



## KC&MP&ZC MINUTES

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

February 7, 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. Al Hadley - Elsmere  
Mr. Eugene Meyer - Covington  
Ms. Maura Snyder - Independence  
Mr. Bernie Wessels - Fort Wright  
Mr. Joseph Price - Vice Chair - Crestview Hills  
Mr. Paul Swanson - Secretary/Treasurer - Erlanger

#### LEGAL COUNSEL PRESENT:

David Schneider, Esq.

Mr. Theissen, Chairman, called the meeting to order at 9:00 a.m. Mr. Theissen opened the meeting with the pledge of allegiance and a prayer by Mr. Joe Price.

#### APPROVAL OF THE MINUTES:

Mr. Theissen asked for any comments or questions on the minutes. Mr. Hadley noted and Mr. Swanson were listed as not present in the minutes and it should be noted he was present. Ms. Snyder stated she was listed as voting. Mr. Swanson noted he was given credit for making several remarks that were actually made by Mr. Price on page three and page five. Mr. Price noted the sentence under "Approval of the Minutes" should go up after the second sentence. Mr. Hadley made a motion to approve as modified. Mr. Price seconded. A roll call vote on the matter found Mr. Hadley, Mr. Price, Ms. Carlin, Mr. Meyer, Ms. Snyder, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried.

#### SUBDIVISION ITEMS:

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

#### PP-608 BEECHGROVE SUBDIVISION

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

GENERAL LOCATION: An approximate ten (10) acre area along the north side of Beechgrove Drive, approximately 900 feet west of Bristow Road (S.R. 536), Independence.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 42 residential building lots, for BEECHGROVE SUBDIVISION, including public improvements such as streets, storm drainage, sanitary sewer, and water systems.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

#### NKAPC STAFF RECOMMENDATION:

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

#### CONDITIONS:

1. That the proposed development be determined by the city of Independence to be in general conformity with the existing approved Stage I Plan and that the Stage II Plan be approved by the legislative body (Section 6.6);
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); and

3. That sidewalks be provided along Beechgrove Drive for the portion fronting the Plat (Section 7.3 F).

#### BASES:

The proposed BEECHGROVE SUBDIVISION is consistent with the recommendations of the 2001 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, the existing approved Stage I Development Plan, and the Independence Zoning Ordinance, except as noted under the above Conditions.

Mr. Jim Viox, Mr. Chuck Berling, Mr. Ken Reed and Mr. Russ Sexton registered to speak on the issue.

Mr. Viox addressed the Commission in favor of the application. He stated it is a straightforward plan. He stated there is a pedestrian way that can be connected to provide access along Beechgrove Drive in lieu of sidewalks. He stated that water is not an issue or fireflow.

Mr. Theissen noted a letter was received from the Hillside Trust regarding the issue. He then read the letter into the record and marked the letter as an exhibit to the minutes. Mr. Viox stated that this area is not a hillside in his mind. He further noted that it is gently rolling land. He stated they would only be disturbing the area as is necessary for the housing. Mr. Viox stated he would appreciate being permitted to connect the Beechgrove pedestrian way in lieu of putting in sidewalks. Mr. Viox stated there are no sidewalks along Beechgrove. Mr. Theissen then stated that he has not yet heard a reason to waive the condition as to sidewalks.

Mr. Berling addressed the Commission in favor of the application. He stated he doesn't have a problem with putting in sidewalks. He further noted they were just trying to tie in the existing pedestrian way.

Mr. Reed addressed the Commission on the issue. He stated he had a couple questions for the developer. He stated that Beechgrove is responsible for maintenance and drainage of the land and that comes out of their budget. He stated they are concerned with runoff, silt, etc., and they currently have ongoing problems with drainage. Mr. Theissen then noted that there will be someone checking on the lake and drainage when is going on. Mr. Reed stated they are in favor of having the sidewalks. He also noted as to the pedestrian ways if there is a connection made they would like to have some input on where that would go. He stated he felt they had another access point for the connection that would be a better alternative. Mr. Reed also asked the developer about the price range of the homes. Mr. Viox then stated the range would be between \$120-150,000. Mr. Reed also asked when construction would begin on the project. Mr. Viox stated that construction would begin sometime in the next 30-45 days. Mr. Reed then stated that while this is not a large development, any increase in development would increase traffic.

Mr. Sexton addressed the Commission on the issue. He stated his concerns with a curve on Bristow Road and the fact that it is a dangerous curve. Mr. Theissen noted that since it is a state highway they would probably have to address their concerns with the state. Mr. Viox then noted that the highway department is planning road improvements in that area but funding hasn't been secured for those

improvements. Mr. Swanson asked Mr. Reed about the water retention and specifically what problems they are currently having. Mr. Reed stated they are having problems with erosion and silt buildup. He further stated it has been there for many, many years to filling in. Reed stated they have had estimates on getting the lake dredged and reconstructed but the cost is out of reach of the homeowners association. He also stated they have sought grants to remedy the problem. Mr. Viox then stated that they would work with them on drainage but that they could not do anything about drainage problems outside their property.

Following the discussion, Mr. Hiles suggested adding a condition regarding erosion control and the pedestrian connector. Mr. Theissen stated with regard to erosion control that that is something that they are bound to anyway. Mr. Hiles agreed. Mr. Wessels motioned to approve with the conditions of Staff as amended with the elimination of condition #1 and with the additional language on #3 in reference to sidewalks (to modify condition #3 to add the phrase "and that a pedestrian connection be provided to the existing walkway system in the village." Mr. Meyer seconded the motion. A roll call vote on the motion found Mr. Wessels, Mr. Meyer, Ms. Carlin, Mr. Hadley, Ms. Snyder, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

#### W-433 HOMESTEAD

APPLICANT: Thomas F. Goeke

LOCATION: 2983 Homestead Drive (Lot #1 within the existing Homestead Subdivision) located on the north side of Dudley Road (C.R. 1033), directly opposite the entrance to President's Park, Edgewood.

REQUEST FOR ACTION: Waiver of Section 6.1, E Intersections and previously approved PP-433 HOMESTEAD Condition #4, that required access to Lot #1 to be provided from Homestead Drive, not from Dudley Road. Granting the requested Waiver will allow access to lot to be provided from Dudley Road, opposite the entrance to President's Park.

\*Mr. Theissen noted his withdrawal from presiding over W-433 due to a potential conflict. Mr. Price, vice chair, took his position throughout the meeting on this issue only.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

#### NKAPC STAFF RECOMMENDATION:

To deny the requested Waiver to Section 6.1 E INTERSECTIONS.

#### BASES FOR STAFF RECOMMENDATION:

1. The modification, as requested, does not include the findings necessary to grant a waiver to the regulations as set forth within Section 8.5 A, or B, or C, or D (referenced above);
2. The proposed access point is not in accord with minimum Sight Distance Regulations contained within Section 6.0 E;

3. An essential responsibility of the Planning Commission, through its Subdivision Regulations, is to provide appropriate access controls along Collector / Arterial Roadways. In Staff's opinion, it is not impractical to provide access to Lot #1 from the existing Local Street, Homestead Drive. Therefore, an access point along Dudley Road serving Lot #1 is unnecessary and would compromise the function of Dudley Road by negatively affecting the efficiency and safety of such roadway at this location; and

4. The appeal to the planning commission may not comply with KS 100.347 (2) when at the time of final action on the final plat set forth same condition as noted on the final plat approved and recorded in 1994.

