



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION SUBDIVISION REGULATION REVIEW COMMITTEE

June 7, 2001
9:00 A.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. Tim Theissen - Edgewood
Mr. Russell England - Independence
Mr. Al Hadley - Elsmere
Mr. Eugene Meyer - Covington
Mr. James Sucher - Crescent Springs
Mr. Paul Swanson - Erlanger
Mr. Bernie Wessels - Ft. Wright

LEGAL COUNSEL PRESENT:

David A. Schneider, Esq.

Mr. Theissen, Chairman, called the meeting to order at 9:00 a.m. Mr. Theissen led the meeting with the Pledge of Allegiance.

APPROVAL OF THE MINUTES:

There were no minutes to approve as there was no morning meeting held for May.

Mr. Theissen noted that a request to table had been received from Richard Reilly, attorney for SprintCom Inc. regarding issue TF-2001-23. He noted a letter had been received from Mr. Reilly requesting that the matter be tabled until the July 5, 2001 meeting and marked the letter as Exhibit 1 to the minutes.

SUBDIVISION ITEMS:

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

PP-574 APPLICANT: James W. Berling Engineering, in behalf of The Scheben Group.

GENERAL LOCATION: A 48.5-acre area located along the south side of Cody Road, contiguous to the west by the existing Troopers Crossing Subdivision, and to the south by Brushy Fork Creek.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 75 lots for TROOPERS CROSSING EAST ADDITION for residential building development, including public improvements such as streets, storm sewer, sanitary sewer and water systems.

Staff presentation and Staff recommendation by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

RECOMMENDATION: To approve a Preliminary Plat for TROOPERS CROSSING EAST ADDITION, but only subject to compliance with the following CONDITIONS:

CONDITIONS:

1. That strict erosion control measures be implemented to protect Brushy Fork Creek from siltation (Section 7.12);
2. That Sight Distances (Right and Left) for vehicles exiting the proposed intersection with Cody Road (C.R. 1028) be in accord with minimum standards. Sight Distance measurements shall be clearly indicated on subsequent Improvement Drawings and Specifications (Section 6.0 E);
3. That full intersection improvements (left turn storage lane and right turn deceleration lane), with design approval by the planning commission and county road superintendent, be provided along Cody Road (C.R. 1028) at the entrance intersection (Section 6.1);
4. That one-half (1/2) of Cody Road (C.R. 1028) for the portion contiguous to the proposed development be widened to a minimum of eleven (11) feet, (or full section widening along one side same as contiguous agreement as partnered) in accord with minimum subdivision regulation standards for a

collector street with side ditches (Section 11.3 F);

5. 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);

6. That cul-de-sac streets in excess of 1200 feet in length be shortened and/or interconnected (Section 6.0 F);

7. That sidewalks be provided along both sides of all proposed internal streets as well as along Cody Road (C.R. 1028) for the portion fronting the proposed development (Section 7.3);

8. That a pedestrian walkway system connecting remotely located cul-de-sac streets be provided (Section 7.3 and 6.7);

9. That a pedestrian walkway system connecting the proposed subdivision with the existing Troopers Crossing Subdivision be provided (Section 7.3 and 6.7);

10. That all lots be accessed internally, and not from Cody Road, a Collector street (Section 6.0, C, 3); and

11. That street name "Sumpter Court" be changed (Section 6.0 G).

BASES:

The proposed subdivision TROOPERS CROSSING EAST ADDITION is consistent with the recommendations of the 1996 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, and the Independence Zoning Ordinance, except as noted under the above Conditions.

Mr. Jim Berling, Mr. Steve Berling and Mr. Eric Russo registered to speak on the issue.

Mr. Berling addressed the Commission in favor of the project and stated he is the engineer for the project. He stated Staff's report is extensive and thorough. He stated this area would have been added to Trooper's Crossing originally but the property was not available. He stated there were four or five different layouts but this one was most favorable in keeping with the topography of the area. He stated they would have G.J. Thelen as part of the design team on the project. He further stated with regard to condition #3 that the widening is underway and the road will be widened all the way to Independence Station Road. He additionally stated that condition #8 is extreme and he is requesting that they be excused from the condition regarding connecting the proposed subdivision with Troopers Crossing. He stated the topography is severe and the proposed park area is no where near the suggested pedestrian walkway.

Mr. Wessels asked about making a connection between the culdesacs at the shorter end as a compromise. Mr. Theissen suggested having some sort of walkway to provide access for children between the streets.

Mr. Russo of the Hillside Trust addressed the Commission regarding the issue. He stated his concerns that the sanitary fill would create erosion and lot sliding. He further stated the geotechnical work would satisfy any concerns they have regarding the proposed project.

Mr. Sucher stated it did not make sense to put in sidewalks. Mr. Wessels also stated that running sidewalk all the way down and back up and into an open area didn't make sense. Mr. Theissen agreed. Following discussion on the issue, Mr. Berling agreed to mulch the proposed pathway one time. It was further noted that Staff would include this issue as an additional information comment. Mr. Wessels made a motion to approve based on the recommendations of Staff, and also the subsequent recommendations of Staff to delete existing condition #3 and deleting existing #6 and granting a waiver on the basis of unusual topographical circumstances, to modify existing condition #8 (which will become new condition #7), after the word "system" to insert (hard surface) and then on condition #8 after the word "system" to insert (easement minimum ten (10) feet width; 4-foot hard surface for the first 75 feet back from the curb). Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hadley, Mr. England, Mr. Meyer, Mr. Sucher, Mr. Swanson and Mr. Theissen in favor. The motion carried.

PP-595 APPLICANT: James W. Berling Engineering, in behalf of Village Green Subdivision L.L.C.
GENERAL LOCATION: An approximate 3-acre area located along the south side of Amsterdam Road (S.R. 371), approximately 4,000 feet east of Collins Road (S.R. 371), Villa Hills.
REQUEST FOR ACTION: To approve a Preliminary Plat consisting of nine (9) lots for VILLAGE GREEN SUBDIVISION for residential building development, including public improvements such as street, storm sewer, sanitary sewer, and water system. Note: This Preliminary Plat includes a request for Waiver to Section 7.0, thereby not requiring any storm water detention/retention facility.

