



## KC&MP&ZC MINUTES

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### KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

March 1, 2001  
9:00 P.M.

NKAPC Meeting Room  
2332 Royal Drive  
Fort Mitchell, Kentucky

### MINUTES

#### COMMISSION MEMBERS PRESENT:

Mr. Tim Theissen - Edgewood  
Ms. Barbara Carlin - Kenton County  
Mr. Russell England - Independence  
Mr. Al Hadley - Elsmere  
Mr. Joe Price - Crestview Hills  
Mr. William Snyder - Bromley  
Mr. Bernie Wessels - Ft. Wright

#### LEGAL COUNSEL PRESENT:

David A. Schneider, Esq.

Mr. Theissen, Chairman, called the meeting to order at 9:08 a.m. Mr. Theissen led the meeting with the Pledge of Allegiance and a prayer by Mr. Price.

#### APPROVAL OF THE MINUTES:

It was noted that the minutes should reflect a recess at 12:15 PM, not 12:15 AM. There being no additional changes, Mr. Price made a motion to approve the minutes from February. Mr. England seconded. A roll call vote on the matter found Mr. Price, Mr. England, Ms. Carlin, Mr. Hadley, Mr. Snyder, Mr. Wessels and Mr. Theissen in favor. The motion carried.

Mr. Theissen noted that a request to table item PP-592 had been received by the applicant. He then asked for a motion to table the matter. Mr. Wessels made a motion to table with Mr. Price seconding. A roll call vote on the matter found Mr. Wessels, Mr. Price, Ms. Carlin, Mr. England, Mr. Hadley, Mr. Snyder and Mr. Theissen in favor. The motion carried unanimously.

Mr. Theissen also noted that a request to table item TF-2001-21 had been received by the applicant, AT&T Wireless. The applicant addressed the Commission regarding the issue and specifics for the request to table. The applicant then asked the Commission that the matter be tabled for a period of sixty (60) days to clear up issues involving the possible use of a nearby Sprint tower. Mr. Theissen then stated that there needs to be a written agreement in place with the applicant to extend the sixty (60) days. The applicant stated they were in agreement regarding this matter and further stated that a letter would be sent to the Commission to this effect. Mr. Theissen then asked for a motion to table the matter and extend the deadline to May 3, 2001. Mr. Price made the motion to table with Mr. Hadly seconding the motion. A roll call vote on the matter found Mr. Price, Mr. Hadley, Ms. Carlin, Mr. England, Mr. Snyder, Mr. Wessels and Mr. Theissen in favor. The motion carried unanimously.

Mr. Theissen marked as an exhibit to the minutes a letter from Viox and Viox regarding item TF-2001-21.

## **SUBDIVISION ITEMS:**

### **a. PRESENTATION OF PRELIMINARY PLATS, OTHER PLATS, AND OTHER ISSUES REQUIRING COMMISSION ACTION AT A REGULAR MEETING FOR REVIEW:**

**W-515 COUNTRY SQUIRE ESTATES, Villa Hills.**

**APPLICANT:** James W. Berling/John Toebben, in behalf of Toebben Builders and Developers.

**GENERAL LOCATION:** Lot No. 185, corner lot at the intersection of Squire Valley Drive and Amsterdam Road, Villa Hills.

**REQUEST FOR ACTION:** Waiver of Subdivision Regulation Section 7.3 F. (i.e., sidewalks along Amsterdam Road (R 1039) fronting Lot 185. Bases

of wavier submitted indicates impassable creek and extra steep slopes.

Staff presentation and Staff recommendation by Mr. Barry Burke.

**NKAPC STAFF RECOMMENDATION:** To deny the request for Waiver of a sidewalk along the south side of Amsterdam Road fronting Lot 185.

**BASES FOR NKAPC STAFF RECOMMENDATION:**

1. Per Section 8.5 of the Subdivision Regulations, referencing Subsection A); Unusual topographical or exceptional physical conditions do not exist; and, B) Strict compliance with these regulations would not create an extraordinary hardship; and, C) Waiver of the sidewalk regulation could cause an unsafe situation.
2. The phrase "extreme steep grades" is exaggerated. The existing side slope grade fronting Lot 185 for a sidewalk is irregular with significant elevation drop from the west to the east. Walkways within both public and private lands are acceptable provided that the side ditch for drainage is located between the walkway and roadway pavement edge (i.e.unless culverts are provided for through drainage).
3. The phrase "impassable creek" is incorrect. Off-site and further east from this request, existing grades and shoulders along Amsterdam Road are sloping away from the pavement; but, still feasible for a sidewalk. An existing stone culvert approximately six (6) feet in diameter is about eight (8) feet from the pavement edge near and opposite Doriel Drive. A railing atop the culvert will have to be installed for safety. Except for a corner lot, sidewalks along the north side of Amsterdam Road east of Doriel Drive already exist. A pedestrian crossing at the Doriel Street intersection may be suitable at this location.