Mr. Bob Diltz, Mr. Jeff Egbers and Mr. Mike Hastings registered to speak in favor of the issue. No one registered to speak against the issue.

Mr. Diltz addressed the Commission on behalf of the applicant. He stated this particular lot is low-lying and then gets steep going up toward Dudley. Mr. Diltz stated the topography is one reason they are requesting the waiver. Mr. Diltz submitted a photograph as an exhibit to the minutes. He also submitted a copy of a letter from Mr. Jim Berling stating the site distance of 475 feet which would clearly satisfy the requirements.

Mr. Egbers addressed the Commission in favor of the issue and stated they are looking at putting a driveway directly across from the park entrance. He stated the grades are 20 feet lower than the street. He further stated the problem is with the elevation of the easement. Mr. Diltz additionally stated the house would be sitting two feet lower than the road. He stated to get the elevation for this house a sub basement as well as a basement will need to be constructed. Mr. Egbers stated the driveway is already in. He stated they will be tying into the road opposite President's Park.

Mr. Hastings addressed the Commission in favor of the issue and stated the problem is that they can make it appealing from Dudley but not from behind. He further noted the problem is from a development standpoint Mr. Goeke addressed the Commission and stated his family has owned the property since 1955. He further stated the as to the issue of custom homes, it was always a dream of his parents to have lots that were larger in size and available in different designs. Mr. Hiles stated the access was intended to be internally. Mr. Wessels stated the curb cut has been there since the 50's. Mr. Hadley asked if the existing house on the property would be raised. Mr. Hiles stated it would.

Mr. Diltz then submitted a letter from the Kenton County Public Works stating the site distance would be met. Mr. Hadley stated he feels this is an asset to the City of Edgewood. Mr. Hadley then made a motion to approve. Mr. Hiles asked that a condition be added to verify the site distance. Mr. Meyer seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Meyer and Mr. Wessels in favor. Ms. Snyder, Mr. Swanson and Mr. Price voted against. Ms. Carlin abstained, resulting in a tie vote. Mr. Theissen had withdrawn as noted. Ms. Carlin then stated if she must vote it would be against. The motion failed by a vote of 3-4. A second motion was made by Mr. Swanson to deny the application due to the fact that there have been no changes to the area. Ms. Snyder seconded the motion. A roll call

vote on the motion found Mr. Swanson, Ms. Snyder, Ms. Carlin and Mr. Price in favor. Mr. Hadley, Mr. Meyer and Mr. Wessels voted against. The motion passed by a vote of 4-3.

#### PP-610 BRANDON GLENN

APPLICANT: Raymond Erpenbeck Consulting Engineers in behalf of Afton Development, L.L.C.

GENERAL LOCATION: A 7.9 acre area located west of Shaw Avenue 200 feet north of Capital Avenue, between existing Windy Hill Subdivision and Stephens Subdivision to the north, and South Erlanger Subdivision to the south, Erlanger and Elsmere.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 35 residential building lots including public improvements such as street, storm drainage, sanitary sewer, and water system for BRANDON GLENN SUBDIVISION.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

Mr. Wayne Erpenbeck and Mr. Chuck Berling registered to speak in favor. Mr. Bradford, Missy Andress and Asst. Chief Doug Brefeld and Mr. Paul LaFontaine registered to speak on the issue.

Mr. Erpenbeck addressed the Commission and stated he will address the street and house during construction to meet all regulations. He stated that Fox Street is a congested street. He further stated that if they connect to Fox Street it would make a short cut for the subdivision and it is already congested. Mr. Erpenbeck further stated it would be better to have the traffic on Shaw and therefore they thought it better to connect to Shaw Street. He stated Shaw Street provides much better access.

Mr. Berling addressed the Commission and stated as a developer they have made a commitment to extend Shaw and fix the street with curb and gutter.

Asst. Chief Brefeld addressed the Commission and stated he is pleased with the recommendation but has comments. He stated he concurs that Shaw needs to be updated and stated it cannot handle the additional traffic that will be placed on it. He stated he feels there needs to be another access point. He further stated he feels Spring Street is a more accessible choice. He further stated that water flows are extremely low on Fox Street. He additionally stated the Spring Street has much better fire flows. Asst. Chief Brefeld noted that fire flows at the end of Fox Street are less than 300 and they are 1800 on Spring. Mr. Theissen then stated that the minimum fire flows would have to be met wherever the connection would be. Asst. Chief Brefeld further stated that cul de sacs are difficult to maneuver for the fire trucks. He stated he would like to have the cul de sacs widened as much as possible.

Ms. Andress addressed the Commission and stated she lived on Buckner Street for 22 years. She stated she is probably a good judge of traffic in the area. She stated many homes are older and do not have access to driveways. She stated that is a concern for the City of Elsmere with traffic because most of the parking is on the street. She stated a concern with Fox Street and increased traffic. She additionally stated that Spring Street would be a better choice for the connection.

Mr. LaFontaine addressed the Commission and stated the area of the ballfields was formally owned by St. Henry. He stated when they moved to the new high school they no longer use the land. He additionally stated an easement was granted for the parking access off of Spring Street. He also stated that Fox Street is not a good choice and suggested doing away with the cul de sac and instead having an interconnection. Mr. LaFontaine stated they are within three blocks of the development and the Erlanger Fire Department would have to drive right by the Elsmere Fire Department. He stated it would be beneficial if the two cities could get together and have all the lots in one political jurisdiction.

Mayor Bradford then addressed the Commission and stated the fire department has addressed concerns. He stated he would like to see something worked out with Spring Street as a better choice in the development. He stated Spring Street is wider and the fireflows are better. Mr. Theissen suggested tabling the matter to possibly try to work out a situation with the property owners in the area of Spring Street on the issue. Ms. Swanson concurred and also suggested the matter be tabled. Mr. Hiles noted for the record that a letter had been received from the City of Erlanger asking for denial of the issue. Mr. Theissen then read the letter into the record and marked it as an exhibit to the minutes.

