



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

November 1, 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. Russell England - Independence
Mr. Al Hadley - Elsmere
Mr. Joseph Price - Crestview Hills
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 9:10 a.m. Mr. Theissen opened the meeting with the pledge of allegiance and a prayer 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. Mr. Dorsey noted that the "prayer and pledge" sentence should be changed to read "pledge and prayer" for clarification. Mr. Russell noted he was listed as voting on an issue where it should read Mr. Snyder. There being no further changes, Mr. Price made a motion to approve the minutes from October. Mr. Hadley seconded. A roll call vote on the motion found Mr. Price, Mr. Hadley, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried.

*Ms. Carlin arrived.

SUBDIVISION ITEMS:

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

W-I-3774 ESTATE OF MR. EDGAR E. BAKER

APPLICANT: Ms. Nancy E. Baker

GENERAL LOCATION: A 39.25-acre area at the southwest intersection of Fiskburg Road and Pfanstiehl Road, unincorporated Kenton County.

REQUEST FOR ACTION: A appeal from the planning commission's duly authorized representative's denial and Waiver of Subdivision Regulation Section 3.15 (maximum number of lots subdivided by an Identification Plat process). Granting such waiver will allow the creation of three lots for building development and a remainder parcel containing an existing residence.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

To deny the requested Waiver of Subdivision Regulation Section 3.15.

BASES:

The modification as requested does not include the findings necessary to grant a Waiver to the regulations as set forth within Section 8.5 A, or B, or C, or D.

Mr. Robert Rich registered to speak on the issue on behalf of the applicant. No one registered to speak against. Mr. Rick stated they are asking for the waiver for financial reasons. He stated the estate does not have very much cash and to divide the property by identification plat process would cost less money. He further stated the property is to be divided among the remaining children and unfortunately there are more children than there are lots allowed under current regulations. He stated the deceased Mr. Baker's

desire was to divide the property equally among his children.

Mr. Theissen stated the number of allowable lots comes straight from State statute. He further stated the Commission has the authority to waive the fee but not to waive regulations. Mr. Theissen then suggested reducing or waiving the acreage fees involved in order to allow for the division by identification plat. Following a discussion on the matter, Mr. Hadley made a motion to deny the waiver but to eliminate the acreage fees on the application for a preliminary plat and final plat. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Ms. Carlin, Mr. England, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried.

PP-600 KEELEY SUBDIVISION

APPLICANT: Raymond Erpenbeck Consulting Engineers, in behalf of David and Jody Keeley.

GENERAL LOCATION: A 1.82-acre area along the west side of Charter Oak Road (a city street) Edgewood.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of a 0.23-acre building lot, and remainder parcel totaling 1.59 acres, with no public improvements.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

To approve a Preliminary Plat for KEELEY SUBDIVISION, but only subject to the following CONDITIONS:

CONDITIONS:

1. That curb and gutter be provided along the portion of Charter Oak Road fronting the proposed 0.23 acre lot, and 1.59 acre remainder parcel (Section 7.3 D); and
2. That a sidewalk be provided along the portion of Charter Oak Road fronting the proposed 0.23 acre lot, and 1.59 acre remainder parcel (Section 7.3 F).

BASES:

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

ADDITIONAL INFORMATION:

Should the Planning Commission approve your requested subdivision, the address of 3242 Charter Oak Road has been reserved for the 0.23 acre parcel.

Mr. Bob Westermeyer of Erpenbeck Construction, and Mr. David Keeley, applicant, registered to speak on the issue. No one registered to speak against the issue.

Mr. Westermeyer addressed the Commission and stated he was available to field questions regarding the issue. He stated with regard to the sidewalk, the sidewalk was put in by applicant. He further stated the sidewalk was stopped for some reason by the city at the edge of the property.

