



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

October 4, 2001
9:00 A.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. Tim Theissen - Chairman - Edgewood
Ms. Barbara Carlin - Kenton County
Mr. Al Hadley - Elsmere
Mr. Eugene Meyer - Covington
Mr. Joseph Price - Crestview Hills
Mr. William Snyder -
Mr. Bernie Wessels - Fort Wright
Mr. Paul Swanson, Secretary/Treasurer - Erlanger

LEGAL COUNSEL PRESENT:

David Schneider, Esq.

Mr. Theissen, Chairman, called the meeting to order at 9:00 a.m. Mr. Theissen opened the meeting with a prayer and pledge by Mr. Joe 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. Swanson made a motion to approve the minutes from September. Mr. Hadley seconded. A roll call vote on the motion found Mr. Swanson, Mr. Hadley, Ms. Carlin, Mr. England, Mr. Meyer, Mr. Price, Mr. Wessels and Mr. Theissen in favor. The motion carried.

SUBDIVISION ITEMS:

a. PRESENTATION OF PRELIMINARY PLATS, OTHER PLATS, AND OTHER ISSUES REQUIRING COMMISSION ACTION AT A REGULAR MEETING FOR REVIEW: None.

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 plats and plans over the past month. There were no conflicts noted. Mr. Theissen then asked for a motion to ratify and approve. Mr. Hadley made the motion with Ms. Carlin giving the second to the motion. A roll call vote on the motion found Mr. Hadley, Ms. Carlin, Mr. Meyer, Mr. Snyder, Mr. Wessels, Mr. Swanson 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-2001-21

APPLICANT: AT&T Wireless.

GENERAL LOCATION: An approximate 3,650 square foot area located approximately 300 feet south of River road and approximately 1.8 miles west of Main Street, Villa Hills. The site in question is located on property at 706 River Road, Villa Hills.

REQUEST TO BE REVIEWED: Location and extent of a Wireless Communications Facility, including a 165-foot high monopole and associated ground structures.

Staff presentation and Staff presentation by Mr. Michael Schwartz.

NKAPC RECOMMENDATION:

To disapprove the location and extent of a Wireless Communications Facility, including a 165-foot high monopole and associated ground structures.

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 RECOMMENDATION:

1. Kentucky Revised Statute (KRS) 100.987 (6) states that the planning commission may require the utility to make a reasonable attempt to co-locate additional transmitting or related equipment on any new or existing towers, if there is available space on the tower and the co-location does not interfere with the structural integrity of the tower and does not require the owner of the tower to make substantial alterations to the tower.

Kentucky Revised Statute (KRS) 100.987 (7) states that the local planning commission may deny a uniform application to construct a cellular antenna tower based on a utility's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers.

As it pertains to the location of cellular antenna facilities, the basic premise of the 1996 Area-Wide Comprehensive Plan Update, as amended, is to reduce the proliferation of such facilities.

The specific criteria items relating to this premise, as contained within the 1996 Area-Wide Comprehensive Plan Update, are as follows:

o Cellular Phone Service Providers should be required to co-locate or share tower/facilities with other providers in order to minimize the proliferation of towers/facilities.

o Wherever possible, service providers should be required to use existing structures or facilities which meet all of the requirements of the proposed installation. For example, water towers, radio and television towers, tall buildings, commercial signs, church steeples, etc., in order to minimize the proliferation of new towers/facilities.

An existing one hundred twenty (120) foot monopole is located approximately four hundred (400) feet north of the site in question. This existing monopole is located within the search ring, as provided by the applicant.

2. In response to the use of this existing monopole, the applicant originally provided the following

information:

"There is one existing WCF in the immediate area of the proposed PCS Network Facility located at 724 River Road. The existing WCF is currently occupied by Spring PCS and Nextel Communications. The available height on this WCF (should it pass a structural analysis) is insufficient to provide adequate RF coverage for the AT&T Wireless Network. Additionally, there is no ground space at the base of the WCF to locate an equipment shelter for AT&T Wireless."

"Sprintcom at 724 River Road - Application #1997-461 - The Sprintcom Cell Site does not have space available on the WCF or on the ground to hold AT&T Wireless' equipment."

