



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

October 3, 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. 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. Paul Swanson, Secretary/Treasurer - Erlanger
Mr. Joseph Price, Vice Chairman - Crestview Hills
Mr. Tim Theissen - Chairman - Edgewood

COMMISSION MEMBERS NOT PRESENT:

Mr. James Cook - Kenton County
Mr. John Dorsey - Fort Mitchell
Mr. Jeff Gaiser - Ludlow
Mr. Frank Smith - Lakeside Park
Mr. Bill Snyder - Bromley
Mr. Bernie Wessels - Ft. Wright

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 both the morning and evening minutes from September 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. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Hadley, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Hilgefurd, Mr. Meyer, Ms. Snyder, Mr. Sucher, Mr. Swanson and Mr. Theissen in favor. Mr. Bayer abstained. The motion carried.

FINANCIAL REPORT:

Mr. Swanson said there was nothing unusual to report. Mr. Theissen stated the budget was two months behind. Mr. Swanson commented that the budget is being discussed and it will be brought up to date.

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.**

Mr. Theissen noted he would be withdrawing from issue I-3913 as he is preparing deeds on the issue. Mr. Swanson then made a motion to ratify and approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Hadley, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Hilgefurd, Mr. Meyer, Ms. Snyder, Mr. Sucher, Ms. Weldon, Mr. Price and Mr. Theissen in favor (with exception to I-3913). Mr. Bayer abstained. The motion carried.

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.

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:

1581R

APPLICANT: Northern Kentucky Area Planning Commission, per Mr. Afton Kordenbrock, Chairman.

GENERAL LOCATION: All Incorporated and Unincorporated areas within Kenton County.

REQUEST TO BE REVIEWED: Proposed text amendments to the 2001 Area-Wide Comprehensive Plan Update, adding recommendation for a Bus Rapid Transit (BRT) system.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - COVINGTON ZONING ORDINANCE:

Mr. Theissen noted his concerns with widening the lanes on the roads where this is proposed. He further stated this will be occurring along major roads and not on roads in subdivisions. He stated he did not have a problem with the final recommendations on the issue.

Mr. Mark Donaghy from TANK registered to speak on the issue. He stated he was available if anyone had any questions. He stated it is technically a step below light rail. He reiterated that it would only occur on major roads or highways.

No one registered to speak against the issue.

Mr. Hilgefurd made a motion to approve. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Price, Mr. Bayer, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Hadley, Mr. Meyer, Ms. Snyder, Mr. Sucher, Ms. Weldon, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

*The following four issues were combined

1582R

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

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Elsmere Zoning Ordinance adding

the RP (Renaissance Protection) Overlay 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: ELSMERE ZONING ORDINANCE:

To approve the proposed text amendments adding the RP (Renaissance Protection) Overlay Zone, along with the necessary cross references within other sections of the zoning ordinance (see Attachments A and B), but only subject to compliance with the following conditions:

1. That design guidelines be adopted by the legislative body to direct the type and style of new development prior to, or simultaneous with, the adoption of these proposed text amendments.
2. That an Urban Design Review Board be established prior to, or simultaneous with, the adoption of these proposed text amendments.

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 the RP (Renaissance Protection) Overlay Zone, along with the necessary cross references within other sections of the zoning ordinance (see Attachments A and B) are allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. The proposed text amendments adding the RP (Renaissance Protection) Overlay Zone, along with the necessary cross references within other sections of the zoning ordinance (see Attachments A and B) are consistent with the intent of the Renaissance Kentucky program.

The City of Elsmere has recently applied to the Kentucky Heritage Council to participate in the Renaissance Kentucky program.

The Renaissance Kentucky program was launched in 1997 to encourage and help communities revitalize their downtown areas by developing business, housing, and rental opportunities.

The Renaissance Kentucky program is administered by an alliance of agencies including the Kentucky Heritage Council, Kentucky Housing Corporation, Kentucky League of Cities, Kentucky Department for Local Government, Kentucky Transportation Cabinet, Federal Home Loan Bank of Cincinnati and Fannie Mae. The program also brings together the full capacity of state government through representation of all executive branch cabinets.

3. The proposed RP Overlay Zone states: (1) that any new development shall be consistent with adopted design guidelines; and (2) that any new development shall follow the procedures established by the Urban Design Review Board.

While it is the understanding of the NKAPC staff that the city of Elsmere is in the process of adopting the design guidelines and establishing the Urban Design Review Board, these steps have not yet been accomplished.

