CAMPBELL
COUNTY | KY

The meeting format will include social distancing. Attendees are highly encouraged to wear masks.

July 1, 2020

Mr. C.J. Peters, Chair
Campbell County & Municipal Planning & Zoning Commission
1098 Monmouth Street, Suite 343
Newport, KY 41071

Mr. Peters,

The Campbell County & Municipal Planning & Zoning Commission will hold a special meeting and public hearing on Tuesday, July 14, 2020 at 6:00 P.M. at the Southgate Community Center located at 301 W. Walnut Street, Southgate KY. The purpose of hearing will be to obtain testimony for the following cases related to the development of land which includes the former Beverly Hills Supper Club site.

The Campbell County staff respectfully submits the attached report for review and consideration related to:

FILE NUMBER:	231-20-ZMA-01
APPLICANT:	City of Southgate
PARCEL ID:	PIDN 999-99-11-021.00 and 999-99-10-976.00
LOCATION:	I-471, US 27 & Blossom Drive in Southgate, Kentucky
REQUEST:	Zone Map Change from PO (78 acres) to R-1E/RCD (44 acres), R-3 (29 acres) and GC (5)

FILE NUMBER:	231-20-SDP-02
APPLICANT:	Ashley Development Group LLC
LOCATION:	I-471, US 27 & Blossom Drive in Southgate, Kentucky
REQUEST:	Site Development Plan and Conditional Use Permit for Memorial Point Residential Community

Information concerning this case was made available for review at the Campbell County & Municipal Planning & Zoning Office and published on the county and city website and Facebook pages.

This public hearing was advertised in the July 2 and July 9, 2020 editions of the Campbell County Recorder. This notice was mailed to the adjacent property owners. Signs were posted on the site in accordance with *Southgate Zoning Ordinance Article XVII, Section 17.0 D* and *Kentucky Revised Statutes (KRS) 100.212 Notice of hearing on proposed map amendment.*

LEGAL NOTICE

The Campbell County & Municipal Planning & Zoning Commission will hold a special meeting and public hearing on Tuesday, July 14, 2020 at 6:00 P.M. at the **Southgate Community Center** located at **301 W. Walnut Street**, Southgate KY the purpose of obtaining testimony for the following cases which relate to the development of land including the former Beverly Hills Supper Club site:

FILE	231-20-ZMA-01
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PARCEL ID:	PIDN 999-99-11-021.00 and 999-99-10-976.00
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APPLICANT:	Ashley Development Group LLC
LOCATION:	I-471, US 27 & Blossom Drive in Southgate, Kentucky
REQUEST:	Site Development Plan and Conditional Use Permit for Memorial Point Residential Community

Information concerning these cases is available for review at the Campbell County & Municipal Planning & Zoning Office, 1098 Monmouth Street, Suite 343, Newport, KY. Monday-Friday during normal business hours. In addition, a staff report for the case is available on the county website https://campbellcountyky.gov/meetings/

Comments regarding these cases will be taken by email, phone and in-person. Interested persons may submit their comments in advance by emailing pzadmin@campbellcountyky.gov or calling 859-292-3880 no later than noon (EST) on July 13, 2020. For record keeping purposes, comments should also include the name and address of the person(s) commenting.

Opportunities for public comments on the case have been provided by email, phone and in-person.

In addition, public displays describing the development were available at 1098 Monmouth, 3rd floor, Newport KY.

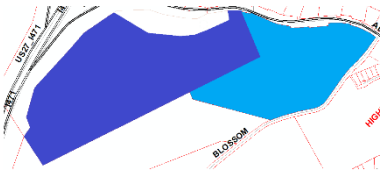
Historical Site Background

From 1930 through 1961, the Beverly Hills Supper Club operated as a high-end dinner theater club. It featured national level entertainment and was a gambling venue. During the 1950s and 60s, Kentucky nightclubs lost casino revenue and the Beverly Hills Supper Club closed.

The nightclub reopened briefly in 1969 when a new owner acquired it, renovating the club to feature multiple banquet, dining and show rooms. It was refurbished again after a fire in 1970. As in its 1930 zenith, the club once again became a regional highlight, attracting major entertainment and hosting multiple events, banquets and shows within the same complex.

Tragically on Saturday, May 28, 1977, the club caught fire. This is recognized as one of the worst nightclub fires in the US. [Construction on I-471 had just begun]. This tragedy led to dramatic changes in building design and code-enforcement. Numerous Federal and State fire and safety regulations were established as a result of this historic event.

