occur. Mr. Schalck works at night and sleeps during the early day hours. He has to keep his windows shut to keep out the dust and run air conditioning to help drown out the noise. Mr. Schalck stated he strongly feels there are other properties Continental could use.

7. Mr. Kurt Gainer [5001 Skyline Drive, Cold Spring]: Mr. Gainer asked the Continental representatives and the Commission if they had been residents of Campbell County longer than 10 years. Mr. Gainer reminded the Commission that when LaFarge was first built they were heavily cited for pollution violations. Some people lost their homes as a result.

Mr. Gainer advised that there are ordinances that state steam should not be visible past the property boundaries. Every couple of days, you can see the steam from the smoke stacks blow over the entire residential area. Steam contains particulates that in certain combinations can cause illness and disease. Particulate matter can morph and combine with other particulates causing premature births, cancers, heart disease and more. This request will alter the essential character of the community. By allowing this zone change, the applicant can further expand in the future.

Mr. Hagerman commented at this point that a further expansion was not planned at this time. Mr. Verst added that when any zone change was approved that any use listed as a Permitted Use would be able to be installed on the property in question. Mr. Hagerman stated that because of the environmental issues and concerns there would not likely be any other use implemented on this site. Ms. Minter added that if the zone change was approved the applicant would be required to obtain water quality analysis and water quantity analysis. There are regulations in place to protect the residents and the environment. Ms. Blake asked if they were talking about the wetlands currently located on the site. Mr. Verst stated that the I-4 Zone was the easiest zone for the applicant because it was a permitted use. However, some of the other uses permitted would require tremendous effort and money to complete.

Mr. Gainer asked who residents were supposed to call to complain about issues with noise, traffic, lights, etc. at all times of the night. These shouldn't be allowed. Ms. Minter advised that since Article XV of the Zoning Ordinance is Performance Standards for

Industrial Zones regulated these concerns that complaints could be directed to her office. Staff would make contact with the property owner to see if the issue can be remedied. Citizens can also directly contact the entity creating the issue to voice their concerns.

8. Mr. Seth Cutter [1098 Monmouth Street, Newport]: Mr. Cutter is the President of the Campbell County Economic Progress Authority (CCEPA). The CCEPA owns several parcels of land in Campbell County and work to support and encourage economic growth of existing businesses and to entire new development and business to come to our County. Mr. Cutter was present to speak on behalf of the applicant.

Campbell County is graced with rolling hills as natural resources which can be quite beautiful, but also quite challenging. It hinders development and expansions for a variety of reasons from lack of utilities to inability to fill the deeper hollows. Campbell County has a very limited amount of land for industrial uses.

Continental has had a very small footprint on our community. This in way diminishes the very valid concerns of the public. Tonight's meeting is about a zone change request. It is not a Stage I or Stage II plan where the public's concerns can play a role in implementing restrictions or conditions to allay their fears. Continental is the 5th largest private employer in Campbell County. They have studied how to expand with a minimal negative impact on the community.

Mr. Cutter stated that his position is tasked with supporting retention of existing businesses in Campbell County. While Continental's headquarters are in Virginia, the CCEPA supports their local growth. This is a difficult decision before the Commission, but he asked they consider the larger global picture of what this can mean to the County and encouraged support for this request.

9. Ms. Shara Kluesner [207 E. 1st Street, Silver Grove]: Ms. Kluesner assisted with the petition signing. The day they walked through the City, there was a 3 car accident. No, it didn't involve a truck, but even a simple accident can create traffic issues on these roads. Ms. Kluesner stated her deck overlooks the property in question and she still feels that the noise and dust will be an issue.
10. Mr. Brandon Bray [7001 Thelma Lee Drive, Alexandria]: Mr. Bray stated that he is involved in a variety of businesses in either the I-2 Zone or greater. The only industrial zones in Campbell County have been areas where their business has grown. Each time they have moved into a new area, they have encountered very similar issues as Continental. Mr. Bray stated that a business needs to be able to continue to grow and with the limited areas available for industrial zones.

The property in question is contiguous to land Continental already owns and which is already in this zone. Mr. Bray stated he understood the public concerns, but many of these issues could be resolved during the site development plans. The big thing guiding this request is their need for the expansion of the railway lines. When your business relies on trucks, you can draw a circle and that is as far as you can really go.