More recently, the applicant has conducted a structural analysis of the existing Sprint monopole which reveals that the existing monopole does not have the capacity to safely support the proposed antenna loading and withstand the minimum required design wind velocities.

3. The applicant has not fully investigated the possibility of co-locating on the existing Sprint monopole.

The structural analysis states that the existing monopole cannot accommodate the applicant's antenna array. This analysis, however, does not indicate what measures or modifications need to be taken in order for the applicant's antenna array to be accommodated. No information was submitted pertaining to the possibility of: (1) modifying the existing monopole at its current height; or (2) modifying the existing monopole by providing for an approximate ten (10) foot extension to the height of the structure.

It is, therefore, the opinion of the NKAPC that the applicant has not provided sufficient information as to why the existing Sprint monopole cannot be utilized.

4. The applicant has stated that there is insufficient ground space for the location of the applicant's necessary ground equipment.

An on site inspection by the NKAPC staff indicates that there is an existing gravel area immediately next to the existing monopole. It is the opinion of the NKAPC that within this gravel area there is sufficient room to locate AT&T Wireless ground equipment. Additionally, the on site inspection indicated that there is an existing garage structure (with a pitched roof) located immediately to the west of the existing monopole. This structure could be razed and reconstructed with a flat roof. Such reconstruction would allow the AT&T Wireless ground equipment to be placed on the flat roof of the reconstructed garage.

5. The applicant has stated that the available height on the existing Sprint monopole is insufficient to provide adequate RF coverage for the AT&T Wireless Network.

Based upon the analysis by the NKAPC RF Consultant, it could not be determined why adequate coverage could not be achieved if an antennae array were placed on the existing monopole at the eighty

(80) foot level or higher.

Based on this information, it is the opinion of the NKAPC that the applicant has not adequately investigated the possibility of co-locating on the existing monopole.

ADDITIONAL INFORMATION:

1. The NKAPC staff has received a facsimile from Mr. Mike Schleper, indicating that an alternative location was available on the Ohio side of the Ohio River. The NKAPC staff is attaching Mr. Schleper facsimile along with a map identifying the approximate location of the alternative site.

2. While it is the recommendation of the NKAPC to disapprove the proposed application, should the KC&MP&ZC take action to approve the proposed application, the following conditions should be included:

a. That the maximum height of the proposed tower be limited to approximately thirty (30) feet above the existing tree cover.

b. That the use of whip antennas be prohibited and that the center of radiation for separating antenna arrays be no more than ten (10) feet.

c. Unless required by state and/or federal regulations, the proposed tower shall be a uniform gray color.

Mr. Jim Wagner, RF Consultant, addressed the Commission and stated the provider wants to cover Bromley, Ludlow, Route 8 and Ohio 52 in Ohio as a service area. He stated the provider wants to cover the hole in the area that exists in the area. Mr. Wagner further stated various locations in the area satisfy the coverage area. He stated the antenna height is not required to be as great in this particular service area. Mr. Wagner stated the area in question is down in a basin so it doesn't make a difference as to the height of the tower. Mr. Theissen asked Mr. Wagner what it would take to extend the existing monopole in the area. Mr. Wagner stated he did not know if the tower pre-existed the existing regulations.

Mr. Jacob Clabes and Mr. Holland McTyeire addressed the Commission in favor of the application. Mr. Jody Moore, Mr. Greg Schneider, Mr. Mike Schleper, Mr. John Kerr, Mr. Mike Schwarte, Mr. Jerry Larmann and Ms. Betty Larmann addressed the Commission against the issue.

Mr. McTyeire addressed the Commission in favor of the issue and gave a brief background on the issue as presented previously. He stated there is a need for this facility in the general area. He stated they agreed to conduct additional studies to examine whether or not the existing pole in the area could support the proposed structure. Mr. McTyeire stated they were informed the existing pole would not structurally be able to handle a 12 antenna array but that it could support an 8 antenna array. He then stated for this reason a co-locations with the existing tower would not be feasible. He further stated that Madonna Manor rejected the proposal stating the facility basically did not want to enter into a legal lease

with another entity. He further stated he informally spoke with other individuals regarding co-locations.