In 1989, the first redevelopment occurred on the site with the completion of a three story office complex at the base of the hill. The balance of the property remains undeveloped and zoned Professional Office (PO).



In 2020, Ashley Development Group, LLC came forward with a proposal to construct The Memorial Point Residential Community. Recognizing the significance of the events that have occurred on this site, the developer entered into a written development agreement with the City and committed to construct a memorial on the site which will be deeded over to the City of Southgate and remain open to the public.

Per the signed development agreement, the City of Southgate is co-sponsor of the Zone Map Changes.

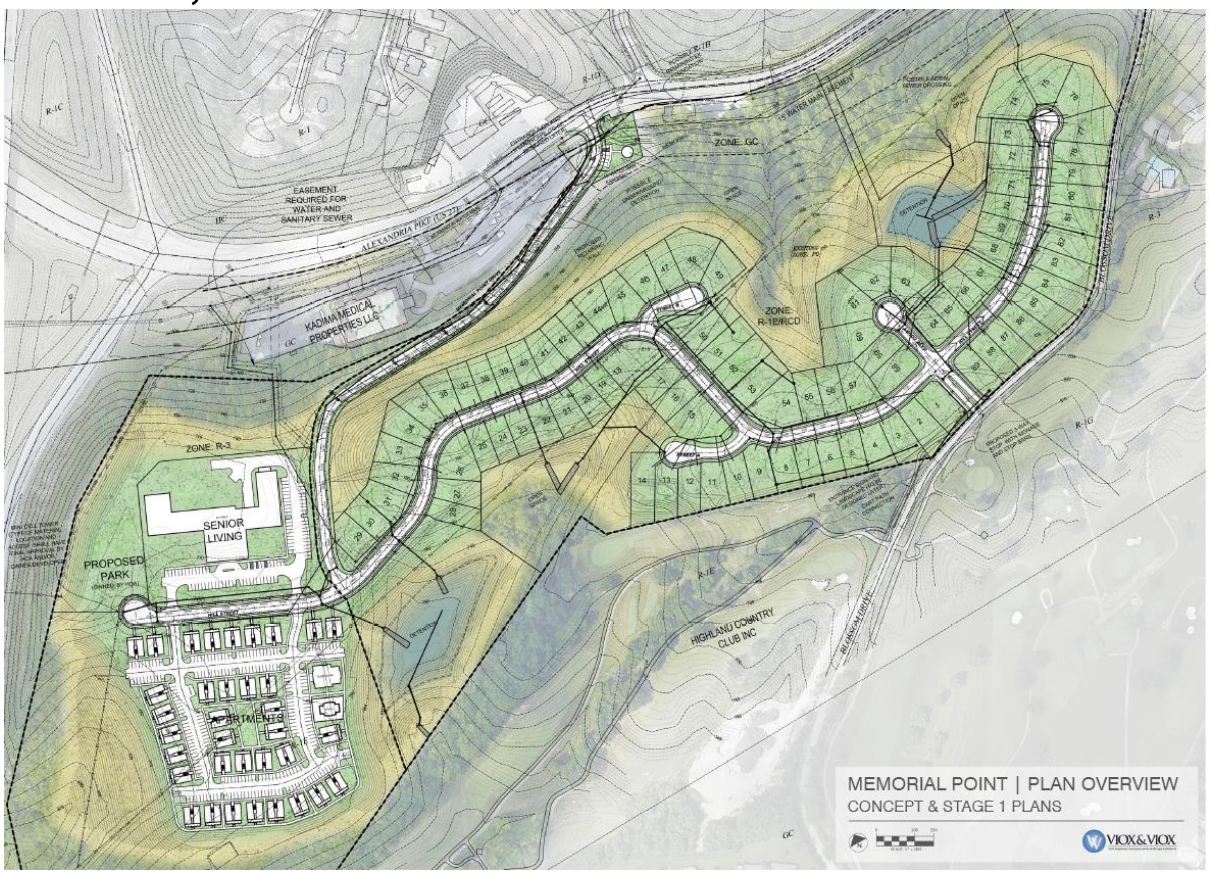
The Ashley Development Group is the sponsor of the proposed development. Viox & Viox is serving as the site civil engineer for the Developer.

An acknowledgement of the pending sale of the property by the owner was included in the application packet.

The site is within the City of Southgate and borders Ft. Thomas and Unincorporated Campbell County.

The zone change request as well as the site improvement plans are presented concurrently and include these requests:

- Zone Map Change on two parcels encompassing approximately 78 acres (PIDN 999-99-10-976.00 and 999-99-11-021.00) plus the existing public rights of way. This property is currently zoned Professional Office (PO). In 2001, the property was acquired by Twin Towers Life Enriching Communities (LEC). The property is currently under contract with Ashley Commercial Group for the proposed development of the Memorial Point Residential Community.



