



## KC&MP&ZC MINUTES

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

December 6, 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. Eugene Meyer - Covington  
Mr. Joseph Price - Crestview Hills  
Mr. Bernie Wessels - Fort Wright

#### LEGAL COUNSEL PRESENT:

David Schneider, Esq.

Mr. Theissen, Chairman, called the meeting to order at 9:07 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. Swanson noted two typos: on page 2 under "Bases" Mr. Rich's spelling was listed as "Rick" and should read "Rich"; on page 3 under the paragraph beginning "Mr. Keeley addressed...", on the tenth line down should read "...are required but do not necessarily..." instead of the word "does." Mr. Wessels also noted on page 3 under "Additional Information" where it reads "Erpenbeck Construction" should read "Erpenbeck Engineering." There being nothing further, Ms. Carlin made a motion to approve, Mr. Wessels seconded the motion. A roll call vote on the matter found Ms. Carlin, Mr. Wessels, Mr. England, Mr. Price and Mr. Theissen in favor. Mr. Meyer abstained. The motion carried.

Mr. Theissen noted that a request to table had been received regarding items PP-527 and TF-2001-29. Mr. Theissen then read into the record the letters received regarding the request to table. Mr. Price made a motion to table item PP-527 for a period of six (6) months. Mr. England seconded the motion. A roll call vote on the matter found Mr. Price, Mr. England, Ms. Carlin, Mr. Meyer, Mr. Wessels and Mr. Theissen in favor. The motion carried. Regarding item TF-2001-29, Mr. Wessels made the motion to table with Mr. Price giving the second. A roll call vote on the matter found Mr. Wessels, Mr. Price, Ms. Carlin, Mr. England, Mr. Meyer and Mr. Theissen in favor. The motion carried. Mr. Theissen then marked both letters received on these items as exhibits 1 and 2 to the minutes.

#### SUBDIVISION ITEMS:

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

#### PP-602 REGAL RIDGE

APPLICANT: Dwight H. Clayton, P.E., in behalf of Harold and Sara Clayton.

GENERAL LOCATION: A 2.73-acre area along the south side of Regal Ridge Drive, west of Lakefield Drive and the existing Lakefield Subdivision, Independence.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 13 residential building lots, including public improvements such as sanitary sewer and sidewalk.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

#### NKAPC STAFF RECOMMENDATION:

RECOMMENDATION: To approve a Preliminary Plat for REGAL RIDGE, but only subject to compliance with the following CONDITIONS:

#### CONDITIONS:

1. That an inspection / study of the portion of Regal Ridge Drive fronting the Plat be performed by a qualified / recognized geotechnical engineer and submitted to the planning commission's duly authorized representative (NKAPC staff) for review (Section 7.3) (See Additional Information Comment #1);
2. That a stormwater runoff control basin be provided on the site in question, unless drainage calculations are submitted to substantiate waiver of such structure (in lieu of existing downstream facility) immediately following approval of the Preliminary Plat (Section 7.0); and
3. 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); and
4. That the length of existing storm sewers between Lots 6 and 7 be extended beyond the rears of residential buildings (Section 7.0).

#### BASES:

The proposed subdivision REGAL RIDGE 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.

#### ADDITIONAL INFORMATION

With respect to above Condition #1, the required geotechnical inspection / study shall include, but not be limited to, the following:

- a) Asphalt core borings to determine pavement thickness performed at 100 foot intervals, alternating left / right of centerline;
- b) Asphalt extraction and gradation testing; and
- c) A minimum of five (5) split spoon samples including soil classification, moisture, and relative density testing of the recovered soils.

In addition, such inspection / study shall include an analysis of the testing results and conclusion from the geotechnical engineer of record regarding the potential for expected life span of the pavement in question. A representative of the planning commission's duly authorized representative (NKAPC staff) shall inspect other aspects of the existing improvements such as curb and gutter, pavement sealing, storm drainage structures, etc. All required testing / analysis shall be concluded prior to approval of a Final Plat. Should any street remediation be needed, it may either be completed, or good and sufficient surety submitted to the planning commission, prior to approval of a Final Plat.

Mr. Dwight Clayton registered to speak in favor of the issue. No one registered to speak against.

Mr. Clayton addressed the Commission and stated he is the son of the applicant and the civil engineer on

the issue. He stated they are requesting approval and further stated that he believes it is in conformance to the comprehensive plan. Mr. Clayton further stated that he lived and grew up on the property. He further stated that his parents still live in the area and would not propose to build something that they would not want to live across from. He further stated he agrees with Staff's recommendations but believes some of the wording should be re-worded or stricken. Mr. Clayton requested that the 450-foot spacing requirement be waived as to the hydrant spacing. Mr. Clayton further stated that he contacted Mr. Dan Brigg's of Cardinal Engineering and they were surprised to learn the street was a dedicated road. He stated the city has failed to maintain the road but has gladly enjoyed the tax benefits from the apartments at the end of the road. Mr. Clayton then stated he is requesting that items A, B and C in Staff's report under Additional Information be stricken. He further stated that the public works director was unaware it was a publicly dedicated road. Mr. Clayton stated the issue of the road should be decided in the county and that the issue is whether or not the 13 proposed lots meet regulations. Mr. Clayton then stated they do in fact meet regulations.

Mr. Schneider then gave a brief legal background information on maintenance and dedication of the road. Mr. Clayton stated he would like some kind of language as to the type of road and comparable roads in the similar condition. Mr. Clayton further requested reducing core tests to every three hundred feet instead of every hundred feet. Mr. Hiles stated the maintenance issue has to be resolved before a final plat can be issued. He further stated he doesn't feel the core testing should be lessened, but that that has been left up to the engineer. Mr. Wessels questioned the applicant as to why (in lots 7-13) the lots didn't run all the way to the end of the property line, which leaves the triangular shaped lot on the end. Mr. Clayton stated that this was to allow for nice, rectangular shaped lots.

With regard to the 450-foot spacing for fire hydrants, Mr. Hiles then suggested adding to the end of condition #3 the language "unless otherwise directed by the City of Independence Fire Chief." He stated if they were to accept that then obviously that sounds reasonable Mr. Theissen then further noted that there were three changes to be made in Staff's recommendations. He noted the first one would be in the first condition "...that a determination that Regal Ridge is a publicly dedicated street or, if not..." then pick up the wording from that point on in Staff's report. The second change under condition number three would to add the language at the end "unless otherwise approved by the City of Independence Fire Chief." Finally, under the Additional Information Comment the word "shall" needs to be changed to read "should."

Following further brief discussion, Mr. Meyer made a motion to approve subject to Staff's recommendations and to include the three changes to the recommendations. Mr. Price seconded the motion. A roll call vote found Mr. Meyer, Mr. Price, Ms. Carlin, Mr. England, Mr. Wessels and Mr. Theissen in favor. The motion carried.