Staff presentation and Staff recommendation by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

RECOMMENDATION: To approve a Preliminary Plat for VILLAGE GREEN, 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 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);

3. That the existing access point along Amsterdam Road serving existing residence on Lot 3, be eliminated / relocated to the proposed street "Greenview Court" (Section 6.0, C, 2); and
4. That Lot #1, Lot #2, Lot #3, and Lot #4 be accessed internally, and not from Amsterdam Road (Section 6.0, C, 2);
5. That a stormwater detention / retention facility be provided in accord with Section 7.0; and
6. That the existing residence be razed or remodeled to comply with minimum yard requirements of the zoning ordinance (Section 66.6)

BASES:

The proposed subdivision VILLAGE GREEN 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.

Mr. Jim Berling, Mr. Steve Berling and Mr. David Flood registered to speak on the issue.

Mr. Berling addressed the Commission and stated he agrees with Staff's recommendations on the issue. He further stated the only issue he wanted to clarify was that they were told by the city that the city would be putting in sidewalks. He stated they would pay for the concrete through their section. Mr. Theissen asked if the existing house on lot #3 would be razed. Mr. Berling stated they prepared six different plans and they were unable to keep the existing residence. Following additional discussion on the matter, Mr. Theissen then noted that what is being proposed is an elimination of condition #5 and in place of that to grant the requested waiver to Section 7.0 thereby not requiring any storm water detention/retention facility be granted but only subject to the following condition: that peak discharges through routing channels be computed and analyzed and improvements made where necessary." There being no further questions or comments regarding the issue, Mr. Wessels then made a motion to approve PP-595 subject to the many conditions stated by Staff and to include the waiver of Section 7.0 (above). Mr. Hadley seconded the motion. A roll call vote on the issue found Mr. Wessels, Mr. Hadley, Mr. England, Mr. Meyer, Mr. Sucher, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

b. 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 asked for any conflicts regarding the plats and plan over the last month. He noted that he

would be withdrawing from any consideration and voting from final plat 511, Grandview Summit, due to a conflict. Mr. Swanson then made a motion to ratify and approve the actions taken over the past month. Mr. England seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. England, Mr. Hadley, Mr. Meyer, Mr. Sucher, 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:

TF-2001-23 APPLICANT: SprintCom, Inc.

GENERAL LOCATION: An approximate 2,960 square foot area located approximately 1,000 feet west of Old Taylor Mill Road and approximately 1,000 feet south of Lakewood Drive, Taylor Mill. The site in question is located on Scott High School property at 5400 Old Taylor Mill Road, Taylor Mill.

REQUEST TO BE REVIEWED: Location and extent of a Wireless Communication Facility including a 175-foot high flag pole, enclosing the antenna array, and associated ground structures.

* This issue was tabled until the July 5, 2001 meeting.

OTHER COMMITTEE BUSINESS: None.

There being nothing further to come before the Commission, the meeting was recessed at 10:20 a.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

June 7, 2001

6:15 P.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. Tim Theissen - Chairman - Edgewood
Mr. James Bertram - Taylor Mill
Ms. Barbara Carlin - Kenton County
Mr. Barry Coates - Covington
Mr. John Dorsey - Fort Mitchell
Mr. Russell England - Independence
Mr. Al Hadley - Elsmere
Mr. David Hilgefurd - Villa Hills
Mr. Eugene Meyer - Covington
Mr. Joseph Price - Crestview Hills
Mr. Frank Smith - Lakeside Park
Mr. William Snyder - Bromley
Mr. James Sucher - Crescent Springs
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. Jeff Gaiser - Ludlow
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 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. There being none, Mr. Price made a motion to approve the minutes from May. Mr. Snyder seconded. A roll call vote on the motion found Mr. Coates, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Meyer, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Mr. Bertram, Ms. Carlin, Mr. Hilgefurd and Mr. Smith 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.

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.

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.

Mr. Theissen read the report of the subdivision review committee meeting held in the morning. He then asked for a motion to ratify and approve the actions taken. Mr. Hadley made a motion to ratify and approve. Mr. Wessels seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Wessels, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. England, Mr. Hilgefurd, Mr. Meyer, Mr. Price, Mr. Smith, Mr. Snyder, Mr. Sucher, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

d. 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.

PUBLIC HEARINGS ON SCHEDULED ITEMS:

1491R

APPLICANT: LSI Industries, per Mr. Frank Dornbach.

GENERAL LOCATION: An approximate 4.3-acre area located along the east side of Turkeyfoot Road, between Industrial Road and Bottomwood Drive, approximately 250 feet south of Bottomwood Drive, Independence.

REQUEST FOR ACTION: A proposed map amendment to the Independence Zoning Ordinance, changing the area described herein, from R-1B (a detached single-family residential zone with a maximum density of 2.0 dwelling units per net acre) to IP (an industrial park zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF POSITION:

NKAPC STAFF RECOMMENDATION - INDEPENDENCE ZONING ORDINANCE:

To approve the proposed map amendment from R-1B to IP, but only subject to compliance with the following conditions:

1. That the proposed building addition not exceed forty (40) feet in height.
2. That the proposed off-street parking area be set back a minimum of seventy-five (75) feet from the side property line, unless a variance is granted by the Independence Board of Adjustment.
3. That the required number of off-street parking spaces, pursuant to Section 11.2, EE. of the Independence Zoning Ordinance, be provided.