Mr. Bray commented on the residual water issues on the site. He stated that whatever waters were on the site would remain on the site. You legally cannot divert water onto another property. Mr. Bray fully supports Continental's request.

Mr. Fessler reiterated this previous statement in regards to Silver Grove Zoning Ordinance, Article X, Section 10.9 I-4 (Industrial River) Zone, Paragraph A. Permitted Uses. This is a truck terminal and it is in no way *“a primary function of the use requires use of the adjacent river”* and according to Article XV you cannot regulate *“noises produced by the operation of motor vehicles or other transportation facilities”*.

Mr. Verst commented that while this specific plan was not a primary function of the river, the plant in its entirety did rely heavily on the river transportations of supplies and materials. Mr. Fessler stated that a truck terminal is not a river function. Mr. Stapleton stated he could not speak on what may or may not be included on the site because this is not a Stage I or Stage II plan. Mr. Fessler asked that the zone be changed to a different zone and not I-4 Zone. Place it in a zone where there can be greater restriction placed on it. They own a lot of property down the opposite end of the property towards Lois Lane. Ms. Blake asked if the property was for sale. Mr. Fessler did not know.

11. Mr. Rock Copenbaker [Mary Ingles Highway, Silver Grove]: Mr. Copenbaker stated that Mr. Fessler had a very good point. They already own all the property to the west end and there is nothing on it. Mr. Copenbaker was agitated and Mr. Verst directed him to address his comments to the Commission and not the applicant.

Mr. Copenbaker stated he had just inherited a property from his brother. Does Continental want to buy it if the truck terminal goes in because it won't be worth much if it happens? Mr. Copenbaker had previous visits to truck terminals and reflected that they always seem to be covered in “black snow”. This is the black soot that falls off the trucks so heavily that you need to sweep it off the streets. How much would it cost them to just build elsewhere?

Mr. Verst called Mr. Hagerman to the podium to address questions that were raised by the public such as why this site and not another? Mr. Hagerman replied that it was all based on the access to the railway. Their property does adjoin some residential homes. It would excessive cost to them to purchase the properties and then install roadway to get access to the rail. This concept plan is a much better option and cost effective to construct.

Mr. Verst asked Mr. Hagerman to comment on the statement regarding flooding waters. Mr. Hagerman advised that there are numerous regulations concerning development within the floodway. Continental follows all OSHA standards for traffic, air and noise and would continue to do so. Mr. Hagerman asked Mr. Lindsey if he had any comments to add. Mr. Lindsey added that they are working on identifying key detailed features on the site to keep the wetlands while also keeping storage and volume of water onsite.

Mr. Verst asked about the photo Ms. Dee presented with the site at Morscher Road flooding. Mr. Lindsey stated that once operational they will have to work out how to best deal with flooding as flooding events occur; just moving equipment above the base flood elevation. It may flood but will need to deal with the flood plain regulations and processes. It just is not feasible to place a lot of fill on the site. Mr. Hagerman stated that if it floods all they can do is move the trucks out of the area. Mr. Bass asked where the trucks would be moved to. Mr. Hagerman stated they would have to negotiate another area to store the trucks when that happens and then just reduce the operation capacity until the water subsides.

Ms. Minter is the Campbell County Certified Flood Manager. She explained that while the Ohio River does flood this site, Silver Grove would be subject to flooding from Four Mile Creek before

the Ohio River would flood. During major events a flood will cover State Route 8 and disrupt traffic. There are contingency plans in place for flooding events. Silver Grove has survived previous floods and will continue to do. Business operations are altered during a major flood including a reduction in barge traffic due to the height of the waters and the bridges.

Mr. Verst asked Mr. Hagerman if a traffic study had been conducted on Morscher Road. Mr. Hagerman replied it had not. This is only the zoning map amendment and if approved a study would be ordered. ADM already has 200 trucks using this road for their business.

Mr. Verst asked Mr. Hagerman about the comments regarding noise from tug horns and 5th wheel slap. Mr. Hagerman stated that while they make every attempt to be respectful of their neighbors this is an industrial business. You will hear noises from tug horns because they are required by OSHA standards and Continental will continue to operate according to those regulations. Continental will make every effort to fit into the community. They will try to push the truck terminal as far from the road as they can. Right now, this is just a zone change request.