**W-568 SAYLORS MEADOW**

**APPLICANT:** Larry W. White.

**GENERAL LOCATION:** An approximate 18-acre are on the north side of Klette Road, opposite Rice Road, Latonia Lakes and Unincorporated Kenton County.

**REQUEST FOR ACTION:** Waiver of Section 7.3, F.SIDEWALKS to allow the elimination of

sidewalks along the portion of Klette Road fronting the subdivision, as well as the elimination of sidewalks along both sides of the proposed internal street.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

**NKAPC STAFF RECOMMENDATION:**

To grant the requested Waiver to 7.3F SIDEWALKS to eliminate the requirement for sidewalks along the portion of Klette Road fronting the subdivision, but only subject to the following condition:

That sidewalks be constructed along both sides of the internal street.

**BASES FOR STAFF RECOMMENDATION:**

1. With respect to the request to waive sidewalks along Klette Road, unusual topographical or exceptional physical conditions exist (i.e. very steep ascending slopes) which makes strict compliance with these regulations an extraordinary hardship in the face of the exceptional topographical conditions.
2. With respect to the request to waive sidewalks along the internal street, the requested modification 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 (referenced above).

Mr. Don Saylor, Mr. Todd Novak and Mr. Larry White registered to speak for the issue. No one registered to speak against.

Mr. Novak stated he purchased one (1) of the four lots from Mr. Saylor (lot #4). He stated he found out sidewalks would be required upon applying for a certificate of occupancy. Mr. Novak stated the requirement would create a financial hardship that he simply cannot afford. He stated the project has been going on for a few years and the project has created a lot of unanticipated expenses. He further stated they could only afford the additional expenses because he was living rent free with his in-laws. He stated his home is now finished and they have a baby on the way. Mr. Novak stated they applied for a certificate of occupancy and found out they need sidewalks. He stated he obtained a bid to put in the sidewalks on both sides and the bid is \$13,000. He stated he cannot afford that right now and stated it is creating an extreme hardship financially to be required to put in sidewalks. Mr. Novak further stated that his is the only house completed or even under construction as ground has not been broken on the other lots. He further stated there is no expected date for the other houses to go in.

Mr. Theissen then stated with the potential for development serving the area he doesn't feel the sidewalks can be waived. He further stated he hasn't heard anything that will convince him to waive the sidewalks internally. Mr. Theissen stated the land is significant developable land that could be accessed off of the existing road. He further stated that sidewalks isn't just going to be used for the applicant to walk, that the street could potentially be the access street to a multi-lot subdivision lot. He further stated the land is in the urban service area and there is not a basis for waiving the sidewalks. Ms. Carlin then asked if there were any wording that could extend the period that would be required for having the

sidewalks installed. The applicant then stated it was never mentioned to him that he would even be required to put in sidewalks. He stated it was unanticipated and even the inspector never mentioned the fact that he might have to put in sidewalks. Mr. Larry White addressed the Commission and stated that putting in the road took all of their funds and in fact they no longer have the funds to build for three or four more years. He stated it is a time issue and they just don't have the funding. He asked if there was any way it could be waived until future development occurs. He stated he's not saying they will not do it (put in the sidewalks), it's just a time issue. Mr. White stated it was a dream to build in a rural area and build a nice home near the expressway. He stated it has now turned into a nightmare. Mr. Theissen then asked Staff if there were any options on ensuring that the sidewalks will be put in and also allow some leeway on the sidewalks. Mr. Hiles then stated it is a zoning ordinance that requires that sidewalks be installed before a certificate of occupancy is issued. He further stated if the Commission makes an alternative decision that yes, sidewalks are required, but not until the street is extended, then that would make an exception to the zoning ordinance.

Mr. Don Saylor addressed the Commission regarding the issue. He stated he is the owner of the balance of the property. Mr. Saylor stated he has been a cattle farmer for thirty (30) years, not a developer. He further stated that he does not necessarily want to further develop the land and that he doesn't intend to. He stated he doesn't feel there is a way to develop the land further up the hill because of the 3-acre minimum. Mr. Saylor further stated the he would like to see Mr. Novak and Mr. White back there on his property and stated they have worked very hard and they have done everything that has been asked.

Following further brief discussion on the issue, on Mr. Theissen's direction Mr. Wessels made a motion to grant the waiver along Klette Road but to deny the waiver for construction of the sidewalks internally, and to allow a surety to be submitted for the sidewalks on the west side of the internal street in an amount based on an engineer's estimate of cost, which would extend the construction of the sidewalks for up to twenty-four (24) months. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Ms. Carlin, Mr. England, Mr. Meyer and Mr. Theissen in favor. The motion carried.

#### PP-603 THE ESTATE OF EDGAR E. BAKER

APPLICANT: Hicks & Mann, Inc. in behalf of The Estate of Edgar E. Baker (Nancy E. Baker, Executor).

GENERAL LOCATION: An approximate 39-acre area along the south side of Fiskburgh Road and the west side of Pfanstiehl Road, unincorporated Kenton County.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of four (4) lots, one (1) lot contains an existing residence) with no public improvements.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

#### NKAPC STAFF RECOMMENDATION:

To approve a Preliminary Plat for THE ESTATE OF EDGAR E. BAKER, but only subject to compliance with the following CONDITIONS:

## CONDITIONS:

1. That the note "Plat approval for building development on lot(s) be contingent upon issuance of a final sewage construction permit and inspections by the Northern Kentucky Independent District Health Department" be placed on the Final Plat (Section 3.1 C); and
2. That twenty-five (25) feet of right-of-way be dedicated along Fiskburg Road, and Pfanstiehl Road, respectively, for the portions fronting the proposed Plat as indicated (Section 6.0 D);

## BASES:

The proposed ESTATE OF EDGAR E. BAKER is consistent with the recommendations of the 1996 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, and the Kenton County Zoning Ordinance, except as noted under the above Conditions and recommended Waivers to Section 7.3 I, and Section 7.3 F.

## SUBSEQUENT RECOMMENDATIONS:

1. That a Waiver of Section 7.3 F be granted, thereby not requiring sidewalks along the portions Fiskburg Road, and Pfanstiehl Road fronting the Plat on the following basis:

The Preliminary Plat exists in an area identified as a Non-Urban Service Area, not requiring urban type services. In addition, the plat for development contains low densities and contains extremely large rural estate type lots. Provision for a sidewalk in this specific area, not recommended to develop at urban densities, is impracticable and unnecessary at this time.

2. That a Waiver of Section 7.3 I be granted, thereby not requiring improvements to Pfanstiehl Road on the following basis:

That strict compliance with these regulations creates an extraordinary hardship in the face of exceptional conditions. The requirement to widen approximately 900 lineal feet of Pfanstiehl Road fronting a single proposed lot, combined with the existing steep descending topography, makes compliance with such requirement financially impracticable, in Staff's opinion.