To provide for the proper timing, it is recommended: (1) that design guidelines be adopted by the legislative body to direct the type and style of new development prior to, or simultaneous with, the adoption of these proposed text amendments; and (2) that an Urban Design Review Board be established prior to, or simultaneous with, the adoption of these proposed text amendments.

1584R

APPLICANT: City of Erlanger, per Mr. P. David Hahn, Zoning Administrator

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Erlanger Zoning Ordinance adding the RP (Renaissance Protection) Overlay Zone, along with the necessary cross references in other sections of the zoning ordinance.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION: ERLANGER ZONING ORDINANCE:

To approve the proposed text amendments adding the RP (Renaissance Protection) Overlay Zone, along with the necessary cross references within other sections of the zoning ordinance (see Attachments A and B), but only subject to compliance with the following conditions:

1. That design guidelines be adopted by the legislative body to direct the type and style of new development prior to, or simultaneous with, the adoption of these proposed text amendments.
2. That an Urban Design Review Board be established prior to, or simultaneous with, the adoption of these proposed text amendments.

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 the RP (Renaissance Protection) Overlay Zone, along with the necessary cross references within other sections of the zoning ordinance (see Attachments A and B) are allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. The proposed text amendments adding the RP (Renaissance Protection) Overlay Zone, along with the necessary cross references within other sections of the zoning ordinance (see Attachments A and B) are consistent with the intent of the Renaissance Kentucky program.

The City of Erlanger has recently applied to the Kentucky Heritage Council to participate in the Renaissance Kentucky program.

The Renaissance Kentucky program was launched in 1997 to encourage and help communities revitalize their downtown areas by developing business, housing, and rental opportunities.

The Renaissance Kentucky program is administered by an alliance of agencies including the Kentucky Heritage Council, Kentucky Housing Corporation, Kentucky League of Cities, Kentucky Department for Local Government, Kentucky Transportation Cabinet, Federal Home Loan Bank of Cincinnati and Fannie Mae. The program also brings together the full capacity of state government through representation of all executive branch cabinets.

3. The proposed RP Overlay Zone states: (1) that any new development shall be consistent with adopted design guidelines; and (2) that any new development shall follow the procedures established by the Urban Design Review Board.

While it is the understanding of the NKAPC staff that the city of Erlanger is in the process of adopting the design guidelines and establishing the Urban Design Review Board, these steps have not yet been accomplished.

To provide for the proper timing, it is recommended: (1) that design guidelines be adopted by the legislative body to direct the type and style of new development prior to, or simultaneous with, the adoption of these proposed text amendments; and (2) that an Urban Design Review Board be established prior to, or simultaneous with, the adoption of these proposed text amendments.

1583R & 1585R

APPLICANT: City of Elsmere, per Mr. Ralph Hopper, Zoning Administrator and City of Erlanger, per Mr. P. David Hahn.

GENERAL LOCATION: Area A: An approximate 35 acre area located along the southeast side of Dixie Highway, between a point north of Erlanger Street to the Boone/Kenton County border, Elsmere; and Area B: An approximate 62 acre area located along the northwest side of Dixie Highway, between a point north of Crescent Avenue to the Boone/Kenton County border, Erlanger.

REQUEST TO BE REVIEWED: Proposed map amendments: (1) to the Elsmere Zoning Ordinance, changing Area A from NK to NC (RP); and (2) to the Erlanger Zoning Ordinance, changing Area B from R-1G, R-2, NC, NC (AP), and NC-2 to R-1G (RP), R-2 (RP), NC (RP), and NC-2 (RP).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - ELSMERE AND ERLANGER ZONING ORDINANCES:

RECOMMENDATION A: To approve the proposed map amendment for Area A from NC to NC (RP), but only subject to compliance with the requirement that the proposed text amendment adding The RP Overlay Zone be adopted prior to, or simultaneous with, the adoption of this proposed map amendment.

RECOMMENDATION B: To approve the proposed map amendment for Area B from R-1G, R-2, NC, NC (AP), and NC-2 to R-1G (RP), R-2 (RP), NC (RP), and NC-2 (RP), but only subject to compliance with the requirement that the proposed text amendment adding The RP Overlay Zone be adopted prior to, or simultaneous with, the adoption 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 amendments for Areas A and B are consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update.

Area A, within the city of Elsmere, is identified for Commercial - Retail/Service uses. The proposed NC (RP) Zone will allow the development of retail and service type businesses.

Area B, within the city of Erlanger, is identified for Residential Development at a density ranging from 14.1 to 30.0 dwelling units per net acre, Commercial - Retail/Service uses, and Community Facilities - Recreation and Open Space uses. The proposed R-1G (RP), R-2 (RP), NC (RP), and NC-2 (RP) will allow the development of retail and service type businesses, and attached single-family residential dwellings and two-family residential dwellings at a maximum density of 10 dwelling units per net acre.

