



## KC&MP&ZC MINUTES

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

September 5, 2002  
9:00 A.M.

NKAPC Meeting Room  
2332 Royal Drive  
Fort Mitchell, Kentucky

### MINUTES

#### COMMISSION MEMBERS PRESENT:

Ms. Barbara Carlin - Kenton County  
Mr. Al Hadley - Elsmere  
Mr. Eugene Meyer - Covington  
Ms. Maura Snyder - Independence  
Mr. Bernie Wessels - Fort Wright  
Mr. Paul Swanson - Secretary/Treasurer - Erlanger

#### LEGAL COUNSEL PRESENT:

David Schneider, Esq.

Mr. Swanson, Chairman-in-succession, called the meeting to order at 9:00 a.m. Mr. Swanson opened the meeting with the pledge of allegiance and a prayer.

## APPROVAL OF THE MINUTES:

Mr. Swanson stated the minutes for August were distributed and asked for any questions or comments. There being none, Mr. Hadley made a motion to approve the minutes from August. Mr. Meyer seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Meyer, Ms. Carlin, Ms. Snyder, Mr. Wessels and Mr. Swanson 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-621 ASHFORD VILLAGE SUBDIVISION, Independence

APPLICANT: James W. Berling Engineering Inc., in behalf of Mills Road, L.L.C.

GENERAL LOCATION: An approximate 130-acre area located along the northeast side of Mills Road, approximately 2,400 feet northwest of Marshall Road, and along the northwest side of Marshall Road, approximately 1,200 feet northeast of Mills Road, Independence.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 283 residential building lots including public improvements such as street, storm drainage, sanitary sewer, and water system.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

#### NKAPC STAFF RECOMMENDATION:

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

#### CONDITIONS:

1. That the intersection of Ashford Road with Mills Road be provided with a three (3)-way stop sign (Section 7.3);
2. That one half of Mills Road for the portion fronting the Plat be widened to a minimum of eleven (11) feet (Section 7.3);
3. That a water main interconnection be provided between the proposed water main along Kerrey Circle and the existing water main along Marshall Road (Section 7.2);
4. 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);
5. That the proposed Ashford Road be constructed a minimum 28 feet wide (Section 7.3);

6. That sidewalks be provided along both sides of all internal streets as well as along the portions of Mills Road and Marshall Road fronting the Plat (Section 7.3 F);
7. That the existing culvert(s) beneath Marshall Road be hydraulically evaluated for adequacy (Section 7.0); and
8. That determination be made regarding the existence of public right-of-way for Rice Road prior to approval of a Final Plat (Section 7.3);
9. That the capacity of the Mills Road pumping station be verified and upgraded if necessary; and all proposed pump stations be approved by the proper state / local authorities (Section 7.1);
10. That effective soil erosion control measures (with emphasis on the adjacent major tributary of Decoursey Creek) be stringently adhered to (Section 7.12); and
11. That all street names be limited to two (2) words or less (Section 6.0G).

#### BASES:

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

Mr. Jim Berling and Mr. Jim Wenstrup registered to speak in favor of the issue. No one registered to speak against.

Mr. Berling addressed the Commission and stated he was the engineer for the development. Mr. Berling stated they had no problems with conditions 1-5 and 9-11, but stated they would like to be excused from condition #6 with regard to sidewalks. He stated Marshall Road is not set up for sidewalks and there are no other sidewalks in the area. He further noted there are no curb and gutters in the area and that curb and gutters are not required. He additionally noted that Mills Road has no sidewalks. Mr. Berling stated they thought it would be better to access the development internally regarding lot #1. He stated they want to make a nice entrance and they left extra room on that lot for that purpose. He further noted he would like to be excused from building sidewalks due to the difficulty in building them in the area. Mr. Berling also noted with regard to condition #7 that an analysis would be done and if it is found to be insufficient, the issue will be addressed with Staff when the time comes. Mr. Berling noted as to condition #8 they are trying to determine if it is a public road or not. He stated the people behind have the only access by Rice Road so they feel that it is in fact a public road. He further noted they will have access off Rice Road whether it is a public or private road. Mr. Berling stated in an earlier design they looked at the storm water runoff on Marshall Road. He stated with an established grade it is steep and water would funnel down the road no matter how many detention basins are put in. Mr. Berling stated they do have three outlets to adjacent properties that will ultimately allow for other access in the future to tie into Marshall Road. Mr. Wessels then asked about the sidewalks requirement and stated the

Commission needed a basis in order to grant that waiver. Mr. Berling stated they are requesting the waiver due to the topography of the area on Marshall Road. He further stated if he can put sidewalks on Mills Road, he would be agreeable to that. He also stated to put them on Marshall Road would be difficult and there are no other sidewalks in the area. Mr. Wessels stated with a park in the area and 250 + homes going in he would like to see sidewalks with all the children that would be going to and using the park. Mr. Wessels also asked about building sidewalks halfway down Marshall in front of the flag lots. He additionally noted that beyond that point it gets pretty steep. Mr. Berling suggested a figure of 100 feet of sidewalks on lot #278 and to put in sidewalks on Mills Road to compromise on the sidewalk issue. Mr. Hadley questioned Mr. Berling about the parking on the street. Mr. Berling stated there will be no parking in that front entrance area. He stated it will be similar to the Heritage Development in Richwood in that it will have a wide street with a planted divider in the center. Mr. Berling further stated they have reason to believe Rice Road is a public right of way due to events that have occurred in the last five years that could not have occurred if it was not a public right of way. Mr. Wessels asked Mr. Berling if the language in the condition regarding the right of way was okay. Mr. Berling then stated he knows of two pending lawsuits regarding the same issue and for that reason he did not want to say either way to avoid being put in the middle. Ms. Carlin asked about the three street stubs in the proposal. She asked what land would have to be sold where the stubs are indicated. She further stated she is concerned that the area is virtually landlocked without the potential for future development with the street stub. Mr. Swanson questioned who would be responsible for the storm water drainage if found to be inadequate in regard to condition #8. Mr. Berling stated they would be charged with requiring it to be sufficient and not less than what is there. Mr. Berling also stated they would not allow something to exist that is inadequate. He stated they will evaluate the situation immediately to resolve it right away. Mr. Hadley asked about the lots fronting Marshall and the sidewalks there. He stated Mr. Berling is only agreeing to 100 feet on Marshall and he feels they should go the full length of the property. Mr. Hadley further noted a maintenance problem as to the area as well. Mr. Berling stated he could try to change the lot configuration on #278 to cut it back. Mr. Hadley asked if there was a problem with the land to put in sidewalks. Mr. Berling stated that part of the area is straight down and would have to be excavated to put in sidewalks and it just would not be worth it. Mr. Wessels then stated the 100 feet previously agreed to could be eliminated to solve both problems and that lot #48 could be reconfigured. He then stated the sidewalks could be put in front of the property on lot #278. Mr. Wessels further suggested installing a crosswalk to the other side of Marshall and have sidewalks on the other side. Ms. Carlin stated she knows the area very well and can't see why sidewalks couldn't be installed. She further stated it is very walkable, rolling pastures, not a steep drop off. She stated this is a new subdivision and she doesn't want the first one starting off badly by not having sidewalks. She stated with the new park there should be sidewalks for future planning and that it does not make sense not to have them. Mr. Wessels then reiterated that due to the topography of the area it would be difficult to put in sidewalks. Mr. Schneider also noted that under condition #8 the word "determination" should be changed to read "information be collected" as to the right of way issue.