Mr. Robert Rich, attorney for the Estate, and Mr. Tom Leach registered to speak on the issue. No one registered to speak against. In the interest of time Mr. Theissen suggested incorporating into the minutes the record on the issue from last month's meeting due to having heard the issue previously. The record, as taken from the meeting from November, reads as follows:

Mr. Robert Rich registered to speak on the issue on behalf of the applicant. No one registered to speak against. Mr. Rich 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.

Following Mr. Theissen's statements, Mr. Price then made a motion to approve and also to include the two waivers. Mr. England seconded the motion. A roll call vote on the issue found Mr. Price, Mr. England, Ms. Carlin, Mr. Meyer, Mr. Wessels and Mr. Theissen in favor. The motion carried.

### PP-604 LEGACY ESTATES

APPLICANT: Hicks & Mann, Inc. in behalf of Mr. Bill Benson (Nancy E. Baker, Executor).

GENERAL LOCATION: An approximate 24-acre area along the north side of S.R. 14, opposite Carlisle Road, unincorporated Kenton County.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of seven (7) residential building lots, with no public improvements.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

### NKAPC STAFF POSITION

RECOMMENDATION: To approve a Preliminary Plat for LEGACY ESTATES, but only subject to compliance with the following CONDITIONS:

#### CONDITIONS:

1. That new driveways along S.R. 14 be spaced a minimum distance of 200 feet (Section 6.1E);
2. That thirty (30) feet of right-of-way (as shown) be dedicated to public use along S.R. 14 for the portion fronting the proposed Plat (Section 6.0 D);
3. That a minimum of one (1) random on-site sewage disposal test be approved by the Northern Kentucky Independent District Health Department prior to the approval of a Final Plat, and the note "Plat approval for building development on lot(s) be contingent upon issuance of a final sewage construction permit and inspections by the Northern Kentucky Independent District Health Department" be placed on the Final Plat (Section 3.1 C); and
4. That fire hydrants be located a minimum of 450 feet apart (Section 7.2).

#### BASES:

The proposed subdivision LEGACY ESTATES is consistent with the recommendations of the 1996

Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, and the Kenton County Zoning Ordinance, except as noted under the above Conditions and recommended Waiver to Section 7.3 F.

**SUBSEQUENT RECOMMENDATION:**

That a Waiver be granted to Section 7.3 F SIDEWALKS, thereby not requiring sidewalks along the portion of S.R. 14 fronting Preliminary Plat on the following basis:

The Preliminary Plat exists in an area identified as a Non-Urban Service Area, not requiring urban type services. In addition, the plat for development contains low densities and contains extremely large rural estate type lots. Provision for a sidewalk in this specific area, not recommended to develop at urban densities, is impracticable and unnecessary at this time.

Mr. Mike Helson and Mr. Tom Leach registered to speak on the issue. No one registered to speak against.

Mr. Helson addressed the Commission and stated he is in agreement with the conditions as proposed. He further stated he would submit a drawing showing driveways and spacing with the final plat.

Following a brief discussion on the matter, Mr. Wessels made a motion to approve with the conditions and recommendations of Staff and to include the waiver. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Ms. Carlin, Mr. England, Mr. Meyer 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. Mr. Theissen noted his withdrawal from consideration and voting on issue I-2718 due to a conflict. Mr. Wessels noted his withdrawal from consideration and voting regarding Z-01-11-01 and 1533R due to a conflict. Mr. Theissen then asked for a motion to approve. Mr. Price made a motion to approve the actions over the last month. Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. Price, Ms. Carlin, Mr. England, Mr. Meyer, Mr. Wessels and Mr. Theissen in favor. The motion carried.

**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 11:05 a.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
REGULAR MEETING

December 6, 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. James Cook - Kenton County  
Mr. John Dorsey - Fort Mitchell  
Mr. Russell England - Independence  
Mr. David Hilgefard - 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  
Mrs. Alex Weldon, Vice Chair - Covington

COMMISSION MEMBERS NOT PRESENT:

Mr. Jay Bayer - Park Hills  
Mr. Jeff Gaiser - Ludlow

Mr. Al Hadley - Elsmere

Mr. Paul Swanson, Secretary/Treasurer - Erlanger

**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. England seconded the motion. A roll call vote on the matter found Mr. Price, Mr. England, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. Dorsey, Mr. Hilgefurd, Mr. Smith, Mr. Snyder, Mr. Sucher, Ms. Weldon, Mr. Wessels and Mr. Theissen in favor. Mr. Coates and Mr. Meyer 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. Wessels made a motion to ratify and approve. Mr. Bertram seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. England, Mr. Hilgefurd, Mr. Meyer, Mr. Price, Mr. Smith, Mr. Snyder, Mr. Sucher, Mr. Wessels, 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:

\*\*Mr. Theissen noted that the following three issues would be combined due to the nature of the applications.

1529R

APPLICANT: Glenhurst Development Co. LLC, per Mr. Ronald Mechlin.

GENERAL LOCATION: An approximate 170-acre area located at the terminus of Hogreff Road, Unincorporated Kenton County.

REQUEST FOR ACTION: A proposed amendment to the Land Use Plan Element of the 1996 Area-Wide Comprehensive Plan Update, changing the area described herein, from Residential Development at a density ranging from 2.0 dwelling units per net acre and under and Industrial to Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre (this issue was tabled at the KC&MP&ZC's November 1, 2001 meeting).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - 1996 AREA-WIDE COMPREHENSIVE PLAN UPDATE:

To approve the proposed change in land use designation from Residential Development at a density ranging from 2.0 dwelling units per net acre and Under and Industrial to Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre.

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

COMPREHENSIVE PLAN DOCUMENTATION:

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

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. Kentucky Revised Statute (KRS) 100.187 states that the comprehensive plan shall contain, at a minimum, the following elements: (1) a statement of goals and objectives; (2) a land use plan element; (3) a transportation plan element; and (4) a community facilities plan element.

KRS 100.187 (1) states that the goals and objectives shall serve as a guide for the physical development and economic and social well being of the planning unit.

KRS 100.193 (1) states that the goals and objectives are to act as a guide for the preparation of the remaining elements of the plan and to aid in the implementation of the plan.

In preparation of the 1996 Area-Wide Comprehensive Plan Update, the KC&MP&ZC readopted the goals and objectives on January 4, 1996 and adopted the remaining elements of the plan on December 11, 1996. On March 2, 2000, the KC&MP&ZC readopted the goals and objectives as part of the 2001 Comprehensive Plan Update.

It is the opinion of the NKAPC staff that the original research for the 1996 Area-Wide Comprehensive Plan Update is substantially valid. Additional research has been conducted as part of the 2001 Comprehensive Plan Update as is made a part of this review by reference.

