



## KC&MP&ZC MINUTES

---

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

July 11, 2002  
9:00 A.M.

Beechwood School  
50 Beechwood Road  
Fort Mitchell, Kentucky

### MINUTES

#### COMMISSION MEMBERS PRESENT:

Mr. Tim Theissen - Chairman - Edgewood  
Mr. James Bertram - Taylor Mill  
Ms. Barbara Carlin - Kenton County  
Mr. John Dorsey - Fort Mitchell  
Mr. Jeff Gaiser - Ludlow  
Mr. Al Hadley - Elsmere  
Mr. Eugene Meyer - Covington  
Mr. Frank Smith - Lakeside Park  
Ms. Maura Snyder - Independence  
Mr. Bill Snyder - Bromley  
Mr. James Sucher - Crescent Springs  
Mr. Bernie Wessels - Fort Wright  
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. Bill Snyder.

**APPROVAL OF THE MINUTES:**

Mr. Theissen stated the minutes for June were distributed and asked for any questions or comments. There being none, Mr. Hadley made the motion to approve. Mr. Gaiser seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Gaiser, Mr. Bertram, Ms. Carlin, Mr. Dorsey, Mr. Meyer, Mr. Smith, Mr. Snyder, Ms. Snyder, Mr. Sucher, 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-616

**APPLICANT:** Menetrey Land Surveying, Inc., in behalf of Mr. Robert G. Eaton.

**GENERAL LOCATION:** An 1.14-acre area at the northwest corner of Greenup Street and Eastern Avenue, Covington.

**REQUEST FOR ACTION:** To approve a Preliminary Plat consisting of ten (10) residential building lots with no public improvements for EATON POINT SUBDIVISION.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

**NKAPC STAFF RECOMMENDATION:**

To approve a Preliminary Plat for EATON POINT, but only subject to compliance with the following **CONDITIONS:**

**CONDITIONS:**

1. That all development comply with the applicable requirements of the "zero lot line development" regulations contained within the Covington Zoning Ordinance (Section 6.6);
2. That the developer provide NKAPC staff with a layout of the proposed building locations to ensure potential for compliance with the "zero lot line development" regulations contained within the Covington Zoning Ordinance prior to approval of a Final Plat (Section 6.6); and
3. That approval be obtained from Sanitation District No. 1 for storm sewer / sanitary sewer discharges

into the combined sewer system prior to approval of Improvement Drawings and Specifications.

**BASES:**

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

Mr. Robert Eaton and Mr. Jamie Gansher registered to speak in favor of the issue. Ms. Virginia Budd, Mr. Blaise Wintersheimer, Mr. Tom Michel and Mr. John Flesch registered to speak against.

Mr. Eaton addressed the Commission and stated he had nothing to add.

Mr. Gansher addressed the Commission and stated he didn't need to add to Staff's report but that he was available to answer questions.

Ms. Virginia Budd addressed the Commission and stated her property is adjacent to the subdivision. She stated the lots seem to be too small at 33 feet wide. She stated her lot is 100 feet wide. She further noted the setback of 25 feet is better than the last proposal. She stated she is neither for nor against. She noted she wants to be sure that the house will have eight (8) feet of setback on the sides. She further noted her other concern is there will be no change in the land in the back of the property according to the plat. She stated she wants to make sure there is no damage done within eight feet of her fence.

Mr. Wintersheimer addressed the Commission and stated his concern is all the homes are individual homes with yards in the neighborhood. He stated this development is going to be a major change. He stated across the street is a pond. He further stated the proposed townhouses are going to look like the property above the sports bar in Covington. He stated they should build individual homes and not ones joined by common walls.

Mr. Michel addressed the Commission and stated he is against the proposal. He stated the effect is allowing more dense housing. He stated this is a large lot and by changing the density will just be allowing more density to the area. He stated he is glad to hear they will have their own parking. He further noted he would be in favor of the proposal if it was going to be seven detached homes as previously proposed.

Mr. Flesch addressed the Commission and asked for clarification of the layout of the buildings. Mr. Hiles stated the zero lots line allows for the home to be built on the lot line with five feet between for the setback. Mr. Flesch stated he is in opposition to the proposal. He stated the application has procedural problems. He stated at this point in time there has been no formal recommendation by the City of Covington regarding the application. He stated the actions of the NKAPC are inappropriate due to the lack of a formal recommendation by the city. He stated this is not a small lot as stated as a regulation under the zoning for zero lot lines. He further stated this is a large lot that is being requested to be subdivided. He further stated there are no sidewalks in front of this lot as stated in Staff's report. He

stated if this plan is approved he would like a requirement that sidewalks be installed as are already existing in surrounding areas. He additionally noted if this is approved he is giving notice that any decision will be appealed and actions will be taken to stop the development of the property. He further stated he is requesting a tabling of the issue to obtain a formal recommendation from the City of Covington. Mr. Theissen then stated that there is nothing in Covington's regulations that say that the Commission should not approve a subdivision until that is done. He further stated his concern would be that the Commission could get into hot water by refusing to act on something that they are required by in regulations to act on. He additionally stated he doesn't feel as if the cart is being placed before the horse.