There being no further discussion on the matter, Mr. Wessels then made a motion to approve PP-621 with the conditions as recommended with the following modifications to condition #6 to read "that sidewalks be provided on all internal streets and fronting Marshall Road from lot #283 to #278, and that a waiver be granted to the remainder of the road due to the topography." Mr. Hadley seconded the

motion. A roll call vote on the matter found Mr. Wessels, Mr. Hadley, Ms. Carlin, Mr. Meyer, Ms. Snyder and Mr. Swanson in favor. The motion carried unanimously.

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

There being no conflicts on the issues, Mr. Hadley made a motion to approve the actions taken on plats and plans for the past month. Mr. Meyer seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Meyer, Ms. Carlin, Ms. Snyder, Mr. Wessels and Mr. Swanson in favor. The motion carried unanimously.

c. CONSTRUCTION REVIEW PROGRAM - Following review of separate handout as previously mailed, the Committee took no action.

PUBLIC HEARINGS ON SCHEDULED PUBLIC FACILITIES: None.

OTHER COMMITTEE BUSINESS:

Mr. Swanson noted the next subdivision review committee meeting would be on September 10, not September 3 as indicated on the agenda.

There being nothing further to come before the Commission, the meeting was recessed at 10:07 a.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
REGULAR MEETING

September 5, 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. David Hilgefurd - Villa Hills  
Mr. Eugene Meyer - Covington  
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. Frank Smith - Lakeside Park  
Mr. Bill Snyder - Bromley

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. Mr. Theissen then welcomed Ms. Melissa Jort as a new planner to be working with Mike Schwartz and other planners for the Commission.

APPROVAL OF THE MINUTES:

Mr. Theissen noted the minutes from August 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 the minutes from August. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Hadley, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hilgefurd, Mr. Meyer, Ms. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Mr. Bayer, Mr. Bertram and Ms. Weldon abstained. Mr. Dorsey had no vote. The motion carried.

FINANCIAL REPORT:

Mr. Swanson said there were no comments other than they were in good shape.

**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. See handout.

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. Mr. Theissen noted his withdrawal from issue I-3890 due to a conflict with his firm, and also with PP-621, Ashford Village. Mr. Bayer noted his withdrawal from FP-572 and FP-616 due to his employer being involved with the project. There being no other comments, Mr. Hadley made a motion to ratify and approve. Mr. Wessels seconded the motion. A roll call vote on the motion found Mr. Hadley, Mr. Wessels, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hilgefurd, Mr. Meyer, Ms. Snyder, Mr. Sucher, Ms. Weldon, Mr. Swanson, Mr. Price and Mr. Theissen. Mr. Bayer and Mr. Theissen withdrew on those issues noted, Mr. Dorsey abstained. The motion carried.

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

**PUBLIC FACILITIES:** None.

**PUBLIC HEARINGS ON SCHEDULED ITEMS:**

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

1572R

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

**GENERAL LOCATION:** An approximate 66-acre area located along the north and south sides of Mary Laidley Road, east of its intersection with Madison Pike, Covington.

**REQUEST TO BE REVIEWED:** A proposed map amendment to the Covington Zoning Ordinance, changing the area described herein, from R-1C (a detached single-family residential zone) and IP (an industrial park zone) to ITU (an urban industrial/technology zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

## NKAPC STAFF RECOMMENDATION - COVINGTON ZONING ORDINANCE:

To approve the proposed map amendment from R-1C and IP to ITU, but only subject to compliance with the requirement that the proposed text amendments to the ITU Zone (Z-02-08-02/1576R) be adopted prior to, or simultaneous with, the approval of this proposed map amendment.

## 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-1C and IP to ITU is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies the area for industrial type uses. The proposed ITU Zone predominantly permits research, development, manufacturing, warehouse, and other industrial type uses on a minimum lot area of one-half (1/2) acre.
2. The proposed map amendment from R-1C and IP to ITU is generally consistent with the text of the 2001 Area-Wide Comprehensive Plan Update, which reads as follows:

#### Chapter V, Land Use Land Use Plan Element Description

Undesirable land uses, including adult-oriented businesses, have been the focus of much attention, both nationally and in Kenton County, since the 1996 Plan Update. The Area-wide Comprehensive Plan for Kenton County is prepared based on needs identified countywide. Land use, community facilities, transportation, and other issues are, therefore, considered countywide issues. For example, due to the small geographic size of many of the local government jurisdictions in Kenton County, coupled with the fact that Kenton County has a single joint planning unit, it is impracticable to identify appropriate locations for all land uses within each jurisdiction. For example, industrial land uses are located based on location to transportation facilities, topography, adequacy and availability of utilities, and so forth. Such locations are not available in all jurisdictions.