**SUBSEQUENT RECOMMENDATIONS:**

1. Input from city/county officials indicate by agreement, county public works is providing labor and equipment with the city paying for materials to install sidewalks along Amsterdam Road in areas beyond the developer/builder's responsibilities. Currently, work from the west has been completed to a point just east of Collins Road.

Complaints from the public have focused on problems regarding the discharge of stormwater from this watershed to the lake at Madonna Manor

and stormwater crossing and hydroplaning the roadway pavement, a vehicular safety problem.

Reference is made herein to a NKAPC Staff Drainage Study dated March 21, 2000 including Recommendations-Recurring Flooding Problems. To date, a utility pole has been relocated slightly; and, other improvements downstream made; but, capacity of the side ditch remains questionable.

2. That a new inlet be installed by county public works within the side ditch along Amsterdam Road west of Squire Oaks Drive to intercept excessive storm water further decreasing the quantity of runoff to the intersection in question. Likewise, sidewalks must be installed along this adjacent lot as part of building development to ensure adequate links for the walkways in this area.

Mr. John Toebben registered to speak for the issue. Mr. Tim Sogar and Ms. Julie Shuler registered to speak against.

Mr. Tim Sogar addressed the Commission against the issue. He stated he talked to Mr. Toebben regarding the sidewalk issue and stated he doesn't think Mr. Toebben was aware of the pedestrian access plan for the City of Villa Hills. He further stated that he thinks the issue regarding the waiver of sidewalks can be resolved. He stated he's been on city council since 1986. He further stated he has a letter signed by the mayor and all six council members opposed to the waiver of subdivision regulations and presented copies to the Commission. Mr. Sogar stated that this was the city's master pedestrian access plan and it is very important to the city. He stated it has been in the planning stages for a long time. Mr. Sogar stated they have sidewalks now from Prospect Point to Collins Road and from Collins Road to Erpenbeck's area by the old Scott Farm all on one side from a safety aspect. He stated they have a good deal arranged; the city is going to pay for concrete with help from the county who is going to provide labor and equipment and additional sidewalks will be installed. He stated the county is going to help them in laying sidewalks in the city in various phases. He stated this has all been planned out and if this waiver is granted it will create a definite safety problem by not having sidewalks connecting all the way down on one side. He stated he feels that having a sidewalk closer to the road is better than having no sidewalk at all. He further stated that having no sidewalk at all actually forces people to walk in the roadway. Mr. Sogar additionally stated that the sidewalk could be built over the culvert.

Mr. Toebben addressed the Commission in favor of the issue. He stated they

looked into a lot of opportunities there and he feels it can be done. He further stated that to him it's a condition of crossing the road even though it can be done even though there is no eight feet there. He further stated there may be some consideration to a short footbridge across the creek. He stated if the city would be in agreement to stop the sidewalk with an agreement to continue it in some way until the study can be done by the city and the county. He stated they don't want to run a sidewalk to nowhere obviously, but on the same token there are a lot of drainage concerns there.

Mr. Theissen then stated that maybe they needed to give the city, the county and the developer the opportunity to figure out a plan to remedy the situation. He then suggested tabling the request to give them the opportunity to work on a solution. Following a brief discussion regarding whether to table the matter or to deny the waiver, Mr. Theissen suggested tabling the matter for a period up to six (6) months. Following further discussion regarding the matter, Mr. Theissen then asked for a motion. Mr. Hadley then made the motion to table the matter with Mr. Snyder seconding the motion. A roll call vote on the matter found Mr. Hadley, Mr. Snyder, Ms. Carlin, Mr. England, Mr. Price, Mr. Wessels and Mr. Theissen in favor. The motion carried unanimously.

Mr. Theissen marked as Exhibit 1 a letter dated February 22, 2001 from the City of Villa Hills council members.