Mr. Gansher stated in rebuttal that the Eatons are residents of Covington. He stated the applicants are not looking to put up just anything to get rid of the property. Mr. Theissen asked if there are sidewalks on Greenup and whether or not they will be installed. Mr. Gansher stated they could install sidewalks in front of the property. Mr. Theissen then questioned Staff as far as making the inclusion of the sidewalks a condition on approval. Mr. Hiles stated they looked at the matter and sidewalks are not in front of the development but are on the other side of Greenup. Mr. Theissen further noted he felt sidewalks should be on all streets in Covington. Mr. Meyer stated he didn't think the zero lot line could be used other than for infill housing. He further stated he didn't think you could take a large lot and chop it up. Mr. Meyer additionally noted he didn't feel zero lot lines were meant for this area.

Following the discussion amongst the Commissioners, Mr. Swanson motioned to approve with an added condition that would require the developer to install sidewalks on the Greenup Street side in front of the development. Mr. Smith seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Smith, Mr. Bertram, Ms. Carlin, Mr. Gaiser, Ms. Snyder, Mr. Sucher, Mr. Wessels and Mr. Theissen in favor. Mr. Dorsey, Mr. Hadley, Mr. Meyer and Mr. Snyder voted against. The motion carried.

PP-576

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

GENERAL LOCATION: An approximate 57-acre area along the south side of Hogreff Road (C.R. 1083), approximately 1,700 feet west of the Hogreff Road/S.R. 536 connector roadway, Independence.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 130 residential building lots, including public improvements such as street, storm drainage, sanitary sewer, and water systems for GLENHURST SUBDIVISION.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

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

CONDITIONS:

1. That Sight Distances (Right and Left) for vehicles exiting the proposed intersection with Hogreff Road be in accord with minimum Subdivision Regulation standards. Sight Distance measurements shall

be clearly indicated on subsequent Improvement Drawings and Specifications (Section 6.0 E);

2. That the portion of Hogreffe Road fronting the Plat be reconstructed to a minimum full pavement width of 28 feet and contain curb and gutter on the southern side (i.e. project side) (Section 7.3I);

3. That a minimum fire flow of 500 gpm at 20 psi be provided/ensured by certified flow test and fire hydrant spacing be maximum of 450 feet (Section 7.2);

4. That a street stub be provided to access adjacent developable property to the west (Section 7.3);

5. That proposed driveways along Hogreffe Road be spaced a minimum distance of 200 feet (Section 6.1E); and

6. That ownership / maintenance of the Open Space and Conservation Easement area be clarified prior to approval of a Final Plat.

#### BASES:

The proposed subdivision GLENHURST 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.

\*Mr. Theissen noted a letter had been received from Mr. Mark Risso of the Hillside Trust in regard to the application. He noted the letter would be marked as an Exhibit to become a part of the minutes.

Mr. Chuck Berling and Mr. Ron Mechlin registered to speak in favor of the application. Mr. Don Mossman and Ms. Sherry Carran registered to speak against.

Mr. Berling addressed the Commission and stated they are willing to improve the Hogreffe Road frontage of the development. He stated he has had contact with the Water District to improve the water lines along Hogreffe. He further noted that he feels that placing a driveway for every two lots is a good idea because of the size of the lots. He further noted that open space has been included with the lots but there is somewhat of a topographical problem with the area involving power lines. Mr. Berling noted he would like to eliminate the interconnection at the west. He stated he would rather modify the plan than to establish an interconnection to the west. Mr. Theissen stated it is generally recognized to be good planning to allow subdivisions to be interconnected, if for no other reason than for safety reasons. He further stated he finds it hard to believe that a subdivision such as that being proposed to be developed without having that proper interconnection when it's available. Mr. Theissen stated if a situation arises later where they know there is going to be two ways out of the subdivision then maybe the requirement can be withdrawn at that point. He further stated that until then it seems like the requirement should be kept. Mr. Berling suggested extending the cul de sac back to Hogreffe. He further stated he would be willing to modify the plan to do that if necessary and that he would rather do that. Mr. Berling further stated that one of the problems is they don't know what will happen to the west and they do not have

control over the property to the west. Mr. Theissen then asked if that would help with the connection to the west to have the plan modified to loop Blooming Court up to Hogreffe rather than cul de sac the end. Mr. Hiles stated it doesn't help with the connection to the west. Mr. Hiles further stated that it solves a concern that there are two ways to have ingress and egress into the subdivision. Mr. Theissen then asked if that was a reasonable compromise rather than just eliminating the connection to the west. Mr. Hiles agreed.

Mr. Mechlin passed.

Mr. Mossman addressed the Commission and stated in his opinion the developer did a disservice to the Commission in having the property annexed. He stated a better plan would be to have the homes back up to Hogreffe Road versus having driveways onto Hogreffe. He stated another concern is the road will be widened in front of the development but stated the road will still be 14 feet wide in front of his home down from the development.

Ms. Carran addressed the Commission and stated her concern is the stream on the south side of the property. She then asked what kind of buffer would be provided for that stream. Mr. Berling stated there would be 150 foot buffer. Ms. Carran stated if it is at least 50 feet that would please her. She additionally noted concerns with erosion control during construction. She stated that is very important to the health of the stream and also further down stream to Banklick Creek.