Mr. Erpenbeck noted if Fox Street is used as a connector then that would be the main connector because it is the shortest distance to the subdivision. Mr. Berling noted they would be willing to make the cul de sac bigger if that was acceptable. Mr. Bradford then noted that Fox Street is one way. He also noted there will be a building lot that is lost if the connection is on Fox. Following further discussion, Mr. Hadley then made a recommendation to table the matter due to so many unresolved issues. He further suggested that the two cities try to get together to work out the issues. Mr. Theissen then asked Mr. Berling if they would lose out on anything if the matter was tabled for a month. Mr. Berling stated he didn't if anything would change in a month. Mr. Theissen suggested Staff meet with both cities to try to resolve the issues. Mr. Berling stated he doesn't have a problem with connecting to Fox Street. He stated he agrees that Fox is not the best choice due to parking on both sides which creates a narrower street. Mr. LaFontaine stated they could live with the proposal as is if a very large cul de sac was provided. Mr. Hiles stated he didn't think you could require a larger than normal cul de sac but if the developer was okay with the idea it could be done. Mr. Berling then stated that they would agree to the larger cul de sac in exchange for no connection to Fox. Mr. Hiles clarified the record as to the thickness of the driveway and where the thickness ends. He further stated the portion of the driveway serving four lots has to be 16 feet and then it can narrow down to twelve feet. Mr. Hiles stated the thickness is allowed to be four inches but that the developer has agreed to thicken that to seven inches up to a point where it serves the first two lots. He further explained that the only portion that the developer has agreed to construct seven inches thick is the portion that's sixteen feet wide. He stated he has not agreed to construct seven inches thick for the portion that is twelve feet wide.

Following further discussion by the Commissioners Mr. Theissen spelled out the specifics of the motion as the following: that condition #1 stays the same, condition #2 becomes "That Shaw Avenue for the portion from the end of the existing improved Shaw to the east side of the proposed development be widened to a minimum of 27 feet with curb and gutter with no on-street parking, condition #3 would be required a stub to the end of the north end of the property line and a requirement of an enlarged cul de sac with a to a width of a 37.5 foot radius, #4 would stay the same, #5 would stay the same, #6 would be

added that would require that the common driveways be developed to street specifications for the distance that they are required to be sixteen feet wide. Based on Mr. Theissen's comments, Mr. Price motioned to approve subject to the conditions as enumerated. Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. Price, Ms. Carlin, Mr. Hadley, Mr. Meyer, Ms. Snyder, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously. (\*Mr. Wessels had the leave the meeting at 10:50.)

#### PP-611 GREEN ACRES

APPLICANT: Raymond Erpenbeck Consulting Engineers in behalf of Joe Arlinghaus.

GENERAL LOCATION: A 14.9 acre area along the east side of Green Road (S.R. 2043), north of Symbo Lane, unincorporated Kenton County.

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

Note: this issue includes a Waiver of Section 7.3 SIDEWALKS. Granting the requested Waiver would allow the required sidewalks along Green Road for the portion fronting the Plat to be eliminated.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

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

Mr. Erpenbeck stated he has no problems with Staff's recommendations and conditions.

Mr. Theissen stated he has no problem with the application. There being no further discussion, Mr. Price made a motion to approve based on Staff's recommendations. Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. Price, Ms. Carlin, Mr. Hadley, Ms. Snyder, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

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. Hiles noted there were no conflicts. Mr. Swanson then made a motion to ratify and approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Hadley, Ms. Carlin, Ms. Snyder, Mr. Price and Mr. Theissen in favor. The motion carried unanimously. (\*Mr. Meyer had to leave at 11:55 p.m.)

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

PUBLIC HEARINGS ON SCHEDULED PUBLIC FACILITIES:



Mr. Theissen noted a letter had been received from the applicant requesting a tabling of issue TF-2001-29, VoiceStream Wireless. Mr. Theissen noted they were requesting an extension on the matter. Mr. Wessels made a motion to extend the deadline on the issue. Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. Wessels, Ms. Carlin, Mr. Hadley, Mr. Meyer, Ms. Snyder, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried.

**OTHER COMMITTEE BUSINESS:**

There being nothing further to come before the Commission, the meeting was recessed at 12:05 p.m. until 6:15 p.m.

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

February 7, 2002  
6:15 P.M.

NKAPC Meeting Room  
2332 Royal Drive  
Fort Mitchell, Kentucky

**MINUTES**

**COMMISSION MEMBERS PRESENT:**

Ms. Barbara Carlin - Kenton County  
Mr. James Cook - Kenton County  
Mr. John Dorsey - Fort Mitchell  
Mr. Al Hadley - Elsmere  
Mr. David Hilgeford - Villa Hills  
Mr. Eugene Meyer - Covington  
Mr. Frank Smith - Lakeside Park  
Ms. Maura Snyder - Independence  
Mr. James Sucher - Crescent Springs  
Mr. Larry Thomas - Bromley  
Mrs. Alex Weldon, Covington  
Mr. Paul Swanson, Secretary/Treasurer - Erlanger  
Mr. Joseph Price, Vice Chairman - Crestview Hills

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Jay Bayer - Park Hills  
Mr. James Bertram - Taylor Mill  
Mr. Barry Coates - Covington  
Mr. Jeff Gaiser - Ludlow  
Mr. Bill Snyder - Bromley  
Mr. Timothy Theissen, Chairman - Fort Wright  
Mr. Bernie Wessels - Fort Wright

**LEGAL COUNSEL PRESENT:**

David A. Schneider, Esq.

Mr. Price, Vice Chairman, called the meeting to order at 6:15 p.m. Mr. Price opened the meeting with the Pledge of Allegiance and a prayer.

**APPROVAL OF THE MINUTES:**

Mr. Price noted there were three sets of minutes to approve. Mr. Price asked if there were any comments or corrections regarding the minutes from January. On page 27 it was noted there were two Snyders listed; one should be Ms. Snyder. There being nothing further, Mr. Swanson made a motion to accept. Mr. Hadley seconded. A roll call vote on the matter found Mr. Swanson, Mr. Hadley, Ms. Carlin, Mr. Cook, Mr. Dorsey, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher and Mr. Price in favor. Mr. Hilgefurd and Mr. Weldon abstained. The motion carried. Regarding the minutes of December 18, 2001, Ms. Weldon made the motion to approve. Mr. Hilgefurd seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Hilgefurd, Ms. Carlin, Mr. Cook, Mr. Hadley, Mr. Meyer, Mr. Smith, Mr. Sucher, Mr. Swanson and Mr. Price in favor. Ms. Snyder abstained.

**FINANCIAL REPORT:**

There were no questions or comments by the Commission.

**SUBDIVISION ITEMS:**

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

**CONSIDERATION/PRESENTATION 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**

**CONSIDERATION OF THE REPORT OF ACTIONS TAKEN BY THE SUBDIVISION/OYBKUC**

## FACILITY REVIEW COMMITTEE AT A MEETING PRIOR TO, BUT ON THE SAME DAY, AS THE REGULAR MEETING -CONSTRUCTION REVIEW PROGRAM

The report of actions taken at the morning meeting of the subdivision review committee was distributed. Mr. Hadley made a motion to ratify and approve. Mr. Swanson seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Swanson, Ms. Carlin, Mr. Cook, Mr. Dorsey, Mr. Hilgefard, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Ms. Weldon and Mr. Price in favor. The motion carried.

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:

1542R

APPLICANT: City of Crescent Springs, per Mayor Claire Moriconi.

GENERAL LOCATION: An approximate 4.2-acre area located along the southeast side of Ritchie Avenue, approximately 200 feet southwest of Terry Avenue, Crescent Springs.

