



August 27, 2020

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

The meeting format will include social distancing. Attendees are required to wear face covering within County facilities

Mr. Peters,

The Campbell County & Municipal Planning & Zoning Commission will hold a special meeting and public hearing on Tuesday, September 8, 2020 at 6:30 P.M. at the Campbell County Fiscal Court Building 1st Floor Chambers, 1098 Monmouth Street, Newport Kentucky 41071.

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

FILE NUMBER: 233-20-SDP-01
APPLICANT: CL Acquisition, LLC.
LOCATION: 5159 and 5161 Skyline Drive,
Unincorporated Campbell
County
REQUEST: Preliminary (Stage 1) Plan Review

This case includes the redevelopment of approximately 50 acres into a large lot single-family residential subdivision with public improvements. The plan includes the request for a waiver regarding the number of flag lots due to topographical features.



Per Section 18, notice of public hearing was placed in the August 27, 2020 edition of the Campbell County Recorder. Notice was sent to forty-one (41) adjoining and neighboring property owners.

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. A staff report for the case is available on the county website <https://campbellcountky.gov/meetings/>.

CAMPBELL
COUNTY | KY

Planning, Zoning and Building Inspection Dept.

NOTIFICATION OF PUBLIC HEARING

August 20, 2020

Dear Property Owner:

Please be advised that an application has been submitted to Campbell County Planning, Zoning and Building Inspection department seeking review of Stage 1 Plans for the following described property:

5159 and 5161 Skyline Dr. Cold Spring, KY 41076

The Campbell County Planning and Zoning Commission will hold a public hearing on September 8, 2020 at 6:30 PM at the Campbell County Fiscal Court, 1098 Monmouth St. Newport KY 41071 for the purpose of hearing testimony regarding this application.

You are receiving this notification because property you own is located near the above referenced project.

Comments regarding this case will be taken via email, phone and in-person. Interested parties may submit their comments in advance by emailing pzadmin@campbellcountky.gov or calling 859-292-3880 no later than noon (EST) on September 7, 2020. For record keeping purposes comments should also include the name and address of the person(s) commenting.

This meeting format will include social distancing measures and all attendees are asked to wear a face covering.

Comments regarding these cases will be taken by email, phone and in-person. Interested persons may submit their comments in advance by emailing pzadmin@campbellcountky.gov or calling 859-292-3880 no later than noon (EST) on September 11, 8, 2020. For record keeping purposes, comments should also include the name and address of the person(s) commenting.

SITE BACKGROUND:

This property is the former location of Campbell Lodge Home for Boys (5161 Skyline Drive) and one single family lot (5159 Skyline Drive) located in unincorporated Campbell County.