Mr. McTyeire further stated to augment the existing location would be approximately \$30,000. In addition, building an entirely new facility would be approximately \$200,000. He further stated the Ohio side of the river did not work due to the fact of the topography and its effect on coverage for the area. At this time a letter received from Mr. McTyeire was marked as an Exhibit to the minutes. Mr. Wessels suggested reviewing the plans as to the structural integrity of the existing pole.

Mr. Jody Moore addressed the Commission on the issue. He stated he wanted to point out that he has an AT&T phone and he's not against the proposal, he would just like to see a compromise worked out. He stated he just doesn't want to see property values effected by the construction of the pole. He further stated they love to see the river and to see the river he looks down, which is where the tower will be located.

Mr. Greg Schneider addressed the Commission on the issue. He stated it is one of the better views in the area and by putting up a cell tower their property values will go down. He stated they wish they knew about the cell a couple weeks ago when they saw something sticking out above the trees. He further stated they wished they had an opportunity to find another site for the existing tower and to put in another tower will be even worse.

Mr. Mike Schleper addressed the Commission on the issue. He stated he would like his letter of 9/26/01 to the NKAPC to be made a part of the record. His letter was then marked as an exhibit to the minutes by Mr. Theissen. He stated he spoke with an appraiser and has a letter stating the proposed tower will in fact effect property values. He stated the Ohio side location was stated as being too wooded and he disagrees with this statement. He further stated the Ohio side would serve the proposed areas well. He stated the applicant was not prepared in their presentation as they did not know the weight of the equipment to be on the pole. Mr. Wessels stated the existing pole seems similar to other poles that have three co-locators. Mr. Schleper stated the pole would not be thinner for a pole that has two versus three co-locators. He also stated it was not mentioned that the requested amount of area for a cell tower is 5,000 square feet and the proposed tower area is 3,600 square feet.

Mr. John Kerr addressed the Commission on the issue. He stated he lives directly above where the pole would be located. He stated he would like his letter marked as an exhibit to the minutes. He stated one point is there will be an immediate market reduction in the property values in the area. He stated the existing tower is extremely visible and the proposed tower would be more so. He stated they are looking for a less intrusive means of coverage. Mr. Kerr further stated he doesn't believe the homework has been done by the applicant. Mr. Kerr's letter was then marked as an exhibit to the minutes.

Ms. Carol Kerr addressed the Commission on the issue. She asked that her letter be submitted and marked as an exhibit.

Mr. Mike Schwarte addressed the Commission on the issue. He stated the proposed tower will be right

in his bedroom window. He further stated he is just asking the Commission to protect their interests.

Mr. Jerry Lermann addressed the Commission on the issue. He stated the tower would be right in front of them. He stated they've lived there for eighteen years. He further stated they purchased the home as an investment. He additionally stated he would like to submit his letter as an exhibit to the minutes. Mr. Lermann stated the application was poorly presented by the applicant.

Mr. McTyeire addressed the Commission in rebuttal and stated they have never seen a study where cell towers have effected property values. He stated they have relied on Paul J. Ford for the structural analysis study and stated the structure would not support the co-location. He further stated they relied on experts that stated the current facility is not sufficient to hold what is necessary. He stated they have a limited opportunity to provide service to the area. He stated he feels they have done their homework in presenting the information to the Commission.

Mr. Theissen asked Mr. Clabes why augmenting the existing pole is not an option. He stated to do so the carriers on the existing towers would have to be taken off the air and the same coverage would need to be provided and that is costly. He further stated it is not as simple as just putting up another pole. Mr. Theissen then asked the applicant if they were satisfied with the record and all information presented because he anticipates a problem with the issue being taken to another step. Mr. Schneider stated there is not a case to site regarding the issue but there is a procedural matter cited in another case in Connecticut. Mr. Wessels then stated he doesn't know if Staff or the Commission has enough information to make a determination on the issue. Mr. Schwartz stated as long as the structural analysis is done by a certified engineer and signed by such, then that is what is accepted. He stated they do not have a structural engineer on staff and as such they rely on the engineer signing off on the study. Mr. Schwartz went on to further state that an application could be denied based on the fact that all locations have not been researched.

