



## KC&MP&ZC MINUTES

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

January 3, 2002  
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.

Mr. Theissen welcomed new member Maura Snyder to the Commission. He noted that she will be representing the City of Independence. Mr. Swanson noted for the record that on the second line under the approval for the minutes, his name was listed in error where it should read Mr. Price. He noted Mr. Price's name should also appear on the second page where it lists Mr. Swanson. Mr. Swanson further noted on page three the paragraph beginning with "Mr. Schneider then gave a brief background..." that the word "a" should be removed. He also noted on the same page in the next paragraph, third line that a period needed to be inserted after the word "reasonable" and before "Mr. Theissen." Mr. Swanson further noted on page five in the first full paragraph that the words "isn't just" should be deleted and the word "build" should be changed to read "built" and add the word "but." He also noted on page seven that his name should be removed from the roll as he was not present. There being no further comments or corrections, Mr. Wessels made a motion to approve the minutes as amended. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Ms. Carlin, Ms. Snyder, Mr. Hadley, Mr. Meyer, Mr. Swanson and Mr. Theissen in favor. The motion carried.

#### APPROVAL OF THE MINUTES:

Mr. Theissen stated the minutes were distributed to the Commissioners and asked for any questions or comments.

#### SUBDIVISION ITEMS:

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

###### PP-606 JENKINS LAND DEVELOPMENT

APPLICANT: Cahill Surveyors, Inc., in behalf of Carolyn Jenkins.

GENERAL LOCATION: An approximate 17 acre area at the southeastern corner of Parkers Grove Road and Paxton Road, unincorporated Kenton County.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of six (6) lots, with no public improvements.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

#### NKAPC STAFF RECOMMENDATION:

RECOMMENDATION: To approve a Preliminary Plat for JENKINS LAND DEVELOPMENT, but only subject to compliance with the following CONDITION:

#### CONDITION:

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).

**BASES:**

The proposed subdivision JENKINS LAND DEVELOPMENT 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 Condition 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 Parkers Grove Road and Paxton 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 Parkers Grove Road and Paxton 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 1500 lineal feet of Parkers Grove Road and Paxton Road, respectively, fronting only six (6) lots, makes compliance with such requirement financially impracticable, in Staff's opinion.

Ms. Jenisha Jenkins, Ms. Carolyn Jenkins and Mr. Pat Cahill registered to speak on the issue. No one registered to speak against.

Ms. Jenisha Jenkins addressed the Commission and stated the two lots were bought approximately two years ago by herself and her brother. She stated the two lots would not be sold but the other four would be. She further stated there are no homes currently on the lots. There being no further discussion on the matter, Mr. Wessels made a motion to approve the issue with the two waivers as noted by Staff. Mr. Meyer seconded the motion. A roll call vote on the issue found Mr. Wessels, Mr. Meyer, Ms. Carlin, Ms. Snyder, Mr. Hadley, Mr. Price, Mr. Swanson, and Mr. Theissen in favor. The motion carried.

**b. CONSIDERATION OF ACTIONS TAKEN ON PLATS BY COMMISSION'S DULY AUTHORIZED REPRESENTATIVE, SINCE THE COMMISSION'S LAST REGULAR MEETING (e. g., GRADING PLANS, IMPROVEMENT DRAWINGS, FINAL DEVELOPMENT/STAGE II PLANS, FINAL PLATS, IDENTIFICATION PLATS, etc.) - See listing of plans and plats recommended for approval on separate handout.**

Mr. Theissen noted the plats and plan over the past month needed to be ratified and approved. Mr. Theissen noted his withdrawal from consideration and voting on issue I-3796 due to a conflict. Mr. Hiles noted for the record with regard to issue FP-590, River Breeze Subdivision, that there was a conflict with the Sanitation District on the issue. He stated the plat has already been recorded and stated it was left of the list of items to ratify and approve. He stated it was an error on Staff's part and asked for legal guidance on the matter. Mr. Schneider stated that as a plat cannot be un-recorded then the building permits would have to be held until the issues are cleared up. Mr. Swanson asked Mr. Hiles what the issue was with the Sanitation District. Mr. Hiles stated it was an issue involving manholes. Mr. Hiles further stated it was not an issue with the builder, but that it was an issue they were unaware of at the time it was recorded. There being nothing further, Mr. Wessels then made a motion to ratify and approve. Ms. Carlin seconded the motion. A roll call vote on the issue found Mr. Wessels, Ms. Carlin, Ms. Snyder, Mr. Hadley, Mr. Meyer, Mr. Price, Mr. Swanson 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:

Mr. Theissen stated the Oaks and Cherry Hill Subdivision preliminary plats would appear on the evening agenda. Mr. Theissen also noted that a note had been received from Mr. Lonergan regarding the NKAPC Christmas party, thanking the Commission for extending him an invitation to attend.

There being nothing further to come before the Commission, the meeting was recessed at 9:35 a.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
REGULAR MEETING

January 3, 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  
Ms. Maura Snyder - Independence  
Mr. Al Hadley - Elsmere  
Mr. Eugene Meyer - Covington  
Mr. Joseph Price - Crestview Hills  
Mr. Frank Smith - Lakeside Park  
Mr. William Snyder - Bromley  
Mr. James Sucher - Crescent Springs  
Mr. Bernie Wessels - Fort Wright  
Mr. Paul Swanson, Secretary/Treasurer - Erlanger  
Mrs. Alex Weldon, Vice Chair - Covington

## COMMISSION MEMBERS NOT PRESENT:

Mr. Jay Bayer - Park Hills  
Mr. Jeff Gaiser - Ludlow  
Mr. David Hilgefurd - Villa Hills

## 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.

Mr. Theissen recognized and welcomed Ms. Maura Snyder as a new member to the Commission who will serving on behalf of the City of Independence.

## 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. Mr. Price noted on page 11 in the last paragraph the word "abounds" should read "abuts." There being no further corrections or comments, Mr. Price made a motion to accept the minutes. Mr. Wessels seconded the motion. A roll call vote on the matter found Mr. Price, Mr.

Wessels, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Ms. Snyder, Mr. Hadley, Mr. Meyer, Mr. Price, Mr. Smith, Mr. Snyder, Mr. Sucher, Ms. Weldon and Mr. Theissen in favor. Mr. Swanson abstained. The motion carried.

#### FINANCIAL REPORT:

There were no questions or comments regarding the report.

#### SUBDIVISION ITEMS:

a. CONSIDERATION OF PRELIMINARY PLATS AND OTHER PLATS AND ISSUES REQUIRING COMMISSION ACTION AT A REGULAR MEETING.

b. CONSIDERATION OF ACTIONS TAKEN ON GRADING PLANS, IMPROVEMENT DRAWINGS AND SPECIFICATIONS, (STAGE II PLANS), FINAL PLATS, AND IDENTIFICATION PLATS BY THE COMMISSION'S DULY AUTHORIZED REPRESENTATIVE SINCE THE COMMISSION'S LAST REGULAR MEETING.

c. CONSIDERATION OF THE REPORT OF ACTIONS TAKEN BY THE SUBDIVISION/PUBLIC FACILITY REVIEW COMMITTEE AT A MEETING PRIOR TO, BUT ON THE SAME DAY, AS THE REGULAR MEETING.