Mr. Bertram stated he still felt it was important to have the west connector. Mr. Theissen stated he didn't like the idea of not including the connector to the west. Mr. Theissen further stated that by eliminating the interconnection you're effectively cutting off the west side of the development from access to the rest of the subdivision. Mr. Dorsey asked about the matter of the street being 14 feet wide beyond the development where it will be widened to 25 feet. He also questioned whether this would create a bottleneck along Bristow Road. Mr. Theissen agreed but stated the city decided to change the zoning and it would be that way until changed. Following further discussion on the matter, Mr. Hiles noted the developer agreed to leave the stub to the west and suggested leaving condition #4 as it is that would require the stub to the west. He also noted that condition #2 would be changed to read "both sides" rather than one side with regard to curb and gutter and condition #5 changed to read "that the driveways be spaced a minimum of 200 feet apart or a single driveway be used to serve two or more homes along Hogreffe. Mr. Hadley then made a motion to approve Mr. Wessels seconded the motion. A roll call vote on the issue found Mr. Hadley, Mr. Wessels, Mr. Bertram, Ms. Carlin, Mr. Dorsey, Mr. Gaiser, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Snyder, Mr. Sucher, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

PP-619

APPLICANT: Olde Fort Mitchell Co., L.L.C.

GENERAL LOCATION: An approximate 25-acre area along the north side of Dixie Highway (U.S. 25), the east side of St. Johns Road/St. John Cemetery, and the terminus of existing street "Lawrence Drive", Fort Mitchell.

**REQUEST FOR ACTION:** To approve a Preliminary Plat consisting of 58 residential building lots including public improvements such as streets, storm drainage, sanitary sewer, and water systems for OLDE FORT MITCHELL SUBDIVISION.

\*Mr. Theissen noted his withdrawal from any consideration and voting due to the fact that his law partner is involved with the application. Prior to excusing himself from chairing the issue, Mr. Theissen marked as exhibits various letters received on the issue as Exhibits 1-19 to be made a part of the record. Mr. Paul Swanson presided over the meeting in Mr. Theissen's place.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

**NKAPC STAFF RECOMMENDATION:**

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

**CONDITIONS:**

1. That the right-of-way width for Olde Fort Mitchell Drive and Lawrence Drive (as extended) be a minimum of 50 feet (Section 7.3);
2. That lots accessed from Krumpelman Court be provided with a minimum of four (4) unrestricted off-street parking spaces (Section 7.3);
3. That a minimum fire flow of 500 gpm at 20 psi be provided/ensured by certified flow test and fire hydrant spacing be maximum of 450 feet (Section 7.2);
4. That St. John's Road be widened to 22 feet with side ditches from the terminus to Dixie Highway; the angle of intersection between Ridge Road and St. John's be increased to 75 degrees; and right turning radii onto Dixie Highway be increased to a minimum 25 feet (Section 7.3I);
5. That forty (40) feet of right-of-way (one-half) along Dixie Highway for the portion fronting the Plat be dedicated on a subsequent Final Plat;
6. That sidewalks be provided along one side of St. John's Road from the terminus to Dixie Highway (Section 7.3F); and
7. That all lots be accessed internally, not from Dixie Highway (Section 6.1E).

**BASES:**

The proposed OLDE FORT MITCHELL SUBDIVISION is consistent with the recommendations of the 2001 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, and the Fort Mitchell Zoning Ordinance, except as noted under the above Conditions.

Upon giving his recommendations, Mr. Hiles noted that condition #2 should be stricken entirely. He further stated it is not necessary or required. He noted that condition #3 would then become condition #2.

Mr. Bill Viox, Mr. Kurt Keeney, Mr. Mike Schottlekotte and Mr. Rodney Crice registered to speak in favor of the issue. Mr. Gordon Good, Mr. Jim Smith, Mayor Tom Hollocher, Mr. Bill Goetz, Ms. Barbara Heil, Mr. Ken Heil, Mr. Tom Middendorf, Mr. Michael Plummer, Ms. Rebeca Bilbo, Ms. Shirley Sanders, Mr. Larry Humpert, Ms. Diana Pfaff, Ms. Faye Allen, Mr. John Whithurst, Mr. Chuck Breen, Ms. Pamela Spoor, Mr. Robert Calvert, Mr. Ron Hill, Mr. Scott Bradenburg, Mr. Keith Johnson, Ms. Cathy Groob, Mr. Greg Tepe, Ms. Beth Rose, Ms. Vicky Burger, Ms. Becky Haake and Mr. Robert Hemmer registered to speak against the issue.

Mr. Viox addressed the Commission and complimented Staff on their excellent report. He stated he checked court records back to 1883 with regard to the bend at the "Y" intersection. He stated this was there even then and the Krumpelman name is on the record. He stated the one disagreement with Staff's report is the angle of 75 degrees. He stated the angle was created by Ridge. He further stated that access was always there when the farm was a commercial institution. He stated they simply wanted to add 20 feet to the intersection but they did not create the angle. Mr. Viox then read various subdivision regulations as related to the proposed subdivision. He stated the rear of the development is in a different school district. He stated a single access would put the children on school buses at risk. He additionally noted they can live with the 50 foot setback requirement. He noted they are trying to have the development blend in with the surrounding area.

Mr. Keeney addressed the Commission and stated the Krumpelman's have owned the property for a hundred years. He stated they would not be leaving the site. He further stated it is important for the integrity of the site to be used well. He further noted along Dixie Highway they intend to grade and install a berm to provide for privacy back along Dixie.