2. The proposed map amendments adding the RP (Renaissance Protection) Overlay Zone onto the existing zones within Areas A and B are consistent with the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update which recommends the utilization of the Kentucky Renaissance program to revitalize urban commercial core areas. The text of the comprehensive plan reads as follows:

Renaissance Cities

The Renaissance Kentucky Program was created in 1996 through the Governors Office in an effort to revitalize Kentucky's downtown areas. The aim of this program is to provide support for the revitalization of the urban cores in cities that wish to participate. The program designates three different levels based on participation and eligibility: bronze, silver and gold. The criteria for each are based on several factors, including historic integrity and preservation. Currently, the City of Covington has reached Silver status and the cities of Elsmere, Erlanger and Independence are designated at the Bronze level. As part of the criteria for ascending to higher levels within the program, and thus to receive more assistance, cities must establish historic preservation initiatives such as adopting an historic preservation ordinance, completing National Register surveys and designations, creating an historic preservation commission, adopting design guidelines for historic resources, and including an historic preservation element in the community's comprehensive plan. It is the recommendation of this Plan Update to work with these cities, and any other cities that join the program in Kenton County, to help them become eligible for elevated status within the program.

The proposed map amendments will aid the cities of Erlanger and Elsmere in attaining a higher status level within the program.

3. To provide for the proper timing, it is recommended that the legislative bodies of both Elsmere and Erlanger adopt the proposed text amendments adding the RP Overlay Zone prior to, or simultaneous with, the approval of these proposed map amendments.

Mr. Hopper, Ms. Sudkamp, Mr. Dusing, Ms. Whitaker, Mr. Donovan, Ms. Cranbrinck and Mr. Dutliffe registered to speak on the issue.

Mr. Hopper addressed the Commission in favor of the applications. He stated there is not a lot to add to Staff's report. He stated the issue is important in order to comply with regulations. He further stated it is a very positive thing for the community. Mr. Hilgeford stated he wanted more information as to why St. Henry was being excluded. Mr. Hopper stated his understanding was that this was only to include the neighborhood commercial zones. He further noted if the school is an oversight they can add the school

at a later time.

Ms. Sudkamp stated this is a very valuable tool being offered. She stated the downtown is dying and has been. She stated they have seen what the renaissance zone has done for other cities. She also added that Erlanger and Elsmere are the first cities in the state to take this step. She also reiterated that it is a positive thing for the two communities.

Ms. Whitaker addressed the Commission as a neutral party on the issue. She stated she is a resident of Erlanger. She cited her concerns about the urban development review board circumventing the Board of Adjustments that already exist in the cities. It was also noted that in the three years of attending council meetings the urban review board was never discussed and this was a concern of hers. She further noted that it would be helpful for the cities to have comment with regard to that issue. Mr. Hopper responded and stated he has been involved in the design review boards. He stated the design review board would have no conflicts with the Board of Adjustment. He stated it would create another step for property owners to go through. He also stated the intent is to create some uniformity with the cities but the long term is very positive.

Mr. Donovan addressed the Commission as a neutral party and stated he has been a resident of Erlanger for four years. All others registered to speak on the issue passed. Mr. Hilgefurd stated the St. Henry property is absolutely essential to the area. Mr. Theissen stated he sees it as a commonality with the cities as far as design and signage etc. Mr. Meyer stated he feels this is just another way the government is trying to take over what people can and can't do with their property. Mr. Theissen stated it is, but stated that long term the city is going to be more attractive and a more profitable area long term. Ms. Weldon stated it is almost without exception that cities that participate in design elements benefit. She also commended both communities for making the proposal jointly. Mr. Hadley stated that some small businesses that can't afford the remodeling can now be able to receive government funding to do that remodeling. Following the discussion, Ms. Weldon made the motion to approve based on Staff's recommendations and including the two conditions. Mr. Hilgefurd seconded the motion. A roll call vote on the found Ms. Weldon, Mr. Hilgefurd, Mr. Bayer, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Hadley, Ms. Snyder, Mr. Sucher, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Meyer voted against. The motion carried.

Mr. Hilgefurd then motioned to approve 1583R based on Staff's recommendations with an additional information comment to include the St. Henry property to the overlay zone as soon as possible. Ms. Weldon seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Ms. Weldon, Mr. Bayer, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Hadley, Ms. Snyder, Mr. Sucher, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Meyer voted against. The motion carried.

