



**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
MINUTES OF THE JULY 28, 2020 MEETING**

**MEMBERS PRESENT:**

Mr. Larry Barrow, Vice Chair  
Mr. Roger Mason  
Mr. CJ Peters, Chair  
Mr. Michael Williams  
Ms. Sharon Haynes  
Mr. Dennis Bass

**MEMBERS ABSENT:**

Mr. Edward Stubbs  
Mr. Justin Verst, TPO  
Mr. Mark Turner

**STAFF PRESENT:**

Ms. Cynthia Minter, Director  
Mr. Matt Smith, Legal Counsel  
Ms. Emily Woodward, Secretary

Mr. Peters called the meeting to order at 6:35 PM. Following the Pledge of Allegiance, he requested the secretary take attendance. The roll call found a quorum was present with Mr. Barrow, Mr. Mason, Mr. Peters, Mr. Williams, Ms. Haynes and Mr. Bass present. Mr. Stubbs, Mr. Verst and Mr. Turner were noted as absent.

Mr. Peters explained the proceedings and coronavirus related protocols. He then introduced case 230-20-ZMA-01, and turned the floor over to Ms. Minter who presented the Staff Report as follows:

**FILE NUMBER:** 230-20-ZMA-01

**APPLICANT:** Thomas Munninghoff for Sun Valley Real Estate LLC

**ENGINEER:** Joe Kramer for Cardinal Engineering

**LOCATION:** Parkside III Subdivision, Woeste Road, Unincorporated Campbell County

Legal Notices were published in the July 16, 2020 and July 23, 2020 edition of the Campbell County Recorder. In addition, notice was mailed to 65 property owners. The notice and reports posted on the County and Community Facebook pages. Notice was placed on the site in two locations. Ms. Minter noted one of the signs blew down in a storm and was replaced on site.

Opportunities were provided to review materials online and in-person. Opportunities were provided for comment by email, phone and in person. 6 Bundles of Comments were submitted to the Applicant and Planning Commission. Including a petition gathered in 2019 from 45 of the 54 property owners in Parkside. The remaining 9 lots were either owned by Sun Valley Realty or Fischer Homes.

### OVERVIEW OF REQUEST:

Sun Valley Realty LLC is requesting a Residential Cluster Development Overlay Zone (RCD) to be overlaid on the existing Residential-1C (R-1C) zone for the Parkside III Development in Campbell County, on the northeast side of Woeste Road.

The R-1C zone allows for single-family detached homes. The RCD overlay would allow for both single-family attached and single-family detached homes.

### PLANNING & ZONING CASES RELATED TO PARKSIDE PHASE III SUBDIVISION:

The first Planning and Zoning case related to Parkside Phase III or the Reserves of Parkside was in 2002 for a Zone change from A-1 to R-1C. Phase I and II of the Parkside Subdivision were already under construction. Under this proposal, a zone change from A-1 to R-1C was approved allowing 254 units. There were two connections to Woeste Road.



#### LEGAL NOTICE

The Campbell County & Municipal Planning & Zoning Commission will hold a special public hearing on Tuesday July 28th at 6:00 P.M. at the Campbell County Fiscal Court Chambers, 1st Floor, located at 1098 Monmouth St. Newport, KY 41071 for the purpose of hearing testimony for the following cases:

#### FILE NUMBER:

230-20-ZMA-01

#### APPLICANT:

Sun Valley Real Estate

#### LOCATION:

Woeste Rd, Unincorporated Campbell County, Kentucky

REQUEST: A proposed zone change from R-1C to R-1C with a Residential Cluster Development (RCD)

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](mailto:pzadmin@campbellcountyky.gov) or calling 859-292-3880 no later than noon (EST) on July 27, 2020. For record keeping purposes, comments should also include the name and address of the person(s) commenting.

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

Cynthia Minter

/s/ Cynthia Minter  
Director of Planning & Zoning

Date: July 10, 2020

Published: July 16 2020 and July 23 2020

Campbell County Recorder,  
CAM, Jul16, 23'20# 4279855







In 2014, a Planning & Zoning case was approved which removed 39 acres from the subdivision and converted those 39 acres into large lot units. Those large lots were subsequently sold.

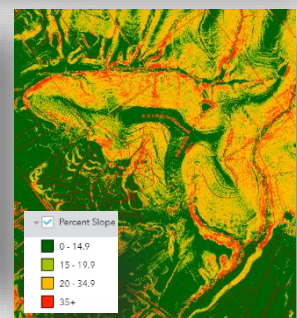
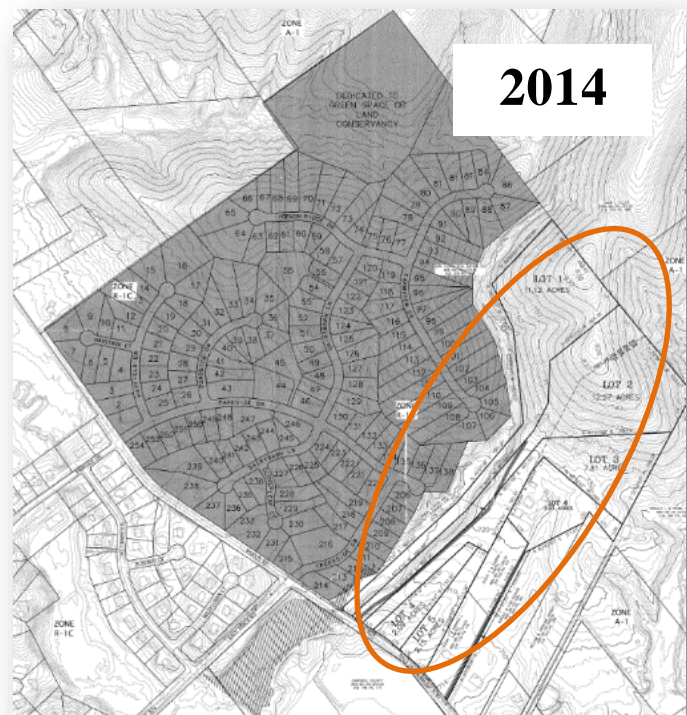
The remaining subdivision was redesigned and the overall number of units was reduced the number of units to 187 units.

