



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

May 3, 2001
6:15 P.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. Tim Theissen - Chairman - Edgewood
Mr. Jay Bayer - Park Hills
Ms. Barbara Carlin - Kenton County
Mr. Barry Coates - Covington
Mr. John Dorsey - Fort Mitchell
Mr. Russell England - Independence
Mr. Al Hadley - Elsmere
Mr. Eugene Meyer - Covington
Mr. Joseph Price - Crestview Hills
Mr. William Snyder - Bromley
Mr. James Sucher - Crescent Springs
Mr. Bernie Wessels - Fort Wright
Mr. Paul Swanson, Secretary/Treasurer - Erlanger
Mrs. Alex Weldon, Vice Chair - Covington

COMMISSION MEMBERS NOT PRESENT:

Mr. James Bertram - Taylor Mill
Mr. James Cook - Kenton County
Mr. Jeff Gaiser - Ludlow
Mr. David Hilgeford - Villa Hills
Mr. Frank Smith - Lakeside Park

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 and a prayer by Mr. Price.

APPROVAL OF THE MINUTES:

Mr. Theissen stated the minutes were distributed to the Commissioners and asked for any questions or comments. He also noted that both the morning and evening meeting minutes needed to be approved, as there was no morning meeting held for May. Mr. Theissen further noted that on the second to last page of the morning minutes where it reads "Mr. Swanson then made a motion to approve" to read "Mr. Swanson then made a motion to approve in accordance with the conditions as stated above" so there is a clarification. He also noted on page thirteen that Mr. England withdrew from consideration and voting on item "FP-582" not "PP-582." There being nothing further, Mr. Hadley made a motion for approval of both sets of minutes. Mr. England seconded the motion. A roll call vote on the issue found Mr. Hadley, Mr. England, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. Meyer, Mr. Price, Mr. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson, Ms. Weldon and Mr. Theissen in favor. Mr. Bayer abstained. The motion carried.

FINANCIAL REPORT:

Mr. Theissen stated the financial report was distributed in the packets to the Commissioners. There were no questions or comments regarding the report.

SUBDIVISION ITEMS:

a. CONSIDERATION OF PRELIMINARY PLATS AND OTHER PLATS AND ISSUES REQUIRING COMMISSION ACTION AT A REGULAR MEETING. None.

b. CONSIDERATION 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 . See listing on separate handout.

c. CONSIDERATION OF THE REPORT OF ACTIONS TAKEN BY THE SUBDIVISION/PUBLIC FACILITY REVIEW COMMITTEE AT A MEETING PRIOR TO, BUT ON THE SAME DAY, AS THE REGULAR MEETING. None.

Mr. Theissen stated as there was no subdivision meeting held, the actions over the past month would need to be ratified and approved. Mr. Theissen asked for any conflicts regarding the issues. Mr. Bayer then noted that he would be withdrawing from any consideration and voting on items I-3349, I-3696, I-3697 and I-3701 as well as IES-580 and EP-581 due to conflicts of interest. Mr. Theissen noted he would be withdrawing from any consideration and voting on item Z-01-04-04/1503R due to a conflict. There being nothing further, Ms. Weldon made a motion to ratify and approve. Mr. Swanson seconded. A roll call vote on the issue found Ms. Weldon, Mr. Swanson, Mr. Bayer, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Meyer, Mr. Price, Mr. Snyder, Mr. Sucher, Mr. Wessels and Mr. Theissen in favor. The motion carried.

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

PUBLIC FACILITIES:

Mr. Theissen noted that there was a cell tower application on the agenda two or three months ago. He stated that it was tabled and extended the deadline for a decision on that issue until today. He further stated the developer of the cell tower has asked for a further extension until August 2, 2001. Mr. Theissen then stated that a motion was needed to agree to extend their application until that time. Mr. Wessels then made a motion to approve the time extension. Mr. Sucher seconded the motion. A roll call vote on the motion found Mr. Wessels, Mr. Sucher, Mr. Bayer, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Meyer, Mr. Price, Mr. Snyder, Mr. Swanson, Ms. Weldon and Mr. Theissen in favor. The motion carried unanimously.

Mr. Theissen then marked as Exhibit 1 to the minutes the letter received from Holland McTyeire, the attorney for the applicant.

PF-94

APPLICANT: Kenton County Public Library District Board of Trustees, per Mr. Wayne Onkst.

GENERAL LOCATION: An approximate 10-acre area located at the intersection of Kenton Lands, Riggs Road, and Hulbert Avenue, Erlanger.

REQUEST TO BE REVIEWED: Public Facility per KRS 100 - Site plan review of the proposed Kenton County Public Library - Erlanger Branch.

