

MINUTES

of

SPECIAL MEETING

of

JOINT PLANNING COMMISSION

held in

Pikeville, Kentucky

on

September 19, 1996

7:00 PM

Hon. Richard Elswick
Chairman



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MINUTES OF SPECIAL MEETING
of
JOINT PLANNING COMMISSION

A Special Meeting of the Joint Planning Commission was held by the Commission on Thursday, September 19, 1996, at the hour of 7:00 PM at the Pikeville City Hall Meeting Room, 260 Hambley Boulevard, Pikeville, Kentucky, to address issues involving the following matters:

1. Phase II, Sub-Division Plan to Bowles property at Cedar Creek,
2. Phase II, Lovers' Leap Sub-Division,
3. Phase I, Habitat for Humanity, and
4. Amended Erosion Control Plan For Keiser III

APPEARANCES:

Members of the Planning Commission Present:

Hon. Richard Elswick, Chairman
Leon Huffman
David Sanders
Nick Marinaro
Jules N. Powell

CHAIRMAN ELSWICK:

I believe we have a quorum. We have two or three different items on our agenda this hearing.

The first thing I would like to point out is the notice that was published in the paper of the meeting of the Planning Commission, was styled as a notice of public hearing and there was a couple of items added to the agenda but instead of printing a notice of an amended agenda they simply published another notice of public hearing.

We are here tonight to consider the results of the public hearing on zoning changes of five tracts of property on Cedar Creek which I believe comes under the heading of Phase II Sub-division Plan for Bowles Property at Cedar Creek, is that correct?

MR. HUFFMAN:

Yes, it is, five tracts.

CHAIRMAN ELSWICK:

Does anyone have a motion on that?

MR. HUFFMAN:

I move all five tracts be approved as requested; that's 2.91 acres to C1; 5.02 to C2; 45.21 to R1; 12.1 to R2 and 2.01 to R3.

CHAIRMAN ELSWICK:

A motion has been made by Mr. Huffman to recommend a zoning change on the property as is set out in

the motion. Is there a second to that motion?

MR. POWELL:

I second the motion.

CHAIRMAN ELSWICK:

Seconded by Jules Powell. Is there any comments?

All in favor of the motion as made say I.

COMMISSION:

I.

CHAIRMAN ELSWICK:

Are there any opposed? The Motion carries. We also have on our agenda to consider the result of a public hearing on zoning changes on 5.2 acres of property on Thompson Road at the Coal Run Bridge. Do we have a motion on that?

MR. HUFFMAN:

To C2. I move it to be changed from industrial to C2, 5.2 acres.

CHAIRMAN ELSWICK:

There's a motion made by Mr. Huffman to recommend the city conseil zoning change to C2. Is there a second to that motion?

MR. MARINARO:

Second.

CHAIRMAN ELSWICK:

Seconded by Mr. Marinaro. Is there any comment?

All in favor of the motion say I.

COMMISSION:

I.

CHAIRMAN ELSWICK:

Any opposed? Motion carries.

We also have on our agenda we have Phase I of the Habitat for Humanity. Do we have a plat on that?

MR. _____:

We've got a little bit of a problem there. The Technical Advisory Committee is sequestered in a conference room with all the plats that are being submitted.

CHAIRMAN ELSWICK:

Maybe they should be admonished to do their work prior to our meeting. We've have to pause here until the Technical Advisory Committee decides to come forth.

REPORTER'S NOTE:

(The Advisory Committee after a 10 to 15 minute delay enters the room).

CHAIRMAN ELSWICK:

Do we have a report from the Technical Advisory Committee on the Habitat for Humanity Project?

MR. KEENE:

Yes. Rick Keene. We have reviewed the plans for the Habitat for Humanity Project and we have a number of concerns which we addressed to the engineers for the developers.

They have addressed all of those concerns with the exception of two items. We have agreed to

make recommendations that it be approved subject to securing or addressing those two particular areas of concern.