#### PP-593 NOLLCREST

**APPLICANT:** David E. Estes Engineering, in behalf of Robert Noll.

**GENERAL LOCATION:** An approximate 3.67-acre located along the north side of Amsterdam Road (S.R. 371), interconnected with the existing Carpenter's Trace Subdivision to the immediate north, approximately 1,000 feet west of Collins Road (S.R. 371), and directly opposite Sunglow Drive, Villa Hills.

**REQUEST FOR ACTION:** To approve a Preliminary Plat consisting of eight (8) residential lots for NOLLCREST SUBDIVISION, including public improvements such as streets, storm sewer, sanitary sewer and water systems.

Staff presentation and Staff recommendation by Mr. Scott Hiles.

#### NKAPC STAFF POSITION

**RECOMMENDATION:** To approve a Preliminary Plat for NOLLCREST SUBDIVISION, but only subject to compliance with the following **CONDITIONS:**

## CONDITIONS:

1. That Sight Distances (Right and Left) for vehicles exiting the proposed intersection with Amsterdam Road be in accord with minimum standards. Sight Distance measurements shall be clearly indicated on subsequent Improvement Drawings and Specifications (Section 6.0 E);
2. That the proposed six (6)-inch water main at the terminus of Woodway Drive be extended and connected to the existing water main along Amsterdam Road (Section 7.2);
3. That the proposed six (6)-inch water main along Cedar Brook Drive (shown to connect to the existing water main along Amsterdam Road) be upsized to an eight (8)-inch water main (Section 7.2);
4. That a minimum fire flow of 500 gpm at 20 psi be provided/ensured by certified flow test and fire hydrant spacing be maximum of 450 feet (Section 7.2);
5. That sidewalks be provided along Amsterdam Road for the portion fronting the proposed development (Section 7.3F);
6. That the existing access point along Amsterdam Road (a collector street) serving Lot #6, be eliminated / relocated to the proposed extension of Woodway Drive (as noted on the Plat) (Section 6.0, C, 2); and
7. That Lot #5, Lot #7, and Lot #8 be accessed internally, and not from Amsterdam Road (a collector street) (Section 6.0, C, 2).

## BASES:

The proposed subdivision NOLLCREST SUBDIVISION is consistent with the recommendations of the 1996 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, and the Villa Hills Zoning Ordinance, except as noted under the above Conditions.

## SUBSEQUENT RECOMMENDATIONS:

1. That a Waiver be granted to Section 7.3 F SIDEWALKS, thereby not requiring sidewalks along both sides of the proposed portion of Cedar Brook Drive on the basis that the existing portion of Cedar Brook Drive

contains sidewalk along only the west side. Provision for approximately 160 feet of sidewalk along the east side of the proposed portion of Cedar Brook Drive is impracticable and unnecessary; and

2. That a Waiver be granted to Section 6.1 E INTERSECTIONS, thereby not requiring the proposed intersection of Cedar Brook Drive with Amsterdam Road to be spaced 400 feet from existing driveways along Amsterdam Road on the basis that the modification will provide for an innovative design layout, further defined as follows:

a) Preliminary Plat approval for Carpenters Trace Subdivision included a street stub at the terminus of Cedar Brook Drive to provide for the logical extension to Amsterdam Road, opposite the existing Sunglow Road; and

b) Provision of a second entrance to Carpenters Trace Subdivision will provide better pedestrian and vehicular circulation, lessening the impact at the single existing entrance intersection.

In addition, ensuring compliance with recommended Conditions #1, #6, and #7 (above), will provide an "as safe as practicable" intersection of Cedar Brook Drive with Amsterdam Road.

Mr. Jim Schumate, Mr. Tom Noll and Mr. Heath Wilson addressed the Commission in favor of the issue. No one registered to speak against.

Mr. Schumate of Estes Engineering, addressed the Commission and stated he agrees with the conditions set by Staff except condition number 5. He stated the plan had incorrectly shown the sidewalks on Cedar Brook Drive to be on one side. He stated sidewalks will be built on both sides of Cedar Brook down to Amsterdam Road. He further stated that sidewalks were not shown along the frontage on Amsterdam Road. Mr. Schumate stated they felt it would be a sidewalk to nowhere. He stated they are requesting that sidewalks be waived in that section of Amsterdam but that they are in agreement with the other recommendations of Staff.