Mr. Verst asked Mr. Hagerman to explain how they use the river during their operations. Mr. Hagerman explained that they use recycled materials to produce their gypsum board. They use about 100 million tons of recycled materials that are shipped to the plant on barges along the Ohio River. After producing their goods, they ship their product by railway and truck traffic.

Mr. Williams asked about ADM's use of approximately 200 trucks along Morscher Road. Mr. Hagerman stated that ADM trucked materials in that they used a conveyor to transfer to barges for transport. Mr. Williams asked how many trucks a day does Continental run. Mr. Hagerman replied that they have about 175 trucks for both supplies they need as well as product they are shipping. Mr. Williams asked how the railway expansion will affect their business. Mr. Hagerman stated that addition railway stubs will allow for an increase in the number of rail cars they can operate. This will allow the second line to go up to operating 7 days a week. They prefer the rail cars versus shipping by truck. This railway expansion will not significantly increase the number of trucks, but rather of rail cars.

Mr. Williams asked if ADM's trucks ran 24 hours a day 7 days a week and what are Continental's hours of business. Mr. Hagerman stated he does not believe ADM is a 24/7 operation, but Continental is definitely not. Continental runs trucks from 5 AM to 8 PM. Mr. Williams asked if there would be major noise during those hours. Mr. Hagerman replied yes. Tug horns will be on internal traffic as well as on State Route 8, but as explained, they are required by OSHA and Continental will meet the requirements set forth by OSHA. Mr. Bass as a resident of Silver Grove asked what the horn was that sounded every day about 5:22 AM. Mr. Hagerman stated that he was not sure what horn that was.

Mr. Gainer asked the Commission to consider how they would vote if they lived next to this facility. Mr. Verst explained that the Commission evaluates if the request follows the intent and will comply with the Comprehensive Plan, Zoning Ordinances and Subdivision Regulations.

Mr. Verst closed the public comment session and opened the floor for discussion among the Commission. Mr. Verst stated that the proposed zone change does comply what they themselves reflected in the Land Use maps of the Comprehensive Plan. It complies with the Goals and Objectives of the Comprehensive Plan. In order for the Commission to make a determination, they must find that either that the amendment is in agreement with the adopted comprehensive plan OR that in the absence of such a finding, that the original zoning classification given to the property was inappropriate or improper; and 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.

Mr. Williams commented that many of the objections he heard tonight are what we might call “anticipatory” problems. They anticipate this issue will arise. They don’t have any facts that it will definitely happen, but they anticipate. This Commission can address most of those items throughout the site development planning process. We need to focus on this zone change only. Mr. Smith added that the Commission’s own Land Use map specifies that the area should be developed for industrial purposes. Mr. Verst asked Ms. Minter to go to the Land Use map slide and she did so.

Mr. Williams stated that was his exact point. This property should be industrial and not residential. Mr. Verst agreed that the zone map amendment is appropriate at this time. It sits on a state highway not a residential street. Ms. Minter referred the Commissioners to the staff report to see their recommendation. Mr. Verst added that as Mr. Cutter previously stated it is difficult to locate industrial property in Campbell County yet as a Commission we have recognized this area as a future industrial zone. Ms. Minter added that this property would be considered in the river corridor and would qualify as an I-4 Zone property.

Mr. Stapleton commented that the Commission has to evaluate does the request comply with the Comprehensive Plan; as the 5th largest employer in Campbell County, does Continental qualify as an industrial operation; and will the public be harmed by the proposed operation. Silver Grove has always been a railroad town and heavily utilized railways to their advantage. Mr. Stapleton stated he didn’t think exiting onto Morscher Road was a great idea, but that is their problem to resolve. The Commission needs to proceed with the zone map amendment.

Ms. Harding agreed with Mr. Cutter’s statement about a more global view of this request. Ms. Harding appreciates the public making time in their schedules to come tonight to express their concerns. But those concerns would be addressed at a Stage I or Stage II plan and not at the zoning map amendment portion. Ms. Harding stated she has great regard for staff and they would not support or recommend approval to a plan that may cause damage to the public. Ms. Harding added that it is her belief that whether their expansion is placed on this site or on property in the Industrial Park next to Dollar General the traffic concerns and issues raised would still have to be resolved. Continental has been a good citizen thus far to the public. The Commission does need to look at the more global position and see no reason to deny this request.