2. The submitted request is consistent with the Goals and Objectives Element of the 1996 Area-Wide Comprehensive Plan Update. The 1996 Area-Wide Comprehensive Plan contains the following goals and objectives:

#### HOUSING - RESIDENTIAL DEVELOPMENT

1. To provide safe and sanitary housing to all residents.

Effort should be made to eliminate dilapidated and unfit housing; rehabilitate declining housing; conserve the existing supply of sound housing; and add new housing; as necessary.

2. To provide a variety of housing types and residential development to accommodate different needs and desires of the population.

Effort should be made to encourage a variety of residential densities and housing types to meet the needs and desires of a range of family sizes, age groups, and income levels and to ensure that equal opportunity in choice of housing by all elements of the population is provided throughout the region.

3. To achieve the goals of this element without unduly disrupting the goals of other elements.

Effort should be made to ensure that areas which are proposed to be developed for purely residential purposes are protected from the intrusion of incompatible land uses. Development of new urban residential areas should be promoted only where they can be reasonably and economically served with essential public services.

#### RECREATION AND OPEN SPACE

1. To provide an adequate amount and variety of recreational opportunities to satisfy the full range of needs of the population.

Concerted effort should be made to provide a wide variety of types of recreational facilities programs to

meet the year round desires and needs of various age and interest groups.

2. To provide basic recreation and open space facilities and programs which are conveniently located and accessible to the population.

Effort should be made to provide for recreation and open space facilities which are both region oriented, containing a variety of active and passive recreation pursuits, and neighborhood oriented, which are primarily aimed at satisfying the day-to-day desires and needs of immediately surrounding residents.

3. To achieve the goals of this element without unduly disrupting the goals of other elements.

Effort should be made to ensure the incorporation of design for recreation and open spaces as an integral part of emerging urban development or redevelopment. Such effort should result in recreation and open space areas which complement and enhance surrounding development, rather than take on the appearance of appendages added out of necessity. Constant effort should be made to protect recreational areas from intrusion of other type uses so that they may continue to serve their intended function adequately.

The site in question is located in an area which is served by an arterial roadway which is scheduled for major improvements, has access to the new Hogreffe Road connector, is provided with public water and sewer service, and is an extension of a residential development currently under construction.

The proposed amendment will allow for the construction of detached single-family residential dwellings and provide for the construction of active and passive recreational facilities designed as an integral part of the proposed development.

1530R

APPLICANT: Glenhurst Development Co. LLC, per Mr. Ronald Mechlin.

GENERAL LOCATION: An approximate 170-acre area located at the terminus of Hogreffe Road, Unincorporated Kenton County.

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), R-1B (a detached single-family residential zone at a maximum density of 2.0 dwelling units per net acre), and I-1 (an industrial one zone) to R-1C (RCD), (a residential zone at a maximum density of approximately 3.5 dwelling units per net acre with a residential cluster development overlay zone). (This issue was tabled at the KC&MP&ZC's November 1, 2001 meeting).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - KENTON COUNTY ZONING ORDINANCE:

To approve the proposed map amendment from A-1, R-1B, and I-1 to R-1C (RCD), but only subject to

compliance with the following conditions:

1. That each dwelling unit be provided with a minimum of two (2) off-street parking spaces.
2. That the location, height, and type of all fences, walls, and signs be as permitted in the underlying R-1C Zone.
3. That a five (5) foot wide pathway be provided from the terminus of Ackerly Drive and Shamrock Court to adjacent open space areas.
4. That the intersection of Cutter Lane with Glenhurst Drive be eliminated.
5. That the intersection of Glenhurst Drive with Hogreffe Road be provided with either: (1) an exclusive left turn lane from southbound Glenhurst Drive to eastbound Hogreffe Road; or (2) three way stop signs.
6. That the intersection of Bridges Park Drive with Hogreffe Road be provided with either: (1) an exclusive left turn lane from westbound Hogreffe Road to southbound Bridges Park Drive; or (2) three way stop signs.

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, R-1B, and I-1 to R-1C (RCD) is consistent with the Goals and Objectives Element of the 1996 Area-Wide Comprehensive Plan Update. The specific goals and objectives are as follows:

HOUSING - RESIDENTIAL DEVELOPMENT

1. To provide safe and sanitary housing to all residents.  
Effort should be made to eliminate dilapidated and unfit housing; rehabilitate declining housing; conserve the existing supply of sound housing; and add new housing; as necessary.

2. To provide a variety of housing types and residential development to accommodate different needs and desires of the population.

Effort should be made to encourage a variety of residential densities and housing types to meet the needs and desires of a range of family sizes, age groups, and income levels and to ensure that equal opportunity in choice of housing by all elements of the population is provided throughout the region.

3. To achieve the goals of this element without unduly disrupting the goals of other elements. Effort should be made to ensure that areas which are proposed to be developed for purely residential purposes are protected from the intrusion of incompatible land uses. Development of new urban residential areas should be promoted only where they can be reasonably and economically served with essential public services.

## RECREATION AND OPEN SPACE

1. To provide an adequate amount and variety of recreational opportunities to satisfy the full range of needs of the population.

Concerted effort should be made to provide a wide variety of types of recreational facilities programs to meet the year round desires and needs of various age and interest groups.

2. To provide basic recreation and open space facilities and programs which are conveniently located and accessible to the population.

Effort should be made to provide for recreation and open space facilities which are both region oriented, containing a variety of active and passive recreation pursuits, and neighborhood oriented, which are primarily aimed at satisfying the day-to-day desires and needs of immediately surrounding residents.

3. To achieve the goals of this element without unduly disrupting the goals of other elements.

Effort should be made to ensure the incorporation of design for recreation and open spaces as an integral part of emerging urban development or redevelopment. Such effort should result in recreation and open space areas which complement and enhance surrounding development, rather than take on the appearance of appendages added out of necessity. Constant effort should be made to protect recreational areas from intrusion of other type uses so that they may continue to serve their intended function adequately.

The site in question is located in an area which is served by an arterial roadway which is scheduled for major improvements, has access to the new Hogleffe Road connector, is provided with public water and sewer service, and is an extension of a residential development currently under construction.

The proposed amendment will allow for the construction of detached single-family residential dwellings and provide for the construction of active and passive recreational facilities designed as an integral part of the proposed development.

2. The proposed map amendment from A-1, R-1B, and I-1 to R-1C (RCD) is consistent with the Development Concepts, which are a part of the Goals and Objectives Element of the 1996 Area-Wide Comprehensive Plan Update. The specific development concepts are as follows:

## RESIDENTIAL

- o The type of development that should occur within an area should be based, in part, upon the unique characteristics of the development site and the character of adjacent development. Such a concept would insure that the proposed development would be compatibly incorporated into the area and would enable the development to best utilize the area's existing features.
- o The density of development for undeveloped land should be based on considerations such as: (a) the density of adjacent developed areas, of which the undeveloped land would be a logical extension; (b) access to major transportation facilities; (c) the nature of adjacent activities; and, (d) residential development in rural areas should be designed to maintain existing rural character of open space and the appearance of low density. Such a concept would result in development which is compatible with surrounding land uses and which would not result in generating high volumes of traffic through low density areas.