Mr. Noll addressed the Commission in favor of the application. He stated the sidewalk along the portion of Amsterdam Road would not lead anywhere. Mr. Theissen then explained his concern with waiving sidewalks in an area that is densely populated and where there may be children getting off buses and so forth. He further stated the existing home on the property is to be demolished when the development is complete.

Following a brief discussion amongst the Commissioners, Mr. Wessels made a motion to approve the application with the conditions set by Staff along with a waiver to Section 6.1 and adding a phrase to condition number 5 to read "and along both sides of Cedar Brook Drive." Mr. Price seconded. A roll call vote on the matter found Mr. Wessels, Mr. Price, Ms. Carlin, Mr. England, Mr. Hadley, Mr. Snyder and Mr. Theissen in favor. The motion carried unanimously.

CONSIDERATION OF ACTIONS TAKEN ON PLATS BY COMMISSION'S DULY AUTHORIZED REPRESENTATIVE, SINCE THE COMMISSION'S LAST REGULAR MEETING (e.g., GRADING PLANS, IMPROVEMENT DRAWINGS, FINAL DEVELOPMENT/STAGE II PLANS, FINAL PLATS, IDENTIFICATION PLATS, etc.)  
- See listing of plans and plats recommended for approval on separate handout.

Mr. Theissen stated the actions of Staff for the past month needed to be ratified and approved and asked for any conflicts. There being none, Mr. Theissen asked for a motion to approve. Mr. Snyder made a motion to ratify and approve. Mr. Price seconded. A roll call vote on the matter found Mr. Snyder, Mr. Price, Ms. Carlin, Mr. England, Mr. Hadley, Mr. Wessels and Mr. Theissen in favor. The motion carried unanimously.

c. CONSTRUCTION REVIEW PROGRAM - See listing of subdivisions for construction inspections in progress on separate handout.

PUBLIC HEARINGS ON SCHEDULED PUBLIC FACILITIES: None.

OTHER COMMITTEE BUSINESS: None.

There being nothing further to come before the Commission, the meeting was recessed at 10:37 a.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
REGULAR MEETING

March 1, 2001  
6:15 P.M.

NKAPC Meeting Room  
2332 Royal Drive  
Fort Mitchell, Kentucky

MINUTES



## COMMISSION MEMBERS PRESENT:

Mr. Timothy Theissen, Chairman - Fort Wright  
Mr. James Bertram - Taylor Mill  
Ms. Barbara Carlin - Kenton County  
Mr. Barry Coates - Covington  
Mr. Russell England - Independence  
Mr. Jeff Gaiser - Ludlow  
Mr. Al Hadley - Elsmere  
Mr. David Hilgefurd - Villa Hills  
Mr. Eugene Meyer - Covington  
Mr. Frank Smith - Lakeside Park  
Mr. William Snyder - Bromley  
Mr. Bernie Wessels - Fort Wright  
Mr. Paul Swanson, Secretary/Treasurer - Erlanger

## COMMISSION MEMBERS NOT PRESENT:

Mr. Jay Bayer - Park Hills  
Mr. James Cook - Kenton County  
Mr. John Dorsey - Fort Mitchell  
Mr. Joseph Price - Crestview Hills  
Mr. James Sucher - Crescent Springs  
Mrs. Alex Weldon, Vice Chair - Covington

## LEGAL COUNSEL PRESENT:

David A. Schneider, Esq.

Mr. Theissen, Chairman, called the meeting to order at 6:15 p.m. Mr. Theissen opened the meeting with the Pledge of Allegiance.

## APPROVAL OF THE MINUTES:

Mr. Theissen noted Mr. Thomas was listed as being present when he was absent. There being no additional changes or corrections, Mr. Hadley made a motion to approve the minutes for February. Mr. Bertram seconded. A roll call vote on the motion found Mr. Hadley, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. England, Mr. Gaiser, Mr. Meyer, Mr. Snyder, Mr. Wessels and Mr. Theissen in favor. Mr. Hilgefurd and Mr. Smith abstained. The motion carried.

## FINANCIAL REPORT:

Mr. Theissen stated the financial report was distributed to the Commissioners in their packets. Mr. Theissen asked if there were any comments. There being none, the report was accepted.

## SUBDIVISION ITEMS:

CONSIDERATION/PRESENTATION OF PRELIMINARY PLATS AND OTHER PLATS AND ISSUES REQUIRING COMMISSION ACTION AT A REGULAR MEETING.