Mr. Schottelkotte addressed the Commission and stated that the Drees Company is looking to build some of the homes in the development along with other builders. He stated the sidewalk would be outside of the right of way along the lots. He stated their concept in providing a more narrow sidewalk is to provide for a more intimate community. He further stated this is one of the design concepts being presented elsewhere.

Mr. Crice stated his comments had already been stated by others and he reserved his right to speak in rebuttal.

Mr. Good addressed the Commission and stated he has been a Ft. Mitchell resident for 64 years. He stated it is unanimous that the current residents do not oppose a development plan, they oppose the ingress and egress of the development plan. He stated mainly the opposition is from those on the south side of the development, as well as residents from the northeast side of the development. He further stated the development has created a fear for the increased traffic to be added to the area. He stated the flow of traffic will be increased with the development by approximately 123 cars. He stated that Fortside

is a dangerous intersection already and with the increased traffic it causes more concern. He stated the other access also provides poor visibility and the increased traffic will exacerbate the problem. He further noted the developer wants to add a third road at the intersection to an already dangerous intersection. He stated that one solution is to not provide access via the Lawrence Road or Ridge Road entrances. He stated there is plenty of access to the development. He further noted he would propose alternative access on Dixie Highway, which might slow traffic on Dixie but the safety aspect far outweighs any delays caused on Dixie. He asked that the Commission give serious consideration to the residents and resolve the matter by allowing access onto Dixie Highway.

Mr. Smith addressed the Commission and stated he had a revised petition to be made a part of the record. He stated he is asking for a delay to have more detail as to safety and traffic done on the development. He stated concerns with crossing lanes of traffic at the access point to the subdivision. He further stated he is requesting that before any action is taken, the safety issue need to be looked into to find an alternative answer.

Mayor Hollocher addressed the Commission and stated he is representing the City's position. He stated the residents are concerned about safety and the integrity of the neighborhood. He further stated one of the concerns is adding additional traffic to and from the proposed areas. He stated access to Dixie Highway does make sense. He asked if the 600 foot site distance for a curb cut was a regulation or a requirement. Mr. Hiles then stated it is a requirement. He further stated there is a site distance problem with the proposed access and it makes sense to have ingress and egress along Dixie. Mayor Hollocher then read the last paragraph from the resolution adopted with regard to access along Dixie Highway.

Mr. Goetz addressed the Commission and stated those speaking before him pretty much covered the issues. He did note that no one mentioned the sun at the intersection at Fortside. He also stated the intersection at Fortside and the shopping center does not line up and that causes additional problems.

Ms. Heil addressed the Commission and stated the staff submitted a report on June 28th. She then asked if the Commissioners requested any additional information to aid in making their decision. She further asked if Staff's report is the sole information used to render a decision on the matter. She then stated she would like to challenge the points of the report. She stated there are dramatic changes that would need to be done to the intersection of Fortside to meet the conditions. She stated there is not enough information contained in Staff's report to make a decision. She further stated there is no mention of the radii from Fortside to Dixie Highway, and both intersections are bad. She stated the intersection at Pizza Hut is already out of compliance and an additional driveway is being added to an already bad situation. She then questioned Staff if they would approve a development without all the necessary information needed to render a decision.

Mr. Heil addressed the Commission and stated the rest of Ft. Mitchell has ingress and egress off Dixie Highway and has for a number of years. He stated he doesn't see why emergency vehicles and school buses couldn't access off Dixie without problems. He stated there are numerous dead ends back in the subdivisions, which would not be a safe means for emergency vehicles either.

Mr. Middendorf addressed the Commission and stated he has lived in the area for 24 years and has been expecting and looking forward to development of the area. He stated they are in favor of access off Dixie Highway. He stated that traffic along St. Johns and Ridge would be lightened by having access off of Dixie. He stated there are many other streets that aren't signaled.

Mr. Plummer addressed the Commission and urged them to reconsider the plan and accomplish everyone's goal and that is to incorporate the old with the new. He then quoted a story regarding the ancestors of the Krumpelman farm. He stated this is a historic neighborhood and a Drees development is about to be plopped down in the middle of it.

Ms. Bilbo addressed the Commission and gave a history of Ft. Mitchell in which she discussed the elements of design in regard to the city.

Ms. Sanders addressed the Commission and stated she has not heard anything from the developers as to why the street cannot be designed differently. She further stated she doesn't understand the developer's position that this development will have no impact on existing subdivisions.

Mr. Humpert addressed the Commission and stated he is a resident of Olde Ft. Mitchell. He stated he has lived in Kenton County his whole life. He stated he is not present as an architect but after listening to those speaking he is shocked about how this development will fit in with the surrounding area. He cited his concerns with safety of the area. He further stated his son rides his bike at the intersection of Fortside and Ridge everyday and he doesn't want to see him killed by a truck towing a tractor trailer. He stated there will be added traffic problems caused by the development. He asked the Commission to please take into consideration all the points brought out in regard to the issue.

Ms. Allen addressed the Commission and stated the plan is illogical and poorly planned. She stated she hopes this is not a done deal. She further stated she hopes all the letters, phone calls and petitions will be heard and it is not already a done deal. She noted that having the developers state that having access from existing neighborhoods will not effect traffic is like asking the residents to believe in the Easter bunny. She further noted the Commission has the power to stop the development.