The design of the Plan is intended to both provide adequate land area to meet the needs of the population and to locate land uses within areas accessible by the transportation network. Furthermore, the Area-wide Comprehensive Plan does not identify specific land uses, but instead, categorizes land uses using



broad categories. Undesirable land uses, including adult-oriented business may be appropriate within more than one land use category identified within this Plan Update. The following criteria are presented to provide guidance for siting of these uses:

- They should not be near residential areas, schools, churches, child care facilities or other public or semi-public community facilities;
- They should not be within view of the interstate highway system, or major arterial roads;

## Chapter V, Land Use

### Land Use Plan Element Description

#### Industrial

While this Plan Update emphasizes the need to retain industrial land for industrial uses, there may be small sites or lots identified in the Plan or currently zoned for industrial uses that are not likely to be utilized for major industrial purposes. These may be too small or may be located within areas not suitable for industrial-type operations. This Plan Update will support the use of these types of areas for limited non-industrial land uses.

The site in question has been modified from its original submission. The developable portion of the site in question is now located approximately 550 feet from Pioneer Park and approximately 2,000 feet from the nearest church facility. Additionally, the site in question is separated from Pioneer Park by Madison Pike, a four-lane roadway with a divided median. This roadway will provide for a reasonable physical separation between the site and Pioneer Park. The site in question has also been modified so that no part of the site in question shares a curb cut that is also used for access to/from Pioneer Park.

As previously mentioned, the site in question has been modified from its original submission. The original submission had developable frontage along Madison Pike, a major north/south arterial roadway. The current site in question does not have any developable frontage along Madison Pike. As such, visibility from Madison Pike will be limited.

In its previous recommendation, the NKAPC staff noted that the existing and proposed lots within the site in question ranged from 1.1 acres to 19.6 acres and that such lot sizes were not consistent with the text of the comprehensive plan as it relates to the location of non-industrial land uses. While the size of the lots has not changed, the fact is that many of these lots are characterized by steep hillside conditions. As such, the developable portion of these lots will be much less than the total lot size. Therefore, the limited development potential of the total lot is consistent with the text of the comprehensive plan as it relates to the location of non-industrial land uses.

3. In its previous recommendation, the NKAPC staff noted that the proposed map amendment would create nonconforming uses or uses which would be changed from a permitted use status to a conditional use status. To alleviate this situation, the city of Covington has submitted proposed text amendments to

the ITU Zone (Z-02-08-02/1576R). These text amendments would:

a. Modify the list of permitted uses to include:

- (1) medical design, development, and research facilities
- (2) telecommunication facilities
- (3) electrical design and development facilities
- (4) laboratories and research facilities
- (5) computer training facilities
- (6) warehouses and contractors offices
- (7) animal shelters
- (8) a variety of manufacturing, compounding, processing, packaging, and assembling uses

b. Delete manufacturing, compounding, processing, packaging, and assembling uses from the list of conditional uses and make them permitted uses.

c. Eliminate those development controls which are either unnecessary or are regulated by other sections of the zoning ordinance.

To provide for the proper timing, it is recommended that the proposed text amendments to the ITU Zone be adopted prior to, or simultaneous with, the approval of this proposed map amendment.

#### ADDITIONAL INFORMATION:

The NKAPC staff is aware of recent court rulings indicating that communities must provide for zones that permit adult oriented businesses and that these zones must be viable for such uses. The site in question provides for a well defined geographic area that is buffered from surrounding land uses by a four-lane roadway, an existing industrial development, and steep hillsides. Additionally, the NKAPC staff has been informed by city staff that there are six or seven known adult oriented businesses within the city. The proposed map amendment would approximately double the availability of potential lots for such uses.

1576R

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

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Covington Zoning Ordinance modifying the ITU (Urban Industrial/Technology)Zone, along with the necessary cross references in other sections of the zoning ordinance.

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - COVINGTON ZONING ORDINANCE:

To approve the proposed text amendments modifying the ITU (Urban Industrial/Technology) Zone, along with the necessary cross references in other sections of the zoning ordinance (see Attachments A, B, C, and D).

## 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 modifying the ITU (Urban Industrial/Technology) Zone, along with the necessary cross references in other sections of the zoning ordinance (see Attachments A, B, C, and D) 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 modifying the ITU (Urban Industrial/Technology) Zone, along with the necessary cross references in other sections of the zoning ordinance (see Attachments A, B, C, and D) are reasonable in that they provide for a variety of uses which are consistent with the stated purposes of the ITU Zone.
3. The proposed text amendments modifying the ITU (Urban Industrial/Technology) Zone, along with the necessary cross references in other sections of the zoning ordinance (see Attachments A, B, C, and D) are appropriate in that they eliminate those development controls which are either unnecessary or are regulated by other sections of the zoning ordinance.

Ms. Annalee Duganier and Mr. Jay Fossett registered to speak in favor of the issue. Mr. Keith Daniel, Ms. Susan Cook, Ms. Jan Kreutzer, Mr. Rodney Held, Ms. Charlene Cross, Ms. Chris Hix, Mr. John Berry, Ms. Jane Barnett, Ms. Joyce Wise, Ms. Nancy Ashcraft, Mr. Lindsey Decker, Mr. William Eubank, Mr. Joe Brake, Ms. Belinda Bacovian, Mr. Don James, Ms. Debbie Schneider, Ms. Laura Keener, Ms. Cybil Schuler, Mr. Brad Dunn, Mr. Eric Bueller, Mr. Mike Nolan, Ms. Connie Nolan, Mr. Pat Calahan, Mr. Noel MacIntosh, Mr. Otis Ketron, Mr. Stephen Knipper, Ms. Stephanie Knipper, Mr. Wayne Dorknocker, Mr. Sean LeRoe, Mr. Mike Ackerson, Ms. Christine Held, Mr. John Cross, Ms. Diane Barry, Ms. Angie Sanburg, Mr. Michael Schneider, Ms. Cathy Donahue, Ms. Billie Donelan, Ms. Beth Safecheck and Ms. Tina Kapel registered to speak against the issue.

Ms. Duganier addressed the Commission in favor of the application and stated Covington has been working very hard on where to put sex businesses. She stated the current businesses are non-conforming

uses so a new zone needs to be created. She stated they didn't want to change the existing uses, but would like to add auto and truck repair as conditional uses. She stated they are trying to coordinate existing uses with the proposed uses. Ms. Duganier stated they cut the zone back even farther in order to move it even further back from Madison Pike. She stated there are no pole signs allowed in this zone so there won't be any pole signs that can be seen from the highway.