The first area is we would like to see a certification of the condition, the as-built condition, of the 36 inch drainpipe which flows through where there is water flowing through underneath the project. It was installed previously. It's installed over there now but we don't know the conditions under which it was installed, whether it's compacted properly, if it was damaged during installation and it's going to be the major artery for surface drainage coming from above this project through underneath the project into Chloe Creek. They have agreed to address that particular concern and respond to it.

The second item was on a typical installation for water and sewer in the same ditch, the drawings, although it specifies they would be separated vertically by 18 inches, it did not specify a horizontal separation. We have requested and the developer's engineer has agreed to maintain a minimum horizontal spacing of 4 foot.

Subject to hearing or addressing those two items the consensus of the Technical Advisory Committee is to recommend that the project for approval to the Planning Commission.

MR. HUFFMAN:

Could we see a copy of the print?

MR. SYKES:

Yes.

MR. HUFFMAN:

Has everybody signed this yellow sheet? This is the second sheet. We have on earlier. If you didn't sign this one, you need to sign it.

MR. SYKES:

This project is located adjacent to the Chloe Elementary School. This is the gymnasium for the Chloe School. Access is via the road that comes up by the gym. This is a proposed nine lot residential development that will be constructed by Habitat for Humanity during the drive that they are going to do this coming year. I think Jimmy Carter is supposed to be in and will be working on some of the houses here.

The drain that he is concerned about is shown here and it is installed with the exception of a tie-in at this particular location and on certification it was installed properly and luckily the gentleman who installed it is Rusty Justice who is an engineer. He sent us a written letter in but it doesn't adequately address all the issues. I don't think there will be a problem getting that and I understand it is contingent upon that.

There was some other issues. Just to give you a history of the project. We have depicted

a minimum ditch designed criteria that this ditch from the outlet of pipe down through Route 1460 Chloe Road and the ditch has to be constructed a minimum of those standards. We are proposing to bring water and sewer back up through here. We are proposing to bring it part of the way in the same ditch and this is a drawing here depicting it being either a minimum of 18 inches vertical separation or 10 foot horizontal separation which the Division of Water requires. Their concern is if it's in the same ditch they want a minimum of 4 foot between these two pipes and we have agreed to go back and stipulate that.

Beyond that I will say that there are some variances requested and I guess you need to be aware of those. The road grade exceeds the minimum standards and the Technical Advisory Committee has looked at that and with some modifications which have been made have accepted the road grade in this vicinity. It is around 21% grade.

MR. KEENE:

For a distance of about 150 feet.

MR. SYKES:

Right. we initially looked at this thing again because it's so small lots and trying to get in there for this type of project, we looked about a cul de sac and we have added sort of an odd little cul de sac there but it's what will fit in

the topography. So there's a little bit of variation there.

We have also restricted the setbacks around this cul de sac in order to allow us buildable lots once the cul de sac is put in. We've got that down to as little as 7 1/2 feet off the right of way. There's a 30 foot right of way through there to accommodate the street and that's only in this area here.

We've got a major setback down here because we wanted to move all the houses back off this drainline so it will go in there.

Those are the variances and that's the project.

MR. HUFFMAN:

I move it be approved subject to these conditions being meet.

CHAIRMAN ELSWICK:

I have a motion by Mr. Huffman that the plat be approved subject to the variances and the qualifications that we have talked about.

MR. POWELL:

I second it.

CHAIRMAN ELSWICK:

Seconded by Mr. Powell. Is there any discussion? Any more discussion on this issue? All in favor of the motion say I.

COMMISSION:

I.

CHAIRMAN ELSWICK:

Any opposed?

MR. SANDERS:

I would like to abstain on this.

CHAIRMAN ELSWICK:

Daiv Sanders abstains. Motion carries. The next matter on our agenda is an amended erosion control plan for Keiser III. Do we have a report on that?

MR. _____:

Is someone here from Summit who has approved plans?

MR. KEENE:

The reason for this amended erosion control plan was in the construction of this hollow fill all the borrowed material for the excavation of this approved subdivision up here has been for all practical purposes placed. It will be placed within the next three to four days, within the next week.

There's going to be an insufficient amount of borrowed material from this site to complete this hollow fill to the specifications as designed by their engineer. In order to complete this hollow fill he has requested approval to borrow material from this Keiser Knob area up here and this is adjacent for the flat spot to cut through here and this is a wide area developed flat in here now.