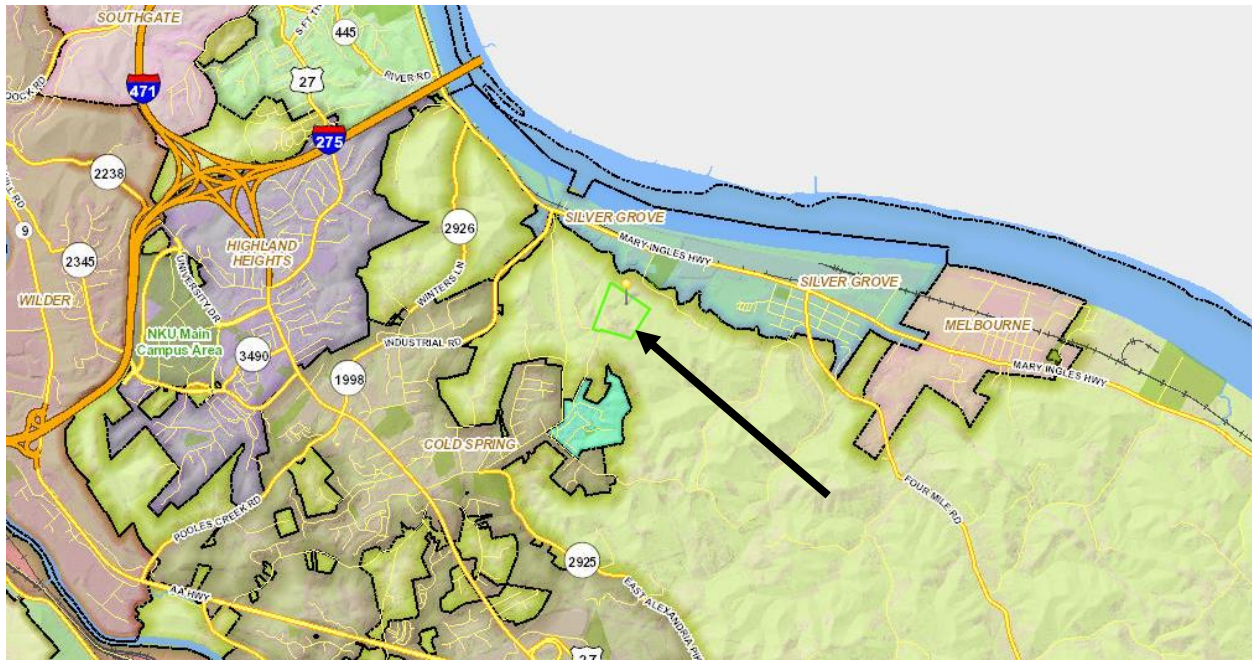


Figure 1: Vicinity Map



Figure 2: Birds-Eye View



Figure 3: Aerial Photograph

There are four multi-unit residential structures on the property and two large accessory structures including a gymnasium and an equine facility.

The developer intends to remove these structures.



Figure 4: Existing Structures

The Comprehensive Plan Current Land Use Map identifies the site area as Institutional.

The surrounding areas include Single-Family Residential and Wooded/Open Space. The properties along Skyline Drive are predominantly single-family homes lots with some agricultural uses.

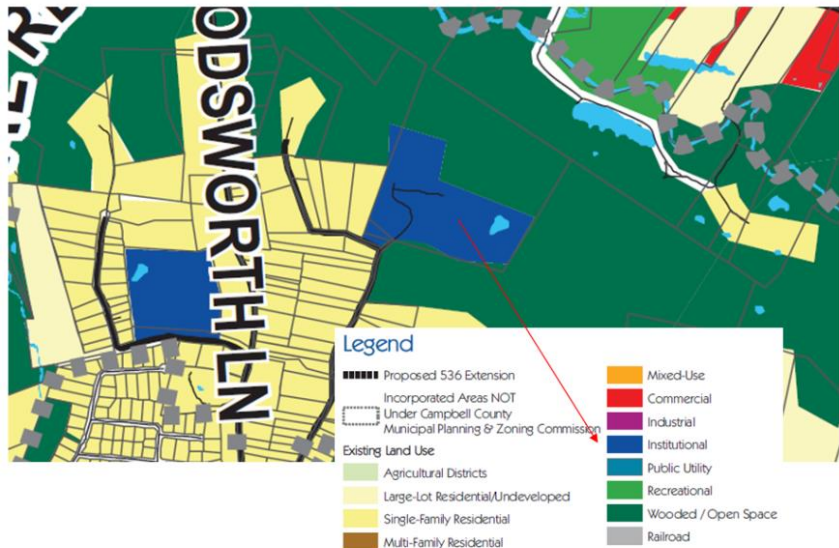


Figure 5: Current Land Use Map Detail

The Comprehensive Plan Future Land Use Map identifies the site area and surrounding areas as Lower Density Single-Family Residential.

The Comprehensive Plan defines this category as large-lot one-family detached residential swelling, located on lots of one acre or larger, where sanitary sewer and/or water may not be readily available and where a rural atmosphere is largely present.

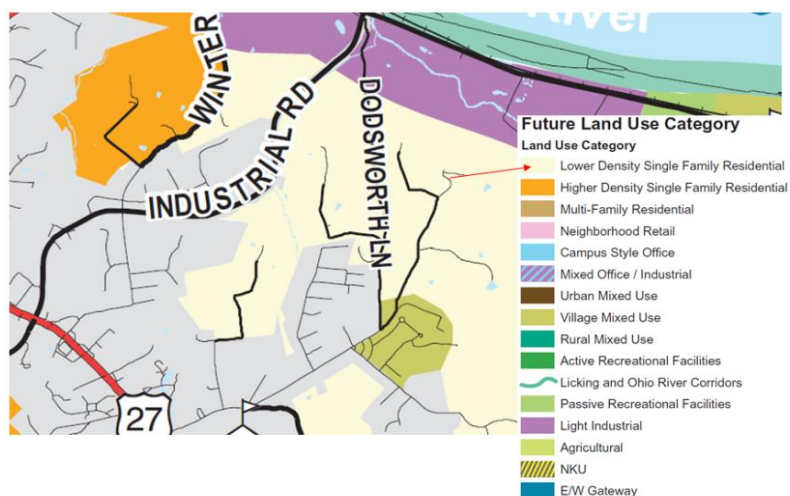


Figure 6: Future Land Use Map Detail

The area is zoned Residential Rural Estate (R-RE) and Residential One B (R-1B).