## COMMUNITY FACILITIES

- o Appropriate authorities and private developers should be encouraged to assure realization of community facilities planning by requiring and/or incorporating designs for such facilities into the early stages of development. Such early incorporation shall serve to insure that such facilities do not appear as "after-thoughts" located only where remnants of undeveloped land exist and that capital improvement planning for completion of such facilities can be reasonably programmed.

The area located to the southwest of the site in question is currently being developed with detached single-family residential dwellings at a density of approximately 3.0 dwelling units per net acre utilizing the RCD Overlay Zone. The proposed map amendment is an extension of this development and would provide for a consistent type of residential development on the site in question. Additionally, the proposed map amendment will allow the retention of open spaces along the creek and drainage swales and provide for the development of active recreation areas as part of the design of the site.

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

a. Section 10.14, H. states that off-street parking facilities shall be provided in accordance with Article XI of the Kenton County Zoning Ordinance. Section 11.2, K. requires that single-family residential dwellings be provided with a minimum of two (2) off-street parking spaces. Insufficient information has been submitted to determine compliance with this requirement. It is therefore recommended that each dwelling unit be provided with a minimum of two (2) off-street parking spaces.

b. section 10.14, I. states that the location, height, and type of all fences, walls, and signs shall be as approved in the plan. The submitted development plan does not indicate the provision of any fences,

walls, or signs. It is therefore recommended that the location, height, and type of all fences, walls, and signs be as permitted in the underlying R-1C Zone.

c. Section 10.14, K. states that any open space/recreation area shall be physically situated so as to be readily accessible to all residents within the RCD Overlay Zone. The submitted development plan indicates that walking trails will be provided from every cul-de-sac, except for Cutter Court, Ackerly Drive, and Shamrock Court. To provide for pedestrian accessways, it is recommended that a five (5) foot wide pathway be provided from the terminus of Ackerly Drive and Shamrock Court to adjacent open space areas.

4. The submitted development plan encourages Glenridge Drive to be an internal street connection between Maher Road and Mount Zion Road. To reduce the number of intersections along Glenridge Drive, it is recommended that the intersection of Cutter Lane with Glenhurst Drive be eliminated.

5. Based upon the design of the site in question, Glenridge Drive, Hogreff Road, and Bridges Park Drive feed traffic to and from the proposed subdivision and the proposed park facility. To provide for improved traffic flow, it is recommended:

a. That the intersection of Glenhurst Drive with Hogreff Road be provided with either: (1) an exclusive left turn lane from southbound Glenhurst Drive to eastbound Hogreff Road; or (2) three way stop signs.

b. That the intersection of Bridges Park Drive with Hogreff Road be provided with either: (1) an exclusive left turn lane from westbound Hogreff Road to southbound Bridges Park Drive; or (2) three way stop signs.

PP-576

APPLICANT: Viox and Viox, in behalf of Glenhurst Development Co., LLC.

GENERAL LOCATION: An approximate 168.53-acre area interconnected with the existing Glenhurst Subdivision to the south, contiguous with Hogreff Road to the north, just east of the Boone/Kenton County line, unincorporated Kenton County.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 490 residential building lots, for Glenhurst Addition Subdivision, including public improvements, such as streets, sanitary sewerage, storm drainage, water systems, and open spaces for active and passive recreation as part of the county's park system (this issue was tabled at the KC&MP&ZC's November 1, 2001 meeting).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION: To approve a Preliminary Plat for GLENHURST ADDITION, but only subject to compliance with the following CONDITIONS:

CONDITIONS:

1. That the map amendment, Z-01-10-06/1530R, be approved by the Kenton County Fiscal Court;
2. That Sight Distances (Right and Left) for vehicles exiting the proposed intersections with Hogreffe Road be in accord with minimum Subdivision Regulation standards. Sight Distance measurements shall be clearly indicated on subsequent Improvement Drawings and Specifications (Section 6.0 E);
3. That Hogreffe Road, from the western terminus to the Bristow Road / Hogreffe Road Connector (approximately 3000 feet) be reconstructed with a minimum full pavement width of 24 feet, adequate storm drainage structures, pedestrian walkway system and street lighting at designated locations via a written instrument between the developer and the Fiscal Court. In addition, such reconstructed street shall have no on-street parking, and limited driveway access to abutting lots within the development (Section 7.3 I);
4. That the intersection of Glenhurst Drive with Hogreffe Road be provided with an east bound left-turn lane, or three (3)-way stop signs (Section 7.3);
5. That the intersection of Bridges Park Drive with Hogreffe Road be provided with a south bound left-turn lane, or three (3)-way stop signs (Section 7.3);
6. That the intersection of proposed street Cutter Lane with Glenhurst Drive be eliminated (Section 6. 1);
7. That a minimum fire flow of 1500 gpm at 20 psi be provided/ensured by certified flow test and fire hydrant spacing be maximum of 450 feet. Input from the District's consultant has implied that due to the location of the Bristow Road pumping facilities; a minimum 12-inch water system may be required. (Section 7.2);
8. That proposed Bridges Park Drive street stub, be constructed to the eastern property boundary (Section 7.3);
9. That a five (5) foot wide pedestrian walkway connection be provided from the terminus of Ackerly Drive and Shamrock Court, to the areas proposed as 'Open Space" areas; (Section 6.7); and
10. That the abandoned portion of Hogreffe Road be abandoned in accord with proper procedures of law;
11. That proposed street named Englewood Drive be changed and all street names be limited to two words or less (including the suffix) (Section 6.0 G).
12. That the portion of Hogreffe Road split into two (2) separate roadways by the new Bristow Road / Hogreffe Road Connector be renamed; and
13. That sidewalks and/or pedestrian walkway system be paved via hard surface pavements in accord

with regulations or as otherwise approved by the county's Parks and Recreation Director.

## BASES:

The proposed subdivision GLENHURST ADDITION is consistent with the Kenton County Subdivision Regulations, and the Kenton County Zoning Ordinance, except as noted under the above Conditions.

Mr. Ron Mechlin, Mr. Lawson Walker, Mr. Jim Viox, Mr. Chuck Berling, Mr. Joe Arlinghaus, Mr. Bob Schroeder and Mr. Rodney Crice registered to speak in favor of the issue.

Mr. Frank Platek, Mr. Steve Mason, Mr. Stanley Parker, Sr., Mr. Roger Bales, Mr. Bailey Petty, Ms. Jesse Dalton, Ms. Teresa Kampsen, Mr. Tom Messamer, Mr. Jeff Guenther, Mr. Tom Adams, Mr. Don Osborne, Ms. Laura Huffaker, Ms. Rita Tanner, Ms. Sherry Carran and Ms. Kelly Robinson registered to speak against the issue.