Requested Zone Changes include:

- Approximately 44.5 acres to be rezoned to Residential One E (R-1E) with a Residential Cluster Development (RCD) overlay designed to accommodate a combination of detached and attached single-family homes;

- Approximately 28.9 acres to be rezoned to Residential Three (R-3) designed to accommodate Apartments and an Assisted-Living Facility; and

- Approximately 4.6 acres plus right of way along US 27 for a total in excess of 5 acres to be rezoned to General Commercial (GC) designed to accommodate a dedicated memorial.

Article VIII, Section 8.4 identifies that zones bordering rights-of-way shall be extended out to the centerline of the rights-of-way.

- Requested Conditional Use Permit for Assisted-Living Facility within the R-3 Zone

- Requested limited waiver of the Subdivision Regulations for specified sidewalks due to the extensive hillside development conditions.

Pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251, the Planning Commission may hear and finally decide applications for conditional use permits with a proposed development assuming all powers and duties otherwise exercised by the board of adjustments.

Summary of Development Agreement

The City of Southgate and Ashley Commercial Development Group have entered into a development agreement. Per this agreement the projects will consist of four (4) phases:

1) Two- and three-bedroom homeownership units (Single-Family Home Phase);

2) An apartment complex consisting of a minimum of 100 and a maximum of 200 Class A apartment units (Apartment Phase);

3) A for-profit assisted-living facility as well as support services (Assisted-Living Phase); and

4) A public memorial, titled "Beverly Hills Fire Memorial", to be built and developed as a memorial to the Beverly Hills Fire tragedy (Public Phase).

The approximate value of this development will be $65 Million when completed.

Several key items noted in the agreement include:

- Front Access Road: During the development of the Project, Developer shall construct a permanent, publicly dedicated right of way road (*per the City/Developer agreement, the developer shall not be obligated to install sidewalks on the Front Access Road*), extending from the development site on the Property and connecting to US 27.

- Blossom Lane Access: Blossom Lane should not be used by construction traffic, including trucks, semis, equipment and debris hauling, unless Developer has received written approval for such use from the City and the County.

- Single-Family Home Phase: The single-family homes shall consist of approximately 89 two- and three-bedroom homeownership units and that of these, 20 to 25 of the single-family homes shall be three-bedroom units that are complimentary to Fairway Crossing.

- Apartment Phase: The Class A Apartments (as defined above) shall contain a common area with a swimming pool, indoor exercise equipment and common event center.

- Memorial: The Beverly Hills Fire Memorial shall be constructed to commemorate the memory of the victims, and the bravery of the first responders. The City and Developer, in conjunction with other community members, shall work collaboratively in creating the design of the memorial. The memorial shall contain a minimum of five (5) (including one handicap accessible space) off-street parking spaces.

    - *The site of the memorial should be constructed on or near the attached area as shown in Exhibit C (1). The construction should be of comparable type as Exhibit C (2), and the estimated cost to be as seen in Exhibit C (3).*

    - *There should be four memorial monuments consisting of the following:*

        (1) Names of the victims who died in the fire, and a short story of the fire;

        (2) pictures of maps of the Beverly Hills site, including a map of placement of all rooms at the time of the fire;

        (3) a list of known federal and state fire and safety regulations implemented as a result of the fire;