Mr. Keeley addressed the Commission and stated the problem is when they put in the sidewalk. He stated the city has not defined the boundaries of the street. Mr. Keeley stated the city said they were going to be putting in sidewalks in the spring but did not. He further stated they came back in the summer and put down asphalt and at that time stated they would be back next year (regarding the sidewalks). He then stated until the city determines the boundaries and does the upgrades on the street, he feels it is unfair to ask someone to install a sidewalk and curbs. Mr. Keeley stated he would accept the responsibility of putting in the sidewalk and has no problem with putting it in, however, he stated he does have a problem with being requested to put in the curb. Mr. Wessels stated the regulations state that curb and gutter are required but does not necessarily state if it be done by the applicant or the city. Mr. Hadley suggested escrowing the money for the curb and gutter so that way the money is there should he have to put it in. Mr. Keeley asked why he was being required to put in sidewalks with curb and gutter when there is development on the street without curbs and gutters. Mr. Keeley stated he is in the process of refinancing his existing home and needs some direction as to what will happen on the matter. Mr. Wessels suggested making a condition of the sale by Mr. Keeley that the buyer install curb and gutters as a condition of the sale. Mr. Theissen then asked the applicant if he would like to table the matter until next month and have Roger Rolfes come in and speak for the city. He also stated he doesn't have a problem with hearing it today but without input from the city as to their time frame, the conditions will be left in. Following further discussion amongst the Commissioners, Mr. Wessels made a motion to approve with the following addition to the conditions: that compliance must be completed before the certificate of occupancy is issued for the house and that final plat could be approved without compliance with those issues. Mr. England seconded the motion. A roll call vote on the issue found Mr. Wessels, Mr. England, Ms. Carlin, Mr. Hadley, Mr. Price, Mr. Swanson and Mr. Theissen in favor. The motion carried.

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. Wessels made the motion with Mr. Price seconding the motion. A roll call vote on the motion found Mr. Wessels, Mr. Price, Ms. Carlin, Mr. England, Mr. Hadley, 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: None.

OTHER COMMITTEE BUSINESS: None.

There being nothing further to come before the Commission, the meeting was recessed at 10:30 a.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
REGULAR MEETING

November 1, 2001
6:15 P.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. Tim Theissen - Chairman - Edgewood
Mr. Jay Bayer - Park Hills
Mr. James Bertram - Taylor Mill
Ms. Barbara Carlin - Kenton County
Mr. John Dorsey - Fort Mitchell
Mr. Russell England - Independence
Mr. Al Hadley - Elsmere
Mr. David Hilgeford - Villa Hills
Mr. Joseph Price - Crestview Hills
Mr. Frank Smith - Lakeside Park
Mr. William Snyder - Bromley
Mr. Bernie Wessels - Fort Wright
Mrs. Alex Weldon, Vice Chair - Covington
Mr. Paul Swanson, Secretary/Treasurer - Erlanger

COMMISSION MEMBERS NOT PRESENT:

Mr. Barry Coates - Covington
Mr. James Cook - Kenton County
Mr. Jeff Gaiser - Ludlow
Mr. Eugene Meyer - Covington
Mr. James Sucher - Crescent Springs

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:

Mr. Theissen noted that the minutes were distributed to the Commissioners in their packets and asked for any questions or comments. There being none, Mr. Price made a motion to accept the minutes. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Hadley, Ms. Carlin, Mr. Dorsey, Mr. England, Mr. Hilgefurd, Mr. Smith, Mr. Snyder, Mr. Swanson, Ms. Weldon and Mr. Theissen in favor. Mr. Bayer, Mr. Bertram and Mr. Wessels 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.

There were no questions or comments. Mr. Swanson made a motion to ratify and approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Hadley, Ms. Carlin, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Hilgefurd, Mr. Price, Mr. Smith, Ms. Weldon and Mr. Theissen in favor. Mr. Bayer, Mr. Bertram and Mr. Snyder abstained. 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.

Mr. Theissen noted a letter had been received late in the day to table issues 1529R, 1530R and PP-576. He noted the applicant was making a request to table the issues until the December meeting but that the standard time is up to six (6) months. Ms. Weldon then made a motion to table. Mr. Swanson seconded the motion. Mr. Bayer noted he was withdrawing from any action on the matter due to a conflict. A roll call vote on the matter found Mr. Bertram, Ms. Carlin, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Price, Mr. Smith, Mr. Snyder, Mr. Wessels and Mr. Theissen in favor. Mr. Hilgefurd voted against. The motion carried.

Mr. Theissen noted a request to table had also been received regarding issue 1531R from Dave Hahn, Zoning Administrator for the City of Erlanger. He stated the request to table was for a period of six (6) months. Mr. Bayer then made a motion to approve. Mr. Swanson seconded the motion. A roll call vote on the issue found Mr. Bayer, Mr. Swanson, Mr. Bertram, Ms. Carlin, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Price, Mr. Smith, Mr. Snyder, Mr. Wessels, Ms. Weldon and Mr. Theissen in favor. Mr. Hilgefurd voted against. The motion carried

Mr. Theissen noted that both letters would be marked as exhibits to the minutes.