Mr. Fossett addressed the Commission in favor of the application and stated this is an emotional issue of the city that has been going on for years. He stated this is the third time it is being brought before the Commission in light of changes in the Comprehensive Plan. He stated they don't like the fact that they have to provide sexually oriented zones but the Supreme Court is dictating that a zone be created for them. He stated they need to be proactive because if the city does not dictate where these businesses go, they will eventually dictate where they want to go. He further stated they have contributed \$7,000 to a county study to determine the best area for the zone. He stated just because the zone is created doesn't mean they will go there. He stated he knows of three areas that have placed these types of businesses in the industrial zones and they've had no sexually oriented businesses go in. He further stated the Supreme Court stated they have to create a zone and they are proposing the industrial zone as the area for these types of businesses. Mr. Dorsey asked if there is access to the area. Mr. Fossett stated there is infrastructure. Ms. Weldon asked what other areas currently have these zones. Mr. Fossett stated that Taylor Mill, Erlanger and Crescent Springs have sexually oriented business zones. Mr. Hilgefurd asked if the proposed zone is possibly limiting. Mr. Fossett stated they feel they are providing enough space due to the fact that there are already zones in the city that provide for these businesses and they feel the county will be looked at as a whole. Mr. Theissen then marked as Exhibit 1 a memo from Covington to the NKAPC from Ella Frye, Exhibit 2, a letter from Jack Westwood in opposition, Exhibit 3, a letter from Teresa Westly and Exhibit 4, a letter from H & S Chemical from Charles A. Schneider in opposition to be included as a part of the record.

Mr. Daniel addressed the Commission in opposition on behalf of the Eggleston United Methodist Church. He stated his concern is that the churches were forgotten. He stated they are with seven tenths of a mile from the proposed zone. He stated it is a very high crime area. He further stated the area is so crime ridden that they have four area police departments patrol the area. Mr. Daniel then stated they have had cars exploded on church property, drug use, drug busts, etc. in the area. He stated this will only hurt the area as they are just now getting the area cleaned up. He stated the church has grown in the past year and continues to grow. He stated they have grown 50% in the past year. He further stated this type of business will only hurt the area. Mr. Daniel stated he would like that churches be included in the text amendment and not ever removed. He additionally stated there is a park across the street that has a waiting list to rent the area and this is not good for the area.

Ms. Susan Cook addressed the Commission in opposition on behalf of the Kenton County Schools and requested a denial of the amendment request. She stated she feels the city has been placed in a precarious position. She stated they are opposed due to the proximity of the proposed zone to schools and parks in the area. She stated the patrons of these establishments will likely be drinking, intoxicated and under the influence of drugs. She stated it is already a high traffic area. She further stated they don't need the additional hazard of this type of business there. She stated to approve this is saying it's okay for

32 buses to drive by this area twice a day. She also stated the students do not need this type of exposure. Mr. Wessels asked if it was discussed at the school board where the zone should go. Mr. Wessels then stated the prior proposal was an area bordering where schools and churches are located. He stated those children are exposed to these types of businesses everyday. She then stated she personally doesn't think it should be anywhere but that it has been where it is now for 50 years. Mr. Sucher stated that even though it shouldn't be anywhere, to put it downtown where it is more lucrative, near businesses, etc. there will be even more of these businesses coming in. He further noted that to put these types of businesses out in the county where it's not as lucrative is better than in downtown. Ms. Carlin stated by law, they have to have a zone to provide for these businesses, but it's up to the people who own the property whether or not they sell.

Ms. Kreutzer addressed the Commission on behalf of H&S Chemical. She stated her client was planning a major expansion until this came up. She stated the zone would be on H&S land and they don't want it. She stated H&S moved from Cincinnati to a nice industrial area in Covington. She further stated her client cannot abide by having their clients drive by adult bookstores and adult entertainment businesses. She stated they do business with China and are currently working on a business deal to provide for this major expansion. She reiterated that they cannot abide by their clients driving past this type of a business.

Mr. Rodney Held addressed the Commission in opposition and stated he would have never have built in the area where he lives if he knew this would be going in. He stated the property values will drop. He noted that Pioneer Park is right across the street and a church is right down the street. He stated the area can be viewed from the park that is always full of kids. He asked what the distance is as far as the proposed zone and a proximity to a church. Mr. Theissen stated there is no specific proximity. Mr. Held then stated that you wouldn't see this in Villa Hills but it's proposed to go into the back of Covington. He further stated a lot of homes are being built on Route 16 and to put in this zone will kill the community. He also stated it doesn't make sense to put it in an area that is residential versus business where it already exists.

Ms. Cross addressed the Commission in opposition and stated she owns a childcare center less than a mile from the proposed zone. She stated people have moved from the area where these businesses are located to get away from it. She also stated her business has been there for fifteen years and they have 70 children that frequent the park and the animal shelter. She noted that they won't be able to do that anymore if this goes through.

Ms. Hix addressed the Commission in opposition and stated the zone is not necessarily in her back yard but close enough. She stated her concern is the traffic. She stated her child doesn't know that those places are yet when she passes by. She also stated she wants to know what is going to happen on 17 with the drunks crossing the highway, etc.

Mr. Berry addressed the Commission in opposition and stated the proposal forces any sexually oriented businesses to locate even closer to residential areas. He stated no one wants this in their back yard so why put it in two back yards. He stated he has heard the Kenton County area will grow to 80-90,000 in a

few years. He stated you can't grow toward Covington, you have to grow away. He further stated that no one will want to build in area where this zone is allowed.

Ms. Barnett addressed the Commission in opposition and stated her husband owns a manufacturing plant and this is a lose-lose situation for everyone except for those that want it. She stated they would never sell but things happen. She questioned whether or not Covington could lease or buy the property from Taylor Mill that is already zoned for sexually oriented businesses. She stated their international headquarters are located there and they would no longer want to be there if this goes through. She further noted it would be a loss of 40-60 jobs from the area.