Mr. Whitehurst addressed the Commission and stated he feels for the developer that wants to make the best of the land. He stated he has no objection to development and that it is inevitable. He also stated the residents will all be affected by this development. He stated to have the construction trucks, etc. coming through established neighborhoods when they could have a curb cut on Dixie Highway makes no sense.

Ms. Spoor addressed the Commission and stated that she comes in with a unique perspective. She stated she has a lot of experience with the intersections involved. She stated she has witnessed many accidents that are caused by poor visibility. She also stated that to add an extra 100 cars will only make things worse. Ms. Spoor noted she would really like to see access directly from Dixie Highway. She stated she would like to see a lighted curb cut and further stated that all can benefit from having a curb cut at Dixie. She further stated they are pleading on behalf of the safety of children to protect their interests on the

issue.

Mr. Calvert addressed the Commission and stated there has been some confusion about the property behind the Krumpelman property. He stated the PVA office shows it as being owned by the cemetery, but it is actually owned by the Toebbens. He stated that piece of property is landlocked and the plan does not show any access as is required. Mr. Wessels then asked how they were proposing to gain access as there is a 40 foot drop and the property is over a creek. Mr. Calvert stated he didn't know the answer at this time but Mr. Toebben feels access can be gained.

Mr. Hill addressed the Commission and stated most of his concerns were addressed. He stated he moved here from Lexington about five years ago. He stated he bi-passed Boone County, Triple Crown, etc. to live in the neighborhood of Ft. Mitchell. He stated he doesn't want to see the area turn into a Lexington where everyone turns into a developer when their parents pass on.

Mr. Brandenburg addressed the Commission and he moved to the area for the safety of his children and feels that more traffic will only negatively effect the area.

Ms. Groob addressed the Commission and stated she spoke with Ed Thompson of the Highway Department who stated it is possible to have a curb cut on Dixie and that a traffic study needs to be done. She asked that Mr. Keeney look into the matter further.

Mr. Tepe addressed the Commission and stated his concerns about the safety of children. He stated he moved there in 1990 and there were basically no children. He further noted that now there are children in almost every home and he is concerned with safety.

Ms. Rose addressed the Commission and stated she would very much like to see ingress and egress off Dixie Highway.

Ms. Burger addressed the Commission and stated she is asking the Commission to seriously consider the valid points brought up by the residents of the area.

Mr. Hemmer addressed the Commission and stated he has been a resident for 60 years. He stated he has heard a lot of discussion about the safety of residents. He further stated he is asking the Commission to reconsider so more time can be had to come up with a better solution.

Mr. Keeney addressed the Commission in rebuttal and stated he still feels it is a viable plan. He stated he will work with Staff to correct the intersection issues. He stated he does not see a safety hazard caused by the plan.

Mr. Wessels questioned Staff regarding condition #1 and if a waiver would have to be granted regarding the 40 foot right of way. Mr. Hiles stated that was true. Mr. Wessels then stated he did not hear a basis for that waiver by the Commission. Mr. Dorsey then stated he has not been convinced that a new curb

cut would solve the current problems. He stated by doing so may create more problems with traffic. He further stated the remedy may be to improve the intersection at Fortside. Mr. Hadley asked if the city is responsible for putting up stop signs. Mr. Goetz stated that's true, but approval would have to be gained from the state. Mr. Hadley also asked if something could be done about the visibility and clearing some of the brush out. Mr. Goetz then stated the problem is not just with visibility and that area acts as a screening for that property. Mr. Sucher asked if at the next stage all conditions were not met then the proposal could not go forward. Mr. Hiles stated this was correct.

Following the discussion amongst the Commissioners, Mr. Wessels made a motion to approve with the conditions and recommendations as stated by Staff. Mr. Bertram seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Bertram, Mr. Dorsey, Mr. Gaiser, Mr. Hadley, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Snyder, Mr. Sucher, Mr. Swanson and Mr. Theissen in favor. Ms. Carlin voted against. The motion carried.

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

Mr. Theissen noted the plats and plans over the past month needed to be ratified and approved. Mr. Snyder made a motion to ratify and approve. Mr. Bertram seconded the motion. All in favor responded in "aye"; none opposed. The motion carried.

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

PUBLIC HEARINGS ON SCHEDULED PUBLIC FACILITIES: None.

OTHER COMMITTEE BUSINESS:

There being nothing further to come before the Commission, the meeting was recessed at 1:55 p.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
REGULAR MEETING

July 11, 2002  
6:15 P.M.

NKAPC Meeting Room  
2332 Royal Drive  
Fort Mitchell, Kentucky

## MINUTES

### COMMISSION MEMBERS PRESENT:

Mr. Jay Bayer - Park Hills  
Mr. James Bertram - Taylor Mill  
Ms. Barbara Carlin - Kenton County  
Mr. Barry Coates - Covington  
Mr. James Cook - Kenton County  
Mr. John Dorsey - Fort Mitchell  
Mr. Al Hadley - Elsmere  
Mr. Eugene Meyer - Covington  
Mr. Frank Smith - Lakeside Park  
Mr. Bill Snyder - Bromley  
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. Jeff Gaiser - Ludlow  
Mr. David Hilgefurd - Villa Hills

### LEGAL COUNSEL PRESENT:

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. Hadley made a motion to approve. Mr. Price

seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Ms. Weldon, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Mr. Bayer, Mr. Bertram and Mr. Snyder abstained. The motion carried.