Staff presentation and Staff recommendations by Mr. Paul Drury.

NKAPC STAFF POSITION:

NKAPC RECOMMENDATION -

To approve the site plan of the new Kenton County Library - Erlanger Branch, but only subject to the following conditions:

1. That a sidewalk be extended/provided to the intersection of Kenton Lands and Riggs Roads, and that a sidewalk be extended/provided along Hulbert Avenue, providing pedestrian access from residential areas north and west of the site in question.
2. That minimum quantity of fire flow in the range of 1500-1750 gpm (gallons per minute based upon an approximate 29,000 square feet (ground area) two-story facility with ordinary construction be provided (Insurance Services Office Guidelines).
3. That the City of Erlanger's Fire Chief approve location of fire hydrants (a total of three exist on vicinity of Kenton Lands Road, Riggs Avenue, and Hulbert Avenue).
4. That all other state and local related permits (i.e., Sanitation District, Water District, and energy utilities) be granted by proper authorities.
5. That lighting plan be checked to ensure that the glare from the lighting does not adversely affect nearby residents along Hulbert Avenue.

Mr. Wayne Onkst, Mr. Mike Bishop and Mr. John Schmidt registered to speak in favor of this issue. No one registered to speak against.

Mr. Onkst, Director of the Kenton County Library, addressed the Commission and stated he wasn't planning on speaking but he would speak anytime regarding the new facility. He stated the original library has been in existence for 25 years. He stated they are very excited about the project. He further stated their library is the most heavily used library in the state. Mr. Onkst additionally stated that 400,000 people come in the building each year. He also noted that they looked for a site for the new facility for a couple years. He stated they are very pleased with the Kenton Lands site. He further stated they are anxious to get started and looking forward to the opening in September 2002.

Mr. Bishop addressed the Commission and stated that the building will look much different architecturally. He stated the children's area will be much larger and there will be more computer areas. He stated construction should begin this summer. He further noted that there will not be a glare onto adjoining properties from the lighting of the facility. He additionally stated they are working with the city and appreciate being a part of such a public project.

Mr. John Schmidt addressed the Commission and addressed at length the proposed Cinergy

development near the library. He further stated all six cities in the area oppose Cinergy going on the proposed site. Mr. Schmidt handed out maps depicting the zoning of the area before Cinergy. He additionally used graphics to further state his opposition to the Cinergy development in the vicinity of the new library facility. Mr. Schmidt noted that there are places in Indiana and would welcome a power plant in their backyard but not in this area. He closed by stating that he is very much in favor of the new library facility in Kenton County.

Mr. Onkst addressed the Commission in rebuttal and stated he had nothing further to add except that they share the concerns of Mr. Schmidt regarding the power plant.

Following a discussion amongst the Commissioners, Mr. Hadley motioned to approve PF-94 based on the recommendations of Staff. Mr. England seconded the motion. A roll call vote on the issue found Mr. Hadley, Mr. England, Mr. Bayer, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. Meyer, Mr. Price, Mr. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson, Ms. Weldon and Mr. Theissen in favor. The motion carried unanimously.

PUBLIC HEARINGS ON SCHEDULED ITEMS:

1501R

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

GENERAL LOCATION: N.A.

REQUEST FOR ACTION: Proposed text amendments to the Edgewood Zoning Ordinance reducing the minimum required rear and side yard setbacks for private garages or carports.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF POSITION:

NKAPC STAFF RECOMMENDATION - EDGEWOOD ZONING ORDINANCE:

To approve the proposed text amendments: (1) reducing the maximum size of private garages and carports; and (2) reducing the minimum required rear and side yard setbacks for private garages or carports.

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) reducing the maximum size of private garages and carports; and (2) reducing the minimum required rear and side yard setbacks for private garages or carports (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 reducing the maximum size of private garages and carports (see Attachment A) is reasonable in that it allows for the construction of a two-car garage. Additionally, the proposed text would allow a larger garage to be constructed, based upon the size of the yard in which is to be located.
3. The proposed text amendment reducing the minimum required rear and side yard setbacks for private garages or carports (see Attachment A) is appropriate in that it provides for reasonable setback requirements from adjoining properties. Additionally, the proposed text amendment would regulate the setbacks of private garages and carports in the same manner as other customary accessory buildings are regulated.

Mr. Roger Rolfes registered to speak in favor of the issue. No one registered to speak against.

Mr. Rolfes addressed the Commission and stated the change was made because people were building large recreational buildings and they felt that large buildings needed to be set back further. He stated the intent of the whole text amendment is to allow someone to be able to build a detached garage or carport, observing the standard setbacks and requirements.