REQUEST TO BE REVIEWED: A proposed map amendment to the Crescent Springs Zoning Ordinance, changing the area described herein, from R-1G (P) IP-1 (a detached single-family residential zone with a maximum density of approximately 8.7 dwelling units per net acre with a phased industrial park one zone), LHS a limited highway services zone), and IP-1 (an industrial park one zone) to PO (a professional office zone).

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

### NKAPC STAFF POSITION

NKAPC STAFF RECOMMENDATION - CRESCENT SPRINGS ZONING ORDINANCE:

To approve the proposed map amendment from R-1G (P) IP-1, LHS, and IP-1 to PO.

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 (P) IP-1, LHS, and IP-1 to PO is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question for Commercial - Office uses.

The proposed PO Zone will allow the development of banks, clinics, laboratories, and office uses on a minimum lot area of 22,500 square feet.

2. The proposed map amendment from R-1G (P) IP-1, LHS, and IP-1 to PO is appropriate and reasonable in that it will reduce the number of nonconforming uses within the site in question.

Based upon the existing zoning of the site in question, there are 8 nonconforming uses. If the proposed PO Zone were adopted, there would be 5 nonconforming uses.

Mr. E.J. Foltz registered to speak on the issue. No one registered to speak against.

Mr. Foltz stated he owns two properties on the street effected by the zone change. He stated his only concern is if it goes to the PO zone that there be a condition that something can be done with each of his properties. He stated the lot sizes don't meet the requirements as to setbacks, etc. He stated he would like to someday expand and could not with the current zoning. Mr. Schwartz stated if the zoning is changed, the present lots would continue to be non-conforming. Mr. Hilgefurd asked if a condition could be recommended to the city as to the lots that are non-conforming and the zone change being restrictive. He further stated the city has come before the Commission numerous times regarding this area. He stated he felt the zone change was the city's attempt to clean up multiple zones. Following the discussion, Mr. Hilgefurd motioned to approve. Mr. Sucher seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Sucher, Ms. Carlin, Mr. Cook, Mr. Dorsey, Mr. Hadley, Mr. Smith, Ms. Snyder, Ms. Weldon, Mr. Swanson, and Mr. Price in favor. Mr. Meyer voted against. The motion carried.

1545R

APPLICANT: City of Independence, per Mr. Mark Wendling, City Administrator.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Independence Zoning Ordinance: (1) adding a definition and regulations for "flag lots"; and (2) adding "horse stables" and "indoor horse arenas" as conditional uses in residential zones.

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF POSITION:

NKAPC STAFF RECOMMENDATION - INDEPENDENCE ZONING ORDINANCE:

RECOMMENDATION A:

To disapprove the proposed text amendments adding a definition and regulations for "flag lots."

## RECOMMENDATION B:

To approve the proposed text amendment adding "horse stables and indoor horse arenas" as conditional uses in residential zones

## 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. Staff is of the opinion that the proposed definition of a flag lot contradicts the definition contained within the Kenton County Subdivision Regulations. Staff is of the opinion that the regulations pertaining to flag lots are arbitrary and unreasonable. This type of lot, in some cases, provides for the opportunity to utilize land which has limited frontage on a public right-of-way, or where it could be impractical to extend a public street, but is developable land which can meet all other regulations as provided in the zoning ordinance.

2. Staff is of the opinion that many "pie" shaped lots typically found in cul-de-sacs will become "flag lots" under the proposed definition. For example, in the R-1D Zone, the minimum front yard setback is 30 feet and the minimum lot width at the building setback line is 70 feet. If the lot is not 70 feet wide at a front yard depth of 30 feet, this lot would be considered a flag lot under the proposed definition and therefore would have to meet the proposed flag lot regulations. In typical "pie" shaped lots, the minimum lot width can be met by setting the structure back additional feet verses the minimum front yard depth. However this would not be an option with the proposed amendment unless all flag lot regulations were met. The proposed definition has the potential to turn many existing lots into nonconforming lots.

3. The proposed regulations for flag lots would restrict the reasonable division of land. The Kenton County Subdivision Regulations provide for flag lots with a "pole" or "stem" having a minimum width of twenty (20) feet. It is our opinion that there are sufficient criteria within the subdivision regulations to determine when and where flag lots are appropriate and when and where they are inappropriate. Pursuant to Kentucky Revised Statutes (KRS) Chapter 100, the creation of lots, through the subdivision of land, is the sole responsibility of the planning commission, through the administration of its subdivision regulations. Adding subdivision regulations within the zoning ordinance is inappropriate.

### SUPPORTING INFORMATION/BASES FOR NKAPC STAFF:

## RECOMMENDATION B:

1. The proposed text amendment adding "horse stables and indoor horse arenas" as conditional uses in residential zones (see Attachments B) is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. The proposed text amendment adding "horse stables and indoor horse arenas" as conditional uses in residential zones (see Attachments B) is reasonable. The proposed amendments as a conditional use will allow for the development of "horse stables and indoor horse arenas" upon the approval from the Board of Adjustment (BOA) after a public hearing. The BOA will have the authority to determine if these uses are appropriate within the designated residential zone.
3. Currently, stables and riding academies are identified as a permitted or conditional use in the CO (Conservation), A-2 (Agricultural-Two), and the R-RE (Residential Rural Estate) Zones. However, the Independence Zoning Map does not identify any areas zoned CO or A-2. There is only a limited area identified for R-RE Zoning so therefore the proposed amendments will allow for additional areas within the City to be used for "horse stables and indoor horse arenas". There are larger parcels within the residential zones that may be appropriate for such uses.

Mr. Mark Wendling registered to speak in favor. No one registered to speak against.

Mr. Wendling addressed the Commission and stated a couple years ago the city had changed the regulations banning flag lots in the city. He stated this was done largely because the viewed the subdivision regulations as allowing a proliferation of flag lots in the area. He stated that since that time, the city has discovered that that basically rendered many residents' property useless. He stated he feels it is their obligation to try to do something for the residents and make their property of value. He additionally stated the main reason behind the horse stables and indoor horse arenas is that they feel it is something that can provide recreation for the community.

Mr. Hadley asked if there was a limitation on the acreage or lot size that the horse arenas could be contained on. Mr. Wendling stated that off hand he didn't think so. Mr. Hadley sited a concern that some neighbors might not like having a horse stable next to their property. Mr. Wendling stated he would have to look at the language and he did not have it in front of him at the present time.

The public hearing was then closed. Following a brief discussion on the matter Mr. Hilgefurd made a motion to disapprove the proposed text amendments and the definition for flag lots because of the impact to cul de sac or pie shaped lots. He stated he would recommend disapprove recommendation B with regard to horse stable and indoor horse arenas because it effects all residential zones within the Independence Zoning ordinance and it needs to be more narrowly defined as to where these uses should be. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Hadley, Ms. Carlin, Mr. Dorsey, Mr. Meyer, Mr. Smith, Mr. Swanson, and Mr. Price in favor. Mr. Cook, Ms. Snyder, Mr. Sucher and Ms. Weldon voted against. The motion carried.