Area and Height Regulations for the R-RE Zone:

- Minimum Lot Area – One (1) Acre
- Minimum Lot Width – One Hundred (100) Feet
- Minimum Front Yard Depth – Fifty (50) feet
- Minimum Side Yard Width
 - Total - 25 feet
 - One side – 10 feet
- Minimum Rear Yard Depth - Twenty-five (25) feet
- Maximum Building Height - Thirty-five (35) feet

Area and Height Regulations for the R-1B Zone:

Minimum Lot Area – One half (1/2) acre or one (1) acre if central sewage is not adjacent to the lot

Minimum Lot Width – Seventy-five (75)

Minimum Front Yard Depth – Thirty (30) feet

Minimum Side Yard Width - One side – 10 feet

Minimum Rear Yard Depth - Twenty-five (25) feet

Maximum Building Height - Thirty-five (35) feet

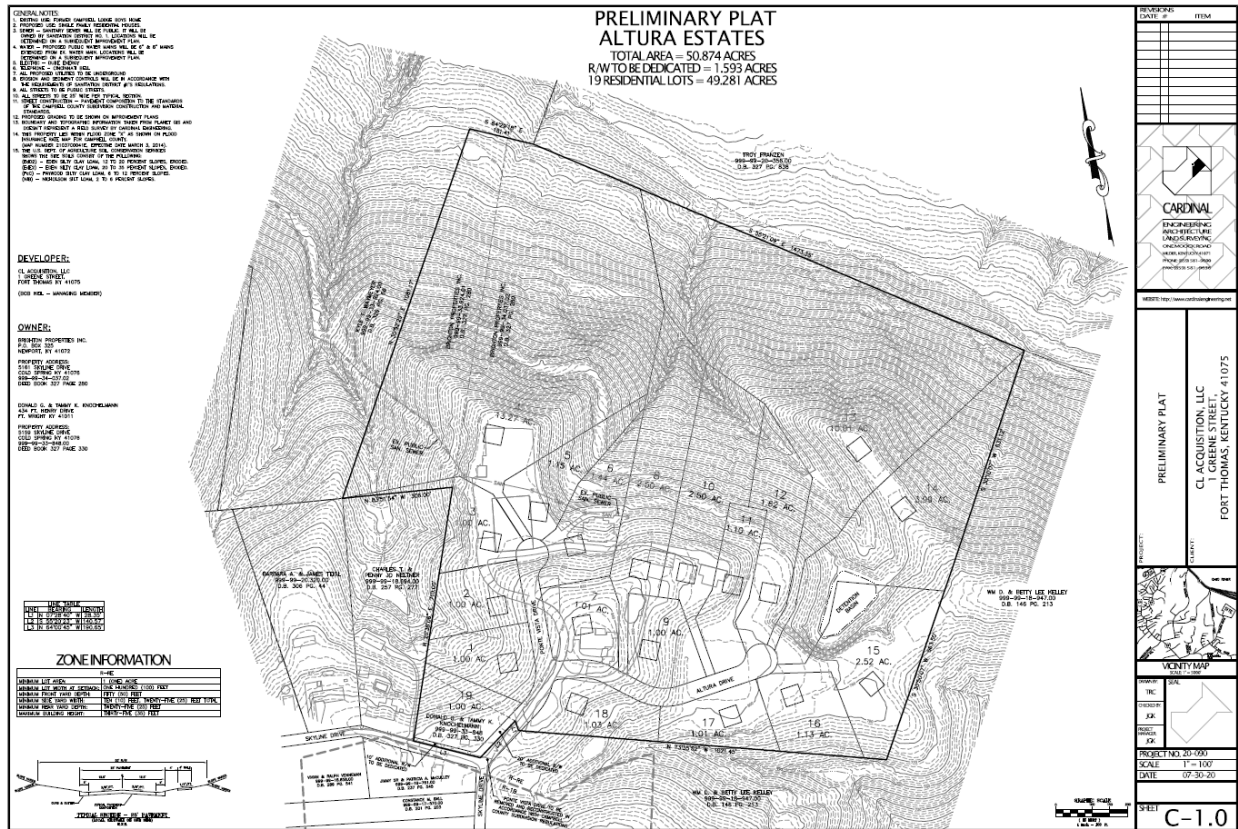


Figure 7: Site Plan

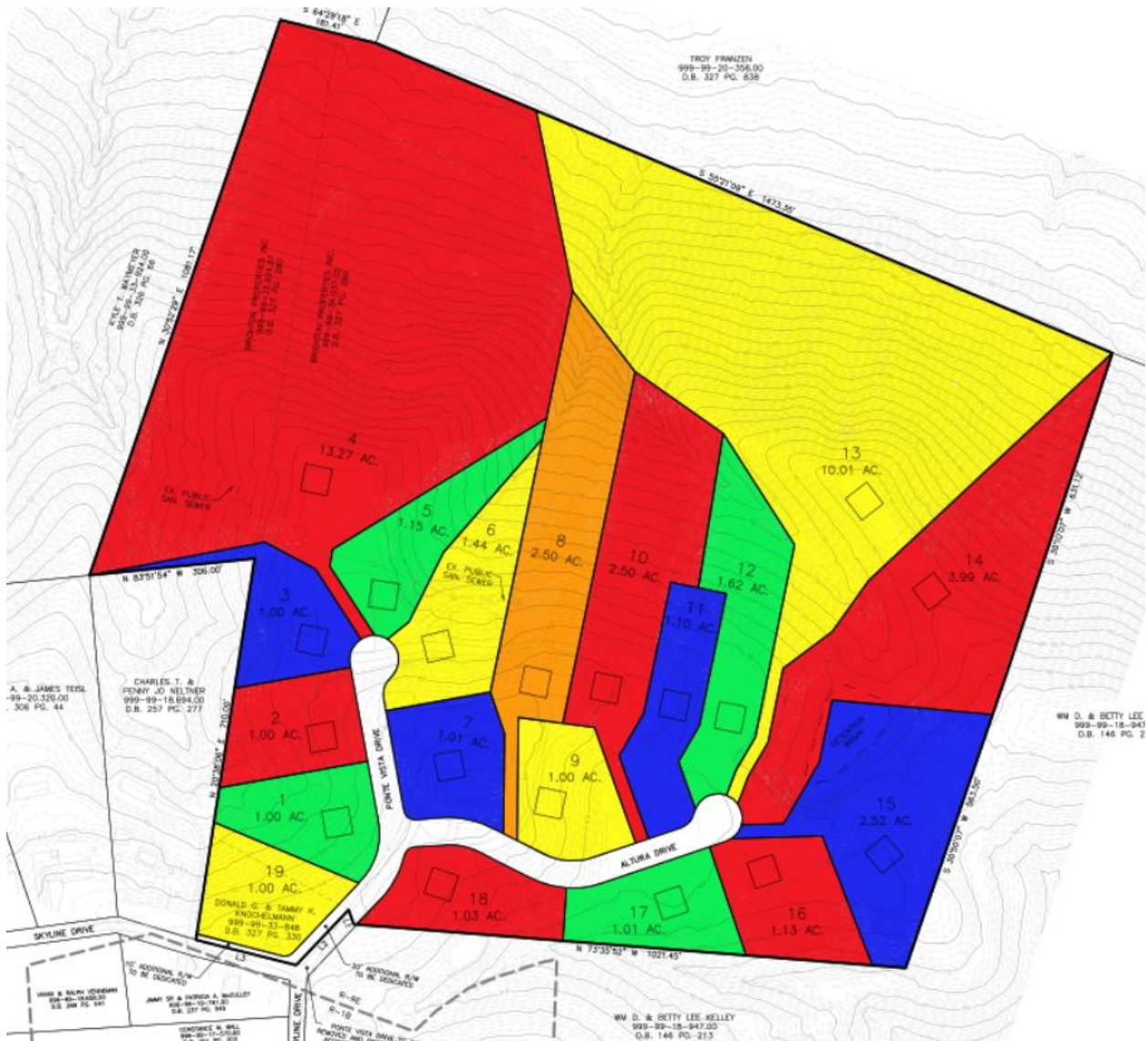


Figure 8: Site Plan Detail

STAGE I DEVELOPMENT PLAN REQUIREMENTS: Review of the site plans in accord with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations shows:

1. Plans were submitted electronically to enable detailed review.
 - a. The total area of the project is 50.874 acres encompassing two lots
 - b. The present zoning of the subject area is shown as Residential Rural Estate (R-RE). Neighboring properties are R-RE and R-1B
 - c. Nineteen (19) single-family detached residential building lots are proposed. The smallest lots are indicated as one (1) acre which is in compliance with the minimum lot size for this zone;
 - d. No attached housing is proposed;

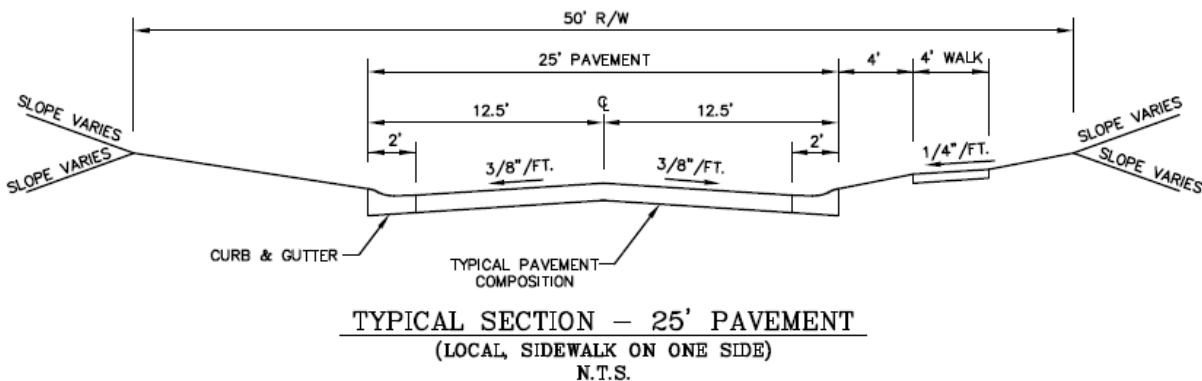
- e. No non-residential buildings are proposed;
- f. Landscaping features, planting areas and fencing are not indicated on the plan;
- g. No signage is indicated;
- h. Existing topography and approximate delineation of topographical changes is shown by contour with intervals of two (2) foot;
- i. Utility details are noted in the General Notes;

GENERAL NOTES:

1. EXISTING USE: FORMER CAMPBELL LODGE BOYS HOME
2. PROPOSED USE: SINGLE FAMILY RESIDENTIAL HOUSES.
3. SEWER – SANITARY SEWER WILL BE PUBLIC. IT WILL BE OWNED BY SANITATION DISTRICT NO. 1. LOCATIONS WILL BE DETERMINED ON A SUBSEQUENT IMPROVEMENT PLAN.
4. WATER – PROPOSED PUBLIC WATER MAINS WILL BE 6" & 8" MAINS EXTENDED FROM EX. WATER MAIN. LOCATIONS WILL BE DETERMINED ON A SUBSEQUENT IMPROVEMENT PLAN.
5. ELECTRIC – DUKE ENERGY
6. TELEPHONE – CINCINNATI BELL
7. ALL PROPOSED UTILITIES TO BE UNDERGROUND
8. EROSION AND SEDIMENT CONTROLS WILL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SANITATION DISTRICT #1'S REGULATIONS.
9. ALL STREETS TO BE PUBLIC STREETS.
10. ALL STREETS TO BE 25' WIDE PER TYPICAL SECTION.
11. STREET CONSTRUCTION – PAVEMENT COMPOSITION TO THE STANDARDS OF THE CAMPBELL COUNTY SUBDIVISION CONSTRUCTION AND MATERIAL STANDARDS.
12. PROPOSED GRADING TO BE SHOWN ON IMPROVEMENT PLANS
13. BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM PLANET GIS AND DOESN'T REPRESENT A FIELD SURVEY BY CARDINAL ENGINEERING.
14. THIS PROPERTY LIES WITHIN FLOOD ZONE "X" AS SHOWN ON FLOOD INSURANCE RATE MAP FOR CAMPBELL COUNTY.
(MAP NUMBER 21037C0041E, EFFECTIVE DATE MARCH 3, 2014).
15. THE U.S. DEPT. OF AGRICULTURE SOIL CONSERVATION SERVICES SHOWS THE SITE SOILS CONSIST OF THE FOLLOWING:
(EdD2) – EDEN SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES, ERODED.
(EdE2) – EDEN SILTY CLAY LOAM, 20 TO 35 PERCENT SLOPES, ERODED.
(FcC) – FAYWOOD SILTY CLAY LOAM, 6 TO 12 PERCENT SLOPES.
(NIB) – NICHOLSON SILT LOAM, 2 TO 6 PERCENT SLOPES.