CONSIDERATION/PRESENTATION OF ACTIONS TAKEN ON GRADING PLANS, IMPROVEMENT DRAWINGS AND SPECIFICATIONS, STAGE II PLANS, FINAL PLATS, AND IDENTIFICATION PLATS BY THE COMMISSION'S DULY AUTHORIZED REPRESENTATIVE SINCE THE COMMISSION'S LAST REGULAR MEETING

CONSIDERATION OF THE REPORT OF ACTIONS TAKEN BY THE SUBDIVISION/OYBKUC FACILITY REVIEW COMMITTEE AT A MEETING PRIOR TO, BUT ON THE SAME DAY, AS THE REGULAR MEETING -CONSTRUCTION REVIEW PROGRAM.

Mr. Theissen read the report of the actions taken at the subdivision review committee meeting. There being no questions or comments, Mr. Wessels made a motion to ratify and approve. Mr. Hilgefurd seconded. A roll call vote on the motion found Mr. Wessels, Mr. Hilgefurd, Ms. Carlin, Mr. Coates, Mr. England, Mr. Hadley, Mr. Meyer, Mr. Smith, Mr. Snyder, and Mr. Theissen in favor. Mr. Bertram and Mr. Gaiser abstained. The motion carried.

CONSIDERATION OF CONSTRUCTION REVIEW PROGRAM - See listing of subdivisions for construction inspections in progress on separate handout.

PUBLIC FACILITIES: Refer to 9:00 AM Agenda for Telecommunications issue.

## PUBLIC HEARINGS ON SCHEDULED ITEMS:

1492R

APPLICANT: City of Taylor Mill, per Mr. Frank Wichmann, City Attorney.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: A proposed text amendment to the Taylor Mill Zoning

Ordinance adding indoor and outdoor horseshoe pits to the list of conditional uses (under the category of Recreational uses other than those publicly owned and/or operated) within the R-2 Zone.

Staff Presentation and Staff recommendation by Mr. Mike Schwartz.

#### NKAPC STAFF RECOMMENDATION - TAYLOR MILL ZONING ORDINANCE:

To approve the proposed text amendment adding indoor and outdoor horseshoe pits to the list of conditional uses (under the category of Recreational uses other than those publicly owned and/or operated) within the R-2 Zone.

#### COMPREHENSIVE PLAN DOCUMENTATION / SUPPORTING INFORMATION / BASES FOR NKAPC STAFF RECOMMENDATION --

#### COMPREHENSIVE PLAN DOCUMENTATION:

o Date of Adoption by the Kenton County and Municipal Planning and Zoning Commission: December 11, 1996.

#### SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed text amendment adding indoor and outdoor horseshoe pits to the list of conditional uses (under the category of Recreational uses other than those publicly owned and/or operated) within the R-2 Zone (see Attachment A) is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).

2. The proposed text amendment adding indoor and outdoor horseshoe pits to the list of conditional uses (under the category of Recreational uses other than those publicly owned and/or operated) within the R-2 Zone (see Attachment A) is appropriate.

Recreational uses are typically treated as "conditional uses" within residential zoning districts. The R-2 Zone currently provides for a number of recreational uses as conditional uses.

The characteristics of the proposed use are either similar to or less intense than existing conditional uses within the R-2 Zone. As such, the proposed addition of indoor and outdoor horseshoe pits would be consistent with the existing list of conditional uses.

There were no questions of Staff regarding the issue. No one registered to speak for the city. Mr. Paul Coleman and Mr. Nick Nienaber registered to speak regarding the issue.

Mr. Coleman, President of the OKI Horseshoe Club, addressed the Commission. He stated they are currently located in Ohio and plan to move to Northern Kentucky. He stated the text change is the only item remaining in their plans for the move. He additionally stated they plan to have twelve (12) indoor pits with eight (8) outdoor pits at their proposed new facility. He further state that they are mostly an indoor winter club, opening in September and closing at the end of April.

Mr. Nienaber addressed the Commission and stated that he concurs with Mr. Coleman. He stated the club is basically just a good time for a bunch of old men.

Following a brief discussion amongst the Commissioners, Mr. Bertram made a motion to approve. Mr. England seconded. A roll call vote on the issue found Mr. Bertram, Mr. England, Ms. Carlin, Mr. Coates, Mr. Gaiser, Mr. Hadley, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Mr. Snyder, Mr. Wessels and Mr. Theissen in favor. The motion carried unanimously.

