



## KC&MP&ZC MINUTES

---

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

June 6, 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. Jeff Gaiser - Ludlow  
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:

Matt Smith, Esq. for 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 stated the minutes for May were distributed and asked for any questions or comments. There being none, Mr. Price made a motion to approve. Mr. Hadley seconded the motion. A roll call vote on the motion found Mr. Price, Mr. Hadley, Ms. Carlin, Mr. Gaiser, 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.

\*Mr. Theissen noted that a request to table had been received regarding item PP-616. He stated a verbal request to table had been received on the issue some time ago. Mr. Hiles indicated there was no anticipated problem with tabling the issue and that it would appear on next month's agenda. Mr. Theissen then indicated normal procedure would be to table the matter for a period of up to six months. Mr. Wessels then made the motion to table the matter. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hadley, Ms. Carlin, Mr. Gaiser, Mr. Meyer, Ms. Snyder, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried.

#### PP-613

APPLICANT: Hicks & Mann, Inc. in behalf of William and Rhonda McCardle.

GENERAL LOCATION: An approximate 26-acre area along the south side of S.R. 14, just west of Carlisle Road, unincorporated Kenton County.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 4 lots, with no public improvements for CARLISLE ESTATES. In addition, this request includes a waiver to Section 6.6 (maximum number of contiguous flag lots along S.R. 14).

Staff presentation and Staff recommendations by Mr. Scott Hiles.

#### NKAPC STAFF RECOMMENDATION:

To approve the Preliminary Plat for CARLISLE ESTATES but only subject to compliance with the following CONDITIONS:

#### CONDITIONS:

1. That a single curb cut along S.R. 14 (i.e., a common driveway with a minimum width of 16 feet) be

provided within the proposed 30 foot wide ingress and egress easement to access the four (4) proposed lots;

2. That a combined ingress and egress / maintenance agreement be recorded in the office of the county clerk for the four (4) proposed lots in accord with proper procedures of law;

3. That one (1) random on-site sewage disposal permit be issued by the No. Ky. District Health Department; and

4. That the chairman's signature block for the Final Plat be changed to Kenton County Planning Commission.

#### BASES:

The proposed CARLISLE ESTATES 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 and recommended Waiver.

#### SUBSEQUENT RECOMMENDATION:

That a Waiver of Section 6.6 be granted to allow three contiguous flag lots on the basis that the proposed modification will provide for an innovative design, further defined as follows:

Compliance with this particular regulation (not to allow more than two (2) contiguous flag lots) could be achieved by relocating one (1) of the proposed flag stems to the eastern portion of the parent tract. This alternative however, would serve no useful purpose. Providing three (3) contiguous flag stems (in which access to the proposed lots will be provided), aids in the establishment of a single access point with a clearly defined, ingress and egress / maintenance agreement for the proposed common driveway.

Mr. Tom Leach, Mr. William McCardle, Rhonda McCardle, and Mr. Larry Leubbers registered to speak on the issue. No one registered to speak against the issue.

Mr. Leach addressed the Commission and stated the adjacent property owner has an existing house for sale and upon selling that house he is going to build one house in the middle. He further stated he did not know how he was going to access it. Mr. Theissen asked if the applicant had any objection to making a commitment to dedicate the 30-foot right of way. Mrs. Rhonda McCardle then addressed the Commission and stated as far as the development, she doesn't really intend to own the property that long. She stated she just wanted to subdivide it and sell it. She stated she didn't feel anyone would have a problem with the little tract of land next to theirs. Mr. McCardle and Mr. Luebbers had nothing to add. Mr. Theissen stated he wanted to make clear on the record that Mr. and Mrs. McCardle are the owners and Mr. Luebbers is the realtor.

Following a brief discussion on the matter, Mr. Wessels made a motion to approve and to grant the

waiver, adding a clause to condition #2 that reads "and that an easement be available for dedication in the event that the adjacent owner(s) seeks to share access for future development." Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Ms. Carlin, Mr. Gaiser, Mr. Hadley, Mr. Meyer, Ms. Snyder, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

W-I-3863

APPLICANT: Gilbert and Janet R. Hammond

LOCATION: An approximate 20-acre parcel at the southeast corner of Stephenson Road and Green Road, unincorporated Kenton County.

REQUEST FOR ACTION: Waivers to Section 6.6 (maximum number of contiguous flag lots along Green Road and required width of a driveway serving three (3) lots. Granting the requested waivers will allow three contiguous flag lots along Green Road served via common driveway less than 16 feet in width.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

To grant the requested Waivers to Section 6.6 (maximum number of contiguous flag lots along Green Road and required width of a driveway serving two (2) lots), but only subject to the following Conditions:

CONDITIONS:

1. That a combined ingress and egress / maintenance agreement be recorded in the office of the county clerk for the applicable lots in accord with proper procedures of law; and
2. That the proposed lot be configured to meet all minimum setback requirements contained within the zoning ordinance.