Mr. Barrow asked staff if the City of Silver Grove had provided any input or comments in regards to this request. Ms. Minter replied they did not. Mr. Barrow reminded everyone that any recommendation by the Commission is just that a recommendation. The City of Silver Grove can choose to agree and adopt the zone change or choose to disagree and refuse the zone change. Mr. Barrow agreed that the site plan development stage is the time for the Commission to implement conditions or restrictions that would better the public life.

Ms. Minter returned to the slide containing staff’s recommendation. Mr. Smith reminded everyone that the zone map amendment was approval of the zone change only. The applicant will still need to comply with any other zoning regulations in effect, floodplain regulations and subdivision regulations. This zone change does not exempt them from any other rules or regulations.

Mr. Joe Pelle, Silver Grove City Commissioner, asked Ms. Minter if the USGS study would come into play with this. Ms. Minter explained that the USGS has placed stream gauges on Four Mile Creek to collect data regarding flooding in Silver Grove from that side. They have plenty of

information regarding the Ohio River flooding, but none from Four Mile Creek. This is a long term study lasting approximately 3 to 5 years. Models already exist in the Kentucky Division of Water to influence our future actions.

Mr. Verst asked if the Commission felt there should be any limitations placed on the zone map amendment. Mr. Williams stated he did not think it would be pertinent to apply limitations at this time and recommended none be placed until the site development is prepared. The remaining Commissioners agreed.

Mr. Verst asked if there were any additional comments or points of discussion among the Commission. There being none, Mr. Verst called for a motion. Mr. Williams made a motion on case #32-17-ZMA-02 (PZ-17-004), a zone map amendment for property located adjacent to 5145 Mary Ingles Highway in Silver Grove, Kentucky changing from Residential Rural Estate (R-RE) Zone to Industrial Four (I-4) Zone to approve the proposed Zone Map Amendment and refer their recommendation to the City of Silver Grove for adoption. Mr. Williams stated that the basis for his recommendation is that legal notice has been given regarding the Zone Map Amendment consistent with Article 17 of the Silver Grove Zoning Ordinance; that as defined in Article 17, the Planning Commission has the authority to review such Zone map Amendments and provide recommendations to the legislative body; and that the proposed Zone Map Amendment is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the 2015 Goals and Objectives, the Campbell County Subdivision Regulations and City of Silver Grove Zoning Ordinance. Mr. Williams finding of facts was the information supplied through the staff report; evidence produced in the Comprehensive Plan; and further finds that there has been a major economic change that was not anticipated at the time of the Comprehensive Plan update. Mr. Stapleton seconded the motion. Mr. Verst asked if there were any questions or comments on the motion. There being none, Mr. Verst called for a roll call vote. A roll call vote found Ms. Blake, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Williams, Mr. Barrow and Mr. Verst in favor. Mr. Bass was in opposition. No one abstained. Motion passed.

Mr. Verst thanked the audience for attending the public hearing and advised anyone that wanted to leave the meeting was welcome to do so or they could stay for the next public hearing. Most of the audience chose to leave. Mr. Verst asked the Commission if they needed a break. Mr. Harding made a motion to take a 5 minute break. Mr. Stapleton seconded the motion. An oral vote had all Commissioners voting to take a break. Motion passed. The Commission recessed at 8:29 PM.