#### FINANCIAL REPORT:

There were no questions or comments regarding the report.

#### SUBDIVISION ITEMS:

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

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

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

Mr. Theissen read the memo from the subdivision review committee held in the morning. There were no questions or comments. Mr. Price made a motion to ratify and approve. Ms. Weldon seconded the motion. A roll call vote on the matter found Mr. Price, Ms. Weldon, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. Hadley, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen voted in favor. (It was noted that Mr. Theissen's vote was "yes" on all issues with exception to PP-619 where he withdrew due to a conflict) Mr. Bayer, Mr. Cook and Mr. Snyder abstained. The motion carried.

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

PUBLIC FACILITIES: None.

#### PUBLIC HEARINGS ON SCHEDULED ITEMS:

\*The following two issues were combined.

\*\*Mr. Theissen noted his withdrawal from these issues, as his law partner is involved with the issues. Mr. Joe Price, Vice Chair, presided over the following two issues.

1566R

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

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendment to the Independence Zoning Ordinance, adding a new zoning district, the RC-2 (Rural Commercial Two) Zone, along with the necessary cross references within other sections of the zoning ordinances.

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

To approve the proposed text amendments adding a new zoning district, along with the necessary cross references (see Attachments A, B, and C).

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, along with the necessary cross references (see Attachments A, B, and C) 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 RC-2 Zone provides for a zoning classification that permits a variety of retail and service type uses which are not currently found within the Independence Zoning Ordinance. Therefore, the proposed text amendments adding a new zoning district, along with the necessary cross references (see Attachments A, B, and C) are reasonable.

1567R

APPLICANT: The Dehlinger Company, Inc., per Mr. William Dehlinger, on behalf of Robert Schroder.

GENERAL LOCATION: An approximate 5.4-acre area located at the southwest corner of the intersection of Richardson Road with Old Richardson Road, Independence.

REQUEST TO BE REVIEWED: A proposed map amendment to the Independence Zoning Ordinance changing the area described herein from R-1A (a single-family residential zone with a maximum density of 1 dwelling unit per net acre) to RC-2 (a rural commercial two zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

## NKAPC STAFF RECOMMENDATION - FORT MITCHELL ZONING ORDINANCE:

To approve the proposed map amendment from R-1A to RC-2, but only subject to compliance with the following conditions:

1. That the proposed text amendment adding the RC-2 Zone, along with the necessary cross references, be adopted prior to, or simultaneous with, this proposed map amendment.
2. That the development plan be revised to meet the minimum requirements of the Independence Zoning ordinance at it pertains to the required number of off-street parking spaces.
3. That the acquisition of excess right-of-way be done prior to the submission of a zoning and/or building permit for the 'future building'.
4. That the proposed "park link" easement be widened at the eastern edge of the site so that the easement extends a minimum of ten (10) feet beyond the edge of the creek.

## 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-1A to RC-2, along with the submitted Stage I Development Plan, is generally consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question for Community Facilities - Recreation and Open Space as part of the "park link" system. This recommendation is an attempt to link the Kenton County Golf Course area with other recreation areas to the north, such as Pioneer Park. The proposed map amendment from R-1A to RC-2, along with the submitted Stage I Development Plan, provides for an easement along the southern property line for the proposed "park link" system. The proposed map amendment, coupled with the proposed easement, will allow for the economic development of the site while providing for the necessary connection along the creek. These provisions, therefore, provide consistency with the comprehensive plan.

2. The site in question is physically and visibly isolated from adjoining properties. The area located to the north of the site in question is heavily wooded and characterized by steep slopes. Banklick Creek is located to the south of the site in question and provides a physical barrier between the site and residential properties to the south. There is only one single-family residential dwelling located between the site in question and Madison Pike. The area located to the west of the site in question is heavily

wooded. Additionally, there is a railroad trestle located between the site in question and the nearest residential property to the west of the site in question. Due to the isolation of the site in question, the proposed development, consistent with the proposed RC-2 Zone, will not have a significant negative impact on adjoining properties.

3. Development of the site in question will not have the effect of introducing non-residential uses within the area. An automobile body shop and an industrial facility are located within four hundred (400) feet of the site in question.

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

a. The submitted request is to rezone the site in question to the RC-2 Zone. Currently, the Independence Zoning Ordinance does not contain an RC-2 Zone. The city of Independence has a submitted a proposed text amendment adding the RC-2 Zone (Z-02-05-04/1566R). Affirmative action on the proposed text amendment must be taken prior to, or simultaneous with, action on the proposed map amendment.

b. Section 11.2 provides for the required number of off-street parking spaces which is based on specific uses. The submitted Stage I Development Plan does not identify specific uses for the site in question.

5. The submitted Stage I Development Plan indicates the acquisition of excess right-of-way of Richardson Road and the construction of a 'future building'. It is recommended that the acquisition of excess right-of-way be done prior to the submission of a zoning and/or building permit for the 'future building'.

6. The submitted development plan indicates the provision of a ten (10) foot wide easement along the southern boundary of the site in question for the proposed "park link" system. This appears to be reasonable along the majority of the site because the edge of the creek is further south than the site. However, the submitted development plan indicates that the edge of the creek extends into the eastern portion of the site. Within this area, the proposed easement is located within the creek itself, thus limiting the potential to provide for the "park link" system. To better provide for the implementation of the "park link" system, it is recommended that the proposed "park link" easement be widened at the eastern edge of the site so that the easement extends a minimum of ten (10) feet beyond the edge of the creek.