In 2018, construction on the subdivision was re-energized with the completion of Pondwoods Drive.

Significant drainage issues emerged during that same timeframe. The complexity of the soil conditions was noted and more detailed field analyses were conducted. The County also expressed drainage concerns, which were affecting street longevity of the public streets.

As a result, in May 2019, a revised plan was submitted to the Planning Commission, which addressed the drainage issues and created detention areas. It was noted that 54 residential lots have been platted and would not change.

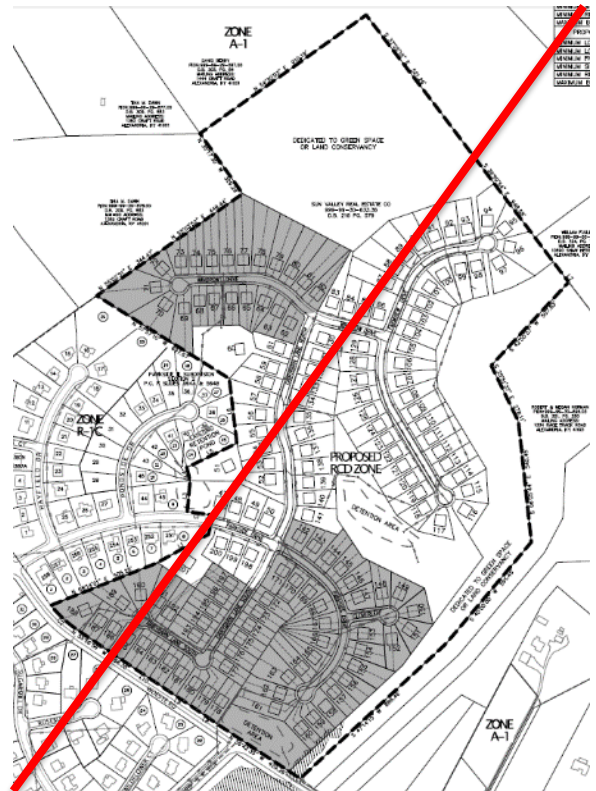
The connection to from Woeste Road at Race Track Road was removed as this was a major drainage area with soils that were not suitable for



THE U.S. DEPT. OF AGRICULTURE SOIL CONSERVATION SERVICES SHOWS THE SITE SOILS CONSIST OF THE FOLLOWING: LAWRENCE SILT LOAM (Lc), CAPTINA SILT LOAM (CaB), LICKING SILTY CLAY LOAM (LIC), NEWARK SILT LOAM (Nk), LICKING SILT LOAM (LkA), LICKING SILT LOAM (LkB), LICKING SILTY CLAY LOAM (LJD)

[illegible]

In 2020, Mr. Thomas Munninghoff for Sun Valley Real Estate LLC with Joe Kramer for Cardinal Engineering submitted a revised request for a Residential Cluster Development with the *Reserves of Parkside*.





## PLANNING AND ZONING BACKGROUND:

As defined in the Campbell County Zoning Ordinance, SECTION 10.14 RCD - RESIDENTIAL CLUSTER DEVELOPMENT OVERLAY ZONE, the purpose of the Residential Cluster Development (RCD) Overlay Zone is to provide a means whereby clusters of attached and detached single-family residential units may be constructed in the R-1 Single-Family Residential Zones, and therein, through a development plan, permit a wide flexibility in the design, location, siting of buildings, in order to provide for, to the greatest extent possible, the preservation of hillside areas, and other natural geographic and topographic features, and to provide for more usable and suitable located recreation facilities and open space than would otherwise be provided under conventional R-1 Single-Family Residential land development procedures.

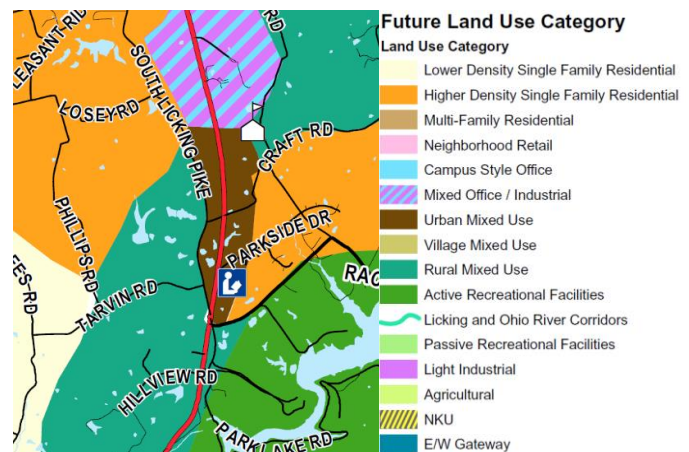
In 2015, Campbell County adopted a Vision Statement stating “Campbell County offers a variety of housing options for people in all life phases spanning a wide income level.” Residential goals included:

- 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 and provide housing, employment, recreation, community gathering, educational, and service options.

The Future land Use Map within the Comprehensive Plan identifies this area as Higher Density Single-Family Residential Development.

The Comprehensive Plan further stated:

“Higher Density Single Family Residential – Smaller lot, one or two family detached residential dwellings, on lots smaller than one acre, where sanitary sewer is readily available. Higher density single family residential developments typically occur in a subdivision type setting (e.g. detached single family dwelling on ¼ acre, patio homes, duplex, etc.).”



Relevant section of the Goals and Objectives as updated in 2015 are outlined as follows:

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.
- Utilize performance standards for housing development that incorporate the effects on water and sanitary sewer needs, traffic congestion, and open space preservation.

#### Goal: Environmental Stewardship

- Include and maintain appropriate and economically feasible, levels of open space, landscaping, trees, and other natural features in conjunction with all development or redevelopment.