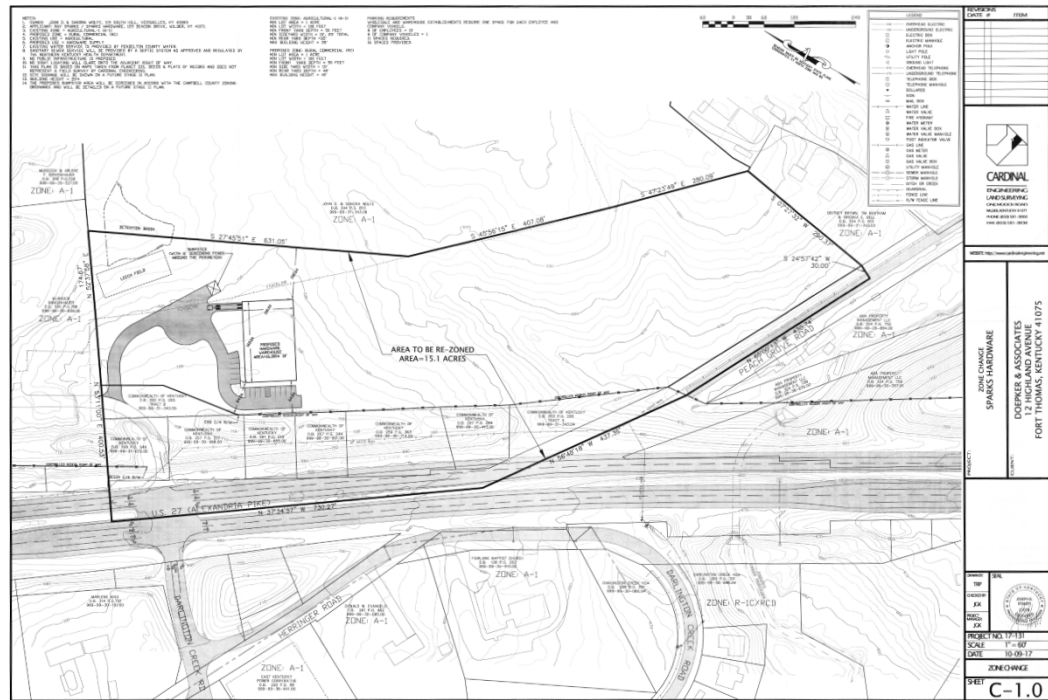
Mr. Verst called the meeting to order at 8:34 PM. Mr. Verst asked the record show that Ms. Blake arrived at 6:40 PM.

Mr. Verst introduced the next case as case #182-17-ZMA-01, an application by Ray Sparks for property identified as approximately 15 acres on Peach Grove Road in Unincorporated Campbell County, for a zone map amendment from Agriculture (A-1) Zone to Rural Commercial (RC) Zone. Mr. Verst called Mr. Hunter to present the staff report. Mr. Hunter presented the original staff report as follows:

File Number: 182-17-ZMA-01
Applicant: Ray Sparks
Location: Approximately 15 acres on Peach Grove Road in Unincorporated Campbell County, KY.
Request: Zone map amendment from Agriculture (A-1) Zone to Rural Commercial (RC) Zone.

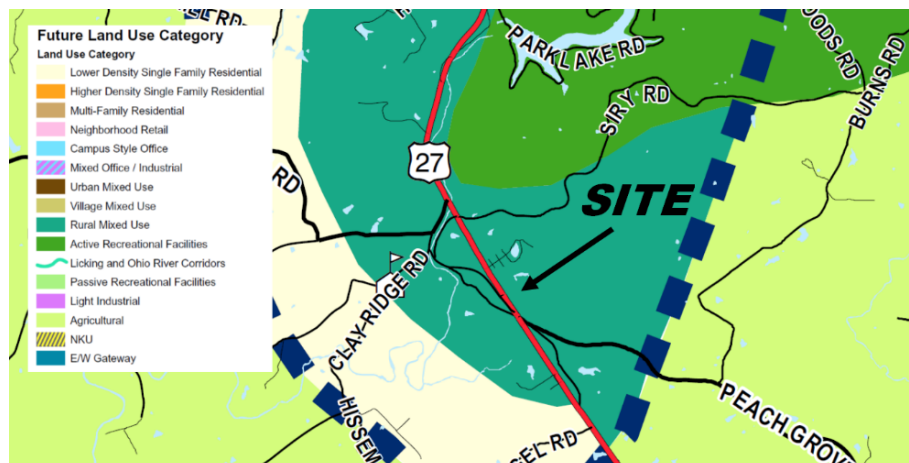
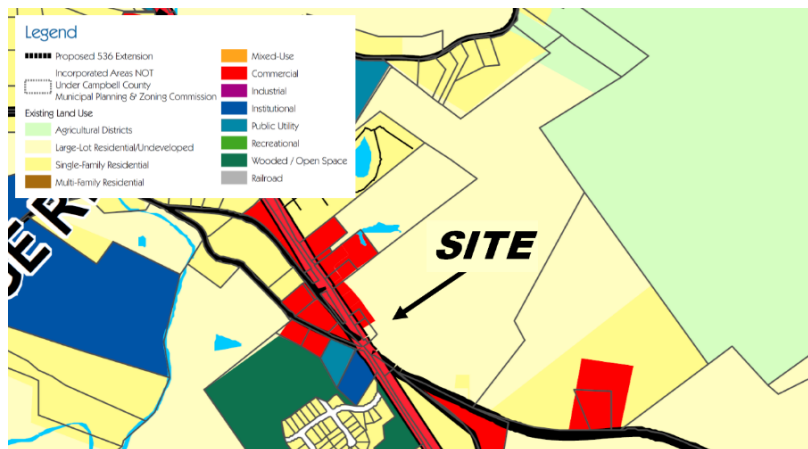
Overview:

The area under review consists approximately fifteen (15) acres near Grants Lick in unincorporated Campbell County near the intersection of Alexandria Pike (US 27) and Peach Grove Road.



Considerations:

1. The area under consideration consists of approximately fifteen (15) 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:
 - a. Approximately eleven (11) acres of an eighty-eight acre farm.
 - b. Approximately four (4) acres of Kentucky Transportation Cabinet property.
4. Adjacent zoning is predominantly Agricultural (A-1) in the area. There is an approximately fifty-two (52) acre subdivision on the other side of Alexandria pike that is a Residential 1-C (R-1C) zone with a Residential Cluster Development (RCD) overlay.
5. The 2008 Campbell County Comprehensive Plan specifies the current land use as Large Lot Residential/Undeveloped. A small portion of the area is identified as Commercial on the map.
6. The future land use category for the site is identified as Rural Mixed-Use in the 2008 Campbell County Comprehensive Plan.



7. A review of the public records for this property finds:
- The properties along US 27 were acquired by the Kentucky Transportation Cabinet (KYTC) between the years 2002 and 2003.
 - No cases before the Campbell County & Municipal Planning Commission;
 - No cases before the Campbell County & Municipal Board of Adjustment;
 - No building permits issued for this specific site.
8. The Campbell County Zoning Ordinance defines the following permitted uses for the A-1 Agricultural (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.

Permitted Uses

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.

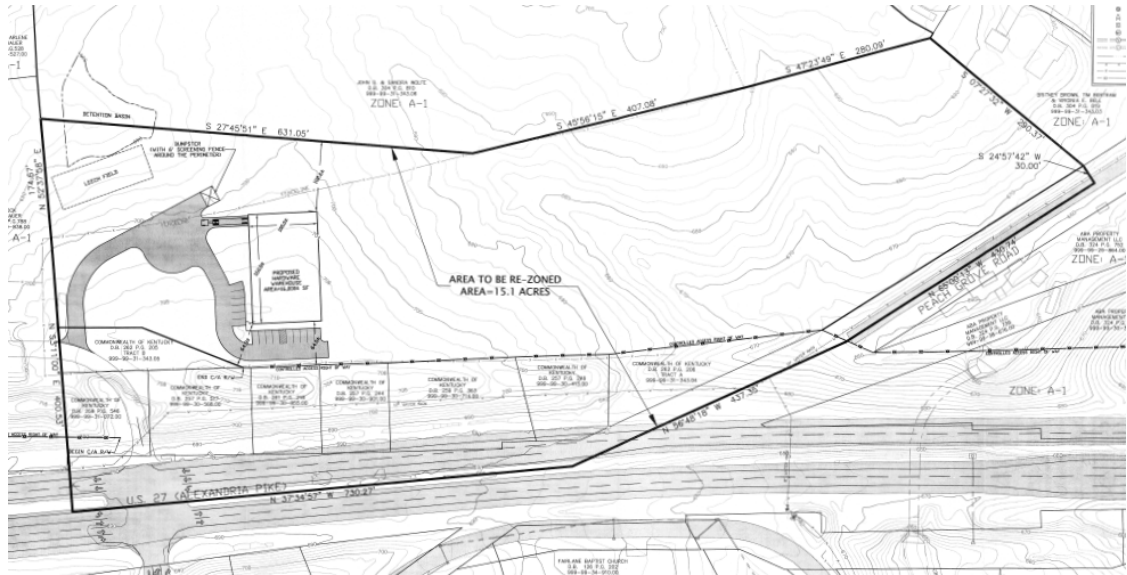
22. Single- and two-family residential uses, provided that such uses occupy the second or third floor or attached to the rear of a commercial use
 23. Automotive repair and sale of new parts.
 24. Mini Warehousing.
9. The Campbell County Zoning Ordinance defines the zone requirements for the A-1 zone (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