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-1B to IP is consistent with the Land Use Plan Element of the 1996 Area-Wide Comprehensive Plan Update which identifies the site in question, as well as the area located to the south of the site in question, for Industrial uses. The proposed IP Zone permits a variety of manufacturing, compounding, processing, and assembly uses on a minimum lot area of one acre.
2. The site in question is part of a larger property containing a total of approximately 13 acres. The site in question, including the area located to the south of the site in question, being the remainder of the larger property, is currently occupied by a manufacturing facility. Therefore, the proposed map amendment from R-1B to IP represents a logical extension of the existing IP Zone which is located to the south of the site in question.
3. The submitted Stage I Development Plan meets the minimum requirements of the Independence Zoning Ordinance, except for the following:
 - a. Section 10.18, C., 7. prohibits structures within the IP Zone from exceeding forty (40) feet in height. Insufficient information has been submitted to determine compliance with this requirement.
 - b. Section 11.0, C., 1., d., (2) states that off-street parking areas within the IP Zone may be provide

within side yards, provided that all minimum required side yard setbacks are maintained. Section 10.18, D., 4. requires a minimum side yard setback of seventy-five (75) feet when the side yard abuts property in a residential zone. The submitted development plan indicates that the proposed off-street parking area will be set back thirty-seven (37) feet from the side lot line.

c. Section 11.2, EE., regulates the number of off-street parking spaces that must be provided for manufacturing uses. Insufficient information has been submitted to determine compliance with this requirement.

ADDITIONAL INFORMATION:

Hydrological computations have been submitted to demonstrate compliance for increased discharge from northern portion of the site combined with decreased discharge from southern portion of the site. This compliance does not result in increased runoff downstream, and thereby, does not further exacerbate preexisting drainage, based upon standard storm frequencies as adopted by the planning commission as part of its subdivision regulations.

Mr. Theissen asked Staff if they read the noise study or reviewed it in depth. Mr. Schwartz stated Staff had reviewed it and found it to be reasonable and thus accepted it.

Mr. Frank Dornbach, Mr. George Marousek, Mr. Rick Jordan and Mr. John Sullivan registered to speak in favor of the issue. Mr. Roger Bray, Mr. Thurman Blades and Mr. Delbert Marksberry registered to speak against.

Mr. Dornbach addressed the Commission and stated he is not the present owner of the facility. He stated LSI has 163 employees and they expect to increase that number. He stated he contacted the original owner who purchased the property in the '50's and noted that the property had been zoned industrial. He further stated the original owner never knew any other zone existed. Mr. Dornbach stated they now wish to expand the facility and discovered the other zoning.

Mr. Marousek addressed the Commission and gave a presentation with overhead films showing results of the noise study conducted. He stated measurements were made with the doors of the plant open and the equipment running. He further stated that on the north side of the facility the noise is continuous. He stated a sheet type sound absorber was installed after doing preliminary noise studies at the facility. He additionally stated the study was done based on external versus internal noise. Mr. Wessels questioned Mr. Marousek as to how the plant compares to other similar plants in relation to noise. Mr. Marousek stated on the average the LSI plant is quieter than others. Mr. Theissen asked when the sound absorbing material was installed. Mr. Marousek stated it was installed in April after noise studies were performed in February and March. Ms. Carlin stated if remedies had to be taken just to bring the noise levels to an acceptable level, what would happen when the plant was expanded. Mr. Dornbach stated the expansion is primarily going to be offices and an assembly area. He stated in the future the plant itself will expand but at the present it will be office space and additional parking. Mr. Hilgefjord stated the bottom line is

that the noise levels meet the requirements of the ordinance. Mr. Dornbach stated one of the other problems at the February meeting was storm water drainage. He stated five storm water drainpipes have been installed to help with the drainage of the area.

Mr. Jordan addressed the Commission in favor of the issue. He presented photos to the Commission showing before and after photographs taken of the facility to emphasize improvements made to the facility since 1994. Mr. Dornbach stated the building has been painted and improvements were made. He further stated that new lighting and landscaping have been installed as well as the addition of a cafeteria for employees. He stated the Estes site plan will eliminate any storm water drainage problems. He further stated they will continue to make improvements to the facility. He stated the State of Kentucky has issued a permit to expand the facility.

Ms. Carlin asked about the assembly process and whether or not that would increase the noise levels if the expansion goes through. Mr. Dornbach stated at present 70% of their assembly is done off-site.

Mr. Roger Bray addressed the Commission against the issue. He stated he is the eastern-most resident from the LSI facility. He stated the noise study apparently was not done when the turret press was operating. He stated on May 8 at 11:30 p.m. he arrived home to hear the noise of the ventilators. He stated he then walked outside and continued to hear the ventilators along with a PA system announce for someone at the plant. He then stated he called at the plant at 11:50 and could hear the phone ringing over the PA system. He further stated the noise is unacceptable. He stated he would like to see the zone changed to residential because it is residential on three sides of the facility. He also stated he has not noticed a sound change since the sound absorbing material was installed. Mr. Hilgefurd asked if he's ever gone to the city because of the noise. Mr. Bray stated they have gone to the city but the city has basically done nothing except refer them to the NKAPC.

Mr. Blades addressed the Commission against the issue. He stated he hears the thump thump after midnight. He stated he hears another noise now periodically at 7:00 or 9:30 in the morning. He stated there has been no change in the noise that he's noticed. He further stated it's a vibrating noise that he can hear as well as feel in his home.

Mr. Marksberry addressed the Commission against the issue. He stated he lives on the property line and saw the testing being done. He asked about the woods behind the building as to whether or not they would be torn down because that is their only sound barrier. Mr. Dornbach stated that since there needs to be a 75-foot setback the woods would not be torn down. Mr. Marksberry also noted that he has not noticed much of a change in the noise level but stated he may not notice it because he's worked around trucks all his life.

Mr. Dornbach addressed the Commission in rebuttal and stated the paging system will not be used at night. He stated it is an annoying noise and they will discontinue using the PA system during the night.

Mr. Wessels questioned Staff as to when Independence annexed the city of Ridgeview Heights and the

zone change went through and if the city was ever contacted or notified. Mr. Schwartz stated they could not find any record of the zone change or application of a zone change back at the time the city of Ridgeview Heights was annexed. Mr. Meyer stated the noise situation will not change whether the issue is approved or not. He stated that putting in a parking lot and assembly space will not effect the noise as it is now. Mr. Hadley asked Mr. Dornbach what their plans were for a buffer as pine trees were mentioned as a possible solution. Mr. Dornbach stated the lighting would be beamed toward the building. He further stated there are power lines in the back of the building and they will plant pine trees if allowed by the power company. Mr. Dornbach further stated they have gone to great lengths and expense to remedy any questions or concerns raised at the prior meeting.

*At the request of the Chairman, the testimony on this issue from the hearing held in February is included in italics.