Mr. Lawson Walker addressed the Commission in favor of the issue. He stated he believed this to be a well thought out and planned community. He stated that the Kenton County Schools are planning to build a new school to serve this area. He further stated he feels it is a good plan.

Mr. Crice addressed the Commission in favor of the issue. He gave a background on the proposed plan as well as highlighted other developments in the area. He stated they are developing 490 units in the proposal with larger sized lots. Mr. Crice stated the development contains 30% open space. He further stated there is a mix of active and passive recreation planned for the development. Mr. Crice stated this development will take about ten (10) years to develop at a rate of sixty (60) lots per year.

Mr. Jim Viox addressed the Commission in favor of the issue. He stated the applicant is committed to making the connections so people can access the park. He stated there are a number of lakes to be built on the property. He further stated that sanitary sewer is in place for the development. Mr. Viox then gave an overview on the proposal as to specifics of the development.

Mr. Ron Mechlin addressed the Commission in favor of the issue. He stated the ballfields would be completed when the development is approximately 50% complete.

Mr. Lawson Walker re-addressed the Commission and stated that due to current changes in the area the current zoning has become outdated. He stated this is an excellent plan in order to meet the housing needs for the area. He further stated the western end is planned for industrial. Mr. Walker further stated that he believes all these things have changed and therefor the zone is not current. Mr. Walker submitted three exhibits to be attached to the minutes. Mr. Walker stated the price range of the homes would be \$110-\$150,000 toward the industrial side of the development and \$140,000-\$200,000 on the opposite side.

Mr. Bill Delinger addressed the Commission in favor of the issue and stated that he thinks this is a good thing to incorporate a hiker/biker trail.

Mr. Platek addressed the Commission against the issue. He stated his concerns with the zone change and changing the area. He stated the zone change would add approximately 490 new homes. He further stated he has not heard anything from the county in support of the issue. He stated the development is using Hogreff Road instead of the new road to bring in heavy equipment and this is going on late at night. He further stated if Hogreff Road is widened to 24 feet then some residents will lose as much as half their yards. Mr. Platek stated that current residents and landowners are not given much say in the development. He further stated they do not make a ton of money but they have moved out there and they love the area. He stated the developer has stated to him that because of the proximity to the industrial section that this would only be desirable to first time and lower income buyers. Mr. Platek also noted that runoff created from the development will only further add to the problems in the existing creek. He stated concerns of the impact on the community by the development. He also stated the inclusion of the proposed ballfields would also increase traffic to the area. Mr. Platek sited concerns with increased crime associated with the proposed park and its effect on an already taxed police department. He further stated that to put almost four (4) homes per acre will destroy the area. He stated the developer has no long term connection to the community. He stated the residents will suffer as well as the county. Mr. Platek further sited a reduction in property values and a huge tax on resources in the area. He stated a new elementary school has been discussed but no secondary school to handle the increase caused by the development.

Mr. Mason addressed the Commission against the issue. He questioned how the kids would get to the park without their parents getting in the car and taking them.

Mr. Parker addressed the Commission against the issue and stated he owns property that abounds the property in question. He stated the runoff from the proposed development will cause problems with the creek. He stated his farm has been in the family for one hundred years. Mr. Parker stated he has accepted the fact that progress goes forward but stated the quality of homes and what goes in there is in the laps of the Commission. He further stated there is already work going on the property behind the scenes. Mr. Parker stated he decided to go one day and check out what was going on and saw an Eton Oil truck dumping near the creek. He further stated he didn't know what it was but when they saw him they got in the truck and left immediately.

Mr. Bales addressed the Commission against the issue. He gave a handout to the Commission on the Ricedale subdivision. He stated the more homes you can put on a acre comes from the greed of the developer. He then gave an overhead presentation with various articles relating to the area, Kentucky sprawl and development, as well as his personal feelings on the issue. He further stated the flight path goes directly over his home and that fact should be taken into consideration relating to the new development. He then asked the Commission to take into consideration the additional runoff the proposed development will create.

Mr. Petty addressed the Commission against the issue. He sited concerns with traffic. He stated the county has no money to build a jail and the proposed development will increase crime with nowhere to put the criminals. He further stated he believes schools should be built first before subdivisions. Mr.

Petty stated that Hogreffe Road goes under water when it rains and the subdivisions had not even been built yet.

Ms. Dalton addressed the Commission against the issue. She stated she is a parent that has two (2) children in the Kenton County school system. She stated she collected information regarding area schools and found that most are overcrowded now. She cited her concerns with the development as far as how many new students it would bring to an already overcrowded school system.

Mr. Messamer addressed the Commission against the issue. He stated most of his concerns were already mentioned. He asked when 536 is supposed to be widened. Mr. Theissen stated the plans are in the works for that but there is no definite time frame. Mr. Messamer stated that to just say a road is going to be built is not something that should be banked on due to delays in other proposed road projects. He also stated that there are numerous trees in the area that would also be effected by the development.

Mr. Adams addressed the Commission against the issue. He stated he has lived in the area for 20 years. He stated when he first moved there you could hear a car every once in a while. He also stated that when Mt. Zion Road was opened it increased traffic. Mr. Adams stated that with the development traffic would increase so much more. He also stated he has to cross the road to get his mail and the traffic is bad enough as it is.

Ms. Tanner addressed the Commission against the issue. She sited here concerns regarding increased traffic and the effect the development would have on her water bill. She stated the new line cost her \$12,000 and if the development went through she wondered if she would be forced to expend more. She further stated that widening the road would be difficult. She also noted that there have been deaths on the railroad in the area and this will probably increase as traffic in the area increases with the development.

Ms. Carran addressed the Commission against the issue. She stated she is a representative of the Smart Growth Coalition of Greater Cincinnati. She stated she is not against high density but stated this is not a good design from a conservation point of view. She stated not enough green space has been left in her opinion. She further stated the density has been segregated by price in the development. Ms. Carran also noted that smaller lots should be mixed with larger for diversity. She stated the development does not have a community feel to it. She stated the buffer along the creek is not sufficient from a conservation point of view. She stated the Smart Growth Coalition has been looking for an example of good development and stated they have to go outside the area to find it because it just doesn't exist around here.

Mr. Lawson addressed the Commission in rebuttal and stated the most salient point is density He stated there was some concern that the developer could go to four (4) units per acre. He further stated that when the number of dwelling units is specified in the plan and approved, that is what is built. He further stated if the developer wanted to have more they would have to come back before the Commission. He stated the 536 issue is probably the driving issue of the plan. Mr. Lawson stated this is an anti-sprawl

development. He stated what would not be anti-sprawl would be to leave the zoning as it is and just build house after house. With regard to the schools, he stated there is a 10 mil addition with Simon Kenton now in the works and another planned for Twinhoffle. It was also noted that the subdivision is in the school assessment area and every year the assessment should go down if this development goes through.