Following further discussion on the issue, Mr. Wessels made a motion to disapprove TF-2001-21 on the basis of Staff's report along with the additional testimony presented as to the inadequate structural information and the fact that there are other possible locations. Mr. Snyder seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Snyder, Ms. Carlin, Mr. Swanson, and Mr. Theissen in favor. Mr. Hadley and Mr. Meyer voted against. Mr. Price left the meeting. The motioned carried with a vote of 5-2.

OTHER COMMITTEE BUSINESS: None.

There being nothing further to come before the Commission, the meeting was recessed at 11:10 a.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
REGULAR MEETING

October 4, 2001
6:15 P.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. Tim Theissen - Chairman - Edgewood
Ms. Barbara Carlin - Kenton County
Mr. Barry Coates - Covington
Mr. James Cook - Kenton County
Mr. John Dorsey - Fort Mitchell
Mr. Russell England - Independence
Mr. Eugene Meyer - Covington
Mr. Joseph Price - Crestview Hills
Mr. Frank Smith - Lakeside Park
Mr. William Snyder - Bromley
Mrs. Alex Weldon, Vice Chair - Covington
Mr. Paul Swanson, Secretary/Treasurer - Erlanger

COMMISSION MEMBERS NOT PRESENT:

Mr. Jay Bayer - Park Hills
Mr. James Bertram - Taylor Mill
Mr. Barry Coates - Covington
Mr. Jeff Gaiser - Ludlow
Mr. Al Hadley - Elsmere
Mr. David Hilgefurd - Villa Hills
Mr. James Sucher - Crescent Springs
Mr. Bernie Wessels - Fort Wright

LEGAL COUNSEL PRESENT:

David 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:

It was noted that the very last line of the minutes reads Mr. Theissen and should read Ms. Weldon. There being no further questions or comments, Mr. Price made a motion to approve the minutes from October. Mr. England seconded the motion. A roll call vote on the matter found Mr. Price, Mr. England, Ms. Carlin, Mr. Cook, Mr. Dorsey, Mr. Meyer, Mr. Smith, Mr. Snyder, Mr. Swanson, Ms. Weldon and Mr. Theissen in favor. Mr. Coates abstained. The motion carried.

FINANCIAL REPORT:

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 actions taken at the morning Subdivision Review Committee meeting. Mr. Snyder made a motion to approve. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Snyder, Mr. Price, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. England, Mr. Meyer, Mr. Smith, Mr. Snyder, Mr. Swanson, Ms. Weldon 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: Refer to 9:00 AM agenda.

PUBLIC HEARINGS ON SCHEDULED ITEMS:

1521R

APPLICANT: Kenton county Fiscal Court, per Mr. Richard S. Kimmich, Deputy Judge/Executive.

GENERAL LOCATION: An approximate 9,200 square foot area located along the north side of Bracht Piner Road, between Madison Pike and Stephenson Road, approximately 250 feet west of Madison Pike, Unincorporated Kenton County. The site in question is located at 1962 Bracht Piner Road.

REQUEST FOR ACTION: 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.

Mr. Schwartz noted that one property owner adjoining the property in question had been spoken to regarding the issue. He stated her only concern was that there not be a bar next to her property.

NKAPC STAFF RECOMMENDATION - KENTON COUNTY ZONING ORDINANCE:

To approve the proposed map amendment from A-1 to RC.

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 A-1 to RC is generally consistent with the Land Use Plan Element of the 1996 Area-Wide Comprehensive Plan Update. While the site in question is identified for Agricultural and Rural Uses, the area located to the south of the site in question is identified for Commercial - Rural uses.

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 proposed map amendment from A-1 to RC will allow the reuse of the existing structure for a commercial purpose.