10. 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

11. The applicant intends to construct a 16,000 square foot hardware supply warehouse on the site.
12. The applicant has submitted a site plan that shows the following:
- One (1) 16,000 square foot building
 - Parking lot with sixteen (16) parking spaces
 - Proposed leech field
 - Proposed detention basin
 - Driveway access from KYTC access drive
 - Dumpster



13. The submitted site plan notes:
 - i. Existing water service is provided by Pendleton County Water.
 - ii. Sanitary sewer service will be provided by a septic system as approved and regulated by the Northern Kentucky Health Department.
 - iii. No public infrastructure is proposed.
 - iv. No sight lighting will glare onto the adjacent right of way.
 - v. This plan is based on maps taken from Planet GIS, deeds & plats of record and does not represent a field survey by Cardinal Engineering.
 - vi. Site signage will be shown on a future stage II plan.
 - vii. Building height = 20' ±
 - viii. The proposed dumpster area will be screened in accord with the Campbell County Zoning Ordinance and will be detailed on a future stage II plan
14. For warehouse and wholesale establishments, the Zoning ordinance requires one space for each employee plus one space for a company vehicle. The submitted site plan notes:
 - i. The minimum number of parking spaces required for this business of ten (10) employees would be eleven (11) spaces.
 - ii. The plan exceeds this requirement with sixteen (16) proposed parking spaces.
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 this site is more than five (5) acres.
16. Staff notes that the submitted plan is sufficient to qualify as a Stage I plan.

Staff Recommendations:

The Campbell County & Municipal Planning and Zoning Commission approves the proposed Zone Map Amendment from A-1 to RC and refers their recommendation to the Campbell County Fiscal Court for further action.

The Campbell County & Municipal Planning and Zoning Commission approves the proposed Stage I plan subject to approval Zone Map Amendment approval by the Campbell County Fiscal Court.

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 is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Campbell County Zoning Ordinance.

Additional Information to Applicant:

1. Property owners must comply with all applicable building, subdivision and zoning ordinance regulations for future actions on their lot.

Discussion:

Mr. Hunter asked if there were any questions he could answer for the Commission. Mr. Verst asked the Commission if they had any questions of staff. Mr. Williams asked if there had been any public comments on this request. Mr. Hunter stated he had not received any comments or calls. Ms. Minter stated she did have an inquiry regarding the location, but once she advised them of the location, they did not have any comments.

Mr. Verst asked if there were any other questions of staff. There being none, Mr. Verst asked the applicant to approach the podium and state his name and address for the record. Mr. Ray Sparks of 950 Veirs Road, Butler, KY advised that he was interested in moving his business from Wilder to the Alexandria area. He has been in Wilder for 11 years, but his building is needed for another contractor's expansion plans. He deals in commercial doors, panic bars on commercial doors and other hardware supplies.

Mr. Kevin Hanson of Cardinal Engineering, 1 Moock Road, Wilder, KY has been working with Mr. Sparks to devise his plans for this move. More technical items will be included in their Stage II plan and Mr. Hanson assured the Commission they will comply with all zoning ordinances and regulations.

Mr. Verst asked the Commission if they had any questions for the applicant. Mr. Stubbs asked Mr. Sparks if he had retail services in his business. Mr. Sparks stated he did not do retail. He orders commercial doors and ships them to the site for installation. He has no desire to open a retail section in his business.

Mr. Verst asked if there were any other questions for the applicant. There being none, Mr. Verst stated the only person signed in to speak on this case was Mr. Seth Cutter. Mr. Cutter approached the podium and again identified himself for the record. Mr. Cutter stated that it had been a real pleasure to meet and work with Mr. Sparks in finding an appropriate location to move his business to. It is a small business but is equally important to Campbell County. Mr. Cutter stated they were very pleased that it was possible to move a successful business along the US 27 corridor and it does comply with the Comprehensive Plan.

Mr. Verst recognized Ms. Patsy Wolf who had signed in on the wrong sign in sheet and asked if she had any comments regarding the request by the applicant. Ms. Wolf stated she had no comments at this time.