Mr. Frank Dornbach, Mr. John Sullivan and Mr. Rick Jordan registered to speak in favor of the application. Mr. Delbert Marksberry, Mr. Jeff Neal, Ms. Thelma Marksberry, Ms. Sherri Creech, Mr. en Ritz, Mr. Roger Bray, Mr. Thurman Blade and Mr. Gordon Waldespohl registered to speak in opposition.

Mr. Frank Dornbach addressed the Commission in favor of the application. He stated he purchased the property in 1994 with the intent to use the property as industrial. He stated they have previously applied for and received approval for expansions over the years. Mr. Dornbach stated they were surprised that the side of the building they now wish to expand is zoned residential.

Mr. John Sullivan addressed the Commission in favor of the application. He stated the original property was zoned industrial back in the 50's. He additionally stated the part of the building that is in an industrial zone was built in the late 70's. Mr. Dornbach clarified a new addition was added to that same portion in 1978.

Mr. Rick Jordan addressed the Commission in favor of the application. He stated in 1994 LSI bought the building. He further stated the business has grown so much so that additional parking and space is now necessary.

Mr. Jeff Neal addressed the Commission in opposition to the application. He stated he would like to clarify some issues. He further stated the water runoff is terrible and the water runs right through his yard. Mr. Neal stated the land is not designed for and can't handle further construction. He further stated that every bit of water runs right to his property. He stated the company has shown in the past with recent additions how they intend on handling water runoff. He further stated they have pipes that have water runoff going right down the easement and it runs into his yard. Mr. Wessels then asked Mr. Neal if he had seen the proposed site plan because it makes allowances for water runoff. Mr. Neal then stated that he had a copy of the plan. Mr. Hadley asked how long Mr. Neal had lived at his residence to which Mr. Neal replied four (4) years. Mr. Hadley stated the building was there when he purchased his property. Mr. Hadley stated that walls could be built as sound barriers as is done along expressways to cut down on the noise element.

Mr. Delbert Marksberry addressed the Commission in opposition to the application. He questioned whether or not a fence would be built around the proposed parking lot.

Ms. Thelma Marksberry addressed the Commission in opposition to the application. She stated there is very much noise at night coming from the factory. She stated she has been there twenty-six (26) years and the loud booms started when LSI bought the property. She stated she has a disabled daughter and the noises wake her at night.

Mr. Roger Bray addressed the Commission in opposition to the application. He stated he agrees with what his neighbors say regarding the noise. He stated the noise started about two years ago. He further stated the police have been called regarding the loud noises coming from the building in the middle of the night. He stated his windows can no longer be opened in the spring and fall due to the loud noise coming from the building. He stated he feels the company should move an industrial park where they belong.

Mr. Thurman Blades addressed the Commission in opposition to the application. He stated his property is right against LSI property so he hears all the noise night and day. He stated that now the company wants to expand further into their direction. He further stated the building is surrounded by residential areas on three sides of the property. He additionally stated that thought should be considered because is a residential area. He stated he has lived in his home since '89 and stated the noise has gotten completely unbearable over the past couple of years. He further stated the company should not be there.

Mr. Gordon Waldespohl addressed the Commission in opposition to the application. He stated he has been a resident for twenty-eight (28) years. He stated he did not notice the noise until recently. He stated one way to keep the noise down is to isolate the big presses. He further stated he travels a lot and needs his sleep and he has a hard time getting sleep.

Mr. Dornbach addressed the Commission in rebuttal and stated the storm water problem has been addressed in this stage of the planning. He further stated there are storm water catch basins throughout the property. He stated they built the new addition in '98 with expansion in mind. He further stated there are no open sewers on the property. He additionally stated that since LSI Manufacturing has taken over they have only purchased one (1) punch press and that the manufacturing has not changed.

Mr. Sullivan addressed the Commission in rebuttal and stated that no one has ever come to them with noise complaints. He stated no police department has ever come to his office. He further stated the punch presses were there when they purchased the property. Mr. Sullivan stated that when Metal Craft was started there were no residences in the area. He stated that for the eleven years he was at the company previously there were only two (2) shifts. He stated they now run three (3) shifts. He further stated the terret machines run at night and that is probably the noise the residents are hearing. Mr. Dornbach stated decibel levels have been checked by OSHA and the company meets the required levels. Mr. Sullivan stated all worker working on the terret machines are required to wear hearing protection. Mr. Bayer asked how many pipes outlet into the lake on the property. Mr. Dornbach stated there are no

pipes but one drainpipe. He stated the down spouts drain down the hill. He further stated the water runoff is probably due to the erosion of the hill. Ms. Carlin questioned the applicant as to when he became aware there was a zone problem. Mr. Dornbach stated he found out a month ago about the residential zone. Mr. Hadley asked the applicant what exactly he wants to add to the building. Mr. Dornbach stated they want to add a parking lot and tear down old offices and build new. Ms. Carlin asked if there was any way to insulate the building regarding the noise. Mr. Dornbach stated if the terret machines are the problem that there is probably a way to insulate them somehow. Mr. Wessels asked if any storm water detention/retention was explored when the addition was put on in 1998. He further questioned whether or not storm detention/retention could be placed under ground.

Mr. Jeff Neal stated in rebuttal that when he first purchased his property the company had one shift Monday through Friday. He further stated as they are in a valley any noise gets amplified. He additionally stated he finds it hard to believe that a building is purchased without knowing how it is zoned. Mr. Theissen stated he would like to get decibel levels in the area as would Mr. Dornbach. He stated it doesn't make good sound sense to develop further land that is undevelopable. He further urged the Commission to visit LSI and look at the property. Mr. Neal stated it is littered with scrap metal and looks like a pigpen. Ms. Carlin asked Mr. Neal what it would take to make LSI a good neighbor. He then stated that LSI has outgrown their facility and should move.

Mr. Roger Bray stated if the zone is approved there is still going to be a sound problem. He stated he does not know why management is not aware of noise complaints. He stated the noise is probably the biggest problem.

Mr. Waldespohl stated that three or four years ago he heard a lot of booming in the middle of the night and went out on his porch to see what it was. He stated his neighbor was out too and was hitting golf balls in the direction of LSI.