2. The existing A-1 Zone is inappropriate and the proposed RC Zone is appropriate.

The site in question is currently occupied by a non residential structure which formerly housed the Piner Fiskburg Fire Department. The site in question contains approximately 9,200 square feet in area and is located adjacent to Bracht Piner Road (Kentucky State Route 14) -- an arterial roadway. The existing A-1 Zone permits: agricultural uses; single-family residential dwellings (detached); mobile homes; the sale of products that are raised, produced, and processed on the premises; greenhouses and nurseries; stables and riding academies; and bed and breakfast establishments. Given the existing site constraints, it is unlikely that the existing building can be used for any of the permitted uses within the existing A-1 Zone. Therefore, the existing A-1 Zone is inappropriate.

The proposed RC Zone provides for twenty-five (25) retail and service uses. Given the existing site constraints, it is possible for the existing building to be reused and adapted to any number of the permitted uses within the proposed RC Zone. Therefore, the proposed RC Zone is appropriate.

No one registered to speak on the issue.

There being no discussion on the matter, Mr. Price made a motion to approve based on staff's recommendation. Ms. Weldon seconded the motion. A roll call vote on the issue found Mr. Price, Ms. Weldon, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. England, Mr. Meyer, Mr. Smith, Mr. Snyder, Mr. Swanson and Mr. Theissen in favor. The motion carried.

1522R

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 allowing the temporary parking of vehicles which provide medical services through temporary mobile medical units, within the PO (Professional Office Building) Zone.

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - EDGEWOOD ZONING ORDINANCE:

To approve the proposed text amendments allowing the temporary parking of vehicles which provide medical services through temporary mobile medical units, within the PO (Professional Office Building) Zone (see Attachments A and B).

**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 allowing the temporary parking of vehicles which provide medical services through temporary mobile medical units, within the PO (Professional Office Building) Zone (see Attachments A and B) 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 amendments allowing the temporary parking of vehicles which provide medical services through temporary mobile medical units, within the PO (Professional Office Building) Zone (see Attachments A and B) are reasonable in that they will allow for the diagnosis and treatment of patients in an efficient and effective manner.

Given the technological advances in the medical profession, specialized diagnostic and treatment equipment is very expensive to purchase and maintain by a single practitioner or group of practitioners. Therefore, such equipment is being placed in mobile medical units and is then taken to various physician offices on a temporary basis.

The proposed amendments will allow for such mobile medical units to be used by numerous physicians at several locations, thus improving the health and well being of those citizens in need of such diagnostic and treatment equipment while reducing the costs of providing such service.

Mr. Joe Cleves addressed the Commission regarding Kentucky Diagnostic. He stated Kentucky Diagnostic is located off Barnwood Drive and has requested the amendment. He further stated they are wishing to use a new type of scanning equipment they want to use in a temporary unit in order to establish a need for the equipment.

Following a brief discussion, Ms. Weldon made a motion to approve based on staff's recommendation. Mr. England seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. England, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Meyer, Mr. Price, Mr. Smith, Mr. Snyder, Mr. Swanson and Mr. Theissen in favor. The motion carried.

1523R

APPLICANT: City of Latonia Lakes, Per Mayor Bridge Pelzel.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: A proposed text amendment to the Latonia Lakes Zoning Ordinance adding pet grooming to the list of permitted uses within the LSC (Limited Service Commercial) Zone.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - LATONIA LAKES ZONING ORDINANCE:

To approve the proposed text amendment adding pet grooming to the list of permitted uses within the LSC (Limited Service Commercial) Zone (see Attachment A).

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 pet grooming to the list of permitted uses within the LSC (Limited Service Commercial) 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 pet grooming to the list of permitted uses within the LSC (Limited Service Commercial) Zone (see Attachment A) is consistent with the purpose of the LSC Zone which is to provide a zoning classification for businesses supplying commodities and performing services to the residents of the surrounding neighborhood.

Mr. Schwartz noted that staff spoke to the mayor, who was unable to attend. He stated she is in favor of the application.

No one registered to speak on the issue.

There being nothing further, Mr. Price made a motion to approve based on the recommendations of Staff. Mr. Cook seconded the motion. A roll call vote on the issue found Mr. Price, Mr. Cook, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. England, Mr. Meyer, Mr. Smith, Mr. Snyder, Mr. Swanson, Ms. Weldon and Mr. Theissen in favor. The motion carried.

OLD BUSINESS: None.