1546R

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

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Covington Zoning Ordinance: (1) adding a definition of "homes for adjustment"; (2) adding "homes for adjustment" to the list of permitted uses within the INST (Institutional) Zone; and (3) adding provisions for conditional uses, within the INST (Institutional) Zone, including laundry, landscaping, and manufacturing bakery, to be allowed in conjunction with training efforts at a "home for adjustment."

Staff presentation and Staff recommendations by Ms. Larissa Hughes.

NKAPC STAFF POSITION:

NKAPC STAFF RECOMMENDATION - COVINGTON ZONING ORDINANCE:

RECOMMENDATION A:

To approve the proposed text amendment to SECTION 158.006 DEFINITIONS, subject to compliance with the condition that the definition reads as follows:

"HOME FOR ADJUSTMENT" A building where an organization provides a program of therapy, counseling, or training to assist the resident occupants to develop skills necessary to adjust to life, including dormitory facilities, offices, classrooms, medical facilities, and other amenities necessary for everyday life. The purpose of this facility is not to provide care to persons who need specific treatment for the following conditions: handicaps or physical disabilities, emotional or mental disorders, or mental retardation; recuperation from the effects of drugs or alcohol; criminal justice supervision or to readjust to society while housed under any type of criminal justice supervision.

RECOMMENDATION B:

To approve the text amendment to SECTION 158.090 INST (INSTITUTIONAL) ZONE, adding "homes for adjustment" to the list of permitted uses.

RECOMMENDATION C:

To approve the text amendment to SECTION 158.090 INST (INSTITUTIONAL) ZONE, adding conditional uses to be allowed in conjunction with "homes for adjustment," with the condition that "homes for adjustment" be added as a permitted use within the INST 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:

### RECOMMENDATION A:

1. The proposed text amendment adding a definition for "homes for adjustment" is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. The proposed text amendment adding a definition for "homes for adjustment" (see Attachment A), except as noted under condition, is reasonable. The proposed use and definition will allow for the development of a type of use that is currently not addressed in the Covington Zoning Ordinance.
3. In the opinion of NKAPC staff, the submitted definition is difficult to interpret. While it is reasonable to exclude types of treatment for the listed groups of people, the wording of the submitted definition could be considered discriminatory by excluding the specific groups themselves. Additionally, since a "home for adjustment" could include multiple uses in one building, the definition should list the specific uses that may be allowed, rather than excluding them.

### RECOMMENDATION B:

1. The proposed text amendment adding "homes for adjustment" to the list of permitted uses within the INST (Institutional) Zone 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 is consistent with the purpose of the INST Zone, which is to provide for public, semi-public, medical, education, and related type uses. "Homes for adjustment" are similar to, and consistent with, the types of uses currently allowed in the INST Zone, which include dormitories, institutions for human medical care, and medical offices. The proposed text amendment adding "homes for adjustment" (see Attachments A), to the list of permitted uses within the INST (Institutional) Zone is reasonable.

### RECOMMENDATION C:

1. The proposed text amendment adding provisions for conditional uses, within the INST (Institutional) Zone, including laundry, landscaping, and manufacturing bakery, in conjunction with training efforts at homes for adjustment, 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 allowing laundry, landscaping, and manufacturing bakery as a conditional use within the INST Zone (see Attachment A) is not directly consistent with the definition of



a conditional use, as interpreted by the NKAPC staff. Kentucky Revised Statute (KRS) 100.111 (6) defines 'Conditional Use' as follows:

"Conditional Use means a use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation."

The NKAPC staff has interpreted this definition to include public and semi- public uses, such as schools, hospitals, day care centers, and recreational facilities. The proposed uses are more commercial in nature. However, in conjunction with "homes for adjustment", which is semi-public in nature, these uses may be more appropriate on a limited basis. Prior to these conditional uses being constructed or allowed, they must first be approved by the local Board of Adjustment, following a public hearing. This process gives adjacent property owners additional protection from possible disruption.

Mr. Price read a letter in support of the issue from the Northern Kentucky Community and Technical College into the record and marked it as an exhibit to the minutes.

Mr. Dennis Uchtman, Mr. Mike Butler, and Ms. Angela Taylor registered to speak on the issue. No one registered to speak against.

Mr. Uchtman addressed the Commission and stated he was available to answer any questions. Ms. Weldon asked if he had a problem with the definition Staff is proposing. Mr. Uchtman stated he did not. Mr. Hilgefurd asked about having a laundry list of conditional uses so they did not have to come back before the Commission every time a change was needed. Mr. Uchtman stated they decided to present only what was needed. Ms. Carlin asked who would be the one to determine who would participate in the program. Mr. Butler responded and stated there would be a full time staff to determine who ins involved in the program. She further asked if there was any other facility like this in the area. Mr. Butler stated there were no others like this proposed in the area.

Ms. Taylor, Dean of Development, addressed the Commission and stated she is very interested in having this type of program in the area. She stated she believes this to be an ideal match for the Technical College and the area.

Following the discussion, Ms. Weldon made a motion to approve based on Staff's recommendations. Mr. Hilgefurd suggested deleting laundry, landscaping, manufacturing and bakery and just to read "any." Ms. Weldon stated she would prefer to keep the recommendations as they are. Mr. Meyer seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Meyer, Ms. Carlin, Mr. Cook, Mr. Dorsey, Mr. Hadley, Mr. Hilgefurd, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Swanson and Mr. Price in favor. The motion carried.

\*The following three items have been combined for purposed of the meeting agenda.

1547R

APPLICANT: City of Ft. Wright, per Mr. Larry Klein, City Administrator.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Fort Wright Zoning Ordinance adding a new zoning district, the PO-3 (Professional Office Building) Zone, along with the necessary cross references within other sections of the zoning ordinance.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF POSITION:

NKAPC STAFF RECOMMENDATION - FORT WRIGHT ZONING ORDINANCE:

To approve the proposed text amendments adding a new zoning district, the PO-3 (Professional Office Building) Zone, along with the necessary cross-references within other sections of the zoning ordinance (see Attachments A, B, and C), but only subject to compliance with the condition that all references to the word "luxury" be deleted.

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 text amendments adding a new zoning district, the PO-3 (Professional Office Building) Zone, along with the necessary cross-references within other sections of the zoning ordinance (see Attachments A, B, and C), except as noted under condition, are allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. The proposed text amendments adding a new zoning district, the PO-3 (Professional Office Building) Zone, along with the necessary cross-references within other sections of the zoning ordinance (see Attachments A, B, and C), except as noted under condition, are reasonable. The proposed amendments will allow for the development of a mixture of office uses and new car dealerships.
3. The proposed text amendment makes references to luxury new car dealerships, luxury automobile service departments, and pre-owned luxury car sales controlled by and associated with a primary luxury dealership. The proposed amendments do not provide a definition or criteria by which to determine what "luxury" means. The administration of such a regulation would be inconsistent and arbitrary. Therefore,

it is recommended that all references to the word "luxury" be deleted

1548R

**APPLICANT:** Wessels Construction and Development, per Mr. Bernie Wessels, on behalf of Performance Automotice, Automanage, Inc., and DB&LB, Ltd.