Ms. Wise addressed the Commission in opposition and stated her concern is the traffic and what comes along with these businesses; crimes, drugs, alcohol. She stated this is a very busy area and they would be getting on and off 16 and main.

Ms. Ashcraft addressed the Commission in opposition and stated the small business owners are already hurting due to the visitor's center closing. She further stated she concurs with everything said prior.

Mr. Decker addressed the Commission in opposition and stated he runs a small crane rental company in Covington and he is involved in the city. He stated no one was notified about this meeting. He noted the sign was incorrect and the last meeting came up without much notice and was then tabled at the last minute. He stated he has about ten lots in the area and questioned whether they want sexually oriented businesses there. He stated he heard a rumor that this changes the enterprise zone and further noted this needs to be clarified. He also noted that access is a big problem. He stated a four land highway leads right to this and asked if any traffic studies have been done. He stated he thinks there is a lot that needs to be looked at and studies before this goes through quickly.

Mr. Eubanks addressed the Commission in opposition. He reiterated and agreed with what the prior speakers had to say on the issue. He stated he is an adjoining property owner. He stated that Congressman Jim Bunning's office stated that as of today that is not the law (to provide a sexually oriented zone). He stated it is not morally correct to do this and agrees that this would be bad for the community and the children. He stated it has been mentioned by several people that they did not know about this until recently, and that it was not publicly recognized. He further stated if the area is opened up to this type of development then it will eventually happen.

Mr. Brake addressed the Commission in opposition and stated he just put up a building on Mary Laidley and brought in four tenants from out of the area. He stated they moved to this area to get out of a less desirable area. He further noted they are now upset that this could possibly be going in. He stated that progress has got to go but he would like to see things looked at closer on the issue.

Ms. Bacovian addressed the Commission in opposition and stated that most of the issue have been addressed. She stated she is upset that she did not know about the meeting and the only reason she did know was because someone put up a big sign about it.

Mr. James addressed the Commission in opposition and thanked the Commission for postponing the hearing from last month to give those an opportunity to speak that had not heard about the meeting. He stated he vehemently opposes the rezoning. He stated he lives two and half miles from this property. He further noted he serves as the administrator for the Calvary Christian School and has in that capacity for 17 years. He stated the school has just recently spent \$400,000 to put in a new driveway and purchase property to do so. He stated they did this to alleviate traffic on Taylor Mill. He further stated he doesn't know if this is good or not because now it has opened it up and Hands Pike is now more traveled. He further noted that it is ironic that this is proposed right across from a park in contrast.

Ms. Schneider addressed the Commission in opposition and stated most of her concerns have been noted. She stated she is the wife of the owner of H&S Chemical. She stated if this goes through it is contradicting what they have set out to do, which is clean up the area and make it more desirable.

Ms. Keener addressed the Commission in opposition and stated she is vehemently opposed to the rezoning. She reiterated previous speakers on the issue. She noted she left the city to get away from this type of business and now it seems to be following her. She noted the community is growing and based on the decision will determine which way it will grow.

Ms. Schuler addressed the Commission in opposition and stated this is directly across from a park. She stated children are at this park and asked what grandmother, mother or child will now feel safe there. She stated her home is right around the corner. She stated she is very disappointed that this is being brought up. She further stated she understands the need for zoning but doesn't understand the solution. She additionally stated she can't imagine that anyone would feel this is appropriate right across from a park.

Mr. Schuler addressed the Commission in opposition and asked if anyone had contacted the local police department because they are going to be the ones to baby-sit the surrounding properties. He stated it is an area that will be hard to police because of the woods behind it.

Mr. Nolan addressed the Commission in opposition and stated the real issue is a moral issue. He stated the people should get it out of their heads because it's a moral issue that should be fought. He stated he is willing to use tax dollars to fight it. He stated he does not want to see kids hit because someone is speeding down the road to get to one of these businesses. He stated we should think about the morality of the issue.

Ms. Nolan addressed the Commission in opposition and reiterated previous points made on the issue.

Mr. Calahan addressed the Commission in opposition and stated this does not meet the whole purpose of rezoning. He stated by adding this zone it's just expanding from existing areas because the others can't be moved out. He stated they understand it has to be somewhere but by having this zone is not going to guarantee it be focused there. He further stated there is no guarantee the porn can not sue to get into other areas.

Mr. McIntosh addressed the Commission in opposition and stated he wasn't aware of the meeting until a couple days ago. He stated there will be a lot of residents in the area in new developments and wanted to make the Commission aware of this. He reiterated the statements previously noted. He further noted he fears the City of Covington being so afraid of doing something that they do something that is wrong. He stated as far as he is concerned there is no place for these businesses anywhere. He also stated that once the door is opened, other businesses will be invited in. He noted it is morally wrong and should not be encouraged.

Mr. Ketron addressed the Commission in opposition and stated he lived in the area for 40 years. He stated he is highly opposed to this going in. He reiterated what was said previously on the issue. He also noted he goes by this property every day and does not want to see it in his back or front yard.

Mr. Dorknocker addressed the Commission in opposition and stated he comes by the site everyday. He stated if not for the big sign he would not have known about the meeting. He stated it seems to him that they have rushed the issue without having many questions answered. He also noted if there is a study going on it should be regional and not city wide. He additionally noted if it is allowed now, it will be difficult to undo it later.

Mr. LeRoe addressed the Commission in opposition and asked how much space is required to be set aside for these zones. It was noted that the court did not make that provision. He stated the city is going to have to pay for additional policing of the area. He further stated the city will lose revenue from lost businesses if this goes through.

Mr. Ackeson addressed the Commission in opposition and thanked everyone present. He stated the Commission probably feels like the enemy but they are not. He stated he feels for the businesses who have put their hearts into their businesses and may now have those businesses pulled out from under them. He stated he was not aware of the meeting until late either. He further noted he has mixed emotions to move the sexually oriented businesses out of Covington. He stated the problem is just being transported from one place to another.

Ms. Barry addressed the Commission in opposition and stated she just purchased her first new home and is appalled that a business such as this could be within two and half miles of her home. She thanked Lindsey Decker for putting up the sign because she and her husband did not know about the meeting either. She asked why there is such a rush on the matter and asked if the issue could wait until the study is done before making a decision. Mr. Theissen then noted the proposal for a study has been presented but no one has been retained in the matter.