#### THE RESERVES OF PARKSIDE:

The Reserves of Parkside is Phase III of the Parkside Development. Fischer Homes advertises an *“offering its Designer Collection of homes in this Campbell County community with large, wooded and cul-de-sac homesites available. Natural beauty, woods and parkland surrounding The Reserve of Parkside provide a tranquil setting. A.J. Jolly Park is located next door offering an abundance of outdoor activities including an 18-hole golf course, lake for fishing, boating and kayaking, hiking, camping and much more. Shopping and dining options are a short drive away on US 27. The Reserve of Parkside is located in Campbell County School District – Grant's Lick Elementary, Campbell County Middle, and Campbell County High School.”*

Based upon a review of the Property Value Administrator (PVA) records for 169 homes within the Parkside subdivision, the average home value is \$236K with a Median value of \$230K.

Single-Family Detached Homes *						
Style	Starting Price	Assessed Value	Bedrooms	Baths	Square footage	
Blair	\$313,990	Range - \$154,000 to \$485,000; Average \$236,521; Median \$230,000	4-5	2-5	3,029	- 3,735
Grandin	\$310,990		4-5	2-5	2,711	- 3,831
Avery	\$294,990		4-4	2-4	2,535	
Foster	\$293,990		4-6	2-4	2,954	- 3,980
Charles	\$287,990		3-6	2.5-4.5	2,457	
Wyatt	\$281,990		4-5	2.5-4.5	2,731	- 2,731
Keaton	\$276,990		3-4	2.5-3.5	2,069	- 2,108
Miles	\$268,990		3-4	2.5-3.5	2,437	
Calvin	\$268,990		3-4	2-3	2,069	
Springfield	\$257,990		2-3	2-3	1,805	
* PVA Summary Assessment of 169 homes in Parkside						

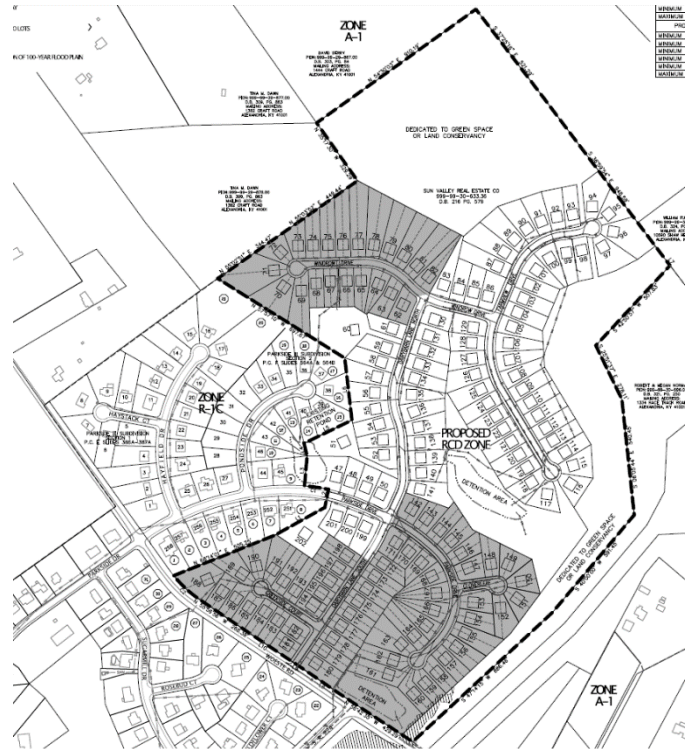
Hayfield Drive and Haystack Court were constructed in 2005. Parkside Drive had an extension in 2006.

Similar to many neighborhoods, the completion of the Reserves of Parkside subdivision struggled following the 2008 economic downturn. In 2018, the subdivision added Pondwoods Drive; this was the first new road in over twelve years. From 2018 Through July 2020, two (2) new homes were constructed on Hayfield Drive, 13 homes on Pondwoods Drive and one (1) new home on Parkside Drive for a total of 15 new homes within the reserves of Parkside initiating in 2018.

#### REQUEST FOR RESIDENTIAL CLUSTER DEVELOPMENT:

The Northern Kentucky housing market has a growing demand for sustainable homes with flexibility in style, maintenance and price. One style that is gaining in popularity and demand is the attached single-family home often referred to as the “paired-patio home”. These homes are commonly on smaller lots with a zero lot-line between the two homes, effectively creating an attached single-family home.

In February 2020, a new case was submitted requesting a Residential Cluster Development (RCD) over the existing R-1C zone within the Parkside Phase III – Reserves of Parkside. This overlay excludes the areas where streets which have been constructed. The area under review consists of approximately ninety-six (96) acres in Unincorporated Campbell County.



#### *Parkside Subdivision Zone Change Narrative (Provided by Applicant)*

*“Sun Valley Real Estate is requesting a Residential Cluster Development Overlay Zone (RCD) to be overlaid on the existing Residential-1C (R-1C) zone for the Parkside III Development in Campbell County, on the northeast side of Woeste Road.*

*The current Campbell County comprehensive plan was adopted in 2008. In 2015, Campbell County updated the goals and objectives.*

*The purpose of this request is not to increase the permitted density under the R-1C zoning designation, but to allow for attached single family housing. The current R-1C zone permits only single-family detached housing.*

*As stated in the Campbell County Zoning Ordinance, the purpose of the Residential Cluster Development (RCD) Overlay Zone is to provide a means whereby clusters of attached and detached single-family residential units may be constructed in the R-1 Single-Family Residential Zones, and therein, through a development plan, permit a*

*wide flexibility in the design, location, siting of buildings, in order to provide for, to the greatest extent possible, the preservation of hillside areas, and other natural geographic and topographic features.*

*The submitted development plan shows a street network that follows the high ridges of the development property and preserves the valleys and open space below. As a result, nearly 33 acres of open space is shown (34%).*

*The single family attached product offered by Fischer homes is called a Paired Patio home and is a newer product that was not offered in 2008 when the current land use map was adopted nor when the current goals and objectives were adopted in 2015. This product will widen the variety of housing in this part of Campbell County fulfilling a key goal and objective adopted in 2015. This product is not being offered anywhere in Campbell County at this time.*

*This product is typically being purchased by empty nesters and single parents. These buyers want this type of ranch style product with a maintenance free exterior. There will be a HOA set up (separate from the master HOA) to take care of the owner's lawncare, landscape maintenance and snow removal. The lots are deeded in fee simple to the owners so that they have ownership of their unit, front, side and rear yards.*