Mr. Theissen read the report of actions taken at the morning Subdivision Review Committee meeting. There were no questions or comments. Mr. Swanson made a motion to ratify and approve. Ms. Weldon seconded the motion. A roll call vote on the matter found Mr. Swanson, Ms. Weldon, Ms. Carlin, Mr. Coates, Mr. Cook, Ms. Snyder, Mr. Hadley, Mr. Meyer, Mr. Price, Mr. Smith, Mr. Sucher, Mr. Wessels and Mr. Theissen in favor. Mr. Bertram, Mr. Dorsey and Mr. Snyder abstained. The motion carried.

d. CONSIDERATION OF CONSTRUCTION REVIEW PROGRAM. See listing of subdivisions for construction inspections in progress on separate handout.

PUBLIC FACILITIES: None.

#### PUBLIC HEARINGS ON SCHEDULED ITEMS:

1519R

APPLICANT: Edward and Mary Hamann.

GENERAL LOCATION: An approximate .4-acre area located at the southwest corner of the intersection of Donaldson Rod with Houston Road, Erlanger.

REQUEST FOR ACTION: A proposed map amendment to the Erlanger Zoning Ordinance, changing the area described herein, from R-1F (a detached single-family residential zone with a maximum density of approximately 6.7 dwelling units per net acre) to HC (a highway commercial zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

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

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

1. That the proposed structure not exceed a maximum height of fifty (50) feet.
2. That access onto Donaldson Road be permitted only after the applicant demonstrates that access to the site in question cannot be achieved by sharing the existing curb cut and driveway located on the adjoining property to its south.
3. That the proposed pole sign not exceed the requirements for a Class 7 sign.
4. If necessary, that an encroachment permit be applied for and approved by the Kentucky Transportation Cabinet for the proposed curb cut onto Donaldson Road.
5. That access be provided to the vacant parcel through the Hamann's parcel and that a Stage I Development Plan be submitted to the NKAPC/KC&MP&ZC and approved by the Erlanger City Council, prior to any development on the vacant parcel which is a part of the submitted application.

#### 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 18, 2001.

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

1. The proposed map amendment from R-1F to HC is consistent with the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question for Commercial - Retail/Service uses. The proposed HC Zone will allow the development of a variety of retail and service type uses oriented towards serving the traveling public or those uses which require access to the regional transportation system.
2. The submitted development plan is consistent with variances approved by the Erlanger Board of Adjustment and meets the minimum requirements of the Erlanger Zoning Ordinance, except for the following:

- a. Section 10.18, D., 5. prohibits structures from exceeding fifty (50) feet in height. Insufficient information has been submitted to determine compliance with this requirement.
  - b. Section 11.3, F., 1., a. requires access points along arterial streets to be spaced a minimum distance of six hundred (600) feet apart. The submitted development plan indicates the provision of a curb cut onto Donaldson Road approximately thirty (30) feet from an existing curb cut onto Donaldson Road.
  - c. Section 14.7 states that the site in question may utilize Class 7 signs. Section 14.6, G. provides requirements for Class 7 signs. The submitted development plan indicates the installation of a pole sign. However, insufficient information has been submitted to determine compliance with Class 7 sign regulations.
3. The site in question contains two properties. The submitted development plan indicates development on only one of the properties. Insufficient information has been submitted to determine how the other property will be developed, how it will gain access to the public street system, or how development of the property relates to the adjacent property. Additionally, access to the vacant parcel is blocked by the provision of three off-street parking spaces.

Mr. Ed Hamann, Mr. Jim Shumate, Mr. Jeff Simmons and Mr. Dwayne DeGraff registered to speak in favor. Ms. Rosemary Bond and Mr. John Robinson registered to speak against.

Mr. Shumate addressed the Commission and stated Staff did a great job. He stated he has had discussion with the State Highway Department regarding access of the site. Mr. Shumate stated the Highway Department does not want access off Houston Road. He stated they will be landscaping around the site. He further stated there are no problems with the first condition of Staff. He stated as to the second condition as to access and the neighboring property owner, Mr. Jeff Simmons would speak.

Mr. Jeff Simmons addressed the Commission and stated he could not work out an agreement with the adjoining property owner as to access. He stated they could possibly work something out later but at this time they haven't been able to do so. Mr. Simmons further stated that the adjoining property owner has a partner and they are not interested at this time in working out access. Mr. Theissen stated he has some concerns with cross easements and the curb cut on Donaldson. He further stated there is no guarantee that a Blockbuster could go in at a later date and create more traffic flow. He further stated an oil change facility generates little traffic but his concern is that something else could go in later. Mr. Simmons stated the proposed facility does in fact generate little hourly traffic. He stated the property behind, or that was added, is a very small piece of property and was only added because it was left over. He stated he would be happy to use a joint curb cut but at this time cannot come to an agreement regarding the curb cut with the adjoining property owner. Mr. Theissen stated he has serious concerns with the curb cut and would have trouble supporting it. The applicant stated the property works well for them and noted it is a state of the art facility. He stated they do not have a problem with Staff's conditions. Mr. Dorsey then noted that unless the curb cut is established with the adjoining property owner it is not a



workable situation. Mr. Theissen then suggested tabling the issue to work out the problems with the adjoining property owner. Mr. Cook asked if a condition could be added to make the curb cut right in, right out. Mr. Theissen stated that even if that is done, you will always have people abusing it. He further stated that even if this is made right turn only it is very close to a busy intersection and he has a problem with that.

Mr. Dwayne DeGraff addressed the Commission and asked if the issue is turned down is there a time limit in which they can reapply. Mr. Schwartz stated the Commission's decision is only a recommendation and the City of Erlanger could override the decision. He further stated that otherwise they would have a twelve (12) month time frame to resubmit.

Ms. Rosemary Bond addressed the Commission against the application. She stated she has lived on Houston Road for 43 years and has had 5 different addresses during that time. She stated there have been a number of changes in the area to which they have been opposed. She stated this change is unexpected. She further stated the quick oil change is not appropriate for the property. She noted it would be more appropriate up the road. She further noted that turning right off Houston Road is no place for a curb cut. She stated the land is all landlocked except for Mr. Hamann's property and hers. She stated the land and location is more appropriate for storage. She stated their home is at the bottom of the hill and they do not need the runoff like they had before the Transportation Department fixed the property.

