



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
AND
NORTHERN KENTUCKY AREA PLANNING COMMISSION
SPECIAL MEETING - COMPREHENSIVE PLAN UPDATE

December 18, 2001
6:15 P.M.

Lakeside Christian Church
195 Buttermilk Pike
Lakeside Park, 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. James Cook - Kenton County
Mr. John Dorsey - Fort Mitchell
Mr. Russell England - Independence
Mr. David Hilgeford - Villa Hills
Mr. Eugene Meyer - Covington
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
Mr. Paul Swanson, Secretary/Treasurer - Erlanger

Mr. Afton Kordenbrock
Mr. Bill Goetz
Mr. Tom Litzler
Mr. Bill Bradford

COMMISSION MEMBERS NOT PRESENT:

Mr. Barry Coates - Covington
Mr. Jeff Gaiser - Ludlow
Mr. Al Hadley - Elsmere
Mr. Joseph Price - Crestview Hills

Mr. Tom Kriege
Mr. Paul Hahn
Mr. Lou Noll

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. Cook.

PUBLIC HEARINGS ON SCHEDULED ITEMS:

1534R

APPLICANT: Kenton County & Municipal Planning & Zoning Commission, per Mr. Timothy B. Theissen, Chairman.

GENERAL LOCATION: All incorporated and unincorporated areas within Kenton County.

REQUEST FOR ACTION: Review and adoption of the 2001 Area-Wide Comprehensive Plan Update for Kenton County.

Staff presentation and Staff recommendations by Ms. Larisa Hughes.

NKAPC STAFF RECOMMENDATION - 2001 AREA-WIDE COMPREHENSIVE PLAN UPDATE:

To approve the proposed 2001 Area Wide Comprehensive Plan Update for Kenton County with the following conditions:

1. That the draft of the 2001 Comprehensive Plan, as submitted, be approved as reviewed and approved by the KC&MP&ZC/NKAPC Joint Task Force.
2. That all comments received from the public meetings held on November 26, 2001, November 29, 2001, and December 4, 2001 and other comments received be acted upon subject to consideration of the NKAPC staff recommendations (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 comprehensive plan meets the requirements of Kentucky Revised Statute 100.183 through 100.197.
2. Kentucky Revised Statute 100.193 states that the Comprehensive Plan shall contain as 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 Element. KRS 100.187 (1) states: "A statement of goals and objectives, which shall serve as a guide for the physical development and economic and social well-being of the planning unit."

In addition, Kentucky Revised Statute 100.193 requires that the planning commission prepare and adopt the goals and objectives element to act as a guide for the preparation of the remaining elements of the plan.

In preparation of the 2001 Area Wide Comprehensive Plan for Kenton County, the KC&MP&ZC determined that there was no need for change to the "Statement of Goals and Objectives" previously adopted as part of the 1996 Comprehensive Plan Update and, therefore, readopted these "Goals and Objectives" for the 2001 Area Wide Comprehensive Plan Update for Kenton County on March 2, 2000. Additionally, the NKAPC staff conducted the remaining research relative to socioeconomic data, land usage, traffic flow, changes to existing facilities etc. per the requirements of KRS 100.191.

3. As part of the comprehensive plan update process, the NKAPC/KC&MP&ZC Joint Task Force was established. This task force sought and received input regarding all elements of the plan from the

Northern Kentucky Area Planning Commission, the Kenton County and Municipal Planning and Zoning Commission, the Northern Kentucky Area Planning Commission staff, local legislative bodies, the Kenton County Fiscal Court, focus groups, special districts (i.e. Sanitation District No. 1, Northern Kentucky Water District, etc.) the public, and others.

The NKAPC/KC&MP&ZC Joint Task Force reviewed information and preliminary assessments of the NKAPC staff, ultimately approving a 'draft' of the 2001 Area Wide Comprehensive Plan Update for Kenton County.

4. Public participation into the 2001 Plan Update was begun with two Town Meetings held on October 30, 2000, at Summit View School in the city of Independence and on November 15, 2000, at John G. Carlisle Elementary School in the city of Covington. To provide further input, the NKAPC/KC&MP&ZC Joint Task Force held three public meetings on November 26, 2001, November 29, 2001, and December 4, 2001.

Mr. Danny Fore registered to speak on the issue. He stated he was present to commend the Commission for putting the effort into updating the plan. He stated the plan encourages an economic future. Mr. Fore stated while the county is growing it is beginning to plateau. He further stated it is important to look to the economic development of the community. He stated just as people want to increase the wealth in their homes, the community wants to increase its wealth. He encouraged industrial use of properties in the area. He further stated that companies are looking for adequate property that is adequately zoned. Further stated that when a community stops growing it starts dying.