Figure 9: General Notes (Plan Detail)

- j. Two Cul-de-Sac Streets are indicated on the plan
- k. Typical cross section is indicated on the plan;



Section 405 of the County Subdivisions was updated in September of 2019.

SECTION 405

Street Design

Q) Sidewalks - All proposed residential, commercial, industrial and office subdivisions or developments shall be constructed according to the standards as follows:

Residential Subdivisions - Sidewalks shall be provided in residential subdivisions with an average density of greater than one dwelling unit per acre according to the following:

1.	Collector Streets	Sidewalks Both Sides
1.a.	Limited Access Collector Street	Sidewalks Both Sides
	Sub-Collector Streets	Sidewalks Both Sides
2.	Limited Access Sub-Collector Street	Sidewalks Both Sides
3.	Local Streets	Sidewalks Both Sides
4.	Residential Condo Street	Sidewalks Both Sides
5.	Cul-de Sacs	Sidewalks One Side (Both Sides for Urban Street Option)
6.	Alley	No Sidewalks Permitted within Min. 30' R/W, Sidewalk Permitted on One Side When R/W is increased to 40'

Sidewalks shall only be required on one side of the street when the overall average density is between one dwelling unit per acre and one dwelling unit per two acres. For residential subdivisions with an overall average density of one dwelling unit per two or more acres, no sidewalks are required.*

Sidewalks shall be constructed of Portland cement concrete on compacted subgrade and have a minimum depth of four inches (4"), except at driveways, the minimum depth shall be five inches (5") in residential zones. In commercial or industrial zones, driveways shall have the same depth as the road leading to the parking area. Sidewalks shall be located four feet (4') from the curb or the edge of the pavement and shall be at least four feet (4') in width along local streets and cul-de-sacs; shall be located five feet (5') from the curb or edge of pavement and five feet (5') in width when located along arterial, collector, and sub-collector streets; and shall be located immediately at the back of curb and a minimum of five (5') in width when located along urban streets. At intersections and pedestrian crosswalks, wheelchair ramps shall be installed (see City/County Street Specifications for location and design of sidewalks). The design and location of sidewalks in a Planned Development may vary in accordance with an approved Concept Development Plan.

Sidewalks shall be installed by the developer of the subdivision or the builder of each structure as each lot is developed. In cases where sidewalk improvements have not been completed along platted but undeveloped lots, such sidewalk improvements shall be completed by the owner of the lot(s) in question within one (1) year from the date when ninety (90) percent of the individual lots within the phase or section as final platted have

Waiver Request

1. The applicant is proposing five (5) flag lots.
2. The subdivision regulations state in SECTION 415 *Lot Arrangement and Sizes*, paragraph D, *Flag Lots*:

For major divisions of land, the maximum number of flag lots permitted shall not exceed fifteen percent (15%) of the total number of lots for the subdivision. For a major division, no more than two contiguous flag lots shall be permitted.

3. The subdivision regulations state in SECTION 140: *Waiver of Subdivision Regulations*:

Upon request to the Administrative Official, an applicant, developer or property owner may seek a waiver of any subdivision regulation in this document based upon a written request (including a completed application and related fees). The Administrative Official shall review the individual request and may grant a waiver under unusual or extreme circumstances or refer the request to the Planning Commission for action. An action must make a finding of facts to support the granting of the waiver. This finding of facts must include:

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

AND at least one of the following:

2.
 - a) Unusual topographic or exceptional physical conditions exist on the proposed site that are or were not created by actions of the subdivider or anyone on his/her behalf; OR
 - b) Strict compliance with these Subdivision Regulations would deprive the subdivider of reasonable use of the land; OR,
 - c) The waiver will provide for an innovative design layout of the subdivision. The Administrative Official shall also inform the Planning Commission, on a regular basis, of the results of all waiver requests."
4. The subdivision regulations state in SECTION 415 *Lot Arrangement and Sizes*, paragraph D, *Flag Lots* states:

For major divisions of land, the maximum number of flag lots permitted shall not exceed fifteen percent (15%) of the total number of lots for the subdivision. For a major division, no more than two contiguous flag lots shall be permitted."
5. The maximum number of flag lots allowable by the Subdivision regulations would be three (3).