Mr. Jordan stated he has heard the discussions regarding the condition of the property. He stated he can prove that tremendous improvements have been made to the building and landscaping, striping the parking lot and re-doing the exterior of the building. He stated he can prove it with before and after photographs. He further stated he has customers coming to and from the building and has therefore made improvements.

Following the discussion on the issue, Mr. Hilgefurd made a motion to approve subject to the three conditions of Staff and adding a fourth condition to meet the requirements of a buffer of industrial to a residential zone. Mr. Price seconded the motion. A roll call vote on the issue found Mr. Hilgefurd, Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Meyer, Mr. Smith, Mr. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

1505R

APPLICANT: Ashley Development, per Mr. Bill Kreutzjans.

GENERAL LOCATION: An approximate .4 acre area located at the southwest corner of Tenth and Scott Streets, extending approximately 195 feet west along Tenth Street to the alley, Covington.

REQUEST FOR ACTION: A proposed map amendment to the Covington Zoning Ordinance, changing the area described herein, from R-3 (a multi-family residential zone) to GC (general commercial zone).

Staff presentation and Staff recommendation by Mr. Paul Drury.

NKAPC STAFF POSITION:

NKAPC STAFF RECOMMENDATION - COVINGTON ZONING ORDINANCE:

To disapprove the proposed map amendment from R-3 to GC.

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-3 to GC is not consistent with the Land Use Plan Element of the 1996 Area-Wide Comprehensive Plan Update which identifies the site in question for residential use at a density of over 30 du/na.

The land use plan element is not intended to provide precise boundaries between proposed land uses. Rather, it is designed to provide land use recommendations for general areas. Additionally, various areas may be suitable for more than one type of land use. The question/evaluation of whether a given land use might be appropriate for a given area must be viewed considering the comprehensive plan as a whole, including the goals and objectives, development concepts, other elements (i.e., land use, transportation, community facilities), and other regulations which are determined to serve the purposes of the comprehensive plan.

The site in question is currently occupied by a mixture of residential uses (multi-family and single-family residential development). The proposed GC zone would permit a variety of commercial/ retail/ service uses in addition to dwelling units.

2. The Land Use Element of the 1996 Comprehensive Plan Update identifies two areas in the vicinity of the site in question as commercial core areas. The Covington Central Business District comprises the area extending generally along both sides of Madison Avenue, from Fourth Street to Tenth Street, and including the properties along the east side of Madison Avenue to the C&O Railroad, between Pike Street and Eighth Street. It is recommended that the central business district of Covington continue as a

major commercial corridor. The second area identified for commercial concentration is the Madison Pike Commercial Corridor that extends along both sides of Madison Avenue, from Twelfth Street to Wallace Avenue. Areas to the east of the Madison Avenue corridor generally from East Eighth Street south are identified for residential uses.

The site in question, identified as high density residential by the Comprehensive Plan Update and zoned for multi-family, serves as a transition from the commercial corridor on Madison Avenue to the residential areas to the east on Scott and Greenup Streets.

3. The Transportation Element of the 1996 Comprehensive Plan Update recommends that Madison Avenue function as the major north/south route through the Covington area. South of Twelfth Street, Scott and Greenup Streets would be removed from KY 17 as one-way paired streets, and converted back into local two-way streets to serve local neighborhood traffic.

Extending the GC zone to the east to Scott Street would permit commercial development and encourage additional traffic on Scott Street. This would counteract the intent of converting Scott and Greenup Streets into local two-way streets to serve the local neighborhood as identified by the Comprehensive Plan Update.

4. The 1996 Comprehensive Plan Update identifies the following development concepts for commercial development:

-- "Proposed commercial uses should be located on the basis of: (a) adequate service population, according to forecasted population distribution; (b) access via good transportation facilities; and (c) relationship to surrounding development.

Such a concept would discourage over-development of commercial activities and result in commercial development which is easily accessible to the population and adequately buffered from adjacent incompatible land uses."

-- "Existing commercial activities, which are presently located in areas that are not desirable for commercial development, should either be redeveloped or rehabilitated in a manner that would be more in keeping with uses of the surrounding area (not expanded).

Such a concept would: (a) eliminate or control problem types of development and help to insure that such uses would better blend in with the community; and (b) discourage over-development of commercial activities, which could have the effect of endangering the economic health of well-located commercial developments."

The Madison Avenue corridor has been identified by the 1996 Comprehensive Plan Update as the commercial center for Central Covington. The corridor has the service population of adjacent residential areas and access via good transportation facilities, including public transit. There are a number of vacant historically commercial structures along Madison Avenue. Staff is of the opinion that extending the commercial zone to the east would have the effect of endangering the economic health of commercial

developments along Madison Avenue.

5. There have been no major changes of an economic, physical, or social nature within the area that was not anticipated in the adopted comprehensive plan and that have substantially altered the basic character of the area. The current zoning (R-3) is appropriate for the area in question. All current uses are residential and conforming to the R-3 zone. One building on the site in question is vacant while the remaining buildings are currently used for residential. In the general vicinity of Tenth, Eleventh, and Twelfth Streets between Scott and Greenup Streets, there have been several new residential infill projects. Infill housing provides needed affordable housing in the area and is consistent with the 1996 Comprehensive Plan Update. Easily accessible medical facilities are desirable in the urban core, and the Comprehensive Plan Update identifies areas best suited for commercial uses along Madison Avenue and north of Eighth Street on Scott Street.

ADDITIONAL INFORMATION

The submitted development plan meets the minimum requirements of the Covington Zoning Ordinance, except for the following:

- a. Section 158.118 (R) requires medical offices or clinics to have five parking spaces per each practitioner, plus one parking space per each two employees or one parking space per each 200 square feet of gross floor area in the building, plus one parking space for each two employees, whichever is greater. The submitted development plan identifies 25 parking spaces, but insufficient information was submitted to determine total parking spaces needed.
- b. Section 158.117 (E) requires parking areas of three or more spaces to be landscaped with three foot landscaped strip and trees planted every thirty-five feet on all street right-of-way frontage in addition to three percent internal landscaping required with ends of parking aisles and corner areas being landscaped. The submitted development plan does not identify three percent internal landscaping with ends of aisles and corner areas being landscaped.
- c. Section 158.042 requires screening to separate commercial and adjacent residential zones. The submitted site plan does not identify screening along the south side of the proposed medical office building.