*The current zoning classification (R-1C) permits a density of up to 3.48 dwelling units per acre while the land use map and the comprehensive plan call for higher density single family residential of 4.1 to 7.0 dwelling units per acre. This development will not exceed the density of 3.48 dwelling units per acre of the underlying R-1C zone.*

*We feel that the original zoning is not appropriate since it is not offering the higher density and variety of housing called for in the Campbell County Comprehensive plan. While the higher densities may not be able to be achieved due to the challenging topography, by offering another housing product, we can help further fulfill the 2015 adopted goals and objectives. In addition, given the time that has passed since the 2008 land use map and the 2015 adoption of the goals and objectives, there have been major changes of economic and social nature. The Parkside Subdivision has not fully recovered from the 2008 economic down turn as evidence by the fact that the first new section of street was constructed just last year. And while this is a step in the right direction, the first year produced only 12 lot sales. Fischer Homes has picked up on the social changes in the Northern Kentucky Area and has realized that more product variety and price points must be offered in order to sustain a community. This is what led them to designing the paired patio product.*

*Based on the above information and the attached plan, Sun Valley requests that the current R-1C zone be overlaid with a Residential Cluster Development designation.*

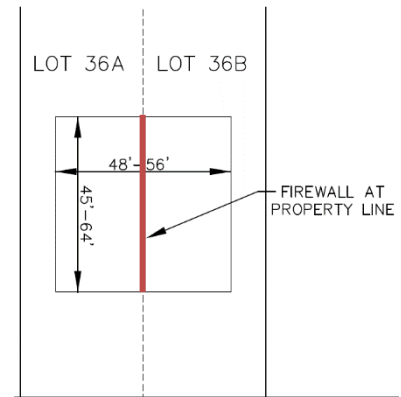
*Sun Valley made a previous application for this project in 2019. The Campbell County Planning Commission recommended approval of that application. The application was withdrawn at the Fiscal Court meeting in December, 2019.*



*This new application is for a revised development plan which has an added a street connection (intersection) on Woeste Road with the proposed Dairybarn Lane. This element of the development plan creates an effective second access point into the development from the existing street network, dividing the traffic into the development into two optional routes for the residents."*

As described in the applicant's narrative, the developer for the *Reserves of Parkside* has collaborated with Fischer Homes to provide multiple home styles that align with this demand and continue to provide the same quality of home in the neighborhood. In addition to the existing portfolio of new single-family detached homes, the developer would like to add single-family attached homes or patio homes. Fischer Homes has provided two examples of the attached housing style which are appended to this report.

Each "Patio" home is a single-family residence. Each homeowner owns the lot on which the home sits. The attached homes home will share a wall. The shared common wall and the fact that there would be no windows on this common wall, keeps the price lower than that of a detached single-family home of similar dimensions and finish. Exterior maintenance is completed through a homeowner's association (HOA).



A comparative summary of the units as provided by Fisher Homes was gathered from the marketing materials.

The developer has indicated that these attached patio homes will be subject to a unique homeowner's association (HOA) with covenants, conditions and restrictions regulating activities on the property. We encourage to the community to be actively engaged in the development of this HOA but note that the HOA agreements are between private property owners and are not reviewed nor enforced by Planning & Zoning.

Single-Family Attached Homes					
Style	Starting Price	Average Price	Bedrooms	Baths	Square footage
Wembley	\$180,000	\$230,000	2-3	1.5-2.5	2,195 - 2,874
Hudson	\$180,000	\$230,000	2-3	2.5	1,657 - 2,066

The developer has emphasized that there overarching intention of this RCD overlay would be to:

- Take advantage of the natural topography in the area
- Incorporate adequate drainage
- Avoid poor soils which were discovered during previous home construction
- Provide single family homes at a quality home at desirable price point (\$180K low, \$230K avg)

The purpose of this request is to allow for attached single-family housing. The current R-1C zone permits only single-family detached housing. The current zoning classification (R-1C) permits lots sizes of a minimum of 12,500 feet or slightly over quarter-acre lots or 3.48 units per acre. The RCD overlay allows for the clustering single-family housing. This housing may include attached and/or

Area to be rezoned			
Right-of-way	7.2	acres	8%
Open Space	33.0	acres	34%
Residential lots	<u>56.0</u>	acres	58%
	96.2		

detached single-family housing. Minimum lot sizes and setbacks are revised to allow for this clustering.

The developer is proposing to convert approximately 96 acres to the RCD/R-1C Zone.

As indicated on the proposed plan, the lot sizes would be reduced to a minimum of 4,000 square feet. The minimum lot width would be reduced from 70 for 30 feet. Minimum front yard depths would be reduced from 35 to 20 feet.

Side yard setbacks would be reduced from 7 feet (total 20 feet) to 0 feet (total 5 feet).

Rear yard depths and building heights would remain unchanged.

EXISTING ZONE: R-1C (RESIDENTIAL ONE-C)	
MINIMUM LOT AREA:	12,500 SQUARE FEET
MINIMUM LOT WIDTH AT SETBACK:	SEVENTY (70) FEET
MINIMUM FRONT YARD DEPTH:	THIRTY-FIVE (35) FEET
MINIMUM SIDE YARD WIDTH:	SEVEN (7) FEET, TWENTY (20) FEET TOTAL
MINIMUM REAR YARD DEPTH:	TWENTY-FIVE (25) FEET
MAXIMUM BUILDING HEIGHT:	THIRTY-FIVE (35) FEET
PROPOSED ZONE: RCD (RESIDENTIAL CLUSTER DEVELOPMENT)	
MINIMUM LOT AREA:	4,000 SQUARE FEET
MINIMUM LOT WIDTH AT SETBACK:	THIRTY (30) FEET
MINIMUM FRONT YARD DEPTH:	TWENTY (20) FEET
MINIMUM SIDE YARD WIDTH:	ZERO (0) FEET, FIVE (5) FEET TOTAL
MINIMUM REAR YARD DEPTH:	TWENTY-FIVE (25) FEET
MAXIMUM BUILDING HEIGHT:	THIRTY-FIVE (35) FEET

In 2002, the *Reserves of Parkside* planned for 254 units with two entrance points off of Woeste Road. In 2014, the acreage was reduced and the number of units reduced to 187 units. The site retained with two entrance points off Woeste Road.