PUBLIC HEARINGS ON SCHEDULED ITEMS:

1525R

APPLICANT: City of Covington, per Mr. Dennis R. Uchtman, Zoning Specialist.

GENERAL LOCATION: N.A.

REQUEST FOR ACTION: A proposed text amendment to the Covington Zoning Ordinance, requiring that newly appointed Board of Adjustment members must reside within the City of Covington.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - COVINGTON ZONING ORDINANCE:

To approve the proposed text amendment requiring that newly appointed Board of Adjustment members must reside within the City of Covington (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 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 does not contradict Kentucky Revised Statute (KRS) 100.217 (2).
3. Due to a limited population, the proposed text amendment may not be appropriate for smaller municipalities. However, the city of Covington has a sufficient population base to accommodate representation on the Board of Adjustment. Therefore, the proposed text amendment is reasonable.

Mr. Dennis Uchtman registered to speak on the issue. No one registered to speak against.

Mr. Uchtman addressed the Commission and stated that basically the mayor and council would like to see it approved.

Following a very brief discussion on the matter, Ms. Weldon made a motion to approve based on the recommendations of Staff. Mr. Wessels seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Wessels, Mr. Bayer, Mr. Bertram, Ms. Carlin, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Hilgeford, Mr. Price, Mr. Smith, Mr. Snyder, Mr. Swanson, Ms. Weldon and Mr. Theissen in favor. The motion carried.

1526R

APPLICANT: City of Park Hills, per Ms. Linda L. Flora, City Clerk.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Park Hills Zoning Ordinance adding "computer service and repair" and "motor vehicle parts, wholesale and retail sales" to the list of permitted uses within the HC (Highway Commercial) Zone.

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - PARK HILLS ZONING ORDINANCE:

To approve the proposed text amendment adding "computer service and repair" and "motor vehicle parts, wholesale and retail sales" to the list of permitted uses within the HC (Highway 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 "computer service and repair" and "motor vehicle parts, wholesale and retail sales" to the list of permitted uses within the HC (Highway 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 "computer service and repair" and "motor vehicle parts, wholesale and retail sales" to the list of permitted uses within the HC (Highway Commercial) Zone (see Attachment A) is reasonable in that it is generally consistent with other uses currently permitted within the HC Zone (i.e., automobile sales and automotive service and repair).
3. The proposed text amendment adding "computer service and repair" and "motor vehicle parts, wholesale and retail sales" to the list of permitted uses within the HC (Highway Commercial) Zone (see Attachment A) is appropriate.

While the proposed uses predominantly serve the residents of nearby neighborhoods, it is important to note that given the physical layout of the city of Park Hills, the only commercial areas are located along Dixie Highway. While some of these areas are zoned NC and the others are zoned HC, they are accessed from the same roadway system, serve the same population, and are functionally equivalent. Therefore, in the case of Park Hills, adding "computer service and repair" and "motor vehicle parts, wholesale and retail sales" as permitted uses within the HC Zone is appropriate.

Mr. Tom Breidenstein registered to speak on behalf of the applicant. No one registered to speak against.

Mr. Breidenstein addressed the Commission and stated simply that he was present on behalf of the applicant and the applicant would appreciate a favorable vote. Following a very brief discussion, Mr. Hadley made a motion to approve 1526R based on the recommendations of Staff. Mr. Snyder seconded the motion. A roll call vote on the motion found Mr. Hadley, Mr. Snyder, Mr. Bayer, Mr. Bertram, Ms. Carlin, Mr. Dorsey, Mr. England, Mr. Hilgefurd, Mr. Price, Mr. Smith, Mr. Wessels, Mr. Swanson, Ms. Weldon and Mr. Theissen in favor. The motion carried.

1527R

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

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendment to the Kenton County Zoning Ordinance adding several office, research and sales uses to the list of permitted uses within the IP (Industrial Park) Zone.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - KENTON COUNTY ZONING ORDINANCE:

To approve the proposed text amendments adding several office, research and sales uses to the list of permitted uses within the IP (Industrial Park) 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 amendments adding several office, research and sales uses to the list of permitted uses within the IP (Industrial Park) Zone (see Attachment A) are allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. The proposed text amendments adding several office, research and sales uses to the list of permitted uses within the IP (Industrial Park) Zone (see Attachment A) are reasonable and will provide for a coordinated and compatible industrial development.
3. The proposed uses are compatible with existing uses currently permitted within the IP Zone and can be accommodated in an industrial park design.
4. The recommendation of approval is consistent with a previous recommendation made by the NKAPC staff and the KC&MP&ZC.