Mayor Tom Hollocher registered to speak on the issue. He stated he had intended to ask the Commission to approve the issues approved by the subcommittee as to Ft. Mitchell. He further stated if there was anybody interested in talking about Ft. Mitchell issues he would like an opportunity to respond to what they have to say.

Mr. Larry Klein, City Administer for Ft. Wright, registered to speak on the issue. He stated he was present to comment on some proposals relating to Ft. Wright. He stated with regard to attachment "A" the city concurs with Staff in their recommendations relating to the parcel on Dixie Highway in changing that area from commercial to professional office.

Mr. Dan Dressman, Executive Vice President of Home Builders Association of Northern Kentucky, registered to speak on the issue. He complimented the Staff for the outreach discussion over the course of the past year. He stated he wanted to single out Keith Logsdon who has been spearheading the whole process. He further acknowledged their appreciation of Staff's input. He noted the number of homes are increasing but the size is decreasing. Mr. Dressman further noted that in Northern Kentucky there are approximately 25,000 new homeowners. Mr. Dressman commented on the issue of smart growth. He stated they found that smart growth is frequently grounded in nostalgia. He stated with regard to transportation that the smart growth initiative also includes rail and bus systems. Mr. Dressman stated the people are not very willing to give up their own auto for public transportation. He further noted they

would also like to lend voice to park development. He stated what happens to counties is they frequently do not address this area and end up playing catch up.

Mr. Robert Calme registered to speak on the issue. He stated he would like to point out that he built a house in southern Kenton County about twenty years ago because he wanted to live in the country. He stated he does not want the zone to be changed in southern Kenton County. He further stated it is not the area for subdivisions. He stated the people who live there have animals and that's what they do. He stated he wants the area to stay as it is.

Mr. Jim Collett, representative for the City of Crescent Springs, registered to speak. He stated he was available to answer any questions anyone might have for the city. He further noted he is in agreement with the planning commission regarding the plan update. Mr. Collett stated they feel this is the best use of the area as to the zoning changes proposed for the city.

Mr. Warren Richardson addressed the Commission on the issue. He stated a need to talk about topography that relates to the lay of the land. He stated the lay of the land leans toward farming. He further stated we must ensure that the Kenton County farmers have enough land to farm to provide agriculture. He further noted the areas defined as farming need to be retained.

Mr. Gailen Bridges address the Commission regarding the issue. He stated he thinks he's speaking for quite a few people regarding the development of Kentucky 16. He stated for years the plan has said there would never be any development beyond 16 because of the way the area drains. He further stated there is now a proposal to give the area subdivisions versus limiting the area to 5-acre lots. He stated there have been no major changes to provide for the proposed change to the area. He further stated he has a petition with over 200 signatures stating they do not want the change to this area to allow for subdivisions. He further stated they do not understand why six months later after previously hearing the voice of the people in the area that it is now being proposed for a zone change. He stated there is a natural boundary which is 16. He stated there will now be an artificial boundary being created by moving the existing boundary by 2000 feet. He stated this will create a mess trying to figure out the boundary as existing properties will run through this. He stated there was not one person on the surrounding roads in the area that received notification regarding the change. Mr. Bridges then introduced signed affidavits of homeowners in the area stating they did not receive a letter or notification on the issue. He stated people in the area have animals and would like to keep it that way. He further stated there should be something for everyone. He stated there is no need for this zone change. Mr. Bridges stated there is no demand for development as shown by the fact that there have been no new subdivisions in the area for at least 20 years. He stated this proposal is leap-frogging development, which will create urban sprawl. He further stated the area where the changes are proposed contain some of the best farmland left in southern Kenton County. He stated there is no solid waste disposal, no street cleaning, no street lighting or storm water management provided in the area. He stated to call an area in the "urban service area" that does not even offer these urban services does not make sense. He stated the rural character of the area will not be preserved if this area is changed. He stated the area is designated as agricultural as noted in the comprehensive plan of '96. He further stated it is in the plan two times that residents in the area were contacted regarding the proposed changes and this just

wasn't done. Mr. Bridges stated the proposal would provide for 17,000 people in the area. He further stated the area currently has four subdivisions and the area cannot handle the traffic now. He stated the zone change would increase traffic in the area such that would provide a domino effect to the area. Mr. Bridges stated that residential and agriculture do not mix. He further noted the smells, the loose animals etc. do not lend themselves well to mixing with residential. Mr. Bridges stated they agree with the plan except for the changes to the proposed urban service area. Mr. Bridges submitted the petition and affidavits as exhibits to the minutes.

Mr. Bob Schroeder addressed the Commission and stated he supports extending the urban service area. He stated it doesn't mean anyone has to expand their property. He stated it's a 20-year plan and feels the city has to plan for growth. He further stated he is in support of the industrial area proposed. He further stated he supports the designated use of the comprehensive plan and submitted two letters as exhibits to the minutes.