BASES FOR STAFF RECOMMENDATION:

The proposed modification will provide for an innovative design, further defined as follows:

Compliance with the particular regulation not to allow more than two (2) contiguous flag lots could be achieved by relocating the proposed flag stem to intersect with Stephenson Road. This alternative however, would serve no useful purpose. Providing three (3) contiguous flag stems (in which access to the subject lot will be provided), aids in the establishment of a single access point approximately twelve (12) feet wide with a clearly defined, ingress and egress / maintenance agreement for the common driveway.

Mr. Gilbert Hammond and Ms. Jamie Porter addressed the Commission in favor of the issue. No one

registered to speak against the issue.

Mr. Hammond addressed the Commission and stated the residence on the site is a mobile home that his granddaughter, her husband and two children have been living in for the past six years. He further stated the he and his wife intend to give the mobile home to their granddaughter as a gift. He additionally noted that the plan is to remove the mobile home from the site and replace it with a permanent residence. He stated that one point he would like to make clear is that there are only two residences that are being served by the road right now although there is a third lot. He stated the third lot has no residence on it. He stated as far as he is aware there are no immediate plans to put a residence on that property. Mr. Theissen asked if an ambulance or fire truck could get back the lane as it is right now. Mr. Hammond stated he believed they could and stated the land coming down the lane is basically level. He stated it's a straight lane and there is no obstructions along the side and no obstructions to view. Mr. Theissen then asked the applicant why he could not make the driveway sixteen feet. Mr. Hammond stated the driveway could be made to sixteen feet with some expense and then questioned whether there is really a need for the driveway to actually be sixteen feet since it serves two families. He further noted they are trying to conserve funds since his granddaughter's husband is disabled and they would like to save every dollar they can. Mr. Theissen then asked the applicant if a cost analysis had been done to determine what it would cost for the driveway. Mr. Hammond stated he had not done that.. Mr. Hiles then noted that nothing is being added in the application. He further noted that they are requesting a waiver as to flag lots. He stated they have chosen a better design that will be improving a situation and no building lots are being added. Mr. Wessels then asked if a waiver can be temporary. Mr. Theissen stated he was not sure if a waiver could be temporary but that a condition could be placed on the waiver for example, to grant the waiver for a period of five years. Mr. Hiles then noted that it would be difficult to track something that was to expire in five years. Mr. Hadley commented that if the property owner down the road wanted to widen the road at a later date, he can't do it because he doesn't have the right of way. Following discussion on the matter, Mr. Wessels then made a motion to grant the waivers and to include an additional condition (#3) that in the event that the remaining parcel is developed that the expense to widen the road to sixteen feet be equally shared with the applicant. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hadley, Ms. Carlin, Mr. Gaiser, Mr. Meyer, Ms. Snyder, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

PP-617

APPLICANT: Viox & Viox, Inc. in behalf of Robert F. Golden and Jerry Salzer.

GENERAL LOCATION: An approximate 81-acre area along the west side of Moffet Road (S.R. 2042) approximately 200 feet south of Rector Road (C.R. 1035), unincorporated Kenton County.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of fifteen (15) residential building lots including public improvements such as street, storm drainage, and water system for FOREST RIDGE SUBDIVISION.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

To approve a Preliminary Plat for FOREST RIDGE SUBDIVISION, but only subject to compliance

with the following CONDITIONS:

CONDITIONS:

1. 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);
2. That four (4) "unrestricted" off-street parking spaces be provided for each proposed lot (Section 7.3); and
3. That at least two (2) random on-site sewage disposal tests by the Health Department be submitted prior to approval of improvement drawings (Section 3.1 C).

BASES:

The proposed FOREST RIDGE SUBDIVISION 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 and recommended Waiver.

SUBSEQUENT RECOMMENDATION:

That a Waiver of Section 7.3 F be granted, thereby not requiring sidewalk along the portion of Moffet 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.

Mr. Rodney Crise, Mr. Rod Golden, Mr. Jerry Salzer and Mr. John Friedman registered to speak in favor of the application. No one registered to speak against.

Mr. Crise addressed the Commission and stated he didn't have a whole lot to add to what Staff had presented. He did state they are proposing new water service lines along Moffet Road. He stated the Water District is in the process of testing to determine the amount of flow necessary. He stated they do not have an issue with any of the conditions proposed. He further noted they do want to have a 22-foot wide street. He stated it was a pretty simple proposal.

All others registered to speak on the matter had nothing additional to add.

There were no questions or comments by the Commission regarding the issue. Mr. Hadley then made a motion to approve the application and to include the waiver as to sidewalks on Moffet Road. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Ms. Carlin, Mr. Gaiser, Mr. Meyer, Ms. Snyder, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried

unanimously.

W-610

APPLICANT: Afton Development, L.L.C.

LOCATION: Virginia Glen Subdivision, a 7.9 acre area located along the north side of Shaw Avenue, 200 feet east of Capital Avenue, between existing Windy Hill Subdivision and Stephens Subdivision to the east, and South Erlanger Subdivision to the west, Erlanger and Elsmere.