1493R

APPLICANT: City of Edgewood, per Mr. Roger Rolfes, City Administrator.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Edgewood Zoning Ordinance: (1) allowing ornamental iron fences around pools; and (2) requiring fences around pools to be equipped with a self closing and self-latching door or gate.

Staff presentation and Staff recommendation by Michael Schwartz.

**NKAPC STAFF RECOMMENDATION - EDGEWOOD ZONING ORDINANCE:**

To approve the proposed text amendments: (1) allowing ornamental iron fences around pools; and (2) requiring fences around pools to be equipped with a self closing and self latching door or gate.

**COMPREHENSIVE PLAN DOCUMENTATION / SUPPORTING INFORMATION / BASES FOR NKAPC STAFF RECOMMENDATION --**

**COMPREHENSIVE PLAN DOCUMENTATION:**

o Date of Adoption by the Kenton County and Municipal Planning and Zoning Commission: December 11, 1996.

**SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:**

1. The proposed text amendments: (1) allowing ornamental iron fences around pools; and (2) requiring fences around pools to be equipped with a self closing and self latching door or gate (see Attachment A) are allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. The proposed text amendment allowing ornamental iron fences around pools (see Attachment A) is reasonable in that it allows another fence type without compromising the safety of those in and around the pool area.

The Edgewood Zoning Ordinance stipulates that fences which enclose pool areas must be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without scaling the fence or wall or opening the door or gate.

The Kentucky Building Code further requires that such fences be constructed so that a sphere with a four (4) inch diameter cannot pass through any opening of the fence.

3. The proposed text amendment requiring fences around pools to be equipped with a self closing and self latching door or gate (see Attachment A) is appropriate in that it provides additional safety for those in and around the pool area. The current regulations state that fences around pools must be equipped with a self-closing or self-latching door or gate.

Mr. Wessels questioned Staff as to why they are getting involved in building code type issues. Mr. Schwartz stated the building code language was added for informational purposes only.

Mr. Roger Rolfes registered to speak on behalf of the issue. He addressed the Commission and stated that he was available to answer questions regarding the issue. Mr. Hilgefurd stated he thought they would be better served if the ordinance read "metal" instead of "iron" to be more specific so as to avoid those coming before the Commission with other types of fencing. Mr. Schwartz stated every other material has been added to the ordinance as a permanent use. Mr. Bertram made a motion to accept. Mr. Smith seconded. A roll call vote on the issue found Mr. Bertram, Mr. Smith, Ms. Carlin, Mr. Coates, Mr. England, Mr. Gaiser, Mr. Hadley, Mr. Hilgefurd, Mr. Meyer, Mr. Snyder, Mr. Wessels and Mr. Theissen in favor. The motion carried unanimously.

1494R

**APPLICANT:** Mr. Joseph Schreiber, on behalf of Rex Marquette.

**GENERAL LOCATION:** An approximate 1.4-acre area located at the southeast corner of the intersection of Harris Street with Ireland Street, Crescent Springs.

**REQUEST TO BE REVIEWED:** A proposed map amendment to the Crescent Springs Zoning Ordinance, changing the area described herein, from R-1F (a single-family residential zone at a maximum density of approximately 7.3 dwelling units per net acre) to

R-2 (a multi-family residential zone at a maximum density of 15.0 dwelling units per net acre).

Staff presentation and Staff recommendation by Michael Schwartz.

Mr. Joe Schreiber registered to speak on behalf of the applicant. Ms. Dawn Johnson, Mr. Jeff Smith, Mr. Jeff Morris and Ms. Theresa Morris registered to speak against the issue.

Mr. Schreiber addressed the Commission and stated he was present on behalf of the Applicant to answer any questions. He stated the additional acreage would be kept as it is to be used, if necessary, at a later date for a detention pond on the site.

Ms. Johnson addressed the Commission and stated the street condition needs to be looked at before the development should go through. She stated the city does not have the money to repair the street. She further stated the area is almost rural and there is no traffic. Ms. Johnson further stated that Buttermilk Pike is 2001 and Harris Street is the 1950's. She stated the increased traffic would endanger their children and the general safety of residents in the area. She further stated there will be more noise pollution and more lights in the area. She stated her husband is an amateur astronomer and cannot go in their backyard as it is now because of the lights. She further stated it will reduce property values as no one will want to buy a home with apartments in the front yard.