Ms. Sandburg addressed the Commission in opposition and stated she is against the issue and agrees that it should be fought.

Mr. Krone addressed the Commission in opposition and stated he is opposed to the proposal. He stated



he owns property in the area and is against it. He asked if this is mandated by the government then will the city get funds for it. He further noted that Cincinnati has done such a good job of keeping this type of business out of the city.

Mr. Schneider addressed the Commission in opposition and stated he lives less than five miles from the proposed site. He stated his father owns H&S Chemical and it is a family run business. He stated his father has worked hard for the business and will do whatever is necessary for the company. He stated you can see all the way up the road from their property. He further noted the area is very developable. He stated their company was built on similar land and anyone with money could do something similar. He stated if businesses move out of the area jobs will be lost.

Ms. Donahue addressed the Commission in opposition and stated she wants to go on record as being against the issue.

Ms. Safecheck addressed the Commission in opposition and stated her concern is if they wait for the study it could be found that all the areas combined already meet the required acreage. She further noted she thinks that downtown Covington is a better choice. She stated that police backup is a big issue. She also noted that she moved out of Covington to get away from this type of business.

Ms. Kapel addressed the Commission in opposition and thanked the Commission. She stated they aren't the enemy. She noted she is totally in favor of taking a reactive standpoint and fight it. She stated reactive is the best way to go.

Mr. Fossett addressed the Commission in rebuttal and stated the arguments are good. He stated they had an expert come in to decide where this zone should go. He stated this is not something that came easy. He also stated this has been in discussion for five years to get to where they are today. Mr. Fossett stated this is a catch-22 situation. He stated morally he agrees that it is horrible but legally and morally are two different things. He stated the statement made about property values dropping is not true. He noted that property values have actually increased in other areas. He further stated to not do something could mean a similar situation where the methadone clinic was not allowed in the city. He stated the city could stand to lose a million dollars or more if zoning is not in place for these businesses and the city gets sued. Mr. Hadley asked how many licenses would be issued in other words if the area is approved and the properties fill up would more area need to be set aside. Mr. Fossett stated he doesn't think so. Mr. Bertram stated he doesn't understand the principal behind reducing the area to get permitted uses. Mr. Fossett stated they had to reduce to area to get it back from the road and did not change the text to match it. Ms. Carlin asked if the government requires this then how stringent a requirement does the city have. Mr. Fossett stated the requirements are no nudes, no contact between patron and dancer. He further noted the city's guidelines are some of the strictest and the businesses don't want to lose their licenses. Ms. Snyder asked if the city is anticipating increased policing of the area. Mr. Fossett stated they will consider that when one of these businesses actually goes in.

At this time Mr. Theissen closed the public hearing on the matter at 9:40 p.m. Mr. Bertram stated it

seems like this is being geared toward the sexually oriented businesses and now the text amendment doesn't have anything to do with it. Ms. Weldon also stated this is not site specific. Mr. Theissen stated they are creating an ITU zone. Mr. Schwartz reiterated the issue at hand. Mr. Bertram then asked about the property being located near Taylor Mill. Mr. Hilgefurd stated there is no such thing as retroactive zoning. He stated he made a recommendation to the city of Villa Hills to include a sexually oriented zone. Mr. Hilgefurd asked if anyone has considered why the other cities have not jumped on the bandwagon and joined in the study. He stated it's because they might find the best place to put this zone is in the middle of Independence. He then stated they are assuming the study would show it should be located in downtown Covington. There being no further discussion on the matter, Mr. Bayer recommended approval of the text amendment as proposed with a condition that auto and truck repair be added as a conditional use. Mr. Price seconded the motion. A roll call vote on the motion found Mr. Bayer, Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Hadley, Mr. Hilgefurd, Mr. Meyer, Ms. Snyder, Mr. Sucher, Ms. Weldon, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

Ms. Weldon then made the motion to approve the map amendment based on Staff's recommendations and the fact that it is in compliance with the Comprehensive Plan and to include a recommendation that the city first adopt the ITU zone. She noted that there is no easy answer to the issue. Mr. Bertram stated he wanted everyone to be aware that the Comprehensive Plan states that this type of zone cannot be placed near a residential area. He further stated that there is the potential for a large residential development in the area. Mr. Cooke also stated the entire area can be seen a half mile away. Mr. Hilgefurd seconded the motion. A roll call vote on the motion found Ms. Weldon, Mr. Hilgefurd, Mr. Coates, Mr. Meyer, Mr. Wessels, Mr. Price and Mr. Theissen in favor. Mr. Bayer, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. Dorsey, Mr. Hadley, Ms. Snyder, Mr. Sucher and Mr. Swanson against. The motion failed by a vote of 7-9. Mr. Bertram then made a motion to deny the matter based on the fact that it is not in compliance with the Comprehensive Plan and that it is adjacent to a residential zone. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Bertram, Ms. Snyder, Mr. Bayer, Ms. Carlin, Mr. Cook, Mr. Dorsey, Mr. Hadley, Mr. Sucher and Mr. Swanson in favor. Mr. Coates, Mr. Hilgefurd, Mr. Meyer, Ms. Weldon, Mr. Wessels, Mr. Price and Mr. Theissen voted against. The motion carried by a vote of 9-7 to deny.

\*A ten minute recess was taken at 10:10 p.m.

\*\*due to the late hour, the following issue was heard after issues 1578R and 1579R.

1577R

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

GENERAL LOCATION: Incorporated and Unincorporated areas within Kenton County.

REQUEST TO BE REVIEWED: Proposed text amendments to the Kenton County Subdivision Regulations pertaining to Safety: (a) Guards and Railings on certain storm culverts and bridges; and (b) Sight Distance revisions for access points for new developments.

Staff presentation and Staff recommendations by Mr. Barry Burke.

**NKAPC STAFF RECOMMENDATIONS - KENTON COUNTY REGULATIONS FOR INCORPORATED AND UNINCORPORATED KENTON COUNTY:**

**RECOMMENDATION A:** To adopt an amendment to Article VII of the Subdivision Regulations Section 7.0 C. DESIGN FOR STORM SEWERS 12. Headwalls, Safety Guards or Railings. b. (See Attachment A, the Current Regulation including proposed revisions (NKAPC Staff Version).