The applicant stated in rebuttal that in spite of concerns expressed he is confident they can work out the issues with the adjoining property owner. Mr. Simmons then made a request to table the matter to work out issues involved. Mr. Wessels then made a motion to table the matter up to the March meeting. Ms. Weldon seconded the motion. A roll call vote on the matter found Mr. Wessels, Ms. Weldon, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Ms. Snyder, Mr. Hadley, Mr. Meyer, Mr. Price, Mr. Smith, Mr. Snyder, Mr. Sucher, Mr. Swanson and Mr. Theissen in favor. The motion carried.

\*\* The following two items have been combined due to related issues.

1536R

APPLICANT: Joyce E. Griffin

GENERAL LOCATION: An approximate 36-acre area located along the southwest side of Bristow Road, between Mount Zion Road and Banklick Road, approximately 2,000 feet southeast of Mount Zion Road, unincorporated Kenton County.

REQUEST FOR ACTION: A proposed map amendment to the Kenton County Zoning Ordinance, changing the area described herein, from R-1B (a detached single-family residential zone with a maximum density of 2.0 dwelling units per net acre) and R-1C (a detached single-family zone with a maximum density of approximately 3.5 dwelling units per net acre) to R-1C (RCD) (a detached single-family residential zone with a residential cluster development overlay zone).

NKAPC STAFF RECOMMENDATION - KENTON COUNTY ZONING ORDINANCE:

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

compliance with the following conditions:

1. That the height of structures not exceed thirty-five (35) feet.
2. That each dwelling unit be provided with a minimum of two (2) off-street parking spaces.
3. That the location, height, and type of all fences, walls, and signs be as permitted in the underlying R-1C Zone.

## 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 18, 2001.

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

1. The proposed map amendment from R-1B and R-1C to R-1C (RCD), except as noted under conditions, is consistent with the Goals and Objectives Element of the 2001 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.

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, and is provided with public water and sewer service.

The proposed amendment will allow for the construction of detached single-family residential dwellings at a density of 2.5 dwelling units per net acre.

2. The proposed map amendment from R-1B and R-1C to R-1C (RCD), except as noted under conditions, is consistent with the Development Concepts, which are a part of the Goals and Objectives Element of the 2001 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.

The area located to the northwest of the site in question, which is an extension of Liveoak Drive, is identified for Residential Development at a density of 2.1 to 4.0 dwelling units per net acre. The area located to the south, southeast, and southwest of the site in question is identified for Residential Development at a density of 2.0 dwelling units per net acre and under. The proposed map amendment will allow for the development of the site in question at 2.5 dwelling units per net acre. This proposed density provides for a reasonable transition between the two land use density designations.

3. The proposed map amendment from R-1B and R-1C to R-1C (RCD) is consistent with the purpose of the RCD Overlay Zone.

The Kenton County Zoning Ordinance states that the purposes of the Residential Cluster Development (RCD) Overlay Zone are to: provide a means whereby clusters of attached and detached single-family residential units may be constructed in the Residential (R-1) Zones, and therein, through a development plan, permit a wide flexibility in the design, location, siting of the building, and yard and setback requirements in order to provide for, to the greatest extent possible, the preservation of hillside areas and other natural geographic and topographic features, and to provide for more usable and suitably located

recreation facilities and open space than would otherwise be provided under conventional R-1 residential land development procedures.

Two primary drainage courses run through the site in question. Additionally, the 100 year flood plain is identified along these drainage courses. The proposed RCD Overlay Zone will allow for the retention of these natural drainage courses while also allowing for minimal disturbance to the 100 year floodplain.

4. The proposed map amendment from R-1B and R-1C to R-1C (RCD) meets the minimum requirements of the Kenton County Zoning Ordinance, except for the following:

a. Section 10.14, G. states that the height of structures shall be as approved in the plan. The submitted development plan does not provide for the maximum height of structures. The maximum height of structures within the R-1C Zone is thirty-five (35) feet. Therefore, it is recommended that the height of structures not exceed thirty-five (35) feet.

b. Section 10.14, H. states that off-street parking shall be in accord with Article XI of the Kenton County Zoning Ordinance. Section 11.2, K. requires that each dwelling unit be provided with a minimum of two (2) off-street parking spaces. Insufficient information has been submitted to determine compliance with these requirements. Therefore, it is recommended that each dwelling unit be provided with a minimum of two (2) off-street parking spaces.

c. 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 for any fences, walls, or signs. Therefore, it is recommended that the location, height, and type of all fences, walls, and signs be as permitted in the underlying R-1C Zone.

#### PP-605 THE OAKS

APPLICANT: James W. Berling Engineers, in behalf of The Dehlinger Company, Inc.

GENERAL LOCATION: A 31.77-acre area located along the north side of Hogreffe Road, the south side of Bristow Road (S.R. 536) and the east and west sides of the new Hogreffe Road/S.R. 536 connector road, unincorporated Kenton County.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 67 residential building lots, including public improvements, such as streets, storm drainage, sanitary sewers and water systems.

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

#### CONDITIONS:

1. That the map amendment (Z-01-11-04/1536R), be approved by the Kenton County Fiscal Court;
2. That a minimum fire flow of 500 gpm at 20 psi be provided/ensured by certified flow test and fire hydrant spacing be maximum of 450 feet (Section 7.2);

3. That either an eight (8) foot wide hiker / biker trail be provided along the east side of the Bristow Road / Hogreffe Road Connector and the portion of Hogreffe Road fronting Lots 44, 45, and 46; or, four (4) foot wide sidewalks be provided along both sides of the Bristow Road / Hogreffe Road Connector and the portion of Hogreffe Road fronting Lots 44, 45, and 46 (Section 7.3);
4. That sidewalks be constructed along both sides of streets named "ChestnutOak Drive", "LiveOak Drive" and "ScarletOak Drive" as noted, as well as along Bristow Road for the portion fronting the proposed development (Section 7.3);
5. That a portion of Hogreffe Road split into two (2) separate roadways by the new Bristow Road / Hogreffe Road Connector be renamed;
6. That the new bridge culvert including railings under street named "LiveOak Drive" be adequately designed and approved by the proper authorities (i.e. State E.P.A., etc.); and
7. That ownership and maintenance responsibilities (public and/or private) for the areas designated as H. O.A. be specifically defined on plat(s) and deeds (Section 3.4).

#### BASES:

The proposed subdivision THE OAKS is consistent with the recommendations of the 2001 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, and the Kenton County Zoning Ordinance, except as noted under the above Conditions.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

\*Mr. Theissen stated he would be withdrawing from these issues due to a conflict. Ms. Weldon sat in for Mr. Theissen on the issue.

Mr. Jim Berling, Mr. Charles Ashdown and Mr. Dehlinger registered to speak for the issue. Mr. Platek, Ms. Susan Carr, Mr. Tom Messamer, Ms. Laura Huffaker, Mr. Mike Schaben, Ms. Robin Hornsby, Mr. Roger Bales and Ms. Cindy Armstrong registered to speak against the issue.