 Physically Restricted
Development Area

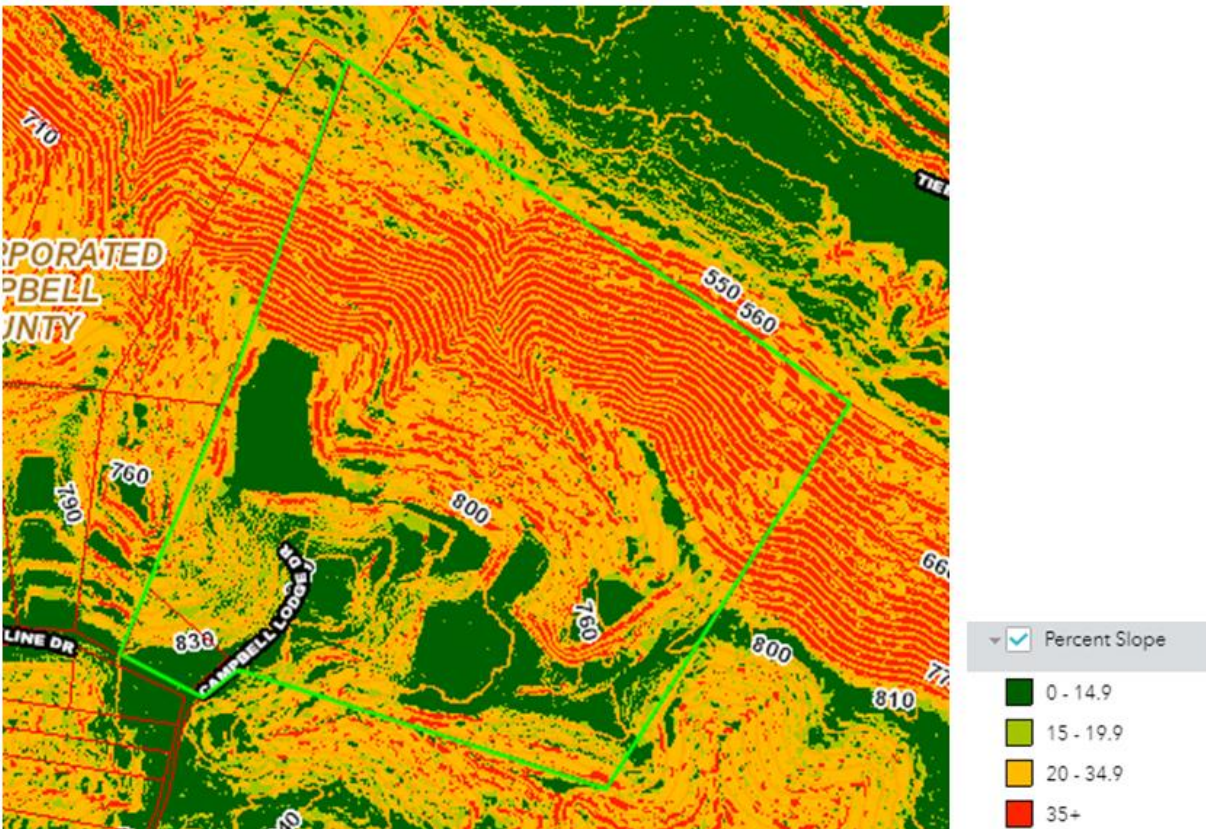


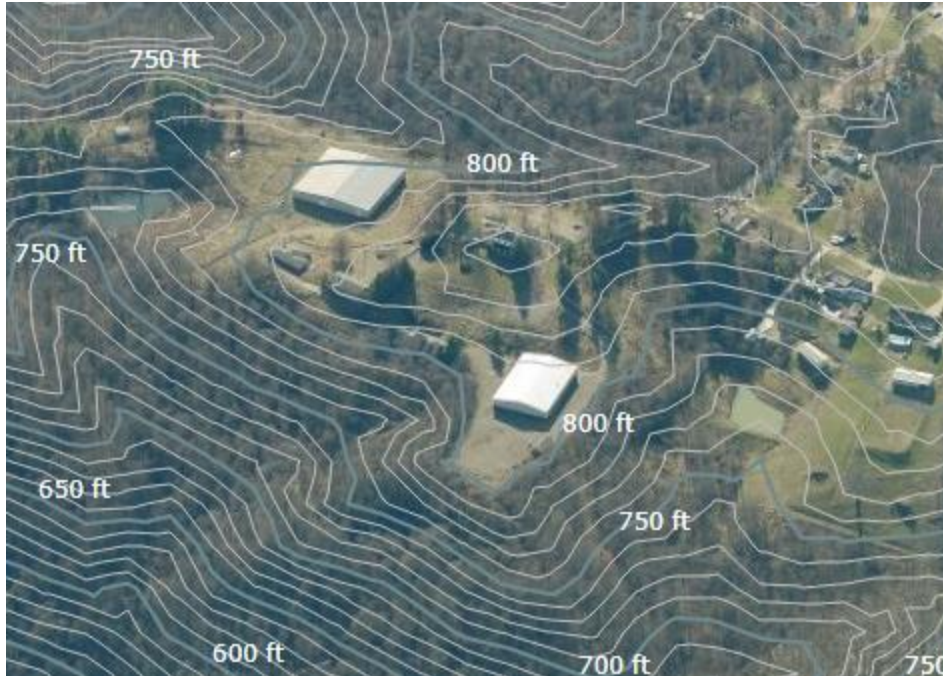
Comprehensive Plan Update

Campbell County, Kentucky

Physically Restrictive Development Area

- Areas which are flood-prone (within the 100-year floodplain) and/or landslide prone (slopes of 20% and greater and/or areas which contain known soil and/or geologic formation problems) should be preserved, or very rigidly controlled. Such a concept would prevent unnecessary construction problems which might consequently result in hazardous or dangerous conditions; and, encourage certain areas to be maintained in their natural open state as an integral part of the landscape.





The applicant states:

"The applicant requests a waiver of Section 415 D of the Campbell County Subdivision Regulations which limits the maximum number of flag lots to 15% of the total number of lots for the subdivision, in this case 3 lots. The applicant is requesting 5 flags to be permitted in this subdivision of 19 lots in order to take advantage of the views of the Ohio River valley while preserving the wooded hillsides. Due to the steep terrain and challenging topography, flag lots allow the use of existing ridge tops and existing building sites without constructing streets and doing more clearing and grading, which we believe contributes to the general well-being of the surrounding community.

This request arises from the special circumstance that we are attempting to minimize clearing and grading by utilizing the existing building pads where the dormitories presently sit on flag lots 8 & 10. Without the waiver, additional streets would need to be constructed depriving the applicant of reasonable use of that land (which is an asset as it is existing building pads).

The granting of this waiver does not alter the essential character of the surrounding neighborhood as the two flag lots in question are interior to the development. We would argue that the granting of the waiver enhances the neighborhood by not having to do more clearing and grading to build additional streets.

The use of flag lots is a common land development tool utilized in Campbell County to minimize land disruption in our challenging topography. It is important to note that the same section 415 D permits two flag lots for minor subdivisions. A minor subdivision can have up to five lots. So minor subdivisions allow up to 40% of the total lots to be flag lots."