Mr. Platek addressed the Commission in rebuttal and referenced water runoff issues briefly. He stated there is no way the detention basins proposed will be able to contain the water that will be generated from the development.

Ms. Jesse Dalton addressed the Commission in rebuttal and noted that she contacted the water district to inquire about surcharges. She stated she was told the additional homes would not effect or lower the surcharges in the area. She further stated that this is directly opposite what the developer has stated would happen.

Ms. Ashley Fey addressed the Commission and stated it seems like the subdivisions are doing more harm than good and asked why we even need them.

Mr. Mason addressed the Commission in rebuttal and asked the Commission to please think about what the road will look like if this goes through. He stated this is a very old piece of Kenton County history and asked the Commission to please consider how it will look aesthetically as the new gateway to southern Kenton County.

At this time Mr. Theissen closed the public hearing.

Ms. Weldon stated she has mixed feelings on the issue. She stated her problem is not with density but in the design itself. She further stated because it is a big development there is an opportunity to do something different. She further stated to have lower priced homes on the industrial side and higher priced homes on the other is not something that should be encouraged. She stated this creates an imaginary line down the middle of the subdivision and was not a good design. Mr. Hilgefjord stated the issue of the land use element change being presented now makes him feel rushed. He stated it could have been brought before the Commission long before now. He further stated he is not opposed to updating the plan in that portion of the county. He stated the developer of the property is not consistent with adjacent land uses. He stated just because transportation is improved in an area is not a reason to increase development at much higher densities. Mr. Wessels stated he feels this is a tremendous effort by the developer to have fifty (50) acres of green space. Mr. Dorsey stated is high density with no community feel. He stated the first hurdle is the change in the comprehensive plan justified. He further stated he hasn't heard anything to say it is. Mr. Dorsey stated there have been major changes but not to justify changing the plan. Mr. Bertram stated his concerns with changing the comprehensive plan. He stated you have a new highway with the improvement of 536, two miles from the highway where there are big tracts of land suitable for industry. He stated we are now looking at changing the zone from industrial to residential. He further stated his concern is with losing industrial land in Kenton County.

Ms. Carlin stated the improvements being made to 536, the area in general and also the proposed school expansions are for the current situation, not what will happen in the future. Mr. Theissen gave comments on infrastructure of the area and stated he would love to see some industrial development in the area. He further stated he feels this is the type of development they have been looking for. He stated he would like to see some type of general store or neighborhood store in the development and asked Staff whether or not that could be a condition. Mr. Hilgefurd stated he feels there are plenty of opportunities to live in R-1D developments. He stated there are a number of fine opportunities for development in that part of the county. Mr. Smith sited his concerns with the road going in and a time frame. He stated it could be years before it actually happens.

Following further discussion on the matter, Mr. Wessels made a motion to approve 1529R as recommended by Staff. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Mr. Coates, Mr. Cook, Mr. Sucher, Ms. Weldon and Mr. Theissen in favor. Mr. Bertram, Ms. Carlin, Mr. Dorsey, Mr. England, Mr. Hilgefurd, Mr. Meyer, Mr. Smith and Mr. Snyder voted against. The motion failed by a vote of 7-8.

Mr. Wessels then made a motion to approve 1530R along with the six (6) recommendations stated by Staff and also to add a condition that an appropriately sized commercial area be designated on the plan prior to or simultaneously with the first Stage II development plan submittal. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Mr. Coates and Mr. Theissen in favor. Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. Dorsey, Mr. England, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Mr. Snyder, Mr. Sucher and Ms. Weldon voted against. The motion failed by a vote of 4-11.

Mr. Hilgefurd made a motion to disapprove PP-576 because the present zoning is consistent with the comprehensive plan. Mr. Snyder seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Snyder, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. Dorsey, Mr. England, Mr. Meyer and Mr. Smith in favor. Mr. Coates, Mr. Price, Mr. Sucher, Mr. Wessels, Ms. Weldon and Mr. Theissen voted against. The motion carried by a vote of 9-6 to disapprove the zone change.

1531R

APPLICANT: City of Erlanger, per Mr. P. David Hahn, Zoning Administrator.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendment to the Erlanger Zoning Ordinance amending the R-1C Zone to provide for reduced lot size requirements when open space is created (this issue was tabled at the KC&MP&ZC's November 1, 2001 meeting).

Staff presentation and Staff recommendation by Mr. Paul Drury.

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

To approve the proposed text amendments to the R-1C Zone to provide for reduced lot size requirements when open space is created (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 to the R-1C Zone to provide for reduced lot size requirements when open space is created are allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. The proposed text amendment to the R-1C Zone to provide for reduced lot size requirements when open space is created (see Attachment A) is reasonable in that it allows for design flexibility in developments in lieu of open space. The intent of the regulation is to preserve open space that will allow up to twenty-five (25) percent increase in density when certain development standards are met.
3. The proposed text amendment is consistent with the following Goals and Objectives of the 1996 Comprehensive Plan Update:

#### Housing - Residential Development

To provide for a variety of housing types and residential development to accommodate different needs and desires of the population.

#### Recreation and Open Space

To provide an adequate amount and variety of recreational opportunities to satisfy the full range of needs of the population.

To provide basic recreation and open space facilities and programs which are conveniently located and accessible to the population.

4. The proposed text amendment is consistent with the following Residential Development Concepts encouraged in the 1996 Comprehensive Plan Update:

A variety of residential densities is desirable.

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

The type of development that should occur within an area should be based, in part, upon the unique

characteristics of the development site and character of adjacent development.

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

#### ADDITIONAL INFORMATION

Staff is of the opinion that definitions should be added for such terms as "wetlands", "significant wildlife habitats", "woodlands", and "historical features of land" to clarify the criteria for open space requirements. Staff encourages the proposed concept but is of the opinion that there still needs to be some clarification of the open space requirements.

Mr. Robert Cook registered to speak against the issue. No one registered to speak in favor.

Mr. Cook addressed the Commission and stated he wanted to know who was going to oversee this plan. He stated this is America and stated it is wrong to make someone give up land if they want to build on it. He stated he has had two meetings with the city on the issue. He further stated he cannot see the city making someone give up their land. He stated he is against making it a requirement for anyone to have to give land in order to build on it.

Following a brief discussion on the matter Mr. Price made a motion to approve based on the recommendations of Staff. Ms. Weldon seconded the motion. A roll call vote on the matter found Mr. Price, Ms. Weldon, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. England, Mr. Hilgeford, Mr. Meyer, Mr. Smith, Mr. Snyder, Mr. Sucher, Mr. Wessels and Mr. Theissen in favor. Mr. Cook voted against. The motion carried with a vote of 14-1.