In 2019, the site was redesigned to 209 units (including the existing 54 units). One connection to Racetrack Road was removed.

The current proposal is for 286 units (including the 54 existing units) with two entrance points off of Woeste Road.

	Number of Homes	Entrances to Reserves of Parkside
2002	254	2
2014	187	2
2019	209	1
2020	286 proposed	2 proposed

### Plan Review:

1. Plans were submitted in electronic form to enable detailed review.
2. Plans were submitted with two-foot topography intervals.
3. Approximately 56 acres are identified as residential lots. Per General Note 2, the proposed uses are attached and detached single-family lots. Lots are depicted and vary by shape and size. Minimum lots sizes are indicated. Individual lot dimensions are required as part of Stage II plan set.
4. Per General Note 22, the maximum density in the R-1C zone (3.48 dwelling units per acre) will not be exceeded. *However, the density is increased as compared to the plan approved in 2019.*

	Density per Acre
Permitted within R-1C Zone	3.48 units
Approved in 2019	1.61 units
2020 Proposed with RCD overlay	2.41 units

General Note 21 indicates that the paired patio home lots may also be developed as detached single family homes which would reduce the proposed density.

5. There are no non-residential structures included in this plan.

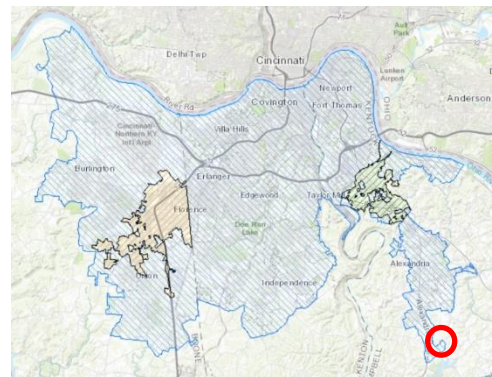
Approximately 33 acres are dedicated as open space areas. General note 15 indicates that open space parcels are to be maintained by the HOA or transferred to the Campbell County Conservancy.

The plan does indicate access points to these areas on the north and south ends of Farmview Drive. These access points are consistent with the approved 2019 plan.

*While the Campbell County Conservancy does maintain a parcel in Parkside. No reference is made or inferred regarding their willingness of the Conservancy to accept additional acreage for management. The Conservancy has recently approached the County to divest of this land.*

6. There are no designated landscaping features. *Landscaping features would be submitted with each lot development.*
7. The location of signs would be required as part of Stage II plan set. *Signage should include access to the open space / recreational areas.*

8. The site is within the Regional Urban Service Boundary. Sanitary sewer capacity is available at the site. SD1 has confirmed the available capacity (reference letter dated October 4, 2019). General Note 3 indicates that all sanitary sewer will be public 8" and will be owned by the Sanitation District #1.



Domestic water supply is available at the site. Northern Kentucky Water District has confirmed the available capacity (reference letter dated October 4, 2019). General Note 4 indicates that the proposed public water mains will be 6" and 8" mains extended from the existing Parkside Drive.

Gas and electric are serviced by Duke Energy. Telephone service is by Cincinnati Bell.

All proposed utilities are to be underground. Details and specific locations will be determined including utility easements will be defined as part of Stage II plan set. Detailed plans are subject to review and approval by the applicable utility agency.

9. On-street parking will be limited to one side of the street consistent with the previous approvals of the subdivision. Off-street parking is permitted within each residential driveway.
10. Streets and pedestrian ways are indicated. Per General Note 12, Parkside Drive west of Dairybarn Lane is to be 28' wide, Parkside Drive east of Dairybarn Lane and all other drive will be 25' wide. *This is consistent with the subdivision regulations for street design.*

No sidewalk is noted along Woeste Road from Dairy Barn to Parkside. A sidewalk at this



location is desirable to promote safe pedestrian travel through the Parkside Subdivision to the trailhead at AJ Jolly Park.

11. Stormwater and detention areas area indicated. Per General Note 10, Erosion and Sediment Controls will be in accordance with the requirements of Sanitation District #1. General Note 15 indicates that onsite detention basin be maintained by the HOA.
12. Per General Note 20, Construction is expected to occur over the next 10 to 12 years. A phasing plan will be requested with Stage II plans.

#### **FINDINGS NECESSARY FOR MAP AMENDMENT:**

As indicated in Article XVII, Section 17.0 E of the Campbell County Zoning Ordinance, Before any map amendment is granted, the Planning and Zoning Commission, or legislative body, must find that the amendment is in agreement with the adopted comprehensive plan by the Planning and Zoning Commission for the County or in the absence of such a finding, that one or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the Planning and Zoning Commission or legislative body.

- A. That the original zoning classification given to the property was inappropriate or improper; and
- B. 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 Recommendations:**

Staff finds that the proposed lot dimensions are consistent with the purpose of the Residential Cluster Development (RCD) Overlay Zone by providing a means to cluster residential units with a flexible design that preserves hillsides, natural geographic and topographic features.

However, there are several features to note.

- The greenspace identified within the approved 2019 and proposed 2020 plan has *not* been increased, implying that no additional preservation of the hillsides, natural geographic and topographic features is provided.
- In the area proposed for single-family detached units within the RCD zone, the lot sizes and setbacks are reduced as compared to the previously approved reserves of Parkside.
- A minimum of a five-foot side-yard setback from the lot line will be required for detached units for building code purposes. This is not indicated on the plan.
- The HOA would be responsible for the maintenance of the Open Space, Green Space and/or Land Conservancy.

The applicant has stated:

*"The single family attached product offered by Fischer homes is called a Paired Patio home and is a newer product that was not offered in 2008 when the current land use map was adopted nor when the current goals and objectives were adopted in 2015. This product will widen the variety of housing in this part of Campbell County fulfilling*

*a key goal and objective adopted in 2015. This product is not being offered anywhere in Campbell County at this time."*

*"We feel that the original zoning is not appropriate since it is not offering the higher density and variety of housing called for in the Campbell County Comprehensive plan."*

Staff concurs with the need for a wider variety of housing types but finds that the applicant has not provided sufficient detail as to determine if this product aligns with the specific established area.