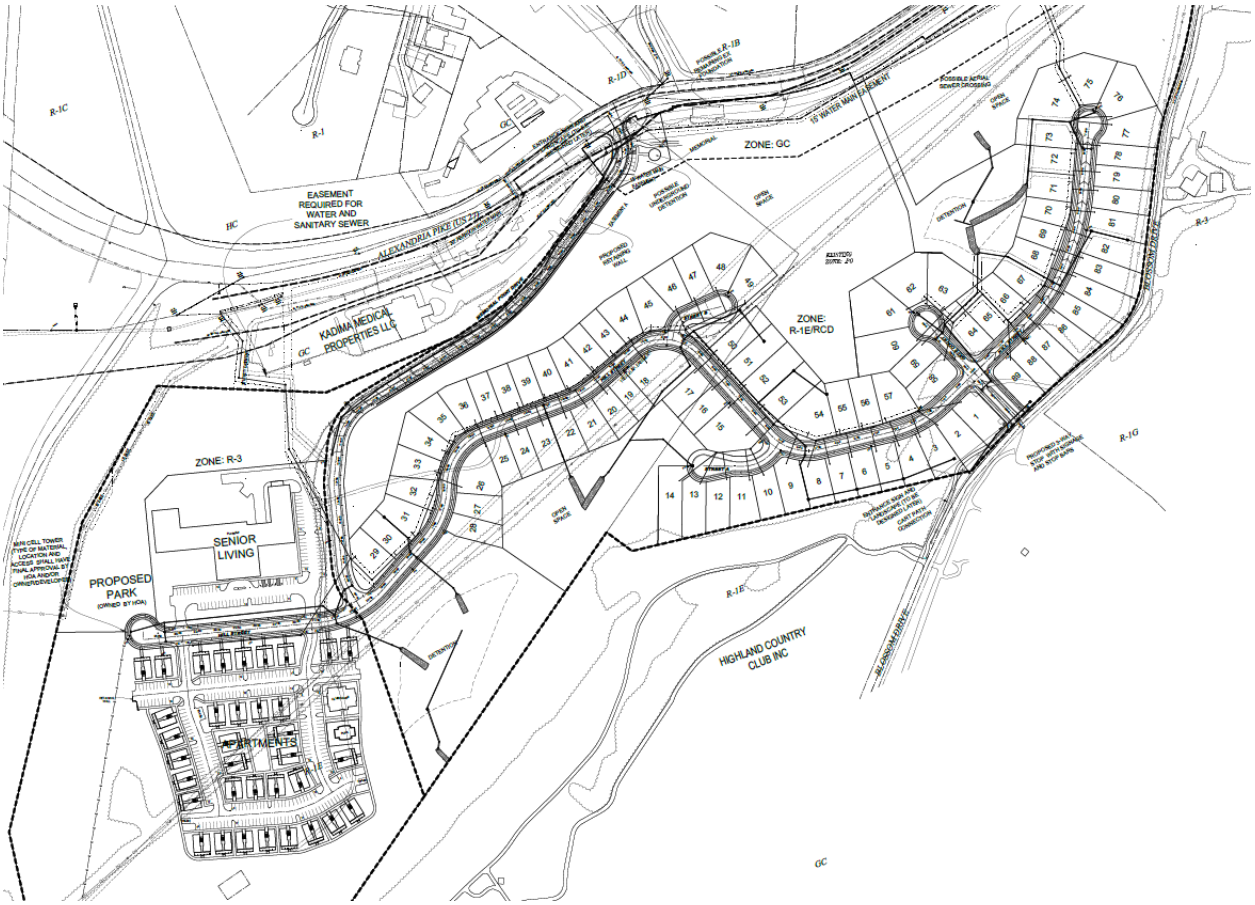
        (4) a list of all responding fire and police units, as well as an acknowledgment to the City of Fort Thomas for allowing use of the Armory as a temporary morgue for identification of those persons who died in the fire;

        (5) a common paved area surrounding the monuments;

(6) a reference point identified in the Park at the top of the hill through placement of a marker or placard depicting a map indicating where the Beverly Hills Supper Club was located.

- *Upon completion of the Public Phase, the City will assume ownership of the Memorial, and will maintain it as a public park.*

Submittal:



The Southgate Ordinance details the requirements for Article IX, Section 9.20 - Site Plans, Article IX, Section 9.14 Conditional Uses, and Article XVII Section 17.0 - Zone Amendment of Maps.

In reviewing the Site Development Plan, the following items were noted:

- Plans were submitted electronically to enable detailed review.
- The site is zoned Professional Office (PO). Proposed Zoning includes: Residential One E (R1-E) Zone with Residential Cluster Development (RCD) Overlay, Residential Three (R-3) Zone and General Commercial (GC) Zone.

SITE PLAN REQUIREMENTS:

A. Total Area
B. Zoning
C. Public/Private Rights-of-way and easements
D. Topography
E. Residential Areas / Density
   - Attached
   - Detached
F. Nonresidential buildings
   - Commercial uses
   - Open space
   - Public / Semi Public Uses
G. Pedestrian Walkways
H. Streets
I. Utility Location
J. Utility Certification
K. Soil Types
L. Development Schedule

- The Future Land Use Map from the 2008 Comprehensive Plan identifies this area as Campus Style Office and Lower Density Single-Family Residential.

- The site is bounded by US Route 27 and Blossom Lane. US 27 is maintained by the Kentucky Transportation Cabinet. Blossom Lane in the vicinity of this project is maintained by Campbell County. Existing utility easements are noted on the plan including a 15' water main easement along US 27.