**GENERAL LOCATION:** An approximate 26.3 acre area located along the south side of Dixie Highway, between Sleepy Hollow Road and St. James Avenue, approximately 300 feet east of Sleepy Hollow Road; **Area A:** An approximate 3.5 acre area located along the south side of Dixie Highway, between Sleepy Hollow Road and St. James Avenue, approximately 600 feet east of Sleepy Hollow Road; **Area B:** An approximate 17.4 acre area located along the north side of Interstate 71/75 and along the east side of Kyles Lanes, Fort Wright.

**REQUEST TO BE REVIEWED:** Review of an amended Stage I Development Plan for the site in question, including the proposed map amendments to the Fort Wright Zoning Ordinance: (1) changing Area A, as described herein, from NC (a neighborhood commercial zone) to PO-1 (a professional office building zone); and (2) changing Area B, as described herein, from R-1FF (a single-family and two-family residential zone), PO-1 (a professional office building zone), and PO-2 (a professional office building zone) to PO-3 (a professional office building zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

**NKAPC STAFF POSITION:**

**NKAPC STAFF RECOMMENDATION - FORT WRIGHT ZONING ORDINANCE:**

To approve: (1) the amended Stage I Development Plan; (2) the proposed map amendment for Area A, from NC to PO-1; and (3) the proposed map amendment for Area B, from R-1FF, PO-1, and PO-2 to PO-3, but only subject to compliance with the following conditions:

1. That Fort Wright City Council adopt the proposed text amendments adding the PO-3 Zone, along with the necessary cross references (Z-02-01-06/1547R), prior to the adoption of the amended Stage I Development Plan and the proposed map amendments as part of this application.
2. That the development Plan be revised to meet the minimum requirements of the Fort Wright Zoning Ordinance.
3. That a signage plan be developed and approved by the legislative body prior to the submittal of a zoning and/or building permit.
4. That the acquisition of the excess right-of-way be completed prior to the submittal of a zoning and/or building permit.
5. That an agreement for the reconstruction of the Frisch's parking lot be completed prior to the

submittal of a zoning and/or building permit.

6. That encroachment permits be obtained for the proposed curb cuts onto Kyles Lane and Dixie Highway prior to the submittal of a zoning and/or building permit.

7. That an exclusive left turn lane be provided on Dixie Highway.

8. That access be provided from the proposed office development to either the current Fifth Third site or the Lookout Corporate Center site.

## 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 amended Stage I Development Plan and proposed map amendments are consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question for Commercial - Office uses.

The proposed PO-1 and PO-3 Zones will allow the development of banks, clinics, laboratories, office uses, and automobile dealerships on a minimum lot area of 22,500 square feet.

2. The amended Stage I Development Plan and proposed map amendments are consistent with the text of the 2001 Area-Wide Comprehensive Plan Update, as stated in the Land Use Plan Element, which reads as follows:

#### Chapter V - Land Use

#### Land Use Plan Element Description

#### Commercial

#### Office

Land so classified reflects existing or recommended areas for concentrations of office and related uses. These areas are designated on the basis of locations which are easily accessible from the major corridors of transportation and which might also take advantage of proximity to other related uses (e.g., major public office buildings, hospitals, etc.). It is recognized that office type development is little affected by noise associated with major thoroughfares, often has the potential for interesting architectural treatment, and can provide a transition between more intense and less intense land use activities.

New areas identified for office development in this Plan Update are as follows:

- An area in Fort Wright, along the south side of Dixie Highway, currently designated for commercial - retail/service uses, is recommended to be changed to commercial - office. This change will enlarge an area along the south side of Dixie Highway currently designated for commercial - office uses. This area comprises a large area designated for development/redevelopment that should be coordinated so as to control access necessary from Dixie Highway, thus minimizing traffic conflicts.

The proposed PO-1 and PO-3 Zones combine several areas along Dixie Highway into a single coordinated development. This single development provides for the elimination of curb cuts onto Dixie Highway.

3. The Fort Wright Zoning Ordinance currently does not provide for a PO-3 Zone. The city has submitted an application for proposed text amendments adding the PO-3 Zone, along with the necessary cross references in other sections of the zoning ordinance (Z-02-01-06/1547R). In order for the proposed map amendments to be effective, it is recommended that Fort Wright City Council adopt the proposed text amendments adding the PO-3 Zone, along with the necessary cross references, prior to the adoption of the amended Stage I Development Plan and the proposed map amendments as part of this application.

4. The submitted Stage I Development Plan meets the minimum requirements of the Fort Wright Zoning Ordinance, except for the following:

a. Section 9.17 requires that a minimum ten (10) foot wide planting strip be provided along public roadways. The submitted development plan does not provide for the full ten (10) foot width along all portions of Dixie Highway.

b. Section 9.17 requires that a minimum of five (5) percent of the vehicular use area be landscaped. Insufficient information has been submitted to determine compliance with this requirement.

c. Section 11.0, C., 1., d., (1) requires that off-street parking areas be set back a minimum of five (5) feet from any street right-of-way line. The submitted development plan indicates that a portion of the off-street parking area will be on the right-of-way line of Dixie Highway.

d. Section 11.1 provides for the minimum size of off-street parking spaces and drive aisles. Insufficient information has been submitted to determine compliance with these requirements.

e. Section 11.2 identifies the minimum number of off-street parking spaces that must be provided. Insufficient information has been submitted to determine compliance with these requirements.

5. The proposed text amendments adding the PO-3 Zone, along with the necessary cross references (Z-02-01-06/1547R), indicates that signage shall be as approved in the plan. The submitted development

plan does not provide sufficient information to determine the type, size, height, and location of all signs. Therefore, it is recommended that a signage plan be developed and approved by the legislative body prior to the submittal of a zoning and/or building permit.

6. The submitted development plan indicates that development will take place on land which is: (1) currently the right-of-way of Interstate 71/75 and/or Kyles Lane; and (2) part of the existing Frisch's development. Therefore, it is recommended: (1) that the acquisition of the excess right-of-way be completed prior to the submittal of a zoning and/or building permit; and (2) that an agreement for the reconstruction of the Frisch's parking lot be completed prior to the submittal of a zoning and/or building permit.

7. The submitted development plan indicates: (1) the provision for a right turn in curb cut onto Kyles Lane, approximately 300 feet north of the I-71/75 off ramp and approximately 300 feet south of Dixie Highway; and (2) the provision for a signalized curb cut onto Dixie Highway, approximately 400 feet east of Sleepy Hollow Road. To provide for the proper development of these curb cuts, the safe and efficient movement of traffic along the arterial street system, and the mitigation of possible congestion areas, it is recommended that encroachment permits be obtained for the proposed curb cuts onto Kyles Lane and Dixie Highway prior to the submittal of a zoning and/or building permit.