Mr. Jim Berling addressed the Commission in favor of the application. He stated he is the engineer for the development. He stated they have been working on the site for five (5) years. He also noted they have worked with the Highway Department on the project. He stated that the slopes will be protected from the upper ridge and further noted that they are trying to work with the contours of the area. Mr. Berling stated that they agree with Staff's recommendations as well as conditions 1,2,5,6, and 7. He noted with regard to condition #4 that the State Highway Department is looking at Bristow Road to be a connector and it is still under construction. He stated when it is completed it will be a high speed road. He further stated the road does not lend itself to sidewalks. He further stated they are requesting a waiver as to the sidewalks in condition #4. He also stated they would request a waiver as to hiker/biker trails

condition as well. Mr. Wessels asked if there was room for sidewalks on Bristow Road. Mr. Berling stated they really don't know but there will be even less room if the Highway Department installs guardrails. Mr. Snyder asked if anyone really knows when KY 536 will happen. He stated there are a lot of homes (in this development) and further stated that no one really knows when KY 536 will actually be done. Mr. Dorsey asked about access and having to cross the railroad as well as actual ways to get out of the area. Mr. Berling stated there is a bridge that is being constructed that will allow for access. Mr. Snyder questioned how long the project would take to build. Mr. Berling stated it would be done in three (3) phases. Mr. Berling further stated it is probably a 6-year job to completion. Ms. Carlin asked about the impact on traffic with the proposed development. Ms. Carlin stated the road is being built to accommodate existing conditions. Mr. Berling stated this is a fairly small development compared to others in the area.

Mr. Ashdown addressed the Commission in favor of the application. He stated the gross site is actually 36 acres but they lost 4 acres due to the road coming through the center of the site. He stated they are proposing a 2.5 density over the entire site. He further noted they could have come in with a cookie cutter design and have instead come up with a design to enhance the area and comply with current regulations. He then gave a handout regarding the development to the Commissioners. Ms. Weldon marked the handout as Exhibit 2 to the minutes. Mr. Ashdown briefly outlined the design of the development and sited background information on the development. He further stated they are trying to maintain the natural contours of the land. He stated they will have a homeowners association to maintain the proposed green space. Mr. Ashdown further stated that they are trying to make the lots smaller and give more green space. He stated the homes will be in the \$200,000 range. Mr. Ashdown stated the development shouldn't have any impact going up Hogreffe. He further noted that property values will be maintained in the area and it is not their intention to devalue anyone's property. Mr. Ashdown stated the open space is approximately 37% of the development. He stated Staff is recommending 20% and they feel they have exceeded that. Ms. Weldon noted for the record that a letter was received from the Hillside Trust regarding the development. Ms. Weldon read the letter into the record.

Mr. Dehlinger addressed the Commission and stated he was available to answer any questions. He further stated he has done the Fox Run development on Turkeyfoot Road and that has turned out well. Mr. Wessels asked Mr. Dehlinger if he could agree to some type of consistent fencing in the rear of the homes in the development. Mr. Dehlinger then stated they would be open to that proposal.

Mr. Platek addressed the Commission against the issue. He stated since last November he has presented a long list of reasons as to why Hogreffe residents are opposed to this type of development. He cited concerns with high density housing, community congestion, property de-valuation and school overcrowding. Mr. Platek cited additional concerns with increased traffic if the development goes through. He stated there has been little thought given to streets outside the development. Mr. Platek stated concerns with the existing farms in the area and concerns with new development popping up in the area. He noted his concerns with existing water problems and the additional problems the new development would bring. Mr. Platek stated his concerns also with the loss of country land when a farmer sells his land to a developer. He stated the development is seeking a major zone change and it doesn't appear that is the end of the zone change requests. He stated he strongly opposes the zone

change. Mr. Platek stated he is concerned with the loss of the rural lifestyle the development would bring and that is something that is important to the residents in the area. Mr. Platek stated the development would bring increased crime to the area. He further noted he has received dozens of calls and letters from area residents voicing their overall concerns with the development. Mr. Platek stated the development does not conform to current land use plans. He stated the development would not be like any other development in the area and it would not fit into the land use development. He further stated the recent findings and decisions of the Comprehensive Plan update clearly stated the area was not to exceed more than 2.0 dwelling units per net acre. He then asked the Commission to not approve the application as recommended. He further requested that the Commissioners come out and see the area where the development is proposed.

Ms. Carr addressed the Commission against the application. She thanked Mr. Platek for his efforts in preserving the rural lifestyle of the area.

Mr. Messamer addressed the Commission on the issue and stated he agrees with Mr. Platek's statements.

Ms. Huffaker addressed the Commission against the issue and stated that her property floods now. She stated she moved there in the early '50's and noted that they did not have this problem before development went in. She stated if this development goes through, her basement will be flooded. She further noted that she would like to keep the area as it is.

Ms. Hornsby addressed the Commission against the issue. She stated when it rains now it floods. She stated water used to be flowing down the hill and now she can't even get out across the road. Ms. Hornsby also cited concerns with limited site distances.

Mr. Bales addressed the Commission against the issue. He stated he appreciates the Commission and what they do. He stated his concerns with the road. He further noted the state brought in numerous loads of dirt for the road. Mr. Bales stated the road goes straight down and asked for the Commission's consideration in that regard.

Ms. Cindy Armstrong addressed the Commission against the issue. She stated she is concerned with the development as far as traffic and being able to get onto the road. She stated there is no traffic light and if traffic is increased it will take even longer to get out onto the main road.

Mr. Berling addressed the Commission in rebuttal and stated the water shed levels will not be increased more than what they are currently. Mr. Hadley asked about sidewalks and stated he's now hearing the side of the road is too steep. He then asked Staff about the issue of sidewalks. Mr. Schwartz stated Staff is merely following regulations in requiring sidewalks unless a waiver is presented on the matter. At this time Ms. Weldon closed the public hearing. She stated there are two actions required on two separate issues. Mr. Meyer asked how many homes could be put in if the zone change does not go through. Mr. Schwartz stated he did not know, stating it would depend on other issues. Following brief further discussion on the matter, Mr. Swanson made a motion to approve 1536R based on Staff's

recommendations along with the three conditions and also to modify the third condition as to consistent fencing along the back of the properties in the development. Mr. Meyer seconded the motion. A roll vote on the matter found Mr. Swanson, Mr. Meyer, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Price, Mr. Snyder, Mr. Sucher, Mr. Wessels and Ms. Weldon in favor. Mr. Dorsey and Mr. Smith voted against. Ms. Snyder abstained. The motion carried.