MR. HUFFMAN:

Keiser?

MR. KEENE:

This is Keiser Hollow, of course, here. Kesier III approved subdivision is here and the hollow is here.

MR. HUFFMAN:

I didn't think he was fooling with Keiser Knob.

MR. KEENE:

In the erosion control plan he was instructed not to disturb this area further until such time as this plan that we are submitting tonight was prepared and submitted by his engineer and this provides for him to borrow 20,000 yards from this area up on this side of this knob only, not back up on top, and disturb the major acreage, but starting right here on this side of the gap and moving into the knob borrowing only that amount of material up to 20,000 yards to complete this hollow.

To take care of any sediment or runoff from this there is a dugout provided around the front of this entire area on a flat bench which is probably 300 to 400 feet wide, the bench itself is. It's a dugout not to exceed 30 inches in depth which would tie in on this side and this side and intercept any runoff from this area and prevent this silt from migrating down here into this hollow. Any questions on this?

There's a couple of other modifications in here which I'll go through but before I do that are there any questions on this particular item that I could address for the people on the panel or in the audience?

MR. HUFFMAN:

No. I'll have a comment when you get through.

MR. KEENE:

The next item. About two weeks ago I was called by Mr. Levy Green to make an inspection of this Keiser III. We have a report that there was some silt that had washed down into this street here in the Keiser II subdivision area.

When we inspected and discovered what had happened was in the process of filling this area here, in the area of the hollow fill, there was supposed to be waterbars and everything to direct the drainage coming down from here over into this hollow that goes through this silt catchbasin in down here.

The waterbars had been omitted and the water that fell on that roadway washed straight down into Kesier II. We have required him to modify the plan as follows to prevent this from occurring again.

First of all this gate that is located at Keiser II here is to be locked at all times. No

traffic is permitted from Keiser into this construction area except by way of Dark Hollow.

Secondly, immediately inby this gate--

MR. HUFFMAN:

Wait a minute now. That's during construction?

MR. KEENE:

Right, until construction is completed.

Secondly, immediately inby this located gate here there is an 18 inch deep ditch cut across the roadway to defer any intermediate water that gets down to that point into this drain that comes in behind the area where it's supposed to go.

Thirdly, about 400 feet up the road, right in through here, there is a 3 foot ditch about 300 feet up the road here where this drainway comes out. There is a 3 foot ditch cut across that roadway and outby that ditch there is a 4 foot berm that has been placed across that roadway and walked in to assure that no water would breach this ditch, come down the roadway and makes its way into Kesier II.

Were there any other items that we addressed in this one, John or Reed, do you recall?

MR. ADAMS:

Yes.

MR. KEENE:

Oh, yeah, we required him--this ditch where this 3 foot pipe was put in, the ditch on the

outby side of it, had pretty well vertical side-walls to it out of earth and we required that he went back in and lay the sidewalls down on a two by one with a minimum of flat bottom in it and to place rif-raf stone, 6 to 8 inch stone, all the way from this channel here back toward to where the solid rock was at back here and that work has been completed and the ditches are in place and it looks good.

Were there any other items, John or Reed, or Mr. Adams, that we addressed on this change here?

MR. ADAMS:

Where it was on the back there we seeded it and everything.

MR. HUFFMAN:

I have two questions.No run off from this Keiser Knob being removed is going to get water down into Keiser Heights? Is that what you are telling me?

MR. KEENE:

Water after it exits this dugout, the runoff after it goes through the dugout will go down in behind this area, yes, but there's a silt structure here designed to intercept the silt before it does down in through here and just washes mud and dirt and rock down in behind here through Keiser.

It's a dugout that is approximately-- well, it could be up to 30 inches depth and the scale on this map is 1 to 200. So this thing is 200 feet across here and a 100 feet back here and it's all dugout in solid material below the existing bench and it's a good almost 200 feet back away from the edge. So it poses no safety hazard whatsoever. It actually is installed to maintain the silt upon the top where it can be handled and put back on the site rather than letting it down in here and stopping these ditches up or washing down in here down next to here.