- Topography lines were provided at two-foot intervals for the existing and future grading. The site has numerous areas that are topographical challenges. This topography supports the proposal for permitting a Residential Cluster Development with the preservation of open space and the need for waviers for sidewalks in areas of steep slopes.

- The property is currently vacant.

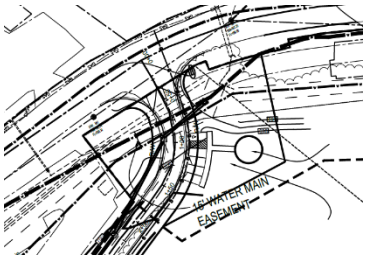
- Proposed residential uses are as follows:

  1) **Single-Family Homes** – These single-family home units will be a combination of attached and detached homes. Each home is on its own deed. Approximately 85 to 90 home ownership units are anticipated. It is anticipated that these homes be comparable to those located on Fairway Drive. They will consist of two- and three-bedroom units. *Residential One E (**R1-E**) Zone with Residential Cluster Development (**RCD**) Overlay.*

2) **Apartments** – Approximately 100 to 200 Class A apartments are proposed. For this development Class A apartments are defined as "luxury apartments, for renters by choice, with new, upscale, top amenities, that are professionally managed with little to no deferred maintenance that are comparable to other Northern Kentucky/Greater Cincinnati Class A apartment buildings". *Residential Three (**R-3**) Zone.*

3) **Assisted-Living Complex – An assisted-living facility providing approximately 79 units. It is anticipated that the complex will be constructed to a memory-care standard.** *Residential Three (R-3) Zone with a Conditional Use for Institution for Human Medical care.*

- Proposed nonresidential uses include the placement of a memorial to be jointly designed with the City observing the historical events that have taken place on the site. The plan indicates five (5) off-street parking spaces. The memorial will be transferred to the City of Southgate. *General Commercial (GC) Zone along US 27.*



A park-like setting will also be established at the top of the hill to be located between the Assisted-Living facility and the Apartment complex. This proposed park will have an additional reference related to the site's historical significance.

Additional open space is noted surrounding the single-family units. It should be noted that the City of Southgate is a Tree City USA and promotes the installation and maintenance of high-quality landscapes.

TREE CITY USA®

- Pedestrian Walkways are indicated within the proposed residential areas. No sidewalks are proposed to be added along US 27 or Blossom Lane.

- Proposed local streets are as follows:

  - Memorial Point Drive - Local/cul-de-sac street. This drive is in the approximate location of the existing driveway to the top of the hill. A full depth replacement is required. Retaining walls will be required. A 50' right of way will be dedicated. However, a portion (approximately 600 feet) of the 50' right of way will be offset from the centerline of the road. The extra width of right of way on the offset side will be additional area behind the proposed wall. Pavement width will be 25'. No sidewalks are proposed along Memorial Point Drive based on the Development Agreement and the pedestrian incline. A waiver of Subdivision Regulation Section 405 Q for sidewalks is requested. No on-street parking is proposed.

  - Gate Court (Blossom Lane to Hill Street) - Local/cul-de-sac street. Dedicated right of way 60' with 37' pavement with an island. Sidewalks are indicated on both sides. No on-street parking is proposed. The intersection of Gate Court and Blossom is proposed as 3-way stop.

  - Gate Court (Hill Street to cul-de-sac) - Local/cul-de-sac street. Dedicated right of way 50' with 25' pavement. Sidewalks are indicated on both sides. Parking is proposed on one side only (opposite water main).

  - Hill Street - Local/cul-de-sac street. Dedicated right of way 50' with 25' pavement. Sidewalks are indicated on both sides. Parking is proposed on one side only (opposite water main).

  - Streets A and B - Local/cul-de-sac street. Teardrop cul-de-sac design with 50' dedicated right of way and 25' Pavement. Sidewalks and parking are proposed on one side only (opposite water main). A waiver of Subdivision Regulation Section 405 Q is for sidewalks

on one-side requested due to the topography and need to avoid conflict with the water main.

- An optional cart path to the Country Club property is proposed. This access is subject to approval by the Country Club.

- Proposed utility locations are indicated for water, sanitary sewer, stormwater detention, gas, and electric. Major utilities are proposed to be underground. The developer has also buffered for a mini-cell site (distributed antenna) to service the complex.

- Utility Certification are summarized as follows:

  - Northern Kentucky Water District maintains an 8", 12", and 16" water mains that run along Alexandria Pike. There is also a 12" that runs along Blossom Lane. With plan approval by the Northern Kentucky Water District, these water mains are available for domestic and/or fire protection services.