Mr. George Hoffman addressed the Commission on the issue. He stated he lives south of the urban service area. He stated he has no intention of selling his property. He stated he likes things the way they are but this just isn't practical. He stated rather than fight each subdivision or residential development he would rather take a more proactive approach. He stated with the smaller developments you just get more and more runoff from 1-acre developments. He stated with larger developments at least you have the guarantee of catch basins and detention areas to control water flow. He stated the infrastructure is in place and noted that some is not available but it is coming. He further asked the Commission to control the development as it occurs and to consider Staff's recommendations.

Ms. Sherrie Carran addressed the Commission representing the Conservation District. She further stated the NKAPC Staff did an excellent job on the plan.

Mr. Don Laake addressed the Commission regarding the issue. He stated he is concerned that not having a chance for growth will stymie the area, if not for him then for his children and for the future.

Mr. Mike Penick addressed the Commission and stated just as the Commissioners like where they live, he does too. He stated he is a farmer and asked that the Commission consider leaving 16 the boundary.

Mr. Rick Spencer addressed the Commission. He stated he agrees with Gailen Bridges on the issue. He stated he enjoys country life. He asked the Commission to consider what they've heard. He further stated the people live where they live because they like it. He stated there is an overwhelming consensus to keep the area agricultural.

Mrs. Kathy Donahue addressed the Commission on the issue. She stated she did not find anyone in favor of the zone change and did not find anyone who had been notified regarding the matter. She stated she moved from Cincinnati to live in the country and has seen what development does to an area.

Mr. William Durr addressed the Commission and stated he has lived in the area of Walton Nicholson

Road for 45 years. He stated he took a survey of the area and most of the homes built on the road have been 1-acre lots. He stated he likes the way he lives and would like things to stay as they are.

Ms. Joan Paul addressed the Commission and stated that she is very passionate that no subdivisions should be past 16. She stated she moved from Cincinnati to live in the country. She further stated that wildlife needs large spaces in order to live.

Mr. Wendel Tillary addressed the Commission and stated he is against the changes proposed.

Mr. Jerome Gilkey addressed the Commission and stated there is so much land north that can be developed. He stated they don't have school space, don't have the roads, etc. He stated until there are services that can support the area, the line should not be moved. He stated there needs to be planning and maybe in the future the line can be moved but not until the area can support it.

Mr. Jerome Palmer addressed the Commission and stated he was present in opposition to the industrial area. He stated there is no industry that will be able to afford to move into the area. He asked the Commission to take a close look at the proposal.

Those following were registered to speak regarding the Hogreff Road issue.

Mr. Frank Platek addressed the Commission and stated he has spoken previously on the Hogreff Road issue. He stated just two weeks ago residents of the area filled the room at the Kenton County & Municipal Planning Commission. He stated the reason the room is not packed with residents is because he is speaking on their behalf. He cited concerns with a packed community, trespassing problems and increased policing of areas. He asked people to drive to area parks to see what kind of people use the public parks. He stated a concern with almost 1,000-2,000 vehicle trips per day that development would bring. He stated he is concerned that the vast majority of property is agricultural. He cited additional concerns about water runoff of development and the impact on farming new development would bring. He stated they are tired of constantly having to watch their community and being concerned about what can go in there. He stated they moved there because they wanted to live in the country. He stated they are tired of the uncertainty of their homes and surrounding communities. He stated he is representing a lot of residents on Hogreff Road and they wish to have the Commission consider their feelings on the issue. He stated he put together a ballot to the residents of the area. He stated they are proposing the developer develop the area as light industry. He stated every other resident on Hogreff Road felt that light industry would probably be the development with the lightest impact to the area. He further stated the residents feel this is something that they can live with. He stated if the road is widened it will take much of the residents yards. He stated they want the same lifestyle they have. He further asked the Commission to please listen to their concerns.

Mr. Theissen noted at this time that a Mr. Wayne Bogg left a letter regarding the urban service area stating he was in favor.

**A ten-minute recess was taken at 8:40 p.m.

Mr. Vince Lankes addressed the Commission and stated it is critical that the Commission realizes that the area of 16 as well as Hogreffe Road are tied together economically and socially. He further noted that the past couple of months have demonstrated how fragile the economy can be.