On February 10, 1993, the City of Erlanger, per Mr. P. David Hahn, Zoning Administrator, submitted a request for NKAPC and KC&MP&ZC review and recommendation on proposed text amendments adding the same uses to the list of permitted uses within the I-1 Zone (Z-93-02-02/1079R). On February

26, 1993, the NKAPC staff recommended approval of the proposed text amendments. On March 4, 1993, the KC&MP&ZC held the public hearing. Following that public hearing, the KC&MP&ZC took action to recommend approval of the proposed text amendments.

No one registered to speak on the issue.

Mr. Hilgefurd stated he did not feel that corporate and sales and marketing offices belonged in the IP zone. Mr. Schwartz stated they felt the uses were appropriate. Mr. Wessels then gave an example based on Mr. Hilgefurd's statements that if Coca Cola wanted to have its bottling and canning works in Kenton County, they could not have their sales and marketing offices located in the IP zone. Mr. Dorsey stated that he tended to agree with Mr. Hilgefurd on the issue as to a conditional versus a permitted use. Mr. Hilgefurd then stated that he would like to see the uses as conditional and not permitted uses. He further stated that the industrial land in the area should be preserved for industrial type uses. Following further discussion on the matter, Mr. Swanson motioned to approve 1527R based on the recommendations of Staff. Mr. Bertram seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Bertram, Mr. Bayer, Ms. Carlin, Mr. England, Mr. Price, Mr. Smith, Mr. Snyder, Mr. Wessels, Ms. Weldon and Mr. Theissen in favor. Mr. Dorsey, Mr. Hadley and Mr. Hilgefurd voted against. The motion carried.

1528R

APPLICANT: City of Crestview Hills, per Mr. Kevin T. Celarek, City Administrator.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendment to the Crestview Hills Zoning Ordinance pertaining to fence regulations.

Staff presentation and Staff recommendations by Mr. Paul Drury.

Mr. Kevin Celarek and Mr. Joe Maloney registered to speak on the issue. No one registered to speak against.

Mr. Celarek addressed the Commission and stated this particular issue comes up about once a year due to property owners being next to shopping areas and disputes with neighbors, etc. He stated there was discussion as being consistent and sited that property owners with pools are allowed to have higher fences. He then stated for this reason, as well as the fact that they would like to be consistent and allow for the higher fencing, the issue was brought before the Commission.

Mr. Maloney addressed the Commission and stated the issues were well presented by Staff. He stated he is present merely because of his experience with the issue. He further stated this is to alleviate problems where there are problems but that he doesn't foresee a rush on the city building to build 6-foot fences.

Following a very brief discussion on the matter, Mr. Price made a motion to approve based on Staff's report. Ms. Weldon seconded the motion. A roll call vote on the issue found Mr. Price, Ms. Weldon, Mr. Bayer, Mr. Bertram, Ms. Carlin, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Hilgefurd, Mr. Smith, Mr.

Snyder, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried.

1532R

APPLICANT: City of Covington, per Ms. Ella Brown-Frye.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: A proposed update to the Central Covington Development Plan, a Chapter 99 Plan (KRS 99.020), to be completed in two phases. Phase I consists of the area located between Fourth and Fifth Streets, from Madison Avenue to Greenup Street, Covington.

Staff presentation and Staff recommendations by Mr. Paul Drury.

NKAPC STAFF RECOMMENDATION - COVINGTON CHAPTER 99 DEVELOPMENT PLAN:
The Central Covington Development Plan Update is generally consistent with the 1996 Area-Wide Comprehensive Plan Update.

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 general objectives of the submitted Chapter 99 Development Plan are to: protect the health, safety and welfare of the residents, visitors and workers by eliminating hazardous or unsafe conditions of structures in the development area; improve the appeal of the development area as a desirable place to live, work and conduct business; and encourage development, redevelopment and general improvement of the development area. These objectives are generally consistent with the Goals and Objectives Element of the 1996 Area-Wide Comprehensive Plan Update.

2. The 1996 Area-Wide Comprehensive Plan Update identifies the area outlined for Phase I in the Central Covington Development Plan Update for office and retail / service uses. The existing zoning in the Phase I area is not proposed to change in the submitted Update. The current zoning is consistent with land use recommendations identified in the 1996 Area-Wide Comprehensive Plan Update. Therefore, any proposed uses for redevelopment, rehabilitation, and adaptive reuse of the properties within those zoning districts will be consistent with the land use recommendations identified in the comprehensive plan.