  - Duke Energy Kentucky, Inc. service will be provided.

  - Cincinnati Bell services the area.

  - Sanitation District #1 provides stormwater management and sanitary sewer connections. A sanitary capacity reservation is in place.

- Soil classifications are indicated as FcC, FcD, EdE2 and NIB on the plans. The developer has indicated that additional geotechnical work will be completed as a part of subsequent phases.

- The anticipated schedule for the Project's construction is to begin in in the last quarter of 2020 or in 2021. The Developer anticipates completion of all phases of the Project within eight (8) years of initiation of construction. Outdoor construction of the Project shall occur only between the hours of 7:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 6:00 p.m. on Saturdays and Sundays.

Zone Change:

In accordance with Article XVII Section 17.0 E, Finding Necessary for Map Amendment, staff finds that the existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate. The developer has described the need for the zone change as follows:

The Campbell County Comprehensive Plan (which includes the City of Southgate) was updated in 2008. The Goals and Objectives were updated, along with the re-ratification of the Comprehensive Plan, in 2015. These zone change requests conform to many of the approved goals, including:

- *GOAL: LAND USE*
  - *Cultivate future development and redevelopment, which reinforces the County's high quality natural and livable environment through its buildings, site development, traffic patterns, signage, and landscaping.*
  - *Effectively manage potential conflicts from proposed development through functional and attractive transitions between land uses.*
  - *Evaluate and implement strategies to balance development and mitigate risk to public infrastructure, private property and environmental degradation within unstable soils and special flood hazard zones.*
- *GOAL: RESIDENTIAL DEVELOPMENT*
  - *Encourage a variety of densities and housing types that will provide options for a range of household sizes, age groups, and income levels to promote a high quality environment.*
  - *Facilitate neighborhood-scale and mixed use developments that promote a sense of community gathering, educational, and service options.*
  - *Utilize performance standards for housing development that incorporate the effects on water and sanitary sewer needs, traffic congestion, and open space preservation.*
- *GOAL: CULTURAL RESOURCES*
  - *Raise awareness and support the creation, preservation, and expansion of public and private cultural and historic facilities.*
- *GOAL: PUBLIC UTILITY SERVICES*
  - *Coordinate the efficient use of utilities, including sanitary sewer, storm water, and water infrastructure within the County.*

Staff concludes that the zone classification as defined in the comprehensive plan is no longer appropriate, particularly campus style office and due to the economic conditions and finds that the residential campus is more appropriate and consistent with the goals and objectives as updated in 2015.

Conditional Use:

The developer has requested a Conditional Use Permit for the Assisted-Living Facility. The R-3 zone provides for a conditional use for Institutions for human medical care - hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street. The proposed facility is located at the Intersection of Memorial Point Drive and Hill Street. Memorial Point Drive serves as the access point for the Memorial and the Assisted-Living Facility and connects to US 27. US 27 is an arterial street.

As indicated in Article IX, Section 9.15 Conditional Uses, evidence must be presented by the applicant:

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and

2. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

The developer has provided the following summary:

Ashley Commercial Group LLC is requesting a Conditional Use Permit as part of their proposed Memorial Point development. The Conditional Use Permit is required to accommodate the proposed assisted-living facility. The location of the assisted-living facility is appropriate for convenient access to a major transportation corridor, medical needs, commercial, and civil and religious activities. The vistas from this location enhances the overall livability for residents at the assisted-living facility.

The proposed assisted-living facility will meet each of the three criteria listed on the Conditional Use Permit Application (6. A., B., and C.). The relationship of this proposed use with the Comprehensive Plan is outlined below.

The Campbell County Comprehensive Plan (which includes the City of Southgate) was updated in 2008. The Goals and Objectives were updated, along with the re-ratifications of the Comprehensive Plan in 2015. This Conditional Use Permit requests conforms specifically to the following approved goal:

- *GOAL: RESIDENTIAL DEVELOPMENT*

    - *Encourage a variety of densities and housing types that will provide options for a range of household sizes, age groups, and income levels to promote a high-quality environment.*

In addition, this Conditional Use Permit also conforms to the recommendations in the Comprehensive Plan.