Mr. Butler and Mr. Dehlinger registered to speak on the issue. No one registered to speak against.

Mr. Butler addressed the Commission and handed out an informational packet pertaining to the application. He stated he didn't feel there was anything in his packet that was not covered by Staff in their report. He stated he agreed with Staff that it is a very isolated area and not conducive to residential use. He stated he was available to answer any questions. Mr. Butler also noted with respect to the park link easement that his client is willing to move that over as necessary and that his client has not

objections to this. Mr. Dorsey asked what materials would be stored in the outside storage. Mr. Butler stated he didn't really know yet as the items stored would be consistent with the applicant's use. He further noted they would be in compliance with the regulations for whatever is being stored. Mr. Dorsey then asked if the outside storage would require the same setbacks. Mr. Schwartz stated the screening would require the same setbacks. Mr. Schwartz further noted the setbacks would be the same as landscape setbacks. Mr. Butler then noted there is a significant drop off in the area so the outside storage would be out of site. Mr. Butler's handout was then marked as an Exhibit to be made a part of the minutes.

Mr. Dehlinger addressed the Commission and stated he had nothing additional to add.

There being no further questions or comments, Mr. Hadley made a motion to approve the proposed text amendments based on the recommendations of Staff. Mr. Swanson seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Swanson, Mr. Bayer, Mr. Bertram, Mr. Carlin, Mr. Coates, Mr. Cook, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Snyder, Mr. Sucher, Ms. Weldon, Mr. Wessels, and Mr. Price in favor. The motion carried unanimously.

With regard to the map amendment, Ms. Weldon made a motion to approve based on the recommendations of Staff including the four conditions. Mr. Smith seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Smith, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Snyder, Mr. Sucher, Ms. Weldon, Mr. Wessels, and Mr. Price in favor. Mr. Hadley voted against, Mr. Bayer abstained. The motion carried.

1569R

APPLICANT: City of Elsmere, per Mr. Ralph Hopper, Zoning Administrator.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: A proposed map amendment to the Elsmere Zoning Ordinance changing the area described herein, from R-3 (a two and multi-family residential zone) to R-1FF (a single and two-family residential zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - COVINGTON ZONING ORDINANCE:

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

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-3 to R-1FF is generally consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update. Although the site in question is identified for Residential Development at a density ranging from 14.1 to 30.0 dwelling units per net acre, the area located to the north of the site in question is identified for Residential Development at a density ranging from 4.1 to 7.0 dwelling units per net acre. The proposed R-1FF Zone will allow the development of single and two-family residential dwellings at a density ranging from 7.3 to 9.7 dwelling units per net acre.

The land use plan element is not intended to provide precise boundaries between proposed land uses. Rather, it is designed to provide land use recommendations for general areas. Additionally, various areas may be suitable for more than one type of land use. The question/evaluation of whether a given land use might be appropriate for a given area must be viewed considering the comprehensive plan as a whole, including the goals and objectives, development concepts, other elements (i.e., land use, transportation, community facilities), and other regulations that are determined to serve the purposes of the Comprehensive Plan.

2. The proposed map amendment is consistent with the following Goals and Objectives and Development Concepts, as contained within the 2001 Area-Wide Comprehensive Plan Update:

To provide safe and sanitary housing to all residents.

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

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.

Density is the major determinant of residential development.

Residential densities provide the major bases for "utilities" and "community facilities systems" planning.

A variety of residential densities is desirable.

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

The type of development that should occur within an area should be based, in part, upon the unique characteristics of the development site and the character of adjacent development.

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

The density of development for undeveloped land should be based on considerations such as: (a) the density of adjacent developed areas, of which the undeveloped land would be a logical extension; (b) access to major transportation facilities; (c) the nature of adjacent activities; and (d) residential development in rural areas should be designed to maintain existing rural character of open space and the appearance of low density.

Such a concept would result in development which is compatible with surrounding land uses and which would not result in generating high volumes of traffic through low density areas.

On January 17, 2002, Raymond Erpenbeck Consulting Engineers, on behalf of Afton Development, LLC, submitted an application for NKAPC and KC&MP&ZC review and recommendation/action on a proposed preliminary plat for a portion of the site in question as well as the area located to the north of the site in question (Virginia Glen - formerly Brandon Glen - PP-610). On February 1, 2002, the NKAPC staff recommended approval of the proposed preliminary plat, subject to five conditions. On February 7, 2002, following the public meeting, the KC&MP&ZC took action to approve the proposed preliminary plat, subject to several conditions. This area is proposed to be developed with single-family residential dwellings. The proposed map amendment from R-3 to R-1FF would provide for a consistent development pattern. Additionally, it would be inappropriate to have two and multi-family residential dwellings at the entrance to a single-family residential subdivision.

No one registered to speak for or against the issue, however, Mr. Schwartz noted a call had been received from Ralph Hopper, applicant, stating his apologies for not being able to attend the meeting and that he concurred with Staff on the issue.

There being no discussion on the matter, Mr. Hadley made a motion to approve. Mr. Snyder. A roll call vote on the matter found Mr. Hadley, Mr. Snyder, Mr. Bayer, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Ms. Weldon, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

\*At this time Mr. Bayer had to leave the meeting.