REQUEST FOR ACTION: Waiver of Section 6.0 B Street Extension and previously approved PP-610 VIRGINIA GLEN (formerly known as Brandon Glen) Condition #3, requiring that the proposed cul-de-sac street be constructed to the northernmost property boundary for future interconnection with Spring Street.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

To grant the requested Waiver to Section 6.0 B / 7.3 J Street Extension and previously approved PP-610 VIRGINIA GLEN Condition #3, but only subject to the following Condition:

CONDITION:

That a street interconnection be provided between Virginia Bradford Drive and existing Fox Street (Section 6.0 B / 7.3 J);

BASES FOR STAFF RECOMMENDATION:

That strict compliance with these regulations would create an extraordinary hardship in the face of exceptional conditions, further defined as follows:

It was revealed at a meeting held with the applicant, land surveyor, and NKAPC staff, that additional land closer to Spring Street was acquired as part of the transfer agreement. In addition, several nonconforming lots along Spring Street remain in the developer's name. In order to make a practicable connection to Spring Street, the rear portions of developed lots fronting Susan Lewis Drive may have to be portioned or condemned. Thus, accomplishing a street connection from the proposed street to Spring Street may be unlikely. However, requiring the proposed street to connect with existing Fox Street (as conditioned) would result in an innovative design layout and would provide for the logical projection of new streets to interconnect with existing streets improving both vehicular and pedestrian circulation.

Mr. Erpenbeck, Mr. Berling, Mr. Bradford and Mr. Brefeld registered to speak in favor of the issue. No one registered to speak against.

Mr. Theissen noted a letter had been received from Mr. David Hahn, Codes Administrator for the City of Elsmere and also from Mayor Bradford for the City of Elsmere in regard to the issue. Both letters were marked as exhibit 1 and 2 respectively.

Mr. Erpenbeck addressed the Commission with regard to the issue and stated it is not practical to make the connection to Spring Street. He stated residents would have to give up their backyards to make way for the connection and it just really doesn't make sense. He further stated the city is vehemently opposed to the Fox Street connection because it is the only street in Elsmere that has a 10 mph speed limit. He further stated that it has been that much of a problem over the years that the city has implemented a 10 mph speed limit. Mr. Erpenbeck additionally stated the last thing the city wanted was to have this connection to have all the people come out Fox Street. He stated Shaw Street is a 27-foot wide street. He stated Garvey is a 22-foot wide street but there is no parking and it's the main collector for the entire city of Elsmere. He further stated the city would like to ensure that all the traffic out of this development goes into Shaw Street, up to Garvey and not down Fox Street. He stated there is just no benefit to the people on Fox Street or to the people of Elsmere by having the connection at Fox Street. He further stated that city council and the mayor is vehemently opposed to the connection at Fox Street.

Mr. Berling addressed the Commission and stated it is virtually impractical to connect at Spring Street. He stated to do so they would have to have cooperation from both cities (Erlanger and Elsmere) and would also have to condemn somebody's yard to make the connection. He stated on Fox Street they are basically older homes with limited off-street parking. He stated they have agreed with the city that they will connect with the water main on Fox Street and will provide for pedestrian access between Fox Street and the new street. He stated the pedestrian access was basically at the request of the school board. He stated they have agreed to extend a sidewalk along Shaw to the school property.

Mr. Brefeld addressed the Commission and stated the fire department is opposed to the Fox Street connection. He stated it is not feasible to get a fire truck down that street now with parking on both sides of the streets. He further stated they are opposed to a cul de sac and would like to see the interconnection, but since there is no interconnection they would like to see the radius of the cul de sac increased.

Mayor Bradford addressed the Commission and stated he is in favor of granting the waivers and thanked the Commission for their cooperation. He stated Fox Street is a very congested street and is glad everyone is in agreement on that.

Ms. Carlin stated she doesn't think it's fair for the residents of a new subdivision to be limited to one point of entrance and exit. She further noted that Fox Street must be a problem after listening to the discussion on the matter, but not a problem that someone buying into the subdivision should have to take in. She stated if something would happen there is no way of getting into or out of that cul de sac. She stated there is no choice but to use a certain street because there is no option. She noted the opportunity should be given for residents to be able to get out of the subdivision another way. Mr. Theissen then questioned Staff as to whether or not it was unusual to have forty-two house that have one route. Mr. Hiles stated it is not unusual for this type of site. Mr. Hiles stated that Fox Street would be a logical choice for an interconnection, but based on what has been stated by the city engineer and fire department it offers some difficulty. Mr. Hadley questioned whether or not Shaw Street had parking on both sides. Mr. Erpenbeck stated that Shaw Street had parking on one side only. He further stated it is a 27-foot street.



Following the discussion on the matter, Mr. Hadley made a motion to grant the waiver without the condition as to an interconnection to Fox Street. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Mr. Gaiser, Mr. Meyer, Ms. Snyder, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Ms. Carlin voted against. The motion carried with a vote of 8-1.

W-599

APPLICANT: Arlinghaus Builders, Inc.

LOCATION: William Woods Subdivision, an approximate 83-acre area along the south side of Bristow Road (S.R. 536), directly opposite Battleridge Drive, unincorporated Kenton County.