- *On page 139, under the heading **DEVELOPMENT CONCEPTS/Residential**, the Comprehensive Plan states: "A variety of residential densities and housing types is desirable."*

- *Also, on page 139, the Comprehensive Plan states: "The type of development that should occur within a specific area should be based, in part, upon the unique characteristics of the development site and character of adjacent development."*

- *On page 148, under the heading **DEVELOPMENT CONCEPTS/Viewsheds and Viewshed Protection**, the Comprehensive Plan states: "Viewsheds that have unique aesthetic elements or that contribute to the overall character of the community should be protected and preserved. A viewshed is an area that is visible from a defined observation point. Viewsheds have been shown to make a positive contribution to the general health, safety, and welfare of a community. Viewsheds enhance property values, contribute to the economy, and may serve as the part of the foundation of a community's identify."*

Area and Height Regulations for each requested Zone:

R-1E RESIDENTIAL ONE-E ZONE – permitted uses include single-family detached homes are subject to the following:

- Minimum lot area - Ten thousand (10,000) square feet
- Minimum lot width at building setback line - Ninety (90) feet
- Minimum front yard depth – Twenty-five (25) feet
- Minimum side yard width on each side of lot – Five (5) feet
- Minimum rear yard depth - Twenty-five (25) feet
- Maximum building height - Thirty-five (35) feet

A Residential Cluster Development Overlay can be applied to an R-1E Zone. Attached and detached single-family homes are permitted with setbacks per plan. Overall density must meet the underlying (R-1E) zone. Approximately 44.5 acres are requested to be zoned R-1E/RCD.

Permitted density is 193 units. The developer is proposing 89 units.

- Minimum Lot Area – 6,000 square feet
- Minimum lot width at building setback line - 55 feet
- Minimum front yard depth – 22 feet

- Minimum Side Street setback – 11 feet
- Minimum side yard width on each side of lot – Five (5) feet or Zero (0) for attached-style units
- Minimum rear yard depth - 20 feet
- Maximum building height - Thirty-five (35) feet

Staff concurs with these dimensions recommends a density of no more than 90 units.

R-3 RESIDENTIAL THREE ZONE permitted uses include two-family residential dwellings and multi-family residential dwellings are subject to the following:

- Minimum lot area - Forty thousand (40,000) square feet.
- Maximum density – Ten (10) dwelling units per acre
- Minimum lot width at building setback line – One hundred (100) feet
- Minimum front yard depth – Forty (40) feet
- Minimum side yard width on each side of lot – Fifteen (15) feet
- Minimum rear yard depth - Thirty (30) feet
- Maximum building height - Thirty-five (35) feet

For the Apartments, the developer has requested a variance for the front yard setback to be reduced to ten (10) feet. The developed has also indicated that they have not finalized the height of the buildings and requested a height variance. The developer requested to be allowed to consider heights up to fifty (50) feet. Written confirmation has been received from the City of Southgate that the Fire Department is in the process of purchasing a ladder extension that can accommodate the 50 feet.

Staff concurs with these dimensions and notes that final building occupancy will not be permitted for any floors **over 40** feet in height until such time as the fire department indicates that they have the equipment to adequately service the buildings.

R-3 RESIDENTIAL THREE ZONE conditionally permitted uses referencing the assisted-living facility is subject to the following:

- Minimum lot area - Forty thousand (40,000) square feet
- Minimum lot width - One hundred fifty (150) feet
- Minimum front yard depth - Fifty (50) feet

- Minimum side yard width - Fifty (50) feet
- Minimum rear yard depth - Fifty (50) feet
- Maximum building height - Forty (40) feet

For the Assisted-Living Facility, the developer has requested a variance for the rear yard setback to be reduced to thirty (30) feet and the side yard setback to be reduced to fifteen (15) feet. The developed has also indicated that they have not finalized the height of the buildings and requested a height variance. The developer requested to be allowed to consider heights up to fifty (50) feet.

The developer has provided the following summary in support of their variance and waiver requests:

> *Request #1: Applicant requests a variance in the R-3 zone to allow for a minimum front yard depth of 10 feet for the apartments (permitted use). The current front yard setback requirement of 40 feet would require the removal of vegetation in the backyards. By moving the buildings closer to the street, the hillside and vegetation can be preserved.*
>
> *Request #2: Applicant requests a variance in the R-3 zone to allow for a minimum rear yard depth of 30 feet for the assisted-living facility (conditionally permitted use). A setback requirement reduction from 50 feet to 30 feet is needed because of the difficult topography and to provide a connection to the adjacent park space.*
>
> *Request #3: Applicant requests a variance in the R-3 zone to allow for a minimum side yard depth of 15 feet for the assisted-living facility (conditionally permitted use). By reducing the setback requirement to match that of the permitted use (apartments), the Developer can maximize the adjacent park space.*
>
> *Request #4: Applicant requests a variance in the R-3 zone to allow for a maximum building height of 50 feet for the proposed apartments (permitted use). The severe topography of the site would limit the livable space within the units, therefore an extension from a maximum height of 35 feet (permitted) to 50 feet will help to increase the amount of livable space.*
>
> *Request #5: Applicant requests a variance in the R-3 zone to allow for a maximum building height of 50 feet for the proposed assisted-living facility (conditionally permitted use). The severe topography of the site would limit the livable space within the units, therefore an extension from a maximum height of 40 feet (conditionally permitted) to 50 feet will help to increase the amount of livable space.*

Request #6: Applicant requests a variance to not construct sidewalks along U.S. 27. There are currently no sidewalks along U.S. 27, therefore there would be no connectivity if new walks were constructed.