Mr. Smith addressed the Commission and stated he lived on Harris for about twelve (12) years. He stated when he first moved there there were six (6) families in the area. He stated water pressure is decreased and with the development it will be decreased that much more. He further stated that traffic has increased dramatically. He stated that Spille Street could probably be opened up and doesn't understand why the access is proposed on Harris and Ireland versus using Spille. Mr. Smith stated the water runoff has caused a lot of damage at the end of the Spille property. He further stated that he is asking the Commission to deny the zone change.

Mr. Morris addressed the Commission and stated that water was the main thing he is worried about. He stated the water really erodes in front of his house. He stated he has three small children and has a daughter that was hit by a car. He stated his concerns with increased traffic and asked if it does go through if there was some way to keep traffic off the street.

All others registered had nothing to add.

Mr. Schreiber addressed the Commission in rebuttal. He stated the water damage problem will be addressed with the retention pond. He stated they are proposing three (3) all brick buildings. He stated the city has made the decision that the area is to be developed. He

further stated they are working with the city regarding the development. He further stated there would be no more lights than necessary. Mr. Schreiber stated it will be a nice development for the area and asked for approval.

Mr. Theissen questioned Staff as to what condition Ireland Street was in. Mr. Schwartz stated it is in better condition than Harris. He stated it has roll curbs and is approximately 22-feet wide. He stated that going towards Harris it narrows and is not in as good condition. Mr. Wessels stated that water regulations have been around for 10-15 years and if someone is not doing what they're supposed to they should contact someone about it. Mr. Hilgefurd stated that traffic is horrendous in the area and that he uses Ireland to avoid the traffic as a cut through. He further stated that he was in Dayton recently and how they handle the traffic issue is to create culdesacs to basically block off the street. Ms. Carlin questioned Staff regarding the site distances of Ireland. Mr. Schwartz stated if Ireland was built today it probably would not meet site distances regulations. Mr. Theissen noted that the area has changed significantly in the last 10-15 years. He stated the area is near the interstate, easily accessible and developing by leaps and bounds. Mr. Snyder stated he cannot imagine increasing the density of the area by putting in a multi-family. He stated he feels the area is congested enough as it is. Mr. Meyer stated as bad as the street is it is going to continue to get worse until the city decides to fix the problem. He stated he feels that that should be addressed prior to a zone change. He further stated if Queen City was opened and that access was made through there would be the only way he can see the development going through.

Following the discussion amongst the Commissioners, Mr. Hadley recommended approval with Staff's additional information comment. Mr. Wessels seconded. A roll vote on the matter found Mr. Hadley, Mr. Wessels, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Gaiser, Mr. Hilgefurd and Mr. Theissen in favor. Mr. England, Mr. Meyer, Mr. Smith and Mr. Snyder voted against. The motion carried by a vote of 8 to 4.

OLD BUSINESS: None.

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

Mr. Theissen stated a joint task force has been formed and the first meeting was held. He stated that interesting discussions took place at the meeting. He further stated a tentative meeting schedule has been set for the second Wednesday of the month at 4:00 p.m. with the exception of March when the meeting will be held on the 4th Wednesday.

COMMISSION ITEMS:

There was no report given for the Subdivision Regulations Review Committee or By-Laws Committee as Mr. Swanson and Ms. Weldon were absent. Mr. Wessels reported for the Model Zoning Ordinance Committee in Mr. Dorsey's absence. He reported that landscaping issues are being discussed re: the Model Zoning Ordinance.

#### COMMENTS/REQUESTS TO THE COMMISSION:

Mr. Theissen stated the City of Taylor Mill had a vacancy and the city failed to fill the position. He further stated it is now the responsibility of the Planning Commission to appoint a new board member. Mr. Theissen read into the record a letter received from Jill Cain Bailey, City Administrator, regarding filling the position and recommending the appointment of Lou Noll to the position. Mr. Theissen then stated that rather than go through the committee process, he suggested appointing Mr. Noll at this meeting. A motion was then made by Mr. Hilgefurd appointing Mr. Noll to the Taylor Mill position with Mr. Smith seconding the motion. A roll call vote on the issue found Mr. Hilgefurd, Mr. Smith, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. England, Mr. Gaiser, Mr. Hadley, Mr. Snyder, Mr. Wessels and Mr. Theissen in favor. The motion carried unanimously.

There being no further business to come before the Commission, the meeting adjourned at 7:40 p.m.