At this time Mr. Theissen closed the public hearing. He recognized those who served on the joint task force and thanked the members of Staff who worked on the plan. Mr. Theissen also recognized Mr. Keith Logsdon, who is no longer with the planning commission but has continued to work on the final efforts of the Comprehensive Plan update. Mr. Theissen then explained the thinking behind the USA line. He then opened up the issue for discussion on the floor. Mr. Afton Kordenbrock stated this was his fifth or sixth comprehensive plan update. He stated for years Walton Nicholson Pike has been designated as the dividing line for urban and non-urban services. He stated the case was always get water and sewer there and then discuss development. He stated now there is water and sewage being proposed which will open it up for development. He stated he would recommend that we go back to '72 and leave it there. He further stated he would recommend that the line would be as it has been since '72 and not open it up to development. He further noted if there was a way to specify that if the infrastructure was in place, then the development would be allowed -- but until that time it should be left as it is. Mr. Goetz asked if it was a fact that everything on that side of 16 goes down hill and would have to be pumped up to the other side of the road. Ms. Hughes stated that was true due to the topography. Mr. Litzler asked Staff why they felt the need to develop residential south of the line. Ms. Hughes stated it was the recommendation of the joint task force to propose moving the line 2000 feet back. He asked how many acres would be changed from agriculture to residential. Ms. Hughes stated she did not have specific numbers on the amount of acreage on those areas but pointed them out on the overhead. Mr. Hilgefurd stated it is a 20-year plan and the discussion is appropriate. He stated he does not see the economic pressure on the area. He further stated that 20 years out he could see the need for discussion on the issue. He further noted that he doesn't feel at this 5-year update that it is necessary to move the line. Mr. Dorsey read paragraphs in the 2001 area-wide comprehensive plan update that related to the issue of 16 for point of clarification on the matter. Mr. Swanson stated he has listened intently on the discussion regarding the pros and cons of the plan and moving the line south. He stated as a member of the task force this issue was discussed as much as anything else. He further stated he agrees with Mr. Theissen on the matter. Following further brief discussion on the matter Mr. Swanson then stated he would like to make a motion to adopt the plan as presented by Staff. Mr. Bradford stated he commended Staff saying they did a wonderful job. Mr. Theissen then did a straw vote to see where the Commission stood on the issue of 16. He took a vote showing a vote of 7 for and 12 against moving the line. That being the case, he suggested withdrawing the proposal and making the decision in five years. He further recommended the comprehensive plan update revert back to leave the boundary the way it was. Mr. Hilgefurd then recommended not modifying the comprehensive plan and not grant the zoning as recommended. Mr. Wessels then asked how it would be proposed to get trucks out of the industrial areas. Mr. Hilgefurd stated that light industrial would be supported and was recommended by those in opposition. Mr. Dorsey stated that we are not deciding whether or not the comprehensive plan would be light industrial, it's whether or not the comprehensive plan will be modified or stay the way it is. Mr. Kordenbrock stated if there is a possibility that the area will be zoned light industrial then he's not sure if

we should act at this time on the issue of Hogreffe Road. He then recommended that maybe this issue should be withdrawn as well. Ms. Carlin noted if there is industrial with access in Boone County then why shouldn't it be extended to Kenton County. Mr. Theissen stated he personally has trouble envisioning the area as light industrial. Mr. Bowdy addressed the Commission briefly and stated they worked with the developer quite a bit on the issue of development along Hogreffe Road as well as with the Fiscal Court. He stated they thought it would be a development they could point at and say this could be done in Kenton County, could be done in Boone County. Mr. Dorsey stated that Mr. Bowdy brought out the issue of starter homes being desirable. He stated that starter homes are separated from higher priced homes in the development and on the "opposite of the tracks." He stated one of the deciding factors in the vote a couple weeks ago was the concern that the roads cannot support existing travel and the development would increase it more so. He stated when they have a better feel for when all those streets and roadways are going to be completed, the developer can always come back. He further stated at present the roadways just are not adequate. Ms. Weldon stated she felt the decision made at the meeting was more based on the fact that there was not a need for a change. Mr. Theissen suggested doing a straw vote on the issue as opposed to taking any action on the issue until future changes warrant it. Mr. Bayer noted one item from page 321 of the plan regarding the web site listing in the plan. He noted since the web site is something that is out of the control of the Commission he suggested deleting it from the plan. There was no objection to deleting the web site from the plan. Mr. Goetz then made a motion to adopt the plan as recommended by the NKAPC staff with the following additional conditions: (1) that the reference to the web site be delete; (2) that the Urban Service Boundary not be changed; and (3) that the land use designation for the Hogreffe Road area not be changed. The motion was seconded by Mr. Bradford. Mr. Theissen then took a roll call vote on the matter finding Mr. Goetz, Mr. Bradford, Mr. Litzler and Mr. Kordenbrock in favor. Mr. Kordenbrock then read the resolution of the Commission into the record.

Mr. Hilgefurd then made a motion to adopt the plan as recommended by the NKAPC. Mr. Weldon seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Ms. Weldon, Mr. Bayer, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. Dorsey, Mr. England, Mr. Meyer, Mr. Smith, Mr. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

There being no further business to conduct, the meeting adjourned at 10:00 p.m.