Following a brief discussion amongst the Commissioners regarding the issue, Ms. Weldon made a motion to approve 1501R based on Staff's recommendations. Mr. Snyder seconded the motion. A roll call vote on the issue found Ms. Weldon, Mr. Snyder, Mr. Bayer, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Meyer, Mr. Price, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

1502R

APPLICANT: Grand Communities, Ltd., per Mr. M. Larry Sprague, on behalf of Dorothy Schneider Trust and Justin Schneider, Jr.

GENERAL LOCATION: An approximately 77-acre area located along the east side of Fowler Creek Road, between Senour road and Cox Road, approximately 3,000 feet (.6 miles) south of Senour Road, Independence.

REQUEST FOR ACTION: A proposed map amendment to the Independence Zoning Ordinance, changing the area described herein, from R-1A (a detached single-family residential zone at a maximum density of 1 dwelling unit per net acre) and R-1C (a detached single-family residential zone at a maximum density of approximately 3.5 dwelling units per net acre) to R-1D (a detached single-family residential zone at a maximum density of approximately 4.8 dwelling units per net acre).

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF POSITION:

NKAPC STAFF RECOMMENDATION - INDEPENDENCE ZONING ORDINANCE:

To approve the proposed map amendment from R-1A and R-1C to R-1D, but only subject to compliance with the condition that the density of the site in question not exceed a maximum density of 2.5 dwelling units per net acre.

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 map amendment from R-1A and R-1C to R-1D, subject to the condition, is consistent with the Land Use Plan Element of the 1996 Area-Wide Comprehensive Plan Update which identifies the site in question for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre and Physically Restrictive Development Area (PRDA).

While the proposed R-1D Zone permits development at a maximum density of 4.8 dwelling units per net acre, the condition that the density of the site in question not exceed 2.5 dwelling units per net acre provides for a density which is within the recommended density range identified within the comprehensive plan.

2. The proposed map amendment from R-1A and R-1C to R-1D is consistent with the following Residential Development Concepts, as contained within the Goals and Objectives Element of the 1996 Area-Wide Comprehensive Plan Update:

Density is the major determinant of residential development.

Residential densities provide the major bases for "utilities" and community facilities systems" planning.

A variety of residential densities is desirable.

Various densities would accommodate a variety of housing types to serve a variety of economic and social desires and capabilities.

The type of development that should occur within an area should be based, in part, upon the unique characteristics of the development site and the character of adjacent development.

Such a concept would insure that the proposed development would be compatibly incorporated into the area and would enable the development to best utilize the area's existing features.

The density of development for undeveloped land should be based on considerations such as: (a) the density of adjacent developed areas, of which the undeveloped land would be a logical extension; (b) access to major transportation facilities; (c) the nature of adjacent activities; and, (d) residential development in rural areas should be designed to maintain existing rural character of open space and the appearance of low density.

Such a concept would result in development which is compatible with surrounding land uses and which would not result in generating high volumes of traffic through low density areas.

The site in question, as proposed and conditioned, is to be developed at a maximum density of 2.5 dwelling units per net acre. The area located to the east of the site in question is anticipated to be developed at a density of approximately 1.9 dwelling units per acre. The proposed map amendment, as conditioned, will allow for the development of detached single-family residential dwellings at a density which is compatible with the anticipated density of adjacent property.

A portion of the site in question is identified as PRDA, indicating steep hillside conditions. The proposed R-1D Zone will allow for the development of detached single-family residential dwellings while maintaining the hillside areas.

3. The proposed map amendment from R-1A and R-1C to R-1D is consistent with the Land Use Plan Element of the 1996 Area-Wide Comprehensive Plan Update, as it pertains to Residential Development.

The text of the comprehensive plan reads as follows:

Residential densities referred to herein are "net residential densities", meaning exclusive of land to be used for streets and alley rights-of-way and other non-residential uses (e.g., land for schools, parks, necessary utility pump stations and other essential service facilities which use land). It is not the intention of this plan to automatically allow development to occur at the upper end of the density ranges. Rather, the density of development should be controlled by the recommended density range and its interrelationship with the residential development concepts, the availability of recreational facilities and other community facilities, and the existing/recommended transportation network. The density of development, permitted within a given residential zoning district of a city's zoning ordinance, should be within the broad density ranges identified in this Plan Update.

Density is intended to be the major control of residential development. Therefore, concepts such as "Cluster Type Development" and "Planned Unit Development" are strongly encouraged as long as they comply with the recommended densities in the plan. Such concepts promote flexible and innovative design, making the best use of existing land forms, preserving and integrating natural areas into such designs.