3. The Central Covington Development Plan Update identifies the importance of preserving the historical character and structures in the area. The Plan identifies structures of historical significance and encourages the rehabilitation and adaptive reuse of these structures. This concept is consistent with the

Land Use Plan Element of the comprehensive plan.

ADDITIONAL INFORMATION

The Central Covington Development Plan Update is consistent throughout with the goals and objectives of their plan. However, the transition from the original plan to the Update is unclear. Since the submitted Update is only a portion of the area in the original plan, there should be a clarification that the original plan is still in effect for the remainder CCDP area.

There are no clear definitions of incompatible land uses within the Phase I area nor a clear vision for the Phase I area. What uses does the City want to redevelop in the area? What are compatible uses? What does the City want the area to look like? There are no specific or general uses identified by the Update except for the redevelopment of the Oddfellows building and Icehouse, and the construction of a new parking garage. If the proposed uses outlined in the original plan are still intended for this area, the distinction should be made. If the City desires to incorporate other studies recently completed in the area, the Update should reference those plans.

Ms. Ella Brown-Frye registered to speak on the issue. No one registered to speak against.

Ms. Brown-Frye addressed the Commission and stated City Staff concurs with the recommendations of Staff on the issue. She stated the riverfront area was targeted in 1973 in the first phase. She further stated this next phase targets the areas between Fourth and Fifth Streets. She stated the time table is very critical as there are two (2) developments that hinge on this plan. She also stated they are asking for approval but stated they are consistent with the original goals set forth in 1973. She further stated the original area was too large and that is why it is being taken in stages.

Following a very brief discussion on the matter, Ms. Weldon made a motion to approve on the basis of Staff's report and also to include the additional information comment noted by Staff. Mr. Price seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Price, Mr. Bayer, Mr. Bertram, Ms. Carlin, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Hilgefurd, Mr. Smith, Mr. Snyder, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried.

OLD BUSINESS: None.

CORRESPONDENCE:

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

Mr. Theissen noted that Larisa Hughes of the NKAPC staff is running for KAPA at large representative. He stated the Commission has the opportunity to vote for KAPA representatives and encouraged all to vote for Larisa.

Mr. Theissen also noted that Gail Deatherage has already made reservations for the KAPA conference to

be held in April. Mr. Theissen stated that this is a good way to meet the continuing education requirements. He stated Gail has reserved rooms in the host hotel and asked that those planning on attending to let her know as soon as possible.

Legal Matters: Mr. Schneider noted that AT&T filed a motion to override the action of the KC&MP&ZC on issue TF-2001-21. Mr. Schneider then gave a brief background on the issue by way of explanation. He stated there would be an informal meeting held November 13th. He stated he is asking for approval to enter as a party to the suit to protect the interests of the Planning Commission. Ms. Weldon then gave the motion regarding approval to join as a party. Mr. Smith seconded the motion. All in favor voted "aye"; none opposed.

Mr. Theissen noted a series of classes were being presented by Mr. Jack Kleymeyer for those interested. He noted the next class would be held on November 8th at 5:00 p.m. and every Thursday at that time.

Mr. Theissen additionally noted on November 10th from 8-12:30 there would be a seminar held for continuing education requirements to discuss smart growth issues.

Mr. Theissen also mentioned that the holiday party for the NKAPC/KC&MP&ZC is scheduled for December 12th from 5:30-8:00 p.m.

COMMISSION ITEMS:

Standing Committee Reports:

Comprehensive Plan Joint Task Force - Mr. Theissen reported the plan is in draft form. He noted the final meeting is to tie up any loose ends. He noted the next meeting date is November 7th from 3:30-5:30. He also noted the tentative date for the public hearing is December 18th and noted that he would like the Commissioners to attend this meeting.

Subdivision Regulations Review Committee - Mr. Swanson reported that they intend to schedule a meeting for January.

By-Laws - Alex Weldon reported the committee met and they are working on putting the education requirements into a format.

Model Zoning Ordinance - Mr. Dorsey reported they have not met. He stated that they will have to get together with Mike Schwartz to discuss other matters to come up.

Mr. Theissen noted that the election of officers is in January as required in the By-Laws. He noted that Frank Smith, Gene Meyer and Jay Bayer will be on the nominating committee and asked for a report by next month.

COMMENTS/REQUESTS TO THE COMMISSION:

There being no further matters to come before the Commission, Mr. Theissen then adjourned the meeting at 7:55 p.m.