The smaller lot sizes and dimensional characteristics will increase the density within an established community which advertises as "offering its Designer Collection of homes in this Campbell County community with large, wooded and cul-de-sac homesites .... Natural beauty, woods and parkland surrounding The Reserve of Parkside provide a tranquil setting. "



The proposed lot sizes will no longer be classified as large, wooded homesites.

\*\*\*\*\*

Therefore, staff recommends that the Campbell County Planning and Zoning Commission take the following actions:

Deny the request for a Zone Map Amendment from R-1C to R-1C/RCD and forward this recommendation to the Campbell County Fiscal Court for consideration. The recommendation should state that the Planning Commission has:

- Not found the original zoning classification given to the property was inappropriate or improper; and
- Not found 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.
- Found that the proposed plan does not provide for additional preservation of hillside areas, and other natural geographic and topographic features, which is the purpose of the RCD Zone, then what was previously approved for the subdivision.

Staff further notes that if the Planning Commission should see to approve the proposal that the following conditions should be addressed, namely:

- A limit on the total number of housing units.
- Ratio of open space per unit should not be decreased over previously approved levels.
- Dimensional criteria for single-family attached and detached units be listed separately.
- Single-family detached units should align with those previously approved.
- Lots that share a common driveway be noted.
- Maintenance of the open space be clearly identified. Trail head access points to the open space be identified and signed.
- That a construction entrance be established, exclusive of the intersection of Parkside and Woeste Road.
- Timing for the construction of the as secondary access road be triggered based upon the number of units sold.

- Sidewalks between Dairybarn Lane and Parkside Drive along Woeste Road be added.

#### **Supporting Information/Bases for Staff Recommendation:**

1. Per Kentucky Revised Statutes, the Campbell County has the authority to enact zoning regulations within its jurisdiction. This authority includes the provision to amend its zoning map.
2. Pursuant to the Campbell County & Municipal Zoning Ordinance Article XVII Amendment Procedure, the Planning and Zoning Commission has the authority to take action on amendments to the zoning map for adoption by the legislative body.
3. Proper notice has been given in accordance with Article XVII Amendment Procedure of the Zoning Ordinance.
4. Findings indicate that the existing zoning R-1C classification is appropriate and consistent with the recommendations of the 2008 Campbell County Comprehensive Plan Update, the Campbell County Subdivision Regulations and Zoning Ordinance.

Mr. Peters asked if the Commission has any questions for staff.

Ms. Haynes inquired about overflow parking. Ms. Minter explained that there would be parking for two vehicles at each residence, and that there was additional parking on one side of the street.

Ms. Minter then gave a summary of public comments submitted via email prior to the meeting (see attached). Topics of concern covered in her summary included issues with the details of the development such as starting price and setbacks, issues with HOA development and restrictions, and worries about traffic created.

Following Ms. Minter's summary, Mr. Peters opened the floor to the applicant for comment. Mr. Tim Tyson approached the podium and explained how their presentation would unfold. He then turned the microphone over to Joe Kramer, representing Cardinal Engineering.

Mr. Kramer spoke about the history of the case up until this point. Including previous planning commission meetings, and Fiscal Court Proceedings. He offered a distinction between a traditional duplex, and the paired patio homes that the applicant is proposing. Mr. Kramer also touched on the HOA and what they would be responsible for. He also clarified that should this zone change pass, the only new product that would be permitted would be the paired patio homes, so there would be no apartment buildings, or other multifamily type homes. He explained the general footprint of the new buildings, and the proposed price point that the homes would have.

Mr. Kramer also reviewed the conditions and clarifications as proposed by staff in both the March report and the July report. Mr. Smith confirmed with Mr. Kramer that the applicant was in agreement with items A through H on the March report. Mr. Kramer acknowledged this fact.

The next to speak was Mr. David Finch of Fischer Homes. Mr. Finch clarified the difference between traditional condos and the paired patio homes that the applicant is presenting utilizing large scale exhibits of the product renderings. Mr. Finch offered copies of the product brochures. (These brochures were included in the Planning Commission packets.) Mr. Finch also explained the scope of the HOA for these homes, as well as the success the company has had



with the paired homes in other communities. There being no specific questions for Mr. Finch, he turned the floor over to Mr. Tyson to complete their presentation.

Mr. Tyson reviewed the comments he submitted in writing to the commission at the onset of the meeting.

**SUN VALLEY REAL ESTATE LLC**  
**APPLICANT'S RESPONSE TO STAFF REPORT**  
**JULY 28, 2020**

**TO THE CAMPBELL COUNTY PLANNING COMMISSION**

**What is the Application requesting?**

The application to overlay RCD over the existing R-1C zone simply allows the developer to employ the use of attached residences, in lieu of each residence having to be detached from any other residence. RCD allows the use of "Paired Patio Homes". It does not increase maximum density. It does not allow apartment buildings. The proposal cannot be changed without subsequent review and approval. There will be enhanced assurance of good maintenance and uniformity due to an HOA handling landscaping, lawn maintenance, exterior maintenance and snow removal. It provides this community with an additional alternative style for housing not otherwise available.

**What has changed since the last approval in November, 2019?**

Based on your staff's November 6, 2019 recommendation of approval, this commission unanimously approved the RCD overlay for this site on November 12, 2019.

The Application was withdrawn in line with staff's suggestion when it was discovered that some concerns about notice were expressed. Rather than risking an invalid zone change that might have been challenged in Court, Applicant chose to re-apply.

In the interim, a concern was raised about a second access point. To ameliorate that concern, the Applicant made a minor re-design to add a second access point.

Despite enhancement to the design and an otherwise similar proposal, this time your staff reverses itself and recommends denial.