1570R

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

GENERAL LOCATION: The area located along Bakewell Street, between West Eighth Street and West Seventh Street, Covington.

REQUEST TO BE REVIEWED: A proposed Main Strasse Village Special Redevelopment Area Development Plan, A Chapter 99 Plan (KRS 99.020).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

Ms. Ella Frye registered to speak on the issue. No one registered to speak against.

Ms. Frye stated when the original plan was adopted, certain areas were targeted. She stated that blight needed to be identified and be eliminated from the area. Ms. Frye further noted that the city is willing to set aside monies for those targeted areas. She recommended supporting Staff's report. Mr. Theissen asked if the lot where the church was is still running. She stated it is and that it is used from time to time for special events. Mr. Theissen then asked if it is kept up pretty well or not. Ms. Frye stated they have had some issues occasionally but that particular site is targeted as part of this plan.

There being no further questions or comments, Ms. Weldon made a motion to approve based on the fact that the proposed plan is in compliance with the Comprehensive Plan Update. Mr. Meyer seconded the motion. A roll call vote on the motion found Ms. Weldon, Mr. Meyer, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Hadley, Mr. Smith, Ms. Snyder, Mr. 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 a proposed change in the by-laws with regard to cell towers. He stated the two single major changes were in regard to a ceiling on fees and changes in the method of how an appeal is handled. He stated it was changed so that an appeal would go immediately to the circuit court. He further noted in the past the appeal would be to the Public Service Commission. He stated that now the appeal would go directly to the circuit court. Mr. Theissen noted the matter was deferred to the by-laws committee who came up with the actual language. Mr. Price then noted that Mr. Schwartz helped with the text of the amendment. Mr. Theissen further noted a change with regard to the co-location of cell towers. Following the discussion, Mr. Theissen asked for approval regarding the change to the by-laws. Mr. Price motioned to approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Snyder, Mr. Sucher, Ms. Weldon, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

Mr. Theissen further noted that the following persons needed to be appointed to the Kenton County Board of Adjustment; Mr. Greg Salmons of 2119 Harris Pike, Independence, Mr. Richard Guidi, 2704 Claiborne Court, Crestview Hills, Mr. Nash Davidson, 18 Orphanage Road, Ft. Mitchell, and Ms. Jane Purdon, 3172 Clifford Avenue, Covington. He then asked for a motion to ratify the appointment of those noted. Mr. Bertram made the motion to appoint the members to the Kenton County Board of Adjustment. Mr. Cook seconded the motion. All in favor responded in "aye"; none opposed.

Mr. Theissen noted the Kenton County Fair starts for the Commission on Monday. Mr. Schwartz noted

the NKAPC has their own booth this year. Mr. Theissen encouraged and welcomed members to volunteer in the booth Monday through Friday from 6-9 p.m. It was noted the NKAPC booth is next to the Kenton County Fiscal Court's booth.

Mr. Theissen also distributed a handout from Sherry Carran regarding the Banklick Watershed Council for informational purposes. He stated they are having their first public meeting next Thursday at 11:30 at the new student's building at Thomas More College. He then noted it would be good if a Commission member could attend this meeting. Mr. Price then stated that he was planning on attending the meeting. Mr. Theissen asked that anyone attending report back to the Commission on what transpired.

#### Standing Committee Reports:

##### Subdivision Regulations Review Committee:

Mr. Swanson stated they are still meeting on a regular basis. He stated at the last meeting the topic of digital submission was discussed and he stated it was his impression that it was going to be on the agenda. Mr. Theissen noted with regard to this issue that the applicants are credited a 5% credit if they submit their application digitally. He further noted they are proposing an increase from the 5% to 10%. He then asked for permission for the matter to be placed on the agenda. Mr. Swanson then motioned to authorize Mr. Theissen to make an application for digital submissions with a credit change from 5% to 10%. Mr. Bertram seconded the motion. All in favor responded in "aye"; none opposed. Mr. Swanson also noted that site distances were discussed at length at the last meeting. He stated the committee is still working on that issue.

##### By-Laws:

Mr. Price stated there was nothing to discuss on by-laws with exception to the cell tower issue brought out at the meeting.

##### Model Zoning Ordinance:

Mr. Dorsey requested that he turn over the chairmanship of the committee to Bernie Wessels. Mr. Dorsey requested that he remain on the committee but that Mr. Wessels chair the committee. Mr. Wessels accepted and was appointed the chairman of the Model Zoning Ordinance Committee.

#### COMMENTS/REQUESTS TO THE COMMISSION:

Mr. Sucher asked how the Commission felt about giving their support to Marshall Slagle in filling Bill Bowdy's position. He stated it would be nice to give support to someone that is very well qualified. Mr. Theissen then noted that a committee was formed to conduct a search for his replacement. He stated he didn't know if Marshall had submitted an application for the position or not. Mr. Sucher then asked if money and time should be wasted in trying to find someone to replace Mr. Bowdy when the replacement is right here. Mr. Swanson noted as long as there is representation by Mr. Theissen (who is on that search committee) to make the others aware then that is sufficient. Mr. Theissen then noted that he would keep the Commission posted on the matter.

There being no further business to come before the Commission, the meeting adjourned at 7:35 p.m.