REQUEST FOR ACTION: Waiver of Section 6.0 E.2 Sight Distance and previously approved PP-599 WILLIAMS WOODS Condition #1, requiring Sight Distances (Right and Left) for vehicles exiting the proposed intersection with Bristow Road be in accord with minimum Subdivision Regulation standards.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

Denial of the requested Waiver of Section 6.0 E.2 Sight Distance and previously approved PP-599 WILLIAMS WOODS Condition #1.

BASES:

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); and
2. Adequate sight distances for vehicles exiting an intersection with an arterial roadway (i.e. Bristow Road) are a critical element in the safe design of such an intersection. No information has been submitted regarding the achievable sight distances upon completion of the Bristow Road realignment, or that the reasonable vehicular traveling speed along the roadway in question was significantly lower than the "regulatory" speed limit. Although the Bristow Road realignment will likely result in improved sight distances and the proposed intersection is directly opposite an existing intersection (a logical location for the proposed intersection), insufficient information has been submitted to substantiate a waiver of sight distance.

Mr. Ray Erpenbeck and Mr. Joe Arlinghaus registered to speak on the issue. No one registered to speak against the issue.

Mr. Erpenbeck addressed the Commission and stated they are really requesting a waiver as to site distance to the south. He stated they are required under the subdivision regulations to provide and 875-foot site distance for a 55 mph speed limit. He stated they spoke to the Department of Transportation and they indicated Bristow will stay at 55 mph. He stated they indicated that after it's open a while they will do their usual traffic studies to see if it can be lowered but it is probably going to stay at 55 mph. He stated the site distance requirements are greatly in excess of the standards. He further noted the standards

used by KDOT would allow for a site distance of around 600 feet. He stated that he cannot certify that they can meet the 875-foot requirement, even with removing the tree to offer more site distance. He additionally noted that without being able to certify the 875-feet of site distance, they have no choice but to move the intersection 600 feet north. He then stated that in doing that, two major streets would be coming in 600-feet apart whereas normally they could come in at a cross intersection. He stated this is why they are requesting the waiver. Mr. Meyer questioned whether or not the applicant could meet KDOT standards. Mr. Erpenbeck then stated they can in fact meet KDOT's standards for site distance. Mr. Swanson stated given the situation, he felt the waiver was justified.

Mr. Arlinghaus had nothing to add.

Following the discussion, Mr. Swanson made a motion to grant the waiver. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Hadley, Ms. Carlin, Mr. Gaiser, Mr. Meyer, Ms. Snyder, Mr. Wessels, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

PP-618

APPLICANT: Hicks & Mann, Inc., in behalf of Elsie Cheeks.

GENERAL LOCATION: An approximate 45-acre area along the east side of Bagby Road and the west side of Carlisle Road, unincorporated Kenton County.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of eight (8) residential building lots, and two (2) lots (lot #5 and lot #6) proposed for attachment to adjacent property, with no public improvements for CHEEKS LAND DIVISION.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

To approve a Preliminary Plat for CHEEKS LAND DIVISION, 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 CHEEKS LAND DIVISION 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 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 Bagby Road and Carlisle 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 Bagby Road and Carlisle 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 2200 lineal feet of Bagby Road and Carlisle Road, respectively, fronting only eight (8) lots, makes compliance with such requirement financially impracticable, in Staff's opinion.

Mr. Tom Leach and Ms. Elsie Cheeks registered to speak in favor of the issue. No one registered to speak against.

Mr. Leach addressed the Commission and stated the purpose of the division is to ultimately sell two tracts (tracts 1 and 2). He stated tract three will be attached to the applicant's son's property. He noted the remaining divisions would be divided among her children. He noted she had sold her two out sales prior to this so they had to go with the preliminary plats for the two lots. He further stated the applicant decided at this time to do the whole property so when she is ready to deed it to the children, it will be done. Mr. Theissen asked if he agreed that the sidewalks and the widening of the street is impractical. Mr. Leach stated he agreed and felt it would be a financial hardship on Mrs. Cheeks.

Ms. Cheeks had nothing to add.

Following the discussion, Mr. Wessels made a motion to approve with the two conditions as to sidewalks and road widening. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Ms. Carlin, Mr. Gaiser, Mr. Hadley, Mr. Meyer, Mr. Swanson and Mr. Theissen in favor. Ms. Snyder had to leave the meeting before the motion was made. The motion carried by a vote of 8-0.

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 plans over the past month needed to be ratified and approved. Mr. Theissen noted his withdrawal from item I-3850 and I-3865 due to a business relationship with the

applicant. 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. Gaiser, Mr. Meyer, Mr. Wessels, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

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

**PUBLIC HEARINGS ON SCHEDULED PUBLIC FACILITIES:**

TF-2002-31

**APPLICANT:** American Tower, Inc. and Verizon Wireless.

**GENERAL LOCATION:** An approximate 10,000 square foot area located approximately 500 feet west of Thomas More Parkway and approximately 300 feet south of South Loop road, Edgewood. The site in question is located on property at 555 South Loop Road, Edgewood.