MR. HUFFMAN:

It's supposed to be kept off them if at all possible and I've got some question as to -- you said an 18 inch ditch deep there, across here. I don't know that I would trust an 18 inch ditch there to take care of that water.

MR. KEENE:

No, there's a 3 foot pipe here taking this water. All this 18 inch is for the water that's on this roadway for a distance of 150 feet up the roadway. This ditch up here intercepts all the drainage above it and a 4 foot deep ditch diverts it over to here. The only purpose for this ditch right here above the gate is to catch that drainage which falls on the roadway which is 15 feet wide and 150 feet long.

MR. HUFFMAN:

Yeah, but it's got about so many mountain behind it.

MR. KEENE:

No. There's a ditch up here that intercepts all that water that takes it down and takes it through the 36 inch pipe. This is just for surface drainage that falls on the surface and drains itself.

MR. HUFFMAN:

It's your baby and not mine.

MR. KEENE:

Well, we have looked at it very carefully and we are comfortable with that ditch for the area that it is going to handle.

MR. POWELL:

How wide is the road that the ditch is supposed to take care of?

MR. KEENE: MR. KEENE:

About 15 feet.

MR. POWELL:

And all the water that is going to get on it is what falls out of the sky?

MR. KEENE:

Yes, it's diverted on both sides of it and above it. All you are going to get is the perception that falls vertically on that 150 foot long stretch 15 feet wide. There's a ditch on both sides of the roadway. They are deep ditches that will handle

any exterior drainage. This is really a precaution and backup to make sure this doesn't wash down into Keiser II like it did a couple of weeks ago.

This ditch was installed originally and was maintained until about a couple of weeks ago when in grading this road and filling this area up here that ditch was omitted and it shouldn't have been and that's one reason why we have required that that gate be locked and no traffic whatsoever go through there and a four foot berm placed up there to make sure that these ditches are not inadvertently filled in or omitted and this problem wouldn't occur again and Mr. Adams has agreed to do this. It's on the plan and that's what we are recommending to prevent a similar occurrence in the future.

MR. ADAMS:

I've done done everything you recommended.

MR. HUFFMAN:

You've already done it?

MR. ADAMS:

Yes, sir.

MR. HUFFMAN:

Put the gate in and all?

MR. ADAMS:

Yes, sir.

MR. KEENE:

The gate was already there. It's a matter of

keeping it locked.

MR. ADAMS:

Throw away the key.

MR. POWELL:

That sounds pretty good to me.

CHAIRMAN ELSWICK:

Any other questions or comments by the Commission?
Is there a motion to approve this change or
amendment to the erosion control plan?

MR. HUFFMAN:

We've approved all the rest of them. So I make
a motion we approve this one too. Maybe it will
help and do a better job than the others.

MR. MARINARO:

I'll second it.

CHAIRMAN ELSWICK:

It's seconded by Mr. Marinaro. Is there any
further comment? If not, all in favor say I.

COMMISSION:

I.

CHAIRMAN ELSWICK:

Any opposed?

MR. SANDERS:

I'll abstain.

CHAIRMAN ELSWICK:

Mr. Sanders abstains and the motion carries. Does
that conclude our business for this evening?

MR. HUFFMAN:

I move we adjourn.

MR. SYKES:

Wait, wait, wait. In my letter that I sent addressed the Habitat there were two other projects. There were two other projects listed in the public notice, Cedar Creek and Lovers' Leap. So the Technical Advisory Committee has met and reviewed those.

MR. POWELL:

I thought we had already done that?

MR. SYKES:

These are the subdivisions for those two zoning changes.

MR. HUFFMAN:

Is the Committee ready on that?

MR. SYKES:

We are ready. The first subdivision to be presented is a plat for a portion of the area that we just rezoned over on Cedar Creek. To orient you to the project here this is the intersection of Cedar Creek Road and the road going over to Island Creek. The road that we did a Phase I and houses are currently being constructed on Phase I on both sides of the road going Island Creek and on the left side of the road going up through or north side of the road going up main Cedar Creek and that's all the lightered colored lots and those are already approved and houses are being constructed on those.