*Mr. Coates withdrew from any consideration or voting on this issue due to a conflict.

**Mr. Snyder left the meeting.

Mr. Bill Hubb, Dr. Frank Garamy, Mr. Ed Bishop, Mr. Jerry Dusing and Mr. Bill Kreutzjans registered to speak in favor of the issue. Mr. David Roberts registered to speak against the issue.

Mr. Jerry Dusing addressed the Commission and stated that Staff is wrong on this issue. He then turned the matter over to Mr. Garamy for his comments.

Dr. Garamy addressed the Commission and stated he has been practicing in the community for 30 years. He stated that Summit Medical Group is a not for profit organization with 14 doctors. He stated they are committed to the residents and citizens of Covington. He further stated that Dr. Longshore's office is way too small to accommodate growth. He additionally stated that Dr. Longshore is getting up in years and there is going to be a need for a primary care physician. He also noted that Dr. Redden joined Dr. Longshore and by contract is free to leave the area if suitable office space is not found by July 2002. Dr. Garamy stated they have been searching for a site for two years and could not find a site that was a suitable location. He stated they contacted Ashley Development about three months ago regarding the project. Dr. Garamy stated that for their purposes the proposed site is a very suitable location for them. He stated they have a young physician that will attract other young physicians if a new facility location could be found. He then asked that the Commission rule against Staff's recommendations and vote for the issue.

Mr. Hubb addressed the Commission in favor of the issue. He stated he is the architect on the project and the challenge was to design a facility that would be compatible with the area.

Mr. Kreutzjans addressed the Commission in favor of the issue and stated he is the project manager at Ashley Development. He stated that seven sites were looked at with Dr. Garamy. He stated the only one to meet the needs of the group is the site in question. He stated that after a fairly exhaustive search this site was decided on to bring before the Commission.

Mr. Theissen then marked photographs of the considered properties as Exhibit 1 to the minutes.

Mr. Bishop addressed the Commission in favor of the application and stated the church near the site has been there almost 150 years. He stated a lot of churches have moved out of the area and they want to stay there and minister to the people. He further stated in order to do so, they need to sell the property in question to pay off debts of the church. He stated they had concerns about who would purchase the property and when they found out it was Summit Medical Group they knew the needs of the community would be met.

Mr. Dusing addressed the Commission in favor of the issue. He asked the Commissioners to look at what the Comprehensive Plan shows for the area. He stated what they are asking for meets the criteria for a zone change. Mr. Theissen then noted the handout showing the land usage would be marked as Exhibit 2 to the minutes. Mr. Dusing further stated he cannot think of a more appropriate use for the area. He further stated that development is needed in the area. He stated the proposal does not have any negative impact on the surrounding area. He additionally stated they were taken aback by Staff's report and urged the Commission to recommend approval based on the finding that it is in compliance with the Comprehensive Plan and that the existing zoning is inappropriate.

Mr. Roberts addressed the Commission regarding the issue. He stated he lives at 1009 Madison and he has been trying to obtain a home improvement loan but he cannot due to the property on the corner. He stated he has no problem with the proposal but does not want it to effect his property. He stated they

need a development like this in the area. He further stated if it's not going to hurt his neighbors, he's all for the proposal.

There was no rebuttal by the applicant.

Following a brief discussion by the Commissioners Mr. Hadley made a motion to approve based on the fact that it is a reasonable extension of the current zoning. Mr. Hilgefurd seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Hilgefurd, Mr. Bertram, Ms. Carlin, Mr. Dorsey, Mr. England, Mr. Meyer, Mr. Price, Mr. Smith, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried by a vote of 13-0.

1506R

APPLICANT: Mr. Bill Green.

GENERAL LOCATION: Approximate 7.7-acre area located along the west side of Dixie Highway, at its intersection with Green Road, Unincorporated Kenton County.

REQUEST TO BE REVIEWED: A proposed map amendment to the Kenton County Zoning Ordinance, changing the area described herein, from A-1 (an agricultural one zone) to RC (a rural commercial zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF POSITION

NKAPC STAFF RECOMMENDATION - KENTON COUNTY ZONING ORDINANCE:

To approve the proposed map amendment from A-1 to RC, but only subject to compliance with the following conditions:

1. That the development plan be revised to provide internal vehicular access to the north and south of the site in question.
2. That development on all lots have a minimum front yard setback of fifty (50) feet.
3. That the height of all structures not exceed forty (40) feet.
4. That individual access points onto Dixie Highway be prohibited.
5. That access onto the new roadway be spaced a minimum distance of one hundred (100) feet away from Dixie Highway.

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 existing zoning classification given to the site in question is inappropriate and the proposed zoning classification is appropriate.

The existing A-1 Zone permits agricultural uses, single-family residential dwellings, mobile homes, greenhouses and nurseries, stables and riding academies, and bed and breakfast establishments. The site in question, containing approximately 7.7 acres, is bordered on the west by railroad tracks. The depth of the site is also restricted by the location of the railroad tracks. The site is located along the west side of Dixie Highway which is identified as an arterial street in the adopted comprehensive plan. These physical conditions make it unlikely that the site in question will be developed with any of the permitted uses of the A-1 Zone. Therefore, the existing A-1 Zone is inappropriate.

As previously stated, the site in question is bordered on the west by railroad tracks, and on the east by Dixie Highway, an arterial street. The area located to the north of the site is currently developed with a restaurant/banquet facility. The area located to the south of the site in question is currently developed with an automobile service facility. The physical conditions, along with the present adjacent development, encourage the development of commercial uses. Therefore, the proposed RC Zone is appropriate.

2. The area located to the north of the site in question is currently occupied by a restaurant/banquet facility. The area located to the south of the site in question is currently occupied by an auto service facility. To provide for coordinated access, and to reduce the number of curb cuts along Dixie Highway, an arterial street, it is recommended that the development plan be revised to provide for internal vehicular access to the properties located to the north and south of the site in question.