**REQUEST TO BE REVIEWED:** Location and extent of a Wireless Communications Facility, including a 210 foot high monopole to replace an existing 185 foot high monopole, including associated ground structures.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

**NKAPC RECOMMENDATION - TF-2002-31**

To approve the location and extent of a Wireless Communications Facility, including a 210 foot high monopole and associated ground structures, but only subject to compliance with the following conditions:

1. Unless required by state and/or federal regulations, the proposed monopole shall be a uniform gray color.
2. Unless required by state and/or federal regulations, the proposed monopole shall not have any lighting.

**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 RECOMMENDATION:**

1. The location and extent of the proposed Wireless Communications Facility is in conformity with the 2001 Area-Wide Comprehensive Plan Update and the KC&MP&ZC's Administrative Policy No. 6.

As it pertains to the location of cellular antenna facilities, the basic premise of the 2001 Area-Wide Comprehensive Plan Update is to reduce the proliferation of such facilities.

Chapter IX of the 2001 Area-Wide Comprehensive Plan Update, and the KC&MP&ZC's Administrative Policy No. 6, states: (1) that service providers should be required, where feasible, to share towers and site facilities in order to minimize their proliferation; and (2) that, wherever possible, service providers should be required to use existing structures or facilities which meet all of the requirements of the proposed installation. For example, water towers, radio and television towers, tall buildings, commercial signs, church steeples, etc., in order to minimize the proliferation of new towers/facilities.

Chapter IX of the 2001 Area-Wide Comprehensive Plan Update, and the KC&MP&ZC's Administrative Policy No. 6 contain criteria which are to be used when evaluating such facilities. The proposed facility is consistent with the following criteria items:

- o Cellular phone service providers should be required to co-locate or share tower/facilities with other providers in order to minimize the proliferation of towers/facilities.
- o Wherever possible, service providers should be required to use existing structures or facilities which meet all of the requirements of the proposed installation (e.g. water towers, radio and television towers, tall buildings, commercial signs, church steeples, etc.), in order to minimize the proliferation of new towers/facilities.
- o Wherever possible, siting of such facilities should be required to be located in areas identified for industrial or commercial-type uses.
- o Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc).
- o Extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact.

The proposed monopole is to be located on the same site as an existing monopole. Since an existing monopole is located on the site, its replacement will not be perceived as additional visual clutter. Although the proposed monopole will be twenty-five (25) feet higher than the existing monopole, the average person should not be able to distinguish the height difference.

The proposed monopole, at the increased height, will allow for greater co-location possibilities. The applicant has supplied information that two additional providers, VoiceStream Wireless and Cingular Wireless, will co-locate on the proposed monopole.

2. The waiver pertaining to the setback requirement should be granted. Granting the waiver will allow for the replacement of a shorter monopole, allowing greater co-location possibilities, and thus reducing

the proliferation of towers. While the proposed 210 foot high monopole will be located approximately twenty-five (25) feet from the lease line, it will be further away than the existing monopole. The existing monopole is located approximately twenty (20) feet from the lease line.

3. The waiver pertaining to screening should be granted. The area located to the west of the lease area is currently occupied by a paved parking lot for the Edgewood Public Works facility. This parking lot typically has trucks and other municipal equipment parked and/or stored in it. Areas located to the north, south, and east of the lease area are currently vacant, wooded, and are characterized by steep hillsides. There is a twenty (20) to forty (40) foot drop in elevation from the lease area. Landscaping within this area would be impractical. Additionally, there is no substantive change being made within the lease area.

Ms. Sandra Keene, Ms. Cori Cusker, Mr. Jeff Gabbard, Mr. Tom Ebels and Mr. Matt Nguyen registered to speak on the issue. No one registered to speak against.

Ms. Keene addressed the Commission and stated she would be hard-pressed to improve on Staff's report and recommendations. She stated she would like to emphasize the amount of teamwork that has gone into the proposal. She stated the two companies sitting before the Commission did exactly what the Comprehensive Plan and the administrative policies have asked them to do and that is to reduce or prevent the proliferation of towers. She stated in this instance they are pulling out one and replacing it with another which will allow two additional carriers to go on the monopole. She further stated it is designed to be structurally sound enough to carry two more (carriers) for a total of five carriers. Mr. Theissen asked if this was a leased site or an owned site. Ms. Keene stated it was a lease. Mr. Hadley questioned what the deficiencies were in the old structure. Ms. Cusker addressed the Commission and stated in response the pole that was there was not initially constructed to hold the dish that's on it. She stated no other carriers could be placed on it the pole as it is. She further stated from their purposes they would probably replace it anyway because it does not meet complete standards.

Those remaining registered to speak had nothing to add.

Following the discussion, Mr. Hadley made a motion to approve with the two conditions and waivers. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Ms. Carlin, Mr. Gaiser, Mr. Meyer, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried with a vote of 8-0.

#### OTHER COMMITTEE BUSINESS:

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

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

June 6, 2002  
6:15 P.M.