The proposed R-1D Zone, as conditioned, will allow for the development of narrower lots. This type of development will reduce the amount of land excavation, reduce the amount of stormwater runoff, preserve natural hillsides and streams, and create more open space, while providing for a density which is compatible with the existing and anticipated density of adjoining areas.

Mr. Larry Sprague and Ms. Elizabeth Horwitz registered to speak in favor of the application. Ms. Lisa Tarvin, Ms. Mary Jane Tarvin and Mr. Bob Exeler registered to speak against.

Mr. Sprague addressed the Commission and stated that Staff's report presented a lot of the issues they had. He stated the rezoning allows for more flexibility regarding the development as to open space, the old quarry and the lake, which they want to preserve. He further stated they are agreeable to the condition that the density be limited to 2.5 units per net acre. He stated the homes will average in price from \$230,000-240,000. He further noted he feels the project meets the Comprehensive Plan. Mr. Theissen asked the applicant if they could give a commitment to offering some type of recreational development since it is geared primarily toward families. Mr. Sprague responded and stated that this particular development really does not lend itself to a recreational development. Mr. Sprague further stated he did not want to commit at this time but stated they would be coming back before the Commission regarding the plan.

Ms. Lisa Tarvin addressed the Commission against the issue. She stated the development will completely swallow her home. She further stated it will destroy privacy and destroy the natural environment. Ms. Tarvin also stated she sees the character of the area being destroyed and that she does not see a commitment to preserve green space in the community. She further stated she understands the zoning change but doesn't trust it. She further stated she just wanted her opinion known.

Ms. Mary Jane Tarvin addressed the Commission against the issue. She stated she wanted to know if there was any guarantee that they will not develop more than 2.5 units per net acre. Mr. Theissen responded and stated the development is conditioned upon no more than 2.5 units per net acre. She also stated they have trouble getting out of their road now and with the development it will be worse. She further noted that water runoff is bad now without the development.

Mr. Exeler addressed the Commission against the issue and asked who would be maintaining the green space. He further asked if a traffic study would be done to see if the road can handle the additional traffic the development will bring. Mr. Exeler then asked if the proposal would go before the city. Mr. Theissen stated the Commission makes recommendations only and it would be up to the city.

Mr. Sprague addressed the Commission in rebuttal. He stated they are not building starter homes in the development. He stated entry level homes are being built adjacent to the development on Clover Ridge. He further noted that they will be back before the subdivision review committee to hash out subdivision items. Ms. Elizabeth Horwitz stated if the property were developed without the zone change the issues raised by those in opposition would not go away.

Following a brief discussion amongst the Commissioners, Mr. Hadley made a motion to approve 1502R based on the recommendations of Staff. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Mr. Coates, Mr. Dorsey, Mr. England, Mr. Meyer, Mr. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson, and Mr. Theissen in favor. Mr. Bayer abstained. Ms. Carlin voted against. The motion carried.

OLD BUSINESS: None.

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

Mr. Theissen stated that the normal meeting for July would be held on July 5 and asked if any Commission members would have a problem with being able to attend that meeting. As there was only one conflict, the meeting will remain on the 5th as scheduled.

COMMISSION ITEMS:

Standing Committee Reports:

Comprehensive Plan Joint Task Force - Mr. Tim Theissen stated that since last month's meeting one meeting has been held. He stated the community facilities chapter was discussed and some good comments were raised. He noted there was nothing that required extensive discussion. He further noted the next meeting would be held on May 9th from 4-5:30 p.m. and the topic will be economic projections. Subdivision Regulations Review Committee - Mr. Paul Swanson stated the committee is treading water at the moment due to the amount of activity going on with the Comprehensive Plan. He further noted there are still a lot of items that are still on the table that need to be addressed. He stated that a meeting has not been scheduled on any particular subject because their plate is full.

By-Laws - Ms. Alex Weldon stated there was nothing to report as no meeting was held.

Model Zoning Ordinance - Mr. John Dorsey stated they have been working on the landscape regulations for over a year now. He stated at the meeting last month the home builders were the primary attendees. He stated they did have comments but none were any serious objections that he could recall. He stated the next meeting will merely go over the points they made and hopefully they can move on to something beyond the regulations after this next meeting. He then stated the next meeting would be held May 8th. Mr. Wessels commended Mr. Dorsey as well as Staff for getting everything together on the Model Zoning Ordinance Committee. He stated it has all come together without a fight like in Boone County and it's a good thing to see. Mr. Theissen noted he was pleased with the output of that committee as well.

COMMENTS/REQUESTS TO THE COMMISSION:

There being no further matters to come before the Commission, Mr. Theissen then adjourned the meeting at 8:02 p.m.