**RECOMMENDATION B:** To adopt an amendment to Article VI of the Subdivision Regulations Section 6.0 STREETS E. 2. Sight Distance. (See Attachment B, the Current Regulation including proposed revisions.

**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 A:**

The Storm Sewer Regulation, as revised by the NKAPC Staff, improves the Safety around certain Storm Drainage Systems including other culverts and bridge structures. Vertical guards and railings provide an increased level of safety rather than sloped enclosure grates attached to the top of such structures. Materials, strength and construction of such systems must conform to the Kentucky Building Code. Sloped enclosure grates, the use of wood material or landscaping buffers as suggested by the NKHBA further reduces the level of safety due to the fact that a permanent vertical barrier would not be provided.

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

The Sight Distance Regulation, as revised, incorporates Sight Distance changes by using Time Gaps (seconds) formulated for turning movements for vehicles exiting and entering new developments. This Standard is being used by most of fifty (50) states by survey conducted by The Institute of Traffic Engineers (ITE) in 1988; and, is the standard published by the American Association of State Highway and Transportation Officials (AASHTO) and The Institute of Traffic Engineers (ITE) in the Traffic Engineering Handbook, Fifth Addition. The conflict, which has existed, that the Kenton County Subdivision Regulations are "less restrictive at lower speeds" and "more restrictive at higher speeds" than KDOT or other acceptable national standards will be eliminated with the adoption of these amendments. Tables 2A and 2B identifies minimum sight distance requirements for Passenger Cars being representative of residential developments. If developments include commercial and/or industrial

land uses where significant Truck traffic will be representative, reference to the AASHTO and ITE Standards still must be considered and applied on a case by case basis.

#### SUBSEQUENT RECOMMENDATIONS

1. That Sight Distance changes made herein based upon ITE and AASHTO criteria be applied to the Model Zoning Ordinance recommending changes to all individual City/County Zoning Ordinances in Kenton County for uniform consistency.
2. That Sight Distance changes made herein be applied to other regional and local entities and governments, including OKI and KDOT for uniform consistency.

No one registered to speak for or against the issue.

Mr. Wessels asked about suggesting an alloy product or PVC type material to be used. Mr. Wessels stated as long as it meets the building code requirements it could be used. Staff then stated they didn't feel the building code defined alloy. Mr. Wessels stated that wood didn't meet the long term effect. Mr. Theissen then suggested approving what is before the Commission today and if it needs to be changed it can be changed later. Mr. Swanson stated the seven members have discussed the issue for six months. Mr. Hadley asked about getting structural requirements before the meeting on Tuesday with regard to site distances. Mr. Burke stated Staff was charged with finding out what the experts said on the issue and Kentucky is one of the few areas that uses the six second rule. He stated the experts base their requirements on AASHTO Design Standards. Following the discussion, Mr. Bayer then recommended striking the line from rural roads regarding increasing 10% to allow longer drive reaction time. Mr. Bayer then recommended approval on both issues as recommended by Staff and also recommending using addendum #1 but striking the language regarding rural roads (on rural roadways, increase distances by 10 percent to allow longer drive reaction time). Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Bayer, Mr. Hadley, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cooke, Mr. Dorsey, Mr. Hilgefurd, Mr. Meyer, Ms. Snyder, Mr. Sucher, Ms. Weldon, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

Following the motion, Mr. Theissen thanked Mr. Swanson for his help in the By-laws. Mr. Swanson then noted special thanks to Jay Bayer and to Barry Burke.

\*Mr. Bayer withdrew from the following issue due to a conflict with his employer and the application.

1578R

APPLICANT: St. Elizabeth Medical Center, per Mr. Douglas M. Chambers

GENERAL LOCATION: An approximate 180-acre area located along Thomas More Parkway, Horsebranch Road, Medical Village Drive, South Loop Road, and Dudley Road, Edgewood.

REQUEST TO BE REVIEWED: Review of a proposed amended Stage I Development Plan for the area described herein, which is currently zone INST-1 (an institutional one zone), INST-2 (an institutional two zone), and CC (a community commercial zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

**NKAPC STAFF RECOMMENDATION - EDGEWOOD ZONING ORDINANCE:**

To approve the amended Stage I development Plan, but only subject to compliance with the following conditions:

1. That the location of proposed buildings meet the minimum requirements of the Edgewood Zoning Ordinance.
2. That the height of the proposed buildings located within the INST-2 and CC Zones not exceed maximum requirements of the Edgewood Zoning Ordinance.
3. That the mechanical equipment on proposed buildings located within the INST-2 and CC Zones be screened from view.
4. That the proposed buildings located within the INST-2 and CC Zones not have flat roof construction and that mechanical equipment not be located on the roof.
5. That landscaping and berming of those properties located within the INST-2 Zone meet the minimum requirements of the Edgewood Zoning Ordinance.
6. That the location and amount of off-street parking meet the minimum requirements of the Edgewood Zoning Ordinance.
7. That individual traffic impact analyses be submitted with every subsequent Stage II Development Plan.

**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 submitted Stage I Development Plan is consistent with the Recommended land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question for Community Facilities - Other Community Facilities, Commercial - Retail/Service uses, Community Facilities -

Recreation and Open Space, Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre, and PRDA (Physically Restrictive Development Areas).