We are requesting approval of a subdivision for 13 lots on the south side of Cedar Creek Road for 9 lots up with what is called Shorty Cole Hollow and we have block here I think is where the Presbyterian Church is going to be developing along here. These things are developed in a very similar fashion to the existing subdivision. There are no variances requested that I can think of right now.

MR. HUFFMAN:

I move it be approved.

CHAIRMAN ELSWICK:

Is there a second to that?

MR. POWELL:

I'll second it.

CHAIRMAN ELSWICK:

Do we have a comment from the Technical Advisory Committee?

MR. KEENE:

We had some concerns and those concerns have all been addressed. If you wish for us to go over those one by one we will. If not, we certainly recommend it go further.

CHAIRMAN ELSWICK:

You all are satisfied and recommend it for approval?

MR. KEENE:

Right.

CHAIRMAN ELSWICK:

Motion having been made and seconded, all in favor

of approval say I.

COMMISSION:

I.

CHAIRMAN ELSWICK:

Any opposed?

MR. SANDERS:

Again I'll abstain.

CHAIRMAN ELSWICK:

Mr. sanders abstaining.

MR. HUFFMAN:

Is that all you've got?

MR. SYKES:

We've got one more. This is Phrase II of the Lovers' Leap Subdivision which is at the top of the mountain up there overlooking the Lovers' Leap Knob and there are two maps here that need to go together to depict this entire development. I'm just going to hold them up here so you can see what we are doing.

The access road coming up by our office from the bypass is the road that is running here. This road was approved along with Phase I which is 18 or 19 lots from here out.

We are requesting approval tonight of the subdivision for property to come up both sides of the road of what we own all the way up to a section this area here. We are also asking approval for property that we own in this vicinity and we have

volunteered our services or donates our services to the school board to subdivide their property. Mr. Waddell gave his permission to do that and the school board will address that at their next meeting but I think they will -- the concept is we'll subdivide it and give it the opportunity to probably make the property a little more valuable than it would be otherwise and make it able to sell the property.

MR. HUFFMAN:

We've never talked about this before.

MR. SYKES:

No.

MR. HUFFMAN:

Has the Technical Advisory Committee reviewed it?

MR. KEENE:

Yes.

MR. HUFFMAN:

Are you satisfied with it?

MR. KEENE:

Yes, sir.

MR. SYKES:

There was no public hearing. This didn't require a zoning change. There was no public hearing involved.

MR. HUFFMAN:

I move that both of them be approved.

CHAIRMAN ELSWICK:

Mr. Huffman moves it be approved.

MR. MARINARO:

Seconded.

CHAIRMAN ELSWICK:

Seconded by Mr. Marinaro. Any discussion? All in favor of the motion say I.

COMMISSION:

I.

CHAIRMAN ELSWICK:

Any opposed?

MR. SANDERS:

I'll abstain on this one.

CHAIRMAN ELSWICK:

Mr. Sanders abstains. Motion carries.

MR. HUFFMAN:

I move we adjourn.

MR. MARINARO:

I second the motion.

CHAIRMAN ELSWICK:

Motion carried.

MEETING WAS ADJOURNED AT 7:30 PM

Leon Huffman
Richard Elswick

DAVID SANDERS
Loring Compton
E. Wentz

John Monte
Charles B. Morrison
Stuart Adan

Chris Wimmer
LEVY C. GREEN

David A. Stinger
Fred Parrinard
John N. Powell

Paul [unclear]
[unclear]

Paul P. [unclear]
[unclear]
[unclear]

9/19/96

met
four

SPECIAL MEETING

AGENDA

JOINT PLANNING COMMISSION

- I. CONSIDER RESULT OF PUBLIC HEARING ON ZONING CHANGES ON 5 TRACTS OF PROPERTY ON CEDAR CREEK.
- II. CONSIDER RESULT OF PUBLIC HEARING ON ZONING CHANGES ON 5.2 ACRES OF PROPERTY ON THOMPSON ROAD AT COAL RUN BRIDGE.
- III. COMMISSIONERS COMMENTS
- IV. MEETING ADJOURNED