NKAPC Meeting Room  
2332 Royal Drive  
Fort Mitchell, Kentucky

## MINUTES

### COMMISSION MEMBERS PRESENT:

Ms. Barbara Carlin - Kenton County  
Mr. Barry Coates - Covington  
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  
Ms. Alex Weldon, Covington  
Mr. Bernie Wessels - Ft. Wright  
Mr. Paul Swanson, Secretary/Treasurer - Erlanger  
Mr. Joseph Price, Vice Chairman - Crestview Hills  
Mr. Tim Theissen - Chairman - Edgewood

### COMMISSION MEMBERS NOT PRESENT:

Mr. Jay Bayer - Park Hills  
Mr. James Bertram - Taylor Mill  
Mr. Jeff Gaiser - Ludlow  
Mr. Bill Snyder - Bromley

### LEGAL COUNSEL PRESENT:

Matt Smith, Esq. for David A. 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. Joe Price.

### APPROVAL OF THE MINUTES:

Mr. Theissen noted the minutes from May had been distributed in the Commissioner's packets and asked for any questions or comments. There being none, Mr. Price made a motion to approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Hadley, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Ms. Weldon, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried.

#### FINANCIAL REPORT:

Mr. Theissen asked for any questions or comments regarding the report. Mr. Swanson commented the work anticipated in a twelve month period was underestimated with regard to the budgeted items for an inspection program. He further stated more work was done than anticipated. He also stated for those who attended the conference in Chicago, expense accounts needed to be turned in. He stated the budget year is up slightly.

#### 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 memo from the subdivision review committee held in the morning. There were no questions or comments. Mr. Hadley made a motion to ratify and approve. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Hadley, Ms. Snyder, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Mr. Sucher, Mr. Price, Ms. Weldon, Mr. Wessels, Mr. Swanson and Mr. Theissen voted in favor. The motion carried.

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

PUBLIC FACILITIES: None.

PUBLIC HEARINGS ON SCHEDULED ITEMS:



Mr. Theissen noted a request to table had been received regarding items 1566R and 1567R. He stated a letter had been received from the City of Independence, as well as a letter from Bill Dehlinger of the Dehlinger Company requesting a tabling of those two items. Ms. Weldon then motioned to table the issues with Mr. Swanson giving the second. A roll call vote on the matter found Ms. Weldon, Mr. Swanson, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Hadley, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Wessels, Mr. Price and Mr. Theissen in favor. The motion carried.

1563R

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

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: A proposed text amendment to the zoning ordinances of the political jurisdictions within Kenton County modifying the definition of variance.

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

To approve the proposed text amendment modifying the definition of variance (see Attachment A).

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

COMPREHENSIVE PLAN DOCUMENTATION:

o Date of Adoption by the Kenton County and Municipal Planning and Zoning Commission: December 18, 2001.

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed text amendment modifying the definition of variance (see Attachment A) is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. The proposed text amendment modifying the definition of variance (see Attachment A) is consistent with the amendments made to Kentucky Revised Statute (KRS) Chapter 100 during the 2002 Session of the Kentucky General Assembly.

No one registered to speak for or against the issue.

There being no questions or comments, Mr. Hilgefurd made a motion to approve. Mr. Sucher seconded the motion. A roll call vote on the motion found Mr. Hilgefurd, Mr. Sucher, Ms. Carlin, Mr. Coates, Mr.

Cook, Mr. Dorsey, Mr. Hadley, Mr. Meyer, Mr. Smith, Ms. Snyder, Ms. Weldon, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

1565R

APPLICANT: City of Ft. Mitchell, per Mr. William Goetz, Zoning Administrator

GENERAL LOCATION: An approximate 26-acre area located at the terminus of Grandview Drive, Fort Mitchell.

REQUEST TO BE REVIEWED: A proposed map amendment to the Fort Mitchell Zoning Ordinance, changing the area described herein, from PO (a professional office building zone) to R-2 (a two and multi-family residential zone with a maximum density of 9.1 dwelling units per net acre).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - FORT MITCHELL ZONING ORDINANCE:

To approve the proposed map amendment from PO to R-2.

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 PO to R-2 is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the majority of the site in question for Residential Development at a density ranging from 7.1 to 14.0 dwelling units per net acre. The proposed R-2 Zone allows for the development of two and multi-family residential dwellings at a maximum density of 9.1 dwelling units per net acre.

2. The proposed map amendment from PO to R-2 is appropriate. The site in question is currently occupied by a 200 unit multi-family residential development at a density of 8.4 dwelling units per net acre. The proposed map amendment would reflect a land use that is likely to continue during the planning period.

Mr. Theissen stated he had received a letter from the applicant, Bill Goetz, regarding the issue. Mr. Theissen then read the letter into the record and marked it as exhibit 1 to the minutes.

Mr. Ralph Drees addressed the Commission in favor of the application. No one registered to speak against the issue.

Mr. Drees addressed the Commission and stated they did not know they needed a zone change until they went to obtain a new loan. He stated they obtained the permit and it was zoned correctly. He then stated the zoning came afterwards and went through the processes. He further stated that after the permit was obtained it was changed unbeknownst to them and they were now non-conforming.

Mr. Dorsey stated the non-conformance issue could create some problems for the owner and changing the zone was the right thing to do. Mr. Dorsey then made a motion to approve the zone change. Mr. Swanson seconded the motion. A roll call vote on the matter found Mr. Dorsey, Mr. Hadley, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Ms. Weldon, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen. The motion carried unanimously.