There being no one else in the audience, Mr. Verst closed the public hearing and opened the floor for discussion among the Commission. There being no questions or comments by the Commission, Mr. Verst called for a motion. Mr. Stapleton made a motion on case #182-17-ZMA-01 (PZ-17-007), a zone map amendment located on approximately 15 acres on Peach Grove Road in Unincorporated Campbell County changing from Agriculture (A-1) Zone to Rural Commercial (RC) Zone to approve the proposed Zone Map Amendment and refer their recommendation to the Campbell County Fiscal Court for adoption. Mr. Stapleton further recommended approval of the detailed plan as a Stage I plan subject to adoption of the zone map amendment by the Campbell County Fiscal Court. Mr. Stapleton stated that the basis for his recommendation is that legal notice has been given regarding the Zone Map Amendment consistent with Article 17 of the Campbell County Zoning Ordinance; that as defined in Article 17, the Planning Commission has the authority to review such Zone map Amendments and provide recommendations to the legislative body; and that the proposed Zone Map Amendment is consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the 2015 Goals and Objectives, the Campbell County Subdivision Regulations and Campbell County Zoning Ordinance. Mr. Williams seconded the motion. Mr. Verst asked if there were any questions or comments on the motion. There being none, Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Blake, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Williams, Mr. Barrow and Mr. Verst in favor. No one in opposition. No one abstained. Motion passed.

Mr. Verst stated the next item of action was to approve training by the Commission, Board of Adjustment and staff. Ms. Minter presented the following training for approval by the Commission:

- P&Z:

Dennis Bass (2.5 Hrs)	Bench & Bar Magazine: Tiny House Big Problems (1.0 hr); CC Conservation District: Agriculture and Green Space Lifestyle Survey Results (1.5 hrs);
Lauri Harding (3.0 Hrs)	PDSKC: Code Enforcement Board Training (3.0 hrs)
Justin Verst (10.5 Hrs)	CC Conservation District: Agriculture and Green Space Lifestyle Survey Results (1.5 hrs); NKSPE: Blighted Property Revitalization (1.0 hr); S&ME: Geotechnical Engineering 101 (1.0 hr); NKSPE: KYTC Update (1.0 hr); SD1: Erosion Control and Stormwater Field Day (4.0 hrs); KYTC: Designing Across FEMA's Floodway (1.0 hr); NKSPE: SD1 Updates (1.0)
Michael Williams (8.0 Hrs)	Cynthiana/Harrison Co./Berry Joint Planning Conference: HB 55 Training (8.0 hrs)

- **BOA:**

Scott Bachmann (8.0 Hrs) Cynthiana/Harrison Co./Berry Joint Planning Conference:
HB 55 Training (8.0 hrs)

Sharon Haynes (9.5 Hrs) Cynthiana/Harrison Co./Berry Joint Planning Conference:
HB 55 Training (8.0 hrs) CC Conservation District:
Agriculture and Green Space Lifestyle Survey Results (1.5 hrs)

- **Staff:**

Kirk Hunter (7.5 Hrs) APA Ohio: Integrating LEED ND and SITES into your
Planning Approach (1.5 hrs); KAPA Conference (6.0 hrs)

Cindy Minter (14.75 Hrs) KAMM Conference (8.75 hrs); KAPA Conference (6.0 hrs)

Mr. Verst called for a motion to approve training. Mr. Barrow made a motion to approve the training identified above. Mr. Verst called for a second to the motion. Mr. Stapleton seconded the motion. Mr. Verst asked if there were any comments or questions regarding the motion. There being none, Mr. Verst called for a roll call vote. A roll call vote found Mr. Bass, Ms. Blake, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Williams, Mr. Barrow and Mr. Verst in favor of the motion. No one abstained. Motion passed

Director's Report

Ms. Minter advised the Commission that they will be meeting December 12th to approve the meeting minutes so the zone map amendments can move forward. Mr. Hunter passed out copies of the revised draft of text changes that the Commission has been working on. We will place it on the December 12th agenda and go through the changes. If the Commission is so inclined they can take action that night or table the case to a future meeting.

Ms. Minter did not have any other comments for the Commission. Mr. Verst asked the Commission if there were any other comments or points for discussion. There being none, Mr. Verst asked for a motion to adjourn. Mr. Barrow made a motion to adjourn the meeting. Mr. Stubbs seconded the motion. An oral vote found all in favor, none opposed and none abstained. Motion passed. Meeting adjourned at 8:59 PM.

Respectfully Submitted,

Approved:

Cindy Minter
Director

Justin Verst
Chair