Mr. Swanson made a motion with regard to PP-605 to approve based on Staff's recommendations and a waiver with regard to the sidewalk on Bristow Road. Mr. Sucher seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Sucher, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Meyer, Mr. Price, Mr. Snyder, Mr. Wessels and Ms. Weldon in favor. Mr. Bertram, Ms. Carlin, Mr. Dorsey and Mr. Smith voted against. Ms. Snyder abstained. The motion carried.

1537R

APPLICANT: Centerline Architects, per Mr. Gregory Lang in behalf of Schottenstein Management Co.

GENERAL LOCATION: An approximate 2.9-acre area located along the south side of West 43rd Street, approximately 375 feet west of Winston Avenue, at the northwest corner of the Latonia Centre, Covington.

REQUEST TO BE REVIEWED: A proposed map amendment to the Covington Zoning Ordinance, changing the area described herein, from IP (an industrial park zone) to SC (a shopping center zone).

Staff presentation and Staff recommendation by Mr. Paul Drury.

#### NKAPC STAFF RECOMMENDATION - COVINGTON ZONING ORDINANCE:

To approve the proposed map amendment from IP to SC, but only subject to compliance with the following conditions:

1. That an encroachment permit from the Kentucky Transportation Cabinet be obtained for the relocated curb cut onto Winston Avenue (KY 16) and the two proposed curb cuts onto Howard Litzler Road (KY 3070).
2. That the proposed curb cut onto Howard Litzler Road, closest to Winston Avenue, consist of a full intersection, with an exclusive left turn storage lane provided on Howard Litzler Road.
3. That an exclusive left turn storage lane be provided on Howard Litzler Road at the second proposed curb cut.
4. That access on to the proposed access drive be modified as follows:
  - a. That the proposed curb cut serving the fueling station, closest to Winston Avenue be deleted.
  - b. That the proposed curb cut serving the CVS Pharmacy be relocated to a point across from the remaining curb cut serving the fueling station.



c. That a raised curb be provided between the fueling station and the service drive/existing off-street parking area.

5. That the proposed curb cut onto West 43rd Street be limited to a right turn in and right turn out.

6. That the minimum requirements of Section 158.117 (E) (Landscaping) of the Covington Zoning Ordinance be met for the proposed Kroger Fueling Station, CVS Pharmacy, and Kroger expansion parking areas.

## 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 18, 2001.

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

1. The proposed map amendment from IP to SC is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question for Commercial - Retail/Service uses. The proposed SC Zone will allow the development of a variety of retail and service type uses. The proposed Kroger expansion, CVS Pharmacy, and Kroger Fueling Center are consistent with surrounding uses.

2. The submitted development plan is consistent with the conditional use permit for the fueling station, approved by the Covington Board of Adjustment, and meets the minimum requirements of the Covington Zoning Ordinance, except for the following:

a. Section 158.117 (E) requires a minimum of 3% interior landscaping of all parking areas of 3 or more spaces and a three foot landscaping strip along all street right-of-way frontages. Insufficient information has been submitted to determine compliance with this requirement.

3. To provide for the safe and efficient movement of traffic to and within the site in question, it is recommended that:

a. An encroachment permit from the Kentucky Transportation Cabinet be obtained for the relocated curb cut onto Winston Avenue (KY 16) and the two proposed curb cuts onto Howard Litzler Road (KY 3070).

b. The proposed curb cut onto Howard Litzler Road, closest to Winston Avenue, consist of a full intersection, with an exclusive left turn storage lane provided on Howard Litzler Road.

- c. An exclusive left turn storage lane be provided on Howard Litzler Road at the second proposed curb cut.
- d. Access on to the proposed access drive be modified as follows:
- (1) That the proposed curb cut serving the fueling station, closest to Winston Avenue be deleted.
  - (2) That the proposed curb cut serving the CVS Pharmacy be relocated to a point across from the remaining curb cut serving the fueling station.
  - (3) That a raised curb be provided between the fueling station and the service drive/existing off-street parking area.
- e. The proposed curb cut onto West 43rd Street be limited to a right turn in and right turn out.

#### ADDITIONAL INFORMATION:

1. The submitted development plan is consistent with the minimum requirements of the Covington Zoning Ordinance, except as noted. However, staff is of the opinion that the layout of the parking area is confusing in that there is angled and perpendicular parking within the same parking lot. Staff is of the opinion that the layout of the parking area should be consistent throughout.
2. Currently there are sidewalks along both sides of Winston Avenue and on the north side of West 43rd Street. Staff is of the opinion that sidewalks should be installed along the south side of West 43rd Street as well as along Howard Litzler Road to provide for better pedestrian circulation to and from the shopping center. As noted earlier, the area located on the east side of Winston Avenue is developed with residential uses.

Mr. Greg Lang, Ms. Sharon Floro, Ms. Lisa Ammons and Ms. Ella Frye registered to speak on the issue.

Mr. Lang addressed the Commission in favor of the application and gave background information on the project. He stated the rear entrance was only a service drive for service vehicles. He stated they have eliminated curb cut A and at the west end of the service center. He stated the CVS feels it important to have the entrance at the front of their building. He further stated that all parking will be turned to perpendicular parking as the center develops. As to the sidewalk issue, Mr. Lang stated there are 10-foot wide paved berms on either side. He further stated they don't see a lot of use for the sidewalks servicing their center. Mr. Theissen then stated that for those people walking on Winston and wanting to access the center it would be safer to walk on a sidewalk than a 10-foot berm. Mr. Lang stated the applicant would like the Commission to consider leaving the curb cut where it is and to remove the condition regarding the curb cut involving the CVS store.

Ms. Sharon Floro had nothing to add.

Ms. Lisa Ammons addressed the Commission in favor of the application. She stated she was a representative from the Kroger real estate department. She stated with regard to the curb cut issue they cannot have a raised curb due to fueling trucks getting in and out. She also expressed a concern with consolidating two curb cuts and spilling the main traffic into an area where people are crossing the street with full carts, etc. and asked for consideration in that regard.

Ms. Frye addressed the Commission on the issue and stated the city supports the expansion of the center. She stated she would have some traffic concerns that have already come up but feels they can be addressed. She stated their primary concerns were at Winston Avenue.