**What is the proper standard for deciding the application?**

Under Kentucky law, there are two options for a planning commission to grant properly grant a zone change. One is that the proposal is "in conformance with the comprehensive plan". This is the option that this Applicant advances. In her report, Cindy Minter has outlined these conformances in pages 8 to 19 of her staff report. Staff said so in November 2019 as well.

The other legal basis for a zone change applies only if a proposal is not in conformance with the comprehensive plan. This option is not relied upon by this Applicant. In this second option, the commission has to determine that one of two bases for granting the zone change exist: either (1) that the current zoning is inappropriate and the proposed zoning appropriate; or (2) that major changes have occurred in the area such that the comprehensive plan should not be followed. Even though this is not the basis upon which the Applicant advances its proposal, Applicant suggests that the proposed zoning is

appropriate for multiple reasons outlined in its supporting documents. Also, even though this is not the basis upon which the Applicant advances its proposal, Applicant suggests that there have been changes in the area that warrant reconsideration of the current zoning.

On Page 19 of her Report, Ms. Minter recommends denial of the zone change on the basis of three bullet points. The first two bullets are inapplicable here, and should be rejected. They address the second basis for a zone change which is not relied upon by this Applicant.

- The first bullet addresses whether the current zoning is appropriate. This Applicant utilizes the current underlying R-1C zoning, and so does not suggest that the density of R-1C is inappropriate, but rather complies with that density.
- The second bullet addresses whether major changes have occurred in the area. This Applicant recognizes some changes that have occurred, but does not rely on this option for obtaining its zone change. This bullet cannot be a basis for denial, as Applicant is not relying on this basis for seeking his RCD overlay.
- The third bullet is, though not legally inaccurate, is nonetheless inconsequential. Ms. Minter suggests that no additional hillside, geographic or topography features were added to the RCD plan. However, Ms. Minter ignores that qualification for the RCD overlay simply requires consideration of hillside, geographic or topography features. These features are clearly proposed. The developer should not be penalized for having included them gratuitously in a prior plan as well.

Therefore, the three bases for denial proposed by staff are invalid and unfounded.

This Commission can approve the zone change as being “in conformance with the comprehensive plan” and in conformance with its prior decision on the virtually same application on November 12, 2019. This Commission can decline to follow staff’s recommendation because the underlying bases for the recommendation lack validity.

#### **Addressing Staff’s nine proposed conditions.**

Staff, on page 20 of its Report, raises nine bullet points of possible conditions that this Commission should consider if it sought to approve the development again, despite having addressed all of these issues in November, 2019.

Applicant suggests that all of these nine points are already addressed properly in their application.

Nonetheless, each will be addressed below.

- *A limit on the total number of housing units.* Developer has proposed the number housing units at 286 on 96 acres so 2.41 units/acre, which is well below the 3.48 units/acre level that the site’s zoning allows. The RCD design does not exceed the allowable number of units, simply provides an alternate design and style. Less homes on site is not better; it lessens the “bang for the buck” that the County gets out of its existing and proposed infrastructure, and it lessens the supporting tax base. The number of homes is not a problem or a burden.

- *Ratio of open space per unit should not be decreased over previously approved levels.* The mathematical calculation of this ratio adds little to the overall value of the open space. The proposed open space remains essentially the same. Thirty-three (33) acres is no small amount. It is guaranteed by the use of the RCD provisions, as it becomes a requirement. The open space is an amenity, which protects the hillsides and provides some natural buffer. It is a good use of the space. The ratio is a number that has little value to anyone. The applicant used some of the open space and cluster design principles in the original design. This included positioning the roads on the ridge tops and preserving the green space along the creeks and valleys. We should not penalize him for doing so in his original design and require an even higher standard of open space.
- *Dimensional criteria for single-family attached and detached units be listed separately.* Full disclosure of the proposed dimensions of the paired patio homes products has been provided. This condition seems like a solution in search of a problem. There is nothing more the developer can provide than already submitted. Dimensional standards for the designs are fully disclosed. Final choices for the designs of the single family homes and the paired patio homes will be up to the homeowner, as it should be. The modified setbacks on the plan relate only to the Paired-Patio homes; the setbacks for the single family section remain as per the zoning ordinance.
- *Lots that share a common driveway be noted.* Almost all "Paired Patio Homes" have their own driveway. We note the ones that are shared: lots 160/161 and 186/187/188 have shared driveways. Creekside Court and Dairybarn Lane South have already been approved on Construction Drawing which delineate the shared driveway on Lots 186/187/188.
- *Maintenance of the open space be clearly identified. Trail head access points to the open space be identified and signed.* This issue is clearly a Stage Two matter, as this level of site design does not get to that level of detail. It cannot be known yet how maintenance will be addressed or where access will be. It could be a few years before this issue comes to a head. Detailed arrangements of both maintenance and access location will be best addressed then, based on then-optimal options, which could change in the ensuing years. There is no provision in the county regulations justifying a requirement that this be addressed at this early stage in the development. General Note #18 states that all Open Space Parcels will be owned and maintained by the HOA or transferred to the Conservancy.
- *That a construction entrance be established, exclusive of the intersection of Parkside and Woeste Road.* Dairybarn is an option for entry of construction traffic during development of the site. There is no provision in the county regulations justifying a requirement that this be provided in this development. We could require all construction traffic to use Dairy Barn Lane, but Parkside Drive is a 28'-wide roadway designed to support the entire community, and Dairy Barn is a 25'-wide roadway.
- *Timing for construction of the secondary access road be triggered based upon the number of units sold.* Development of the site will require implementation of the additional access point very soon. Developer will assure installation of the second access before 50 lots in the new section are inhabited.



- *Sidewalks between Dairybarn Lane and Parkside Drive along Woeste Road be added.* Woeste Road has no sidewalks anywhere. Pedestrian and bike usage on or along Woeste Road would be far more dangerous, especially for children, than a more preferred option of using the existing and proposed internal streets with their sidewalks. The internal streets would be far safer than having children out in close proximity to the faster traffic on Woeste Road. Installing a sidewalk along Woeste may be an attractive hazard to the local residents and children. Moreover a culvert on Woeste in that stretch prevents reasonable accommodation of a sidewalk. If any, a sidewalk would work better on the other side of the street in the "Old" Parkside Subdivision. This would get pedestrians to the walking trails in the park which are across the street. KDOT controls Race Track Road and would control any such improvements or crossing.