1535R

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

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Crestview Hills Zoning Ordinance: (1) deleting certain assembling uses from the list of permitted uses within the RP-1 (Research Park One) Zone and (2) amending the fence regulations.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

#### NKAPC STAFF RECOMMENDATION - CRESTVIEW HILLS ZONING ORDINANCE:

To approve the proposed text amendments: (1) deleting certain assembling uses from the list of permitted uses within the RP-1 (Research Park One) Zone; and (2) amending the fence regulations.

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

COMPREHENSIVE PLAN DOCUMENTATION:

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

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

1. The proposed text amendments: (1) deleting certain assembling uses from the list of permitted uses within the RP-1 (Research Park One) Zone; and (2) amending the fence regulations are allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).

2. The proposed text amendment deleting certain assembling uses from the list of permitted uses within the RP-1 (Research Park One) Zone (see Attachment A) is reasonable in that it would prohibit assembling functions as a primary permitted use. The intent of the RP-1 Zone is to accommodate a wide variety of research, office, training, and other business uses in a high quality campus environment compatible with Thomas More College and St. Elizabeth Medical Center. The existing use can be interpreted as a manufacturing function which is not consistent with the intent of the zone.

3. The proposed text amendment limiting the height of fences in the rear yards of residential properties to four (4) feet, except where the property adjoins a non residential zone or Interstate 275 is reasonable (see Attachment B). The present four (4) foot height limitation allows for the enclosing of the property to provide for security and privacy. The proposed amendment would allow for additional privacy where the property is adjacent to larger buildings and increased activity areas. While the NKAPC staff and the KC&MP&ZC have made conflicting recommendations relative to fence regulations, the NKAPC staff and the KC&MP&ZC have long stated that fence regulations take into account local preferences and attitudes. As such, several modifications have been recommended which deviate from previous recommendations and the NKAPC Model Zoning Regulations.

Mr. Kevin Celarek, Mr. Joe Maloney, Ms. Jennifer Rudebusch, Ms. Crystal Fedders and Mr. Ralph Laird registered to speak on the issue. No one registered to speak against.

Mr. Celarek addressed the Commission and stated the city is asking for a deletion on the first text amendment because the amendment was made some years ago to accommodate a proposal that was going to bring numerous jobs to the city. He stated that fell through and now they want to preserve their research park and so the deletion is being requested. On the second text amendment he stated there was a difference of opinion in regard to the fence height requirements. He stated some council members were in favor, some were against. He stated the motion was made because the City of Crestview Hills has some beautiful areas and rolling hills in back yards and it was felt that the openness be kept and not encourage people to have high fences. He noted the amendment was a good compromise to meet the needs of people that have residential property but the mall sits behind their property or an office building. It was felt it was necessary to allow six (6) foot high fencing in areas where there are non-residential zones and along 275. He further stated in the history of Crestview Hills you could not request a six-foot high fence unless you had a pool. He stated he has now learned that the Board of Adjustment

has the right and ability to grant six-foot high fences to residential property owners if they request it and have justifiable reason. He stated they now have four reasons for a residential property owner to ask for higher fencing. He further stated it was felt that it was better for people to go to the Board of Adjustment rather than have a carte blanche ability to go out and just get a zoning permit and put up a six-foot high fence.

Mr. Joe Maloney addressed the Commission regarding the issue and stated he is a council member for the city of Crestview Hills. He stated he has been one that has been persistent in getting the language removed. He stated there was discussion at last month's meeting that it is nice to look out over lawns but also stated that there are also people in the city that have trailers in their backyard.

Ms. Jennifer Rudebusch addressed the Commission and stated she lives in an area of Crestview Hills where there are smaller yards and everyone has 4-foot fences. She said she has a neighbor who has a pool with a six-foot fence. She stated she struggles to see over the fences to see her young child in neighbor's yards. She stated she would like to see the smaller fences kept. She also stated with the higher fences her neighbors wouldn't be able to see into her yard if something was going on that shouldn't be and vice versa.

Ms. Crystal Fedders addressed the Commission and stated that unfortunately she lives in an area where her neighbors don't have nice yards and they work on cars all hours of the night. She stated she would like to put up a fence around her patio, not her whole yard.

Mr. Ralph Laird addressed the Commission on the issue and stated he is not in favor of the application. He stated he has neighbor's who have people that do not take care of their yards and have spent a lot of money on trees and landscaping to try to hide a neighbor's yard.

Following a brief discussion on the matter, Mr. Hilgefurd made a motion to approve both text amendments. Mr. Smith seconded the motion. A roll call vote on the issue found Mr. Hilgefurd, Mr. Smith, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. England, Mr. Meyer, Mr. Price, Mr. Snyder and Ms. Weldon in favor. Mr. Dorsey, Mr. Sucher, Mr. Wessels and Mr. Theissen voted against. The motion carried.

OLD BUSINESS: None.

CORRESPONDENCE:

Mr. Theissen noted he had received a letter regarding the tabling of a development at the corner of Donaldson Road and Houston Road that had been postponed to the December meeting. He stated the applicant is now requesting that the deadline be extended to table the matter for one more month until January. Ms. Weldon made the motion to extend the tabling. Mr. Price seconded the motion. All in favor votes "aye." None opposed.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

## COMMISSION ITEMS:

### Standing Committee Reports:

Comprehensive Plan Joint Task Force - Mr. Theissen reported the most important meeting is the final meeting on December 18 at 6:15 p.m. regarding the comprehensive plan. He noted the plan is drafted from the joint task force. He further requested that everyone try their best to attend the meeting. He stated there were a couple minor issues that he expected to come up at the meeting.

Subdivision Regulations Review Committee - Mr. Swanson reported that they have not met but will probably meet after the first of the year.

By-Laws - It was reported that an authorization was needed to place on the agenda in January an application that the Commission also be known as the Kenton County Planning Commission. Mr. Wessels made the motion to place the item on the agenda. Mr. England seconded the motion. All voted with "aye" - none opposed.

Model Zoning Ordinance - Mr. Dorsey reported they have not met.

Mr. Bayer noted the nominating committee held a meeting and the nominations are as follows: Tim Theissen - Chairman, Alex Weldon and Joe Price - Vice Chair and Paul Swanson - Treasurer. Mr. Theissen then noted that the vote will be held at next month's meeting.

Mr. Theissen noted the Christmas party would be held December 12 at 5:30 p.m. Also noted was the next planning class held by Mr. Jack Klaymeyer would be held January 10 at 5:00 p.m. He stated the classes are getting great reviews if anyone is interested in attending.

## COMMENTS/REQUESTS TO THE COMMISSION:

There being no further matters to come before the Commission, Mr. Theissen then adjourned the meeting at 11:20 p.m.