At this time Mr. Theissen closed the public hearing. Mr. Bertram stated he agreed with Staff as to condition #2 in creating a full intersection. Mr. Meyer stated it will help to alleviate some traffic flow. Mr. Bertram stated it will also help to have access if you're coming from Ft. Wright in getting into the shopping center and not having to go all the way around. Mr. Wessels suggested the truck entrance in the back of the center would exacerbate the existing problem of trucks cutting through Winston to get to I-275. Mr. Theissen stated he would rather see it the way Staff has proposed than to try to change it. Ms. Weldon stated that having the curb cut there is asking for trouble. Other Commission members agreed with that statement that it should be eliminated. Mr. Price then motioned to approve application 1537R as discussed, keeping the condition #1,2,3 4a, 4b would be modified to say the front curb cut where the existing one is would become a right in only but that a second curb cut off of the access drive could be located back across from the entrance to the fueling station, 4c would be changed pursuant to the modified development plan where the boundary along the side of the entranceway would become a raised curb but along the west side of the parking lot would be a painted line; the current condition #5 would be eliminated and be replaced with the language of additional information comment #2 and condition #6 would stay the same. Ms. Weldon seconded the motion. A roll call vote on the motion found Mr. Price, Ms. Weldon, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Ms. Snyder, Mr. Hadley, Mr. Meyer, Mr. Smith, Mr. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

1539R

APPLICANT: City of Fort Mitchell, per Mr. William H. Goetz, City Administrator.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Fort Mitchell Zoning Ordinance: (1) requiring trailers, recreational; vehicles, campers, boats, and similar type equipment to be parked on a paved surface; (2) clarifying the outside storage requirements of trailers, recreational vehicles, campers, boats, and similar type equipment not more than eighteen (18) feet in length; and (3) providing for the temporary parking of trailers, recreational vehicles, campers, boats, and similar type equipment.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - FORT MITCHELL ZONING ORDINANCE:

**RECOMMENDATION A:** To approve the proposed text amendment requiring trailers, recreational vehicles, campers, boats, and similar type equipment to be parked on a paved surface.

**RECOMMENDATION B:** To approve the proposed text amendment clarifying the outside storage requirements of trailers, recreational vehicles, campers, boats, and similar type equipment not more than eighteen (18) feet in length.

**RECOMMENDATION C:** To approve the proposed text amendment providing for the temporary parking of trailers, recreational vehicles, campers, boats, and similar type equipment, but only subject to compliance with the condition that the zoning administrator also be authorized to issue temporary parking permits.

**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 18, 2001.

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

**RECOMMENDATION A:**

1. The proposed text amendment requiring trailers, recreational vehicles, campers, boats, and similar type equipment to be parked on a paved surface is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. The proposed text amendment requiring trailers, recreational vehicles, campers, boats, and similar type equipment to be parked on a paved surface is reasonable in that it treats the parking or storing of such vehicles in the same manner as the parking or storing of cars and trucks.
3. The recommendation of approval is consistent with previous recommendations made by the NKAPC staff and the KC&MP&ZC.

On May 17, 2001, the City of Edgewood submitted a similar request (Z-01-05-03/1507R). On June 1, 2001, the NKAPC staff recommended approval of the proposed request, subject to one condition. On June 7, 2001, following the public hearing, the KC&MP&ZC recommended approval of the proposed request, subject to one condition.

**RECOMMENDATION B:**

1. The proposed text amendment clarifying the outside storage requirements of trailers, recreational vehicles, campers, boats, and similar type equipment not more than eighteen (18) feet in length is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).

2. The proposed text amendment clarifying the outside storage requirements of trailers, recreational vehicles, campers, boats, and similar type equipment not more than eighteen (18) feet in length is reasonable in that it clarifies the existing regulations.

Currently, such vehicles and equipment which are over eighteen (18) feet in length are only permitted to be parked in a completely enclosed building. This requirement, however, is not found until the fourth paragraph of the section.

Such vehicles and equipment which are eighteen (18) feet or less in length may be stored in the rear yards of all lots or in a garage. Storage in the side yard may be approved by the Board of Adjustment. The proposed amendments would not change these requirements. However, they would clarify the issue.

#### RECOMMENDATION C:

1. The proposed text amendment providing for the temporary parking of trailers, recreational vehicles, campers, boats, and similar type equipment, except as noted under condition, is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).

2. The proposed text amendment providing for the temporary parking of trailers, recreational vehicles, campers, boats, and similar type equipment, except as noted under condition, is reasonable in that it allows for the temporary parking of such vehicles in the front yard for the purpose of loading, unloading, or cleaning.

Currently, trailers, recreational vehicles, campers, boats, and similar type equipment are not allowed to be parked or stored in the front yard. No exception is made for loading, unloading, or cleaning. The proposed amendment would allow the vehicle to be parked in the front yard for a period not to exceed twenty-four (24) hours for the purpose of loading, unloading, maintenance, or cleaning. Additionally, the proposed amendment would only allow a maximum of twenty-four (24) temporary parking permits per calendar year.

3. Section 16.0 of the Fort Mitchell Zoning Ordinance states that a zoning administrator shall administer and enforce the zoning ordinance. This section also states that the zoning administrator may be provided with assistance of such other persons as the legislative body directs.

The proposed text amendment states that a temporary parking permit may be issued by the city administrator, the city clerk, or a police officer. The proposed text amendment, however, does not indicate that the zoning administrator may also issue such permits. It is, therefore, recommended that the

proposed text be revised to indicate that the zoning administrator is also authorized to issue temporary parking permits.

Mr. Bill Goetz registered to speak in favor of the issue. No one registered to speak against.

Mr. Goetz addressed the Commission and gave background information on the issue. He stated people were abusing the ordinance by parking their vehicles for 48 hours and then moving them, only to be moved back. He stated they wanted to find a way to allow for those with R.V.'s to park their vehicles in the front yard for loading, cleaning, etc. and to allow for a solution to those who do not have them and do not want to see them in their neighbor's yard.

There being nothing further on the matter, Mr. Bertram made a motion to approve based on Staff's recommendations. Mr. Dorsey seconded the motion. A roll call vote on the matter found Mr. Bertram, Mr. Dorsey, Ms. Carlin, Mr. Coates, Mr. Cook, Ms. Snyder, Mr. Hadley, Mr. Meyer, Mr. Price, Mr. Smith, Mr. Sucher, Mr. Wessels, Mr. Swanson, Ms. Weldon and Mr. Theissen in favor. The motion carried unanimously.

1540R

APPLICANT: Robert and Evelyn Eaton

GENERAL LOCATION: An approximate 1.2-acre area located on the northwest corner of Greenup Street and Eastern Avenue, Covington.

REQUEST TO BE REVIEWED: A proposed map amendment to the Covington Zoning Ordinance, changing the area described herein, from R-1G (a single-family residential zone with a maximum density of approximately 8.7 dwelling units per net acre to R-3 (a single, two, and multi-family residential zone with a maximum density of approximately 20.0 dwelling units per net acre).

Staff presentation and Staff recommendations by Mr. Paul Drury.

NKAPC STAFF RECOMMENDATION - COVINGTON ZONING ORDINANCE:

To approve the proposed map amendment from R-1G to R-3.

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 18, 2001.

## SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed map amendment from R-1G to R-3 is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question for Residential Development at a density ranging from 7.1 to 14.0 dwelling units per net acre.

The submitted development plan identifies the development of 12 condominiums at a proposed density of 10.6 dwelling units per net acre, accessed from existing streets.

2. The proposed map amendment from R-1G to R-3 is consistent with the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan Update and the Development Concepts, which are a part of the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan Update. The specific goals and objectives and development concepts 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.