## Conclusion

Applicant requests the Commission to approve its application for adoption of the RCD overlay to the existing R-1C on the site.

He then turned the podium to Mr. Munninghoff. He spoke to the contributions the applicant has made in the community. He also spoke more about the history of the neighborhood and the case up to this point.

Mr. Williams then asked for clarification of the available routes out of the neighborhood. Mr. Tyson offered an explanation.

With no additional comment from the commission, Mr. Williams made a motion for a 10-minute recess, seconded by Ms. Haynes. An oral vote found all in favor and the commission took a brief recess.

The commission reconvened at 8:50 PM, and at this time allowed Ms. Minter to respond to comments from the applicant. She noted that the main trailhead access in the park is actually located at the back end of the development, and that a sidewalk to the entrance at the park would be too dangerous. She also added that the county subdivision regulations dictate that a cluster development have at least 40% green space. Mr. Kramer responded, noting that if the project chooses to operate under a traditional subdivision, then you do not have to adhere to the 40%.

With no additional comments from Ms. Minter or the commission, Mr. Peters began the public comment portion of the hearing, with the first speaker being Mr. Don Wells of Sugarmill Dr. Mr. Wells noted that he sees no need for additional housing in the area, as he frequently sees homes sell quickly in his neighborhood. He felt that this style home should be in a more urban area, and noted concern about a strain on utilities. He referenced issues with the current HOA, and traffic.

Next to speak was Ms. Shirley Wells, also of Sugarmill Dr. Ms. Wells expressed concern about her view. She added that they were told by Fischer sales staff that they would have wooded areas surrounding. She echoed Mr. Wells concerns about traffic. She spoke about the median price of homes in this neighborhood.

Mr. Brian Teimeyer spoke next. He expressed concern that the clustered homes would eventually be built in areas of the neighborhood not included on this proposed plan. He

explained that he feels the proposed green space is unusable and undesirable and therefore insufficient. He mirrored previously expressed concerns about the capabilities of the HOA, and the devaluation of current properties in the neighborhood. He drew comparisons to the Arcadia subdivision which includes the type of homes proposed in this plan, and noted that the Arcadia development has the differing types of housing I separate areas of the neighborhood.

Mr. Greg Maggard then took to the podium. Mr. Maggard shared a petition from the existing residents showing united opposition for this Zone Change and development. He submitted that this product should be built in a newly established community rather than in this community which is already developed.

Mr. James Emerson spoke next. He noted concern about the possibility of someone buying both units and renting them out like a traditional duplex. He added concern about water runoff and drainage issues. He raised concerns about safety, and echoed concern about home values and HOA.

He then turned the floor to Mr. George Zunda. Mr. Zunda shared his disapproval of the sidewalk included in this plan and echoed concerns about an HOA's capabilities.

Ms. Samantha Reinhart then spoke. She noted that her biggest concern was the second entrance, and that she was grateful for the addition. She added concern about school capacity with increased households in the neighborhood.

Following Ms. Reinhart's comments, Mr. Peters closed the public comment portion of the hearing as there was no one else that wished to speak.

Mr. Tyson then reminded the commission that the HOA was not in question at this time, and added that there were sufficient utilities in the area.

There was some discussion amongst the commission regarding the utilities in the area, and the number of houses currently built in the development. Mr. Williams noted that he did not see sufficient evidence that this product would affect property values. The commission also discussed if aesthetics alone was enough to approve or deny the proposed plan. They also discussed a conflict between the subdivision regulations and the zoning code.

A discussion was held regarding the possible locations of sidewalks along Woeste Road. Both Ms., Minter and Mr. Kramer concurred that the intersection of Racetrack Road and Woeste Road was not a good pedestrian crossing. Mr. Kramer added an exhibit which showed the ditch and culvert along the road. Mr. Peters thank Mr. Kramer for the additional detail.



Clarification was requested regarding the percentage of greenspace required. Mr. Smith clarified that the zoning ordinance and subdivision regulations varied and that the 30% proposed would be acceptable.

Ms. Minter added the March comments, of which the applicant was agreeable, to the presentation, so that they could review them and include it in any possible motions. She also reiterated some of her concerns and reviewed the photographs included in the presentation.

The commission discussed the conduction entrance as well as when the new road would be constructed.

Following the discussion, the conditions read as follows:

- The Reserves of Parkside shall not exceed 288 units
- The attached single-family homes be limited to two single-family units each
- Lots 180 through 188 will not have direct access along Woeste Road
- Lots 160 and 161, and 186, 187, and 188 will share a common driveway as per the currently approved design
- The lots designated for attached single-family units may be converted to detached single-family units provided that they meet the dimensional requirements of the R-1C Zone
- The Reserves of Parkside will maintain a minimum of 30% open space. This open space will be maintained by the HOA. The developer or the HOA may contract or transfer management for this open space as appropriate and willing agency such as the CC Conservancy.
- Trail head access points to the open space be identified and signed
- A second point of egress be established before the reserves of Parkside exceeds 50 new units
- That a new construction grading entrance be provided, exclusive of the intersection of Parkside and Woeste Road, until the secondary access is constructed
- Once Dairybarn Lane is constructed, all construction traffic will utilize Dairybarn Lane.
- For attached units, the minimum dimensional requirements shall be as proposed by the applicant
- For detached units, the minimum dimensional requirements shall match the R-1C Zone

There being no further discussion, Mr. Williams made a motion to approve the proposed zone change based on the comments sent to the commission, the statements and testimony heard during the meeting, the comments and exhibits and testimony from staff and applicant, and based upon this change being consistent with the Comprehensive Plan.

The motion was seconded by Mr. Mason. A roll call vote found all in favor, none opposed. The motion carried.

With no additional comments or discussion, Mr. Barrow made a motion to adjourn, seconded by Ms. Haynes. An oral vote found all in favor, and the meeting was adjourned at 10:35 PM.

Respectfully Submitted,

Approved:

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Cindy Minter  
Director  
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Sign

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