8. The submitted development plan indicates the provision of a signalized curb cut onto Dixie Highway, approximately 400 feet east of Sleepy Hollow Road. The applicant has provided a Traffic Evaluation indicating that the westbound left turn movement will operate at a level of service (LOS) B or better (signalized or unsignalized).

The Transportation Plan Element of the 2001 Area-Wide Comprehensive Plan Update states that arterial streets are important components of the total transportation system. They serve both as feeders to freeways and expressways and as principle travel-ways between major land use concentrations. The primary function of an arterial street is traffic service. Consequently, direct land service functions should be minimized, and high standards for curb cuts and driveways should be applied to protect arterial street capacities so they may function according to design.

While the submitted traffic evaluation does not indicate a capacity problem given current traffic patterns and volumes, it is important to ensure that the capacity of Dixie Highway is protected given future growth and increased traffic volumes.

To provide for the proper development of curb cuts along Dixie Highway, the safe and efficient movement of traffic along the arterial street system, and the mitigation of possible congestion areas, it is recommended that an exclusive left turn lane be provided on Dixie Highway.

9. The site in question is located adjacent to a Fifth Third Bank and a multi-story office building (Lookout Corporate Center). To provide a more efficient circulation pattern between these developments, it is recommended that access be provided from the proposed office development to

either the current Fifth Third site or the Lookout Corporate center site.

#### PP-609 DIXIE GARDENS SUBDIVISION

APPLICANT: Bayer Becker Engineers, in behalf of Wessels Construction and Development.

GENERAL LOCATION: a 26.1 acre area at the southeast corner of Kyles Lane (SIR. 1072) and Dixie Highway (SIR. 25), opposite Sleepy Hollow Road, Fort Wright.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of five (5) lots for commercial/office uses, including public improvements such as street, storm drainage, sanitary sewers and water systems.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

Mr. Price noted a receipt of several letters regarding the issues. He read those into the record and marked them as exhibits to the minutes.

Mr. Gil Whitaker, Mr. Mike Dever, Ms. Etta Reed, Mr. Bernie Wessels, Mr. Rick Wessels, Mr. Kevin Atwell, Mr. Larry Klein, Mr. Mark Brueggeman, Mr. Ralph Kuchle, Mr. Patrick Hughes, Mr. Anthony Hochester, Mr. John Schaffstein, Ms. Katherine Magistrali, Mr. Mark Koenig, Ms. Debbie Pfetzer, Mr. Don Becker and Ms. Donna Becker registered to speak on the issue.

Mr. Whitaker addressed the Commission and stated that Staff did a thorough job. He stated he would like to point out the development plan. He noted the property will consist of offices and luxury car dealership. He further noted that all utilities are available on the property. He also stated the road will be constructed first in the development as well as one building. He stated they brought in a traffic analysis engineer on the project stating they are trying to keep noise level at a minimum even though they are located adjacent to the interstate. He stated they will have a landscaping plan in place before the development goes in. He stated he feels it is a very good use for the property. He stated his only question with Staff's report is the condition requiring a left turn lane. He noted Mr. Dever was to speak on that issue.

Mr. Dever addressed the Commission and stated he has been in the auto business for over 30 years. He stated he heard the comments by Staff regarding luxury cars. He further stated the difference between a regular dealership and a luxury dealership is in terms of traffic, money, employees, etc. He further stated there are no luxury dealerships in Northern Kentucky. He stated he is currently building a Lexus dealership in Covington and stated this is the perfect area for this type of development.

Ms. Reed addressed the Commission and stated the Dixie Garden area will generate 30% less traffic than the Lookout plan. She stated they realize there are three schools in the area and stated for this reason the plan calls for a right turn in. She stated this will not conflict with the school traffic in the area. She also stated that Dixie Gardens will have less of an impact on Dixie Highway than Lookout Point. She further noted a left turn on Dixie Highway is not warranted in this development. Mr. Whitaker noted the development will obviously impact the area because it is currently vacant. He also noted it will have

a great impact economically.

Mr. Brueggeman addressed the Commission and stated he is in agreement with the findings of the report. He stated they do not feel a dedicated turn is warranted at this time.

Mr. Klein addressed the Commission and stated the city has waited and worked for a good development for this property. He stated he feels it is a win/win situation with the road being constructed through the site. He also asked that the word "luxury" be retained in the text of the text amendment and asked the Commission to remove the left turn requirement based on the studies and reports done on the area.

Mr. Rick Wessels addressed the Commission and stated he has had meetings with the adjoining property owners but they have come to no conclusions at this time regarding a mutual connection.

Mr. Hochester addressed the Commission and read a letter from Tom Banta of Corporex regarding the text amendment. He stated that Corporex is the owner of Lookout Pointe and he read the letter into the record regarding the proposed development.

Mr. Kuchle addressed the Commission and asked about the sewer as to where it will go. Mr. Whitaker stated there is a sewage drain currently that can be tied into that the Sanitation District feels is sufficient. Mr. Kuchle asked about lighting and whether or not the lights would be on 24 hours a day. He stated there are apartment buildings and businesses that will be effected by the development. Mr. Dever addressed the concerns regarding lighting stating the lights will not be on 24 hours a day. He further noted that the lights will not spill out onto other peoples property. Mr. Kuchle stated there is a lot of school traffic going south and he feels there is a need for a left turn into the development.

Ms. Magistrali addressed the Commission and stated she is not against the development of the property. She asked how the PA system at the car dealership will be handled and asked about the time frame for construction of the development.

Mr. Becker addressed the Commission and stated his concerns with the process are the impact on the neighborhood, which is St. James. He stated he has sympathy for the developer and also realizes that something is going to go into the property. He asked if the luxury car term could be built into the proposal. He further stated he would greatly appreciate it if some controls were built into the process because Park Hills will be impacted by the development.

Ms. Becker addressed the Commission and stated her main concern is noise. She asked if it was possible to build in radio and such as to the car dealership versus waiting to determine what is too loud.

Ms. Fetzer addressed the Commission and stated concerns with traffic. She stated the only way out of the site is onto Dixie Highway. She stated she thinks a light is needed and feels this is an indicator of the traffic problems in the area.



Mr. Koenig addressed the Commission and stated some consideration should be given to the mattering of tying in the road. He asked that the entranceway be considered 2-way.

Mr. Schaffstein addressed the Commission and stated the traffic issue is the main concern of those speaking against the issue. He stated it seems reasonable to want to get in and out of the property by more than one exit. He further asked what the citizens can do in order to petition the state to facilitate having more than one entrance/exit from the property.

Mr. Klein stated all issues will be resolved with the development committee of the city. He further stated that Park Hills is their neighbor and they are very concerned about what happens to Park Hills.

Mr. Rick Wessels stated a left turn lane to Kyles was requested to the state but turned down.

At this time the public hearing on the matter was closed.