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

a. Section 10.14, F., 1., Section 10.16, F., 3., a., and Section 10.16, F., 3., b. provide for setback regulations from adjacent zones and along collector streets. Due to the scale of the development and the detail of the submitted plan, compliance with these regulations cannot be verified. Compliance with these regulations should be determined at the time that a Stage II Development Plan is submitted.

b. Section 10.16, F., 4. and Section 10.17, F., 4. provide for height limitations based upon the elevation of Dudley Road. Due to the scale of the development and the detail of the submitted plan, compliance with these regulations cannot be verified. Compliance with these regulations should be determined at the time that a Stage II Development Plan is submitted.

c. Section 10.16, K., 6. and section 10.17, K., 6. requires mechanical equipment to be screened from view. Insufficient information has been submitted to determine compliance with these requirements.

d. Section 10.16, K., 7. and Section 10.17, K., 7. states that flat roof construction shall not be permitted and mechanical equipment shall not be located or mounted on the roof. Insufficient information has been submitted to determine compliance with these requirements.

e. Section 10.16, K., 8. states that where any yard of any use abuts a residential zone, a minimum six (6) foot high earthen berm shall be constructed as a buffer. Insufficient information has been submitted to determine compliance with these requirements.

f. Article XI provides for regulations pertaining to off-street parking spaces and areas. Due to the scale of the development and the detail of the submitted plan, compliance with these regulations cannot be verified. Compliance with these regulations should be determined at the time that a Stage II Development Plan is submitted.

g. Section 10.14, L., 2., Section 10.16, N., 2., and section 10.17, N., 2. provides for criteria pertaining to traffic circulation, the amount of traffic generated by proposed developments, and the ability of the existing and proposed street system to adequately, efficiently, and safely handle the anticipated traffic.

While the applicant has submitted a traffic impact analysis as part of the current application, it is important to note that build out of the submitted Stage I Development Plan will take between 10 and 20 years. To account for this change in time and conditions, it is recommended that individual traffic impact analyses be submitted with every subsequent Stage II Development Plan.

**ADDITIONAL INFORMATION:**

The submitted Stage I Development Plan indicates the construction of two buildings (10a and 10b) within the city of Crestview Hills. This area is currently zoned RP-1. Since the current application is only being reviewed under the Edgewood Zoning Ordinance, separate applications will have to be made to the NKAPC, KC&MP&ZC, and the City of Crestview Hills prior to development of these buildings.

Mr. Joe Cleves, Mr. Doug Chambers, Mr. Jack Gehrum, Ms. Carla Webb and Mr. Maynard Cook registered to speak in favor of the issue. No one registered to speak against.

Mr. Cook stated they had nothing to add to Staff's report but was available to answer questions.

Mr. Cleves addressed the Commission and stated he was comfortable with what Staff had submitted. He stated they were available to answer questions.

Mr. Gehrum addressed the Commission and stated a traffic study was done for the black buildings on the plan. Mr. Theissen stated they realized when the study was done that it wasn't in with what he was thinking. He then marked as an Exhibit a copy of St. Elizabeth Medical Center's Traffic Analysis to be included with the minutes. Mr. Theissen asked about interconnection of parking lots when adjacent parking lots are submitted. Mr. Gehrum agreed that they should be included. It was noted that the two building referenced on Horsebranch Road are very long range and that no specific plans are in place except to use them for ambulatory services. Mr. Theissen stated he would like to see a long term plan for sidewalks all around the hospital. It was then noted that the following conditions be added: 1) that off-street parking areas be interconnected and evaluated at the Stage II Plan level; 2) that curb cut locations and alignments be coordinated and evaluated at the Stage II Plan level and 3) that sidewalks be provided when development occurs. Mr. Hadley then motioned to approve based on Staff's recommendations and to include the additional conditions as stated. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cooke, Mr. Dorsey, Mr. Hilgeford, Mr. Meyer, Ms. Snyder, Mr. Sucher, Ms. Weldon, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Mr. Bayer abstained. The motion carried.

1579R

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

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Fort Mitchell Zoning Ordinance: (1) adding the definition of Office Park; (2) adding parking regulations for Office Parks; and (3) reducing the parking requirements for offices other than those in Office Parks.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - FORT MITCHELL ZONING ORDINANCE:

To approve the proposed text amendments: (1) adding the definition of Office Park; (2) adding parking

regulations for Office Parks; and (3) reducing the parking requirements for offices other than those in Office Parks.

## 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 (1) adding the definition of Office Park; (2) adding parking regulations for Office Parks; and (3) reducing the parking requirements for offices other than those in Office Parks (see Attachment A) 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 amendment adding a definition of office park (see Attachment A) is appropriate in that it provides for a reasonable definition of a term that is currently not provided for.
3. The proposed text amendments adding parking regulations for Office Parks, and reducing the parking requirements for offices other than those in Office Parks (see Attachment A) are appropriate in that they provide for a reasonable amount of required off-street parking for office uses and office park developments. Additionally, the proposed regulations will bring the City of Fort Mitchell parking standards closer to the national standards and will better reflect current off-street parking lot utilization for such uses.

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

Mr. Goetz addressed the Commission and stated in Ft. Mitchell there is not a lot of room for development but stated there were two developers who wanted to expand. He stated they didn't feel it was really a problem going to three parking spaces per 1000. He stated the real concern was smaller developers requiring too few spaces, so the requirement was proposed to be changed to 4 spaces. Mr. Theissen noted a letter was received from the Toebben Company and it was marked as an Exhibit to be made a part of the record.

Mr. Powell addressed the Commission and stated the big concern was it was a big reduction from five to three parking spaces, which was a 40% reduction. Mr. Wessels asked about developers building bigger buildings and then putting in more spaces later. Mr. Powell stated they can go ahead and put in four but they are requiring three. Mr. Theissen suggested whoever makes the motion to change the word



"several" to read "two or more" with regard to parking spaces in the application. Mr. Dorsey then motioned to approve with the noted change, and based on Staff's recommendations. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Dorsey, Mr. Price, Mr. Bayer, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Hilgefurd, Mr. Meyer, Ms. Snyder, Mr. Sucher, Ms. Weldon, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

OLD BUSINESS: None.

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

A motion was made to go into executive session to discuss both employment and legal issues. Ms. Weldon made the motion with Ms. Snyder giving the second. All in favor. At 12:15 a.m. a motion was made by Mr. Hilgefurd to come out of executive session. Mr. Sucher seconded the motion. All in favor.

Following their discussion, Mr. Hilgefurd made a motion to hire David Pike as legal counsel to represent the Commission in the Krumpelman farm matter. Mr. Sucher seconded. None opposed.

COMMISSION ITEMS:

Standing Committee Reports:

Due to the late hour there were no reports.

COMMENTS/REQUESTS TO THE COMMISSION:

There being no further business to come before the Commission, the meeting adjourned at 12:25 a.m.