### 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.

Revitalization of central city core areas, by planned redevelopment and rehabilitation of residential uses, should be encouraged.

Such a concept would aid in preserving a valuable resource, provide much needed variation in residential types and densities and maintain and enhance the viability of such urban areas.

The surrounding residential area on the west side of Greenup Street is developed at a density of approximately 9.8 dwelling units per net acre. Areas to the east of Greenup Street are developed for residential uses at a density of approximately 5.6 dwelling units per net acre. The proposed development of approximately 10.6 dwelling units per net acre is generally consistent with the existing development on the west side of Greenup Street and staff is of the opinion that the proposed density is a logical extension of the existing development. There is a mix of single and two family uses in the general vicinity, on both sides of Greenup. There is easy access to James Avenue (KY 16), an arterial, and close proximity to a park on the southern side of Eastern Avenue.

3. The proposed map amendment from R-1G to R-3 meets the minimum requirements of the Covington Zoning Ordinance.

#### ADDITIONAL INFORMATION

Currently there are sidewalks along the east side of Greenup Street and the north side of Eastern Avenue. There is a sidewalk along the west side of Greenup between Levassor Avenue and Adams Street. Staff is of the opinion that while there is not a subdivision request, sidewalks should be installed along the west side of Greenup Street along the site in question to provide for continuity of sidewalks in the area.

Mr. Robert Eaton, Mrs. Evelyn Eaton, Mr. Pete Summe and Mr. Gil Whitaker registered to speak in favor of the application. Mr. John Flesh, Mr. Jay Gansher and Mr. Neil Blundt registered to speak against.

Mr. Summe addressed the Commission on behalf of the applicant. He stated the owners are going to live on the premises. He stated the development will consist of 1,800 square foot bricked condo units that will be a comparable development to the area. He stated the condo development makes more sense. He further noted that the applicants have family owners who want to purchase condos. He stated it is a good development and the applicants concur with Staff's recommendations.

Mr. Theissen read a letter in to the record from Nancy Slagle in support of the issue. Mr. Theissen also read a letter received from Bill Woodruff in opposition to the application. He then marked both as exhibits to the minutes.



Mr. John Flesh addressed the Commission against the issue. He submitted a petition signed by area residents in opposition to the project. He stated everyone he approached was opposed to the development. He stated the area is near Mica ballfield that has overflow parking in the area. He cited traffic concerns with the development. Mr. Flesh also noted the development is not in keeping with the area of the neighborhood. He further stated that most homes in the area are single-family detached homes and the development is not in keeping with the area of the neighborhood. Mr. Flesh also stated that this is not the big Greenup Street heading into town, that it is the "little" Greenup. He said there will be a need to find parking on the street with the development. He stated parking will be limited as there is a fire lane on the opposite side, which is typical in the neighborhood. He further stated that parking is currently adequate but problems will be created with the development. He then asked the Commission to recommend against the application. Mr. Theissen marked the petition as an exhibit to the minutes.

Mr. Neil Blundt addressed the Commission against the issue. He stated he has been a resident of Wallace Woods for 26 years. He stated what is proposed is not in keeping with the architectural aspect of the neighborhood. He stated no one has approached the neighborhood with a plan, etc. He further stated this will exacerbate current traffic problems. He stated that much of the recreation in the area has been taken away due to the slippage from the river. He stated he is very much opposed to the development.

Mr. Wessels asked how long the property has stood vacant. The applicant stated they have owned the property for twelve years. Mr. Wessels further stated he commends the applicant for taking the risk in bringing new homes to Covington. Ms. Weldon stated it's a nice alternative that is not currently offered in the neighborhood. Mr. Dorsey cited concerns with multiple curb cuts. He stated he feels it is a bad situation to have so many curb cuts. Mr. Smith asked Staff if the driveways would have adequate space to park two cars. Mr. Drury stated they are counting the garage as a parking space in addition to the driveway.

Following further brief discussion on the issue, Mr. Wessels made a motion to approve based on the recommendations of Staff. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. Hadley, Mr. Smith, Mr. Snyder, Mr. Sucher, Mr. Swanson, Ms. Weldon and Mr. Theissen in favor. Mr. Cook, Ms. Snyder and Mr. Meyer abstained. The motion carried.

\*\* The following two issues were combined due to the nature of the applications.

1541R

APPLICANT: Afton Development, per Mr. Ronald Mechlin, on behalf of Mrs. Clyde L. Rouse

GENERAL LOCATION: An approximate 32-acre area located along the west side of Erlanger Road, between Sycamore Tree Lane and Cedar Tree Lane, Erlanger.

REQUEST TO BE REVIEWED: A proposed map amendment to the Erlanger Zoning Ordinance, changing the area described herein, from R-1F (a detached single-family residential zone with a maximum density of approximately 6.7 dwelling units per net acre to R-1F (RCD) (a detached single-

family residential zone with a residential cluster development overlay zone).

## NKAPC STAFF RECOMMENDATION - ERLANGER ZONING ORDINANCE:

To approve the proposed map amendment from R-1F to R-1F (RCD).

## 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 18, 2001.

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

1. The proposed map amendment from R-1F to R-1F (RCD), except as noted under conditions, is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan which identifies the site in question for residential development at a density ranging from 4.1 to 7.0 dwelling units per net acre and PRDA (Physically Restrictive Development Area).

The proposed R-1F (RCD) Zone will allow the development of detached single-family residential dwellings at a density of 4.6 dwelling units per net acre (for the developed portion of the site).

2. The proposed map amendment from R-1F to R-1F (RCD), except as noted under conditions, is consistent with the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan Update and the Development Concepts, which are a part of the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan Update. The specific goals and objectives and development concepts 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.

## 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.

The southern portion of the site in question is designed as an extension of the existing residential developed located to its north, south, and west. These areas are currently developed with single and two-family residential dwellings on minimum lot areas of 6,500 square feet and at an existing density of approximately 4.7 dwelling units per net acre. The southern portion of the site in question is proposed to be developed with detached single-family residential dwellings on minimum lot areas of 6,500 square feet and at a density of approximately 4.6 dwelling units per net acre. Therefore, the proposed development represents an extension of the existing residential development.

3. The proposed map amendment from R-1F to R-1F (RCD) is consistent with the purpose of the RCD Overlay Zone.

The Erlanger Zoning Ordinance states that the purposes of the Residential Cluster Development (RCD) Overlay Zone are to: provide a means whereby clusters of attached and detached single-family residential units may be constructed in the Residential (R-1) Zones, and therein, through a development plan, permit a wide flexibility in the design, location, siting of the building, and yard and setback requirements in order to provide for, to the greatest extent possible, the preservation of hillside areas and other natural geographic and topographic features, and to provide for more usable and suitably located recreation facilities and open space than would otherwise be provided under conventional R-1 residential land development procedures.