1568R

APPLICANT: City of Covington, per Ms. Annalee Duganier, Planner

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Covington Zoning Ordinance: (1) deleting certain definitions that pertain to sexually oriented businesses and adding a new definition for "Sexually Oriented Business"; (2) deleting sexually oriented businesses from the list of permitted uses within the GC (General Commercial) Zone; (3) deleting sexually oriented businesses from the list of conditional uses within the CBD (Central Business District) Zone; (4) adding a new zoning district, the ITU (Urban Industrial/Technology) Zone, along with the necessary cross references in other sections of the zoning ordinance; (5) providing for specific off-street parking requirements for sexually oriented businesses; (6) adding regulations pertaining to the zoning permit process for sexually oriented businesses; and (7) adding regulations pertaining to the appeals process for sexually oriented businesses

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - COVINGTON ZONING ORDINANCE:

RECOMMENDATION A: To approve the proposed text amendments: (1) deleting certain definitions that pertain to sexually oriented businesses and adding a new definition for "Sexually Oriented Business" (see Attachment A); (2) deleting sexually oriented businesses from the list of permitted uses within the GC (General Commercial) Zone (see Attachment C); (3) deleting sexually oriented businesses from the list of conditional uses within the CBD (Central Business District) Zone (see Attachment D); and (4) providing for specific off-street parking requirements for sexually oriented businesses (see Attachment F).

RECOMMENDATION B: To approve the proposed text amendments adding a new zoning district, the ITU (Urban Industrial/Technology) Zone, along with the necessary cross references in other sections of the zoning ordinance (see Attachments B, E, and G), but only subject to compliance with the following

conditions:

1. That Section 158.112, C., 1. be revised to read as follows: 'Signs as regulated by Subsections 158.150 through 158.157 provided all business identification signs are located on the front of the building.'
2. That Section 158.112, E. be revised to include the following: '6. Minimum rear yard depth, 50 feet. No rear yard shall be required where a rail spur or rail line forms the rear property line.'

RECOMMENDATION C: To disapprove the proposed text amendments: (1) adding regulations pertaining to the zoning permit process for sexually oriented businesses (see Attachment H); and (2) adding regulations pertaining to the appeals process for sexually oriented businesses (see Attachment I and J).

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 amendments: (1) deleting certain definitions that pertain to sexually oriented businesses and adding a new definition for "Sexually Oriented Business" (see Attachment A); (2) deleting sexually oriented businesses from the list of permitted uses within the GC (General Commercial) Zone (see Attachment C); (3) deleting sexually oriented businesses from the list of conditional uses within the CBD (Central Business District) Zone (see Attachment D); and (4) providing for specific off-street parking requirements for sexually oriented businesses (see Attachment F) are allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. Although the proposed definition of "Sexually Oriented Business" is referencing Subsection 111.601 of the City's Code of Ordinances, the definition found within the reference provides for a reasonable definition of the term (see Attachment A).
3. With the inclusion of the proposed ITU (Urban Industrial/Technology) Zone, which provides for sexually oriented businesses, it is appropriate that sexually oriented businesses be deleted from the GC and CBD Zones (see Attachments C and D).

4. The Covington Zoning Ordinance currently does not provide for off-street parking requirements for sexually oriented businesses. The proposed text amendment will provide references to similar existing uses (i.e., adult motel references motel) (see Attachment F).
5. The recommendation of approval is consistent with previous recommendations made by the NKAPC staff and the KC&MP&ZC.

On June 14, 2001, the City of Covington, per Mr. Dennis Uchtman, submitted a similar request (Z-01-06-03/1512R). On July 27, 2001, the NKAPC staff recommended approval of the proposed text amendments. On August 2, 2001, following the public hearing, the KC&MP&ZC recommended approval of the proposed text amendments. To date, the City of Covington has not taken action on the request.

#### RECOMMENDATION B:

1. The proposed text amendments adding a new zoning district, the ITU (Urban Industrial/Technology) Zone, along with the necessary cross references in other sections of the zoning ordinance (see Attachments B, E, and G), except as noted under conditions, 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 ITU (Urban Industrial/Technology) Zone, along with the necessary cross references in other sections of the zoning ordinance (see Attachments B, E, and G), except as noted under conditions, provides for the placement of office, industrial, and sexually oriented businesses while providing sufficient and reasonable controls.
3. The proposed ITU Zone requires that all business identification signs to be located on the front of the building and facing the street to which the site has access. There may be situations where the front of the building is not facing the street to which there is access. In these situations, building signs would not be allowed at all.

To provide for reasonable sign regulations, it is recommended that Section 158.112, C., 1. be revised to read as follows: 'Signs as regulated by Subsections 158.150 through 158.157 provided all business identification signs are located on the front of the building.'

4. Section 158.112, E. provides for front and side yard setback requirements. However, this subsection does not provide for any rear yard setback requirements. Therefore, it is recommended that Section 158.112, E. be revised to include the following: '6. Minimum rear yard depth, 50 feet. No rear yard shall be required where a rail spur or rail line forms the rear property line.'