3. The submitted Stage I Development Plan meets the minimum requirements of the Kenton County Zoning Ordinance, except for the following:

a. Section 10.21, C., 3. requires a minimum front yard setback of fifty (50) feet. The submitted development plan indicates that the building on lot 1 will have a front yard setback of approximately forty-two (42) feet. Therefore, it is recommended that development on all lots have a minimum front yard setback of fifty (50) feet.

b. Section 10.21, C., 6. prohibits structures from exceeding forty (40) feet in height. Insufficient

information has been submitted to determine compliance with this requirement. Therefore, it is recommended that the height of all structures not exceed forty (40) feet.

c. Section 11.3, F., 1., a. requires unsignalized curb cuts onto an arterial street to be spaced a maximum of six hundred (600) feet apart. The submitted development plan indicates the construction of a new roadway directly across from Green Road. The submitted development plan also indicates the provision of: (1) a curb cut onto Dixie Highway approximately 200 feet north of Green Road; and (2) a curb cut onto Dixie Highway approximately 350 feet south of Green Road. Therefore, it is recommended that individual access points onto Dixie Highway be prohibited.

d. Section 11.3, F., 1., b., (1) states that access points onto local streets which intersect an arterial street shall be spaced at least one hundred (100) feet away from the arterial street. The submitted development plan indicates that curb cuts will be constructed onto the new roadway, approximately forty (40) feet from Dixie Highway. Therefore, it is recommended that access onto the new roadway be spaced a minimum distance of one hundred (100) feet away from Dixie Highway.

ADDITIONAL INFORMATION:

As previously mentioned, areas located to the north and south of the site in question are currently occupied by commercial uses. These uses are currently nonconforming. To provide for a coordinated commercial concentration, the Kenton County Fiscal Court should consider rezoning these properties from A-1 to RC. The NKAPC staff is available to assist in this endeavor.

Mr. Bill Green, Mr. Eric Deters and Mr. Patrick Moeves registered to speak in favor of the issue. No one registered to speak against.

Mr. Deters addressed the Commission and stated the applicant's son sold his auto repair shop in Latonia and would like to move his business to the site. He stated two of the lots have already been sold. He stated every condition set forth by Staff is agreeable with the applicant. He stated a neighbor adjacent to the property is in favor of the proposal. He stated the local church is in support of the application and submitted a letter from the pastor reflecting same. Mr. Theissen marked the letter as Exhibit 1 to issue 1506R with the minutes. Mr. Deters also stated he grew up in the area and lived and worked on the farm across from the development. He stated there is no one opposing the project and it is a good project for the applicant's son to put in his business.

Mr. Hilgefurd then made a motion to approve based on the recommendations of Staff. Mr. Wessels seconded the motion. A roll call vote on the issue found Mr. Hilgefurd, Mr. Wessels, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Meyer, Mr. Price, Mr. Smith, Mr. Sucher, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

1507R

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) requiring trailers, recreational vehicles, campers, boats, and similar type equipment to be parked on a concrete or asphalt pad; and (2) prohibiting trailers, recreational vehicles, campers, boats, and similar type equipment, which are in excess of 18 feet, from being stored in rear yards.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF POSITION

NKAPC STAFF RECOMMENDATION - EDGEWOOD ZONING ORDINANCE:

RECOMMENDATION A:

To approve the proposed text amendment requiring trailers, recreational vehicles, campers, boats, and similar type equipment to be parked on a concrete or asphalt pad, but only subject to compliance with the condition that the proposed text be amended to read as follows: 'parked on a concrete, asphalt, or alternative hard surface pad of a size that is at least the length and width of the item being stored'.

RECOMMENDATION B:

To approve the proposed text amendment prohibiting trailers, recreational vehicles, campers, boats, and similar type equipment, which are in excess of 18 feet, from being stored in rear yards, but only subject to compliance with the condition that the proposed text be amended to read as follows: 'No trailers, recreational vehicles, campers, boats, or similar type of equipment in excess of 18 feet in length may be stored in the rear yard, except within a completely enclosed building.

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:

RECOMMENDATION A:

1. The proposed text amendment requiring trailers, recreational vehicles, campers, boats, and similar type equipment to be parked on a concrete or asphalt pad (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 requiring trailers, recreational vehicles, campers, boats, and similar

type equipment to be parked on a concrete or asphalt pad (see Attachment A), except as noted under condition, is reasonable in that it treats the parking or storing of such vehicles in the same manner as the parking or storing of cars and trucks.

3. It is the opinion of the NKAPC staff that it is the intent of the proposed text amendment to provide for a complete hard surface parking space and not just a hard surface under the wheels of the vehicle. The proposed text amendment, as submitted, would prohibit the use of decorative pavers or decorative blocks. It is the further opinion of the NKAPC staff that such a restriction is unreasonable and arbitrary. Therefore, it is recommended that the proposed text be amended to include the use of alternative hard surface materials.

RECOMMENDATION B:

1. The proposed text amendment prohibiting trailers, recreational vehicles, campers, boats, and similar type equipment, which are in excess of 18 feet, from being stored in rear yards (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 prohibiting trailers, recreational vehicles, campers, boats, and similar type equipment, which are in excess of 18 feet, from being stored in rear yards (see Attachment A), except as noted under condition, is reasonable in that it provides for storage of such vehicles while limiting the adverse impacts on adjacent properties.

3. The proposed text amendment, as submitted, restricts the size of such vehicles to eighteen (18) feet. However, the proposed text, as submitted is not clear as to whether this applies to the height or length of the vehicle. Therefore, it is recommended that the proposed text be amended to clarify that the eighteen (18) foot limitation be applied to the length of the vehicle.

4. It is the opinion of the NKAPC staff that the purpose of the proposed text amendment is because it is difficult to screen a large vehicle. The proposed text amendment, as submitted, however, would prohibit the parking or storing of such vehicles even if they were within a completely enclosed building. It is the further opinion of the NKAPC staff that such a restriction is unreasonable. Therefore, it is recommended that the proposed text be amended to allow such vehicles to be parked or stored within a completely enclosed building.