Ms. Snyder stated no one talked about the effect it will have as you come up 75 as far a distraction. Mr. Hilgefurd stated he doesn't have a problem with the text amendment but stated he feels the term "luxury" is too arbitrary and mildly distasteful. Following further discussion on the matter, Mr. Hilgefurd motioned to approve 1547R for the reasons stated by Staff. Ms. Weldon seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Ms. Weldon, Ms. Carlin, Mr. Cook, Mr. Dorsey, Mr. Hadley, Mr. Meyer, Mr. Smith, Mr. Sucher, Mr. Swanson and Mr. Price in favor. Ms. Snyder voted against. The motion carried.

With regard to 1548R, Mr. Hilgefurd motioned to approve the zone change as proposed by Staff. Mr. Swanson seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Swanson, Ms. Carlin, Mr. Cook, Mr. Dorsey, Mr. Hadley, Mr. Meyer, Mr. Smith, Mr. Sucher, Ms. Weldon and Mr. Price voted in favor. Ms. Snyder voted against. The motion carried.

With regard to PP-609, Ms. Snyder asked about trucks making deliveries to the dealership and whether they would be coming in off Kyles Lane. Mr. Schwartz stated the plan indicates the turn is wide enough to allow for trucks making deliveries. Following the comments, Ms. Weldon made a motion to approve PP-609 based on the fact that it is in compliance and to grant the two waivers. Mr. Sucher seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Sucher, Ms. Carlin, Mr. Cook, Mr. Dorsey, Mr. Hadley, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Mr. Swanson and Mr. Price in favor. Ms. Snyder voted against. The motion carried.

1549R

APPLICANT: James Salyers.

GENERAL LOCATION: An approximate one-acre area located at the northwest corner of the intersection of Homan Avenue with 18th Street.

REQUEST TO BE REVIEWED: A proposed map amendment to the Covington Zoning Ordinance changing the area described herein, from R-1G (a detached single-family residential zone with a

maximum density of approximately 8.7 dwelling units per net acre) to R-4 (a medium density efficiency unit residential zone, allowing multiple-family residential).

Staff presentation and Staff recommendations by Larissa Hughes.

NKAPC STAFF POSITION:

NKAPC STAFF RECOMMENDATION - COVINGTON ZONING ORDINANCE:

To approve the proposed map amendment from R-1G to R-4, subject to compliance with the condition that the development plan be revised to meet the minimum requirements of the Covington Zoning Ordinance.

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-4 is generally consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies areas surrounding the site in question to the north, east, and west for Residential Development at a density of 14.1 to 30.0 dwelling units per net acre. The R-4 Zone allows residential uses at a density ranging from 21.8 to 43.6 dwelling units per net acre. The submitted development plan shows residential development at a density of approximately 26 dwelling units per net acre, which corresponds with the surrounding land use designation shown on the comprehensive plan.

The site in question is shown on the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update as Community Facilities - Other Community Facilities, reflecting the preceding presence of Fifth District Elementary School.

2. The proposed map amendment is consistent with the text of the 2001 Area-Wide Comprehensive Plan Update, as stated in the Land Use Plan Element, which reads as follows:

"Adaptive reuse is one of the most basic methods to preserve historic properties. Allowing new uses for buildings, initially designed for other uses, oftentimes provides the only economically feasible incentive for historic restoration."

The reuse of this building would help to achieve the preservation of a structure that is a part of the area's

history. The proposed R-4 Zone will allow the reuse of the building, while maintaining the historic character of the school building.

3. The proposed map amendment is consistent with the text of the 2001 Area-Wide Comprehensive Plan Update, as stated in the Goals and Objectives, which identifies the need:

"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."

4. Based upon the existing zoning of the site in question (R-1G), conversion of the existing building would not be allowed. The proposed zone change to R-4, and the adaptive reuse of the building, would bring the site more into conformance with the surrounding residential uses. Thus, the proposed map amendment from R-1G to R-4 is appropriate and reasonable.

5. The submitted development plan meets the minimum requirements of the Covington Zoning Ordinance, except for the following:

a. Section 158.117 requires that off street parking spaces be a minimum of nine (9) feet wide and eighteen (18) feet long. The submitted development plan does not provide for the full nine (9) foot width on all parking spaces.

b. Section 158.117 requires that off street parking areas of three (3) or more spaces shall have three (3) feet of perimeter landscaping and trees planted every thirty-five (35) feet on all street right-of-way frontage, and that three (3) percent of the internal parking area be landscaped, including ends of aisles and corner areas, and that one tree must be planted for each 300 square feet of landscaped area. Insufficient information has been submitted to determine compliance with this requirement.

Mr. Hadley asked where the dumpster is shown on the plan. Ms. Hughes stated it is not shown on the plan but could be addressed in the Stage I plan.

Mr. Scott Zyers and Ms. Lisa Marshall registered to speak on the issue.

Mr. Zyers addressed the Commission and stated he was representing James Zyers to answer any questions. Mr. Hilgefurd asked where the dumpster will be located. Mr. Zyers stated there is additional space that could fit 10 more parking spaces. He stated they do not know specifically where the dumpster will be located but that it could be in the parking area. Mr. Price asked if there would be an on-site maintenance person. Mr. Zyers stated there is going to be an on-site manager there.

Ms. Marshall addressed the Commission and stated she lives in the area. She stated her main concern is landscaping for privacy of their homes. She additionally stated a concern with parking and noted that 6-10 cars park in the lot at night and that they have to sometimes fight for a spot near their homes. She further questioned whether or not the present driveway would be retained. Mr. Zyers responded and stated the intend to grade the area and put in a brick and wrought iron fence with three feet of landscaping all around the property. He also stated that the present driveway would be retained and that an additional drive would be put in on 18th Street.

Ms. Weldon stated in working and living in Covington and being involved in saving properties she was excited to hear of the development. Ms. Weldon then made a motion to approve based on the recommendations of Staff. Mr. Hadley seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Hadley, Ms. Carlin, Mr. Cook, Mr. Dorsey, Mr. Hilgefard, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Swanson and Mr. Price in favor. The motion carried unanimously.

OLD BUSINESS: None.

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

COMMISSION ITEMS:

Standing Committee Reports:

Mr. Swanson stated the Subdivision Review Committee will be reactivated. He stated they will begin new meetings with the March 5th meeting. He further noted that anyone can attend and stated there are a number of things that need to be addressed. He also noted the meeting on the 5th would be held from 12-2 p.m.

Mr. Price noted there was nothing to report on By-Laws.

Mr. Dorsey noted the Model Zoning Ordinance Committee has been on vacation. He stated that right now there are other items to take care of before getting back into regularly scheduled meetings.

Mr. Price noted there would be a comprehensive plan meeting held on February 12 from 3:30-5:30 p.m.

COMMENTS/REQUESTS TO THE COMMISSION:

Mr. Schwartz noted the Northern Kentucky Planning Council dinner would be held February 25th at Twin Oaks. He stated the Commissioners should be getting a notification about the dinner by mail. He also noted that those interested should contact Gail with reservations for the dinner. Mr. Schwartz also

noted a seminar was being held on February 28th as well.

There being no further business to come before the Commission, the meeting adjourned at 9:55 p.m.