#### RECOMMENDATION C:

1. The proposed text amendment allowing an expedited permit process (see Attachment H) is arbitrary.

The proposed text amendment allows an applicant for a sexually oriented business to utilize a fast track (expedited) permit process. Such a process is only proposed for sexually oriented businesses and does not apply to any other permitted use within the zoning ordinance. There does not appear to be any connection between the proposed expedited permit process and the public interest being served to single out this one use. Therefore, the proposed text amendment is arbitrary.

2. The proposed text amendments allowing an expedited appeal process (see Attachments I and J) are arbitrary.

The proposed text amendments allow an applicant for a sexually oriented business to appeal the Zoning Administrator's decision utilizing a fast track (expedited) appeal process. Such a process is only proposed for appeals pertaining to sexually oriented businesses and does not apply to any other appeal of the Zoning Administrator's decision. There does not appear to be any connection between the proposed expedited appeal process and the public interest being served to single out this one appeal. Therefore, the proposed text amendments are arbitrary.

3. The proposed text amendment requiring a temporary permit for a sexually oriented business if the circuit court does not render a decision within seventy-five (75) days (see Attachment J) is arbitrary.

The proposed text amendment states that if an appeal is filed with the circuit court, all proceedings and permits shall be stayed until such time as the circuit court renders its decision, except for permits pertaining to sexually oriented businesses. Pertaining to sexually oriented businesses, the Zoning Administrator must issue a temporary zoning permit to allow a sexually oriented business to operate until such time as the circuit court renders its decision.

This temporary permit process only applies to sexually oriented businesses and does not apply to any other permitted use within the zoning ordinance. There does not appear to be any connection between the proposed temporary permit process and the public interest being served to single out this one use. Therefore, the proposed text amendment is arbitrary.

4. The recommendation of disapproval is consistent with previous recommendations made by the NKAPC staff and the KC&MP&ZC.

On June 14, 2001, the City of Covington, per Mr. Dennis Uchtman, submitted a similar request (Z-01-06-03/1512R). On July 27, 2001, the NKAPC staff recommended disapproval of the proposed text amendments. On August 2, 2001, following the public hearing, the KC&MP&ZC recommended disapproval of the proposed text amendments. To date, the City of Covington has not taken action on the request.

Ms. Annalee Duganier, Mr. Dennis Uchtman and Ms. Ella Frye registered to speak in favor of the issue. No one registered to speak against.

Ms. Duganier addressed the Commission and stated most issues had been pretty well stated in Staff's report. She stated that rather than an overlay zone it's better to establish a new zone not only for sexually oriented businesses but mainly to recruit clean technology industries to the city. She stated with regard to the expedited appeals process that it had been discussed and in the end they decided not to allow expedited applications. Mr. Hilgefurd questioned where she thought the ITU zone would be. She stated that would be the next step.

Those remaining to speak had nothing further to add.

There being no discussion on the matter, Ms. Weldon made a motion to approve based on Staff's recommendations and supporting bases. Mr. Hadley seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Hadley, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

OLD BUSINESS: None.

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

COMMISSION ITEMS:

Mr. Theissen noted the City of Taylor Mill had administratively failed to reappoint the members for the Board of Adjustment. He stated the duty to appoint the board then fell on the members of the Commission. He then noted the members that would be returning to the Taylor Mill Board of Adjustment as follows: Paul Maxfield, John Lucas, Paula Trettor-Kuehne, Lou Knoll, Jack Osterhage and Kenneth Sears. Mr. Schwartz then noted that in reading the letter from the city, they have listed six people and statute states that the Board of Adjustment shall consist of either three, five or seven members. Mr. Schwartz then stated that it can be noted that the six stated members were reappointed and note that they have to have either three, five or seven members. Mr. Theissen then asked for a motion to appoint the members. Ms. Weldon then made a motion to appoint the members. Mr. Price seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Price, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Hadley, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried.

Standing Committee Reports:

Subdivision Regulations Review Committee:

Mr. Theissen noted they met June 4. He stated the issue for discussion was on trying to address the subdivision regulations and how they call for the proper timing of the installation of utilities along new streets. He stated various utility companies were invited to participate in the meeting. A brief discussion

on the topic took place among the Commissioners as to what was discussed at the meeting. He stated the next meeting would be held for July 2 to discuss site distance regulations.

**By-Laws:**

Mr. Price stated the legislature has changed the rules and regulations for cell towers and consequently the by-laws need to be changed. He stated notices have been sent out to committee members regarding a meeting scheduled for June 12th at noon to discuss the matter.

**Model Zoning Ordinance:**

Mr. Dorsey stated there has been not action taken. Mr. Schwartz noted the next big issue for the committee is the manufactured housing laws that were recently changed.

**COMMENTS/REQUESTS TO THE COMMISSION:**

Mr. Theissen noted the usual meeting for July would be changed to July 11th due to the holiday and asked that the Commissioners mark their calendars.

There being no further business to come before the Commission, the meeting adjourned at 7:27 p.m.