A primary drainage course runs through the northern portion of the site in question. The proposed RCD Overlay Zone will allow for the retention of this natural drainage course.

4. The proposed map amendment from R-1F to R-1F (RCD) meets the minimum requirements of the Erlanger Zoning Ordinance.

#### PP-607 ADDITION TO CHERRY HILL SUBDIVISION

APPLICANT: Viox & Viox, Inc., in behalf of Afton Development.

GENERAL LOCATION: An approximate 49 acre area located along the west side of Erlanger Road, contiguous on the north with the existing Cherry Hill Subdivision, the west with the Boone County/Kenton County line, and interconnected on the south with existing Cherry Tree Lane, and Cedar Tree Lane, respectively, Erlanger.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 84 residential building lots including public improvements such as streets, storm drainage, sanitary sewer, water systems, and open space area for an addition to Cherry Hill Subdivision.

NKAPC STAFF RECOMMENDATION: To approve a Preliminary Plat for an ADDITION TO CHERRY HILL SUBDIVISION, but only subject to compliance with the following CONDITIONS:

#### CONDITIONS:

1. That the proposed map amendment Z-01-12-03 / 1541R be approved by the city of Erlanger;
2. That a minimum fire flow of 500 gpm at 20 psi be provided/ensured by certified flow test and fire hydrant spacing be maximum of 450 feet (Section 7.2);
3. That sidewalks be provided along the portion of Erlanger Road fronting the Plat (Section 7.3F);
4. That vehicular access to "double frontage" Lots #41 through #54 be provided via Cedar Tree Lane, not from Erlanger Road / Sycamore Tree Lane, respectively (Section 6.6B); and
5. That location of the county line be accurately located for jurisdictional purposes (i.e. county/city taxing, school districts, etc.).

#### BASES:

The proposed ADDITION TO CHERRY HILL SUBDIVISION is consistent with the recommendations of the 2001 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, and the Erlanger Zoning Ordinance, except as noted under the above Conditions.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

Mr. Chuck Berling, Mr. Jim Viox, Mr. Greg Bruns, Mr. Brian Nevins, Mr. Jim Ravencraft, Jamie Bowling Rosemary Schwab registered to speak on the issue.

Mr. Jim Viox addressed the Commission in favor on behalf of the applicant. He stated the Cherry Hill subdivision was started in the '50's. He gave background information on the subdivision. He stated the developer originally stopped the development with what he thought was the good land. He stated the access of Sycamore Tree Lane was provided at the time of the original development to allow emergency vehicles access to the Kenton County side of the development. He stated there have been concerns expressed with sanitation sewer problems and the developer has made allowances to remedy this. Mr. Viox stated currently there are sidewalks on both sides of the streets and the developer will provide sidewalks on both sides in the new portion of the development. He stated due to the steep aspect along Erlanger Road it does not allow for sidewalks. He stated open land had been given to the city and is already being utilized by the city. Mr. Viox expressed an interest in turning the area into some type of nature area. He further stated the topography is relatively steep and they would like to preserve as many trees as possible.

Mr. Chuck Berling addressed the Commission in favor of the application and stated there have been several discussions with the city. He stated the city's main concern is parking so they have agreed to provide three parking spaces per household. He further stated the developer has also agreed to provide streets lights at intersections.

Mr. Greg Burns addressed the Commission against the issue. He stated the main issue is increased traffic. He stated it is a bad situation anywhere you go in the subdivision. He further stated that adding another 168 vehicles is adding a significant amount of congestion. He noted his concerns with the loss of green space. Mr. Burns stated if it does go through it will be interesting to see how homes will be built on the existing topography in the steep ravine.

Mr. Brian Nevins addressed the Commission against the issue. He stated his concerns with traffic and stated it is a very narrow street and difficult to get through now. He also stated the creek overflows now with rain and the additional homes will make it worse. Mr. Nevins also stated there are a number of homes that have been for sale in the neighborhood and he doesn't see a need for new homes in the area.

Mr. Jim Ravencraft addressed the Commission against the issue. He stated his concerns with traffic were addressed.

Ms. Jamie Bowling addressed the Commission against the issue. She stated the traffic is unbelievable now and can't imagine what this will do. She stated the streets are terrible currently. She stated she agrees with the others in opposing the development.

Ms. Rosemary Bonds addressed the Commission against the issue. She stated her concerns were noted by the others against the matter.

Mr. Berling addressed the Commission in rebuttal. He stated one of the things they talked about with the city is the number of homes allowed. Mr. Snyder stated it is a very congested area already and he doesn't

see how there can be any additional access along Erlanger Road.

Following further brief discussion on the matter, Mr. Swanson made a motion to approve 1541R, based on Staff's recommendations. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Hadley, Mr. Meyer, Mr. Smith, Mr. Sucher, Mr. Wessels, Ms. Weldon and Mr. Theissen in favor. Ms. Snyder abstained, Mr. Snyder voted against. The motion carried.

Mr. Bertram noted with regard to PP-607 that he doesn't see how sidewalks can be enforced along Erlanger Road. The Commissioners agreed that that was probably not a practical thing to do. Following the discussion Mr. Swanson made a motion to approve PP-607 with the exception of the requirement for sidewalks on Erlanger Road. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Hadley, Mr. Meyer, Mr. Smith, Mr. Sucher, Mr. Wessels, Ms. Weldon, Mr. Theissen in favor. Ms. Snyder abstained. Mr. Snyder voted against. The motion carried.

OLD BUSINESS: None.

CORRESPONDENCE:

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

COMMISSION ITEMS:

Standing Committee Reports:

Mr. Theissen dispensed with the Committee reports due to the late hour.

Election of Officers:

All voted in favor; none opposed. Mr. Theissen - Chairman and Mr. Swanson - Secretary/Treasurer.

Ms. Weldon and Mr. Price both ran for Vice Chairperson. A written vote was taken and counted by Michael Schwartz and Paul Swanson. Mr. Price was voted to sit as Vice Chairperson.

Amendments to By-Laws:

Mr. Theissen addressed the matter of changing the Commission's name to the Kenton County Planning Commission. He also noted under the Amendments to the By-Laws was orientation and education requirements. There being no discussion on the two matters, Mr. Price motioned to approve the changes to the By-Laws. Mr. Bertram seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Snyder, Mr. Hadley, Mr. Meyer, Mr. Smith, Mr. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson, Ms. Weldon and Mr. Theissen in favor. The

motion carried.

Also noted was a memo received regarding training that members have received and attended to qualify toward their education requirement. A motion was made by Ms. Weldon to accept the noted seminars/conferences as qualifying toward the education requirements. Mr. Bertram seconded the motion. All in favor.

#### COMMENTS/REQUESTS TO THE COMMISSION:

There being no further matters to come before the Commission, Mr. Theissen then adjourned the meeting at 11:33 p.m.