CORRESPONDENCE:

Mr. Theissen noted that Mr. Keith Logsdon will be resigning the middle of November. He stated Mr. Logsdon has agreed to stay on to get through the final areas of the Comprehensive Plan.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

Mr. Theissen stated there will be a seminar held on October 22 regarding open space residential design that will be very good. He stated for all interested the fee will be waived.

-Legal Matters: It was noted that the appeal regarding the Jim Huff building on Beechwood Road was denied. He stated the Judge ruled in favor of the city that the building stay residential.

Mr. Schneider followed up on the suit regarding the development on Senour Road involving the water line. He stated the applicant has filed a suit and is seeking damages against the Commission.

It was also noted that a letter was received from the mayor of Covington regarding sexually oriented businesses. He stated the city is now re-thinking the areas where this would be permitted. He further stated one of the property owners stated a grant may be effected if the overlay zone is granted. Following up on the issue, Ms. Weldon noted the mayor has also put together a citizens committee regarding the issue and she has been asked to sit on the committee.

Mr. Schwartz noted that a planning class will be put on by a former UC professor, Jack Kleymeyer. He noted he is the current zoning administrator for Lakeside Park. He further noted the dates and times are to be determined based on interest. Mr. Schwartz also stated that those interested should contact Gail in the NKAPC office. Mr. Meyer asked if this would be applied toward the continuing education requirement. Mr. Theissen stated he is fairly confident that it would based on the content of the class.

Mr. Schwartz additionally noted that on October 29th Mr. Myron Orfield will be speaking at the NKAP Council dinner meeting. He noted Mr. Orfield is a very interesting speaker. The dinner will be held at Twin Oaks. Also noted was the date for the annual Holiday party, which will be held December 12th from 5:30 - 8 p.m. Mr. Schwartz stated more information was to come regarding the party.

COMMISSION ITEMS:

Standing Committee Reports:

Comprehensive Plan Joint Task Force - Mr. Theissen noted they are now meeting bi-monthly. He reported they are into the land use chapter and have gone through two-thirds of the applications. He stated they still have the goal of trying to get the plan adopted in December. Mr. Theissen noted the plan is well under way. The next meeting will be held October 10th at 3:30. Upcoming meetings are scheduled for October 24th, November 7th and November 14th.

Subdivision Regulations Review Committee - Mr. Swanson reported that Scott Hiles is updating a list of items that was started about a year ago. He asked if there are people that would like to serve on this committee that they would be happy to have them. He urged anyone interested to think about it between now and January and to see him regarding joining the committee.

By-Laws - Alex Weldon noted they have not met but a letter of concerns has been submitted by another committee member. Mr. Theissen noted that typically a report is submitted and then presented to the

Commission. Mr. Schwartz stated it was suggested at the last meeting of the committee that it be presented to the full Commission and then a straw vote taken to see if it's warranted to spend time on the matter. At this time a discussion was had regarding the conflicts of interest matter. Mr. Dorsey presented his views on the matter with Commission members. He read briefly a handout on the matter and stated he feels it is important to maintain an appearance of fairness. He further stated there should be something in the By-Laws that suggests a Commissioner with a conflict be restricted from stepping down and offering opinion on an issue. He stated he spoke to other groups and most stated they leave the room when they have a conflict.

Following the discussion Mr. Theissen asked if there were any Commissioners that felt strongly enough to discuss the matter further. Mr. England stated he didn't feel there was any problem with leaving the By-Laws the way they were.

COMMENTS/REQUESTS TO THE COMMISSION:

Mr. Swanson stated the budget needs approval and stated that it was distributed to the Commission members. He stated the budget is not much different from that of last year. Mr. Theissen stated the education and training was upped to account for the additional training now required under House Bill 55. Mr. Swanson recommended approval. Mr. Price motioned to approve the budget with Mr. England seconding the motion. A roll call vote on the issue found Mr. Price, Mr. England, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Meyer, Mr. Smith, Mr. Snyder, Mr. Swanson, Ms. Weldon and Mr. Theissen in favor. The motion carried.

There being no further matters to come before the Commission, Mr. Theissen then adjourned the meeting at 7:34 p.m.