~Submitted August 11, 2020

Staff Comment

1. The waiver is not in conflict with the intent and purpose of these Subdivision regulations, the zoning ordinance and/or the adopted comprehensive plan;
2. The waiver will not be detrimental to the public welfare;
3. Unusual topographic or exceptional physical conditions exist on the proposed site that were not created by actions of the subdivider or anyone on his/her behalf; and
4. Strict compliance with these Subdivision Regulations would deprive the subdivider of reasonable use of the land; and
5. The waiver will provide for an innovative design layout of the subdivision. The Administrative Official shall also inform the Planning Commission, on a regular basis, of the results of all waiver requests.

Summary of Applicants Request:

The applicant is requesting:

1. Preliminary Plat approval for a single-family detached residential subdivision.
2. Waiver of Subdivision Regulations for an additional two (2) flag lots

Several Kentucky Revised Statutes (KRS) of note include:

- KRS 100.277 provides that all subdivision of land shall receive Planning Commission approval.
- KRS 100.281 provides that the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment during approval of a development plan.
- KRS 100.241 provides that the Board shall have the power to hear and decide on applications for variances. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.
- KRS 100.243 states that before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - 1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - 2) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 - 3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

Staff Recommendation

1. To approve Preliminary Plat
2. To approve the Waiver of Subdivision Regulations

Bases for Staff Recommendation:

1. The submitted request is appropriate for this site since it is in compliance with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations;
2. Proper notice of public hearing was given in accordance with KRS Chapter 424 and Zoning Ordinance Section 18.

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

Sincerely,



Kirk Hunter, AICP
Principal Planner