Request #7: Applicant requests a variance to not construct sidewalks along Blossom Lane. There are currently no sidewalks along Blossom Lane, therefore there would be no connectivity if new walks were constructed. In addition, the topography along Blossom Lane is steep and sidewalks would not meet ADA requirements.

Request #8: Applicant requests a variance to not construct sidewalks along Memorial Point Drive. There are currently no sidewalks along U.S. 27 so there would not be any connectivity if new walks were built. In addition, the topography along Memorial Point Drive is steep and sidewalks would not meet ADA requirements.

Request #9: Applicant requests a variance to construct sidewalks on only one side of the side of Street A & Street B. Street A & Street B are very short in length and only have houses on one side of the street.

Staff concurs with these dimensional requests but notes that:

- Final building occupancy will not be permitted for any units within the apartment buildings over 35' in height and/or any units within the assisted living building over 40' in height until such time as the fire department indicates that they have the equipment to adequately service these units/buildings.

- Requests for items 6 and 7 are not needed as no development is occurring along US 27 or Blossom Lane.

* * * * *

Staff Recommendation for 231-20-ZMA-01 (Zone Map Change with RCD Overlay)

Zone Map Change from PO (78 acres) to R-1E/RCD (44 acres), R-3 (29 acres) and GC (5) as described and to forward the recommendation to the City of Southgate for consideration for adoption.

Basis for Recommendation:

1. Per Kentucky Revised Statutes, the City of Southgate has the authority to enact zoning regulations within its jurisdiction including the provision to amend its zoning map.

2. Evidence was presented that confirms that the project complies with the City Zoning Ordinance including Section 9.20 - Site Plans and Section 17.0 - Zone Amendment of Maps.

3. Proper notice has been given in accordance with Southgate Zoning Ordinance Article XVII, Section 17.0 D and Kentucky Revised Statute (KRS) 100.212 Notice of hearing on proposed map amendment.

4. The submitted request is appropriate for this site since it is in compliance with the goals and objectives and aligns with the current economic conditions for developing a residential community.

* * * * *

Staff Recommendation for 231-20-ZMA-02 (Stage 1 Plan with CUP and necessary waivers and variance):

Approval of the Stage 1 Site Development Plan with a Conditional Use permit for an Assisted-Living Facility with the following variances and waivers:

Variances:

- Zone R-3 Minimum front yard setback for apartments reduced to 10 feet
- Zone R-3 Maximum building height for apartments increased to 50 feet
- Zone R-3 Minimum rear yard setback for CUP (Assisted-Living) reduced to 30 feet
- Zone R-3 Minimum side yard setback for CUP (Assisted-Living) reduced to 15 feet
- Zone R-3 Maximum building height for CUP (Assisted-Living) increased to 50 feet

Wavier of Subdivision Regulations:

- Waiver of all sidewalks on Memorial Point Drive
- Waiver of sidewalk on one side of Street A and Street B

Basis for Recommendation:

1. Evidence was presented and/or heard which confirms that the project complies with the City Zoning Ordinance including Section 9.20 - Site Plans, conditional use requirements, requirements for variances and needs for waivers.

2. Proper notice has been given in accordance with Southgate Zoning Ordinance Article XVII, Section 17.0 D.

3. Under KRS 100.237, the Board of Adjustment has the power to hear and decide applications for Conditional Use Permits. The board may impose any reasonable conditions or restrictions on any variance it decides to grant.

4. The planning commission may hear and finally decide applications for conditional use permits with a proposed development assuming all powers and duties otherwise exercised by the board of adjustments pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251.

Staff further notes that the development is not making improvements along US 27 or Blossom and therefore no sidewalks are required.

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If you need additional information or clarification prior the meeting, you may contact us at 859-292-3880.

Sincerely,

Cynthia Minter

Cynthia Minter, AICP CFM
Director of Planning and Zoning, Campbell County

cc: Planning Commission
Commission Legal
Brandi Barton, City Clerk