Mr. Roger Rolfes, Mr. Timothy Smith and Ms. Kathy Smith registered to speak on the issue.

Mr. Rolfes addressed the Commission and stated he appreciates Staff's support of their request. He stated they intentionally left out decorative pavers or blocks due to the fact that they may not be structurally able to support the necessary weight. He also stated they may not be built properly in which to support these types of vehicles.

Mr. Smith addressed the Commission and stated he just put down 15 feet of blacktop and spent \$6,000 dollars to store his 20-foot camper. He stated his neighbors can see his camper. He stated they store it out of the way in the winter. He further stated he agrees with the first part of the amendment but not the second. He stated he feels 18 feet is too small a limitation for a camper. Mr. Theissen then stated he would grandfathered in an existing use.

Mr. Wessels stated he has a problem with limiting people to having and enjoying a recreational vehicle. He stated he personally owns an 18-foot boat and with the trailer it exceeds 22 feet. He stated he keeps his in his garage out of view but disagrees with the amendment. Mr. Hilgefurd stated he likes Staff's recommendations regarding alternative hard surfaces. He further stated there are many alternatives to limiting it to just concrete or asphalt. Mr. Hilgefurd then motioned to approve Recommendation A based on the recommendations of Staff. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Price, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Meyer, Mr. Smith, Mr. Sucher, Mr. Wessels and Mr. Swanson in favor. Mr. Bertram and Mr. Theissen voted against. The motion carried with a vote of 12-2.

Mr. Wessels then motioned to disapprove Recommendation B based on the 18 feet limitation and the fact that it is not taking into consideration the different lot sizes that exist in the city and different conditions that might exist within the city. Mr. Meyer seconded the motion. A roll call vote on the issue found Mr. Wessels, Mr. Meyer, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Hilgefurd, Mr. Price and Mr. Sucher in favor. Mr. Smith, Mr. Swanson and Mr. Theissen voted against. The motion carried with a vote of 11-3.

1508R
APPLICANT: Kenton County Fiscal Court, per Judge/Executive Richard Murgatroyd.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Kenton County Zoning Ordinance adding a new zoning district the MLU (Mixed Land Use) Zone, along with various cross references in other sections of the zoning ordinance.

1509R
APPLICANT: Mr. James Sucher, on behalf of Leaman Bolton, James J. and Wanda L. Sucher, William R. Zalla, and Edward W. Bessler.

GENERAL LOCATION: An approximate 7.1 acre area located at the southeast corner of the intersection of Anderson Road with Crest Avenue, Unincorporated Kenton County.

REQUEST TO BE REVIEWED: A proposed map amendment to the Kenton County Zoning Ordinance, changing the area described herein, from R-3 (a two and multi-family residential zone with a maximum density of approximately 20 dwelling units per net acre) to MLU (a mixed land use zone).

*These two issues were combined.

**Mr. Sucher withdrew from any consideration and voting due to a conflict.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

Mr. Frank Wichman and Mr. Tom Vergamini registered to speak on the issue.

Mr. Wichman addressed the Commission and stated he had nothing to add. He stated they agree with Staff. He further noted it would benefit the applicant in that he has difficulty getting commercial loans due to the non-conformance issue.

Mr. Vergamini addressed the Commission and stated the county seems to be specifically referencing the City of Crescent Springs. He stated the city is trying to create a specific zone in Crescent Springs. He further stated there are two separate jurisdictions and two separate governing entities. He questioned who resolves the differences brought up between the two jurisdictions. He then stated the city is in opposition and respectfully request a denial of the application. He further stated one of the big concerns is the existing structure is a non-conforming use.

Mr. Wessels asked if the applicant would be agreeable to placing a condition on the non-conforming structure. Mr. Wichman then stated that changing the zone is not going to change the condition of the residence. He stated it is not a zoning problem, it is an enforcement problem.

Mr. Theissen noted after conferring with legal counsel that it is appropriate to add a condition to limit the zoning to single-family residential as to the one property in particular. Mr. Vergamini stated he concurred with Mr. Wichman in that it is an enforcement issue. Mr. Hilgefurd stated it should not be site-specific and can't see any reason why the county should be denied. He further stated he doesn't think the City of Crescent Springs concerns either. Following further discussion on the issue. Mr. Hilgefurd motioned to approve 1508R based on the recommendations of Staff. Mr. Wessels seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Wessels, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Meyer, Mr. Price, Mr. Smith, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

Mr. Hilgefurd motioned to approve 1509R with the conditions stated in Staff's report and adding an additional condition that the MLU zone exclude the Bolton .6-acre property. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Price, Mr. Coates, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Meyer, Mr. Smith, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Mr. Bertram and Ms. Carlin voted against. The motion carried by a vote of 11-2.

OLD BUSINESS: None.

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

COMMISSION ITEMS:

Mr. Theissen suggested dispensing with the Committee Reports due to the time and the length of the meeting.

Mr. Dorsey stated he thought he should have a motion that authorizes the chairman to make a text amendment application to put an amendment regarding the model zoning ordinance on the agenda for July. Mr. Wessels then made a motion with a second by Mr. Price. All in favor answered "aye" with none opposed.

Mr. Theissen also noted that there had been a request to modify cell tower applications. He noted the request was to have an administrative review of cell towers that would be on top of things such as tall buildings and not require a public hearing be held in situations where cell towers would be in inconspicuous places. Mr. Hilgefurd then made a motion to authorize the chairman to make an application to change the by-laws. Mr. Price seconded the motion. All in favor answered "aye" with none opposed.

Mr. Theissen further noted with regard to the Jump lawsuit that Judge Jaeger ruled in the Commission's favor on all issues. He noted it could be discussed further at next month's meeting.

Mr. Theissen noted that the continuing education seminar would be held June 14th at the Drawbridge. He stated it is a great opportunity to learn new things about planning and zoning. He additionally stated that expenses would be covered by the Commission for those wishing to attend. Mr. Theissen stated that those interested should contact the NKAPC office regarding an application.

COMMENTS/REQUESTS TO THE COMMISSION:

There being no further matters to come before the Commission, Mr. Theissen then adjourned the meeting at 11:25 p.m.