Ms. Weldon made the motion to approve 1585R based on Staff's recommendations and to include any conditions therein. Mr. Hilgefurd seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Hilgefurd, Mr. Bayer, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Hadley, Ms. Snyder, Mr. Sucher, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Meyer voted against. The motion carried.

1587R

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

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: A proposed text amendment to the Fort Wright Zoning Ordinance modifying the regulations pertaining to temporary special event signs.

Staff presentation and Staff recommendations by Larisa Hughes.

NKAPC STAFF RECOMMENDATION: FORT WRIGHT ZONING ORDINANCE:

To approve the proposed text amendment adding regulations for off premise temporary special event signs (see attachment A).

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

COMPREHENSIVE PLAN DOCUMENTATION:

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

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed text amendment adding regulations for off premise temporary special event signs (see attachment A), is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. Currently, similar signs, such as real estate signs, are permitted in all zones with the same square footage and height requirements as the proposed temporary signs. Therefore, the proposed text amendment adding regulations allowing off premise temporary special event signs (see Attachment A) are reasonable. The proposed regulations will also allow for smaller signs than the currently permitted on premise signs, will not permit illumination, and will not disrupt any adjacent land uses.
3. The proposed text amendment adding regulations allowing off premise temporary special event signs, with certain conditions (see Attachments A), provide for reasonable and appropriate ways of regulating temporary signs.

No one registered to speak on the issue for or against. Mr. Hilgefurd made a motion to approve. Ms. Weldon seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Ms. Weldon, Mr. Bayer, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Hadley, Mr. Meyer, Ms. Snyder, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Meyer voted against. The motion carried.

1588R

APPLICANT: City of Erlanger, per Mr. David P. Hahn, Zoning Administrator.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Erlanger Zoning Ordinance: (1) adding automobile laundry, provided it has a minimum of 150 feet of lot frontage on each of two (2) public streets, to the list of permitted uses in the NC (Neighborhood Commercial) Zone; and (2) creating a new class sign for ground signs and adding that class to the IP-1, IP-2 IP-3, and I-1 Zones.

Staff presentation and Staff recommendations by Ms. Larisa Hughes.

NKAPC STAFF RECOMMENDATION: ERLANGER ZONING ORDINANCE:

RECOMMENDATION A:

To approve the proposed text amendment adding automobile laundry, provided it has a minimum of 150 feet of lot frontage on each of two (2) public streets, to the list of permitted uses in the NC (Neighborhood Commercial) Zone, but only subject to compliance with the condition that the additional locational requirements be deleted.

RECOMMENDATION B:

To approve the proposed text amendment creating a new class sign for ground signs and adding that class to the IP-1, IP-2, IP-3 and I-1 Zones.

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

COMPREHENSIVE PLAN DOCUMENTATION:

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

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

RECOMMENDATION A:

1. The proposed text amendment adding automobile laundry to the list of permitted uses in the NC (Neighborhood Commercial) Zone (see attachment A), except as noted under the condition, is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).

2. The proposed text amendment adding automobile laundry to the list of permitted uses within the NC (Neighborhood Commercial) Zone (see Attachment A), except as noted under condition, is consistent with the purpose of the NC Zone, which is to provide for retail sales and service businesses oriented towards serving the daily needs of area residents.

3. The proposed text amendment adding automobile laundry to the list of permitted uses within the NC (Neighborhood Commercial) Zone (see Attachment A), except as noted under condition, is similar in character to other uses currently permitted in the NC Zone.

4. This recommendation is consistent with other previous recommendations:

a. On March 15, 1990, the City of Erlanger, per Mr. David Hahn, submitted an application for NKAPC and KC&MP&ZC review and recommendation on a proposed text amendment to the City of Erlanger Zoning Ordinance deleting auto laundry from the list of permitted uses in the NC (Neighborhood Commercial) Zone (Z-90-03-05/949R). On March 30, 1990, the NKAPC staff recommended disapproval of the proposed text amendment. On April 5, 1990, the KC&MP&ZC, following the public hearing, recommended disapproval of the proposed text amendment. The City of Erlanger subsequently approved the proposed text amendment.

5. Kentucky Revised Statute (KRS) 100.203 (1) states that a zoning ordinance text must list the types of zones which may be used, and the regulations which may be imposed in each zone, which must be uniform throughout the zone. The proposed text amendment would place greater restrictions on automobile laundry than other uses located in the same zone. It is recommended that the additional locational requirements be deleted from the proposed text amendment.

RECOMMENDATION B:

1. The proposed text amendments creating a new class sign for ground signs and adding that class to the IP-1, IP-2, IP-3 and I-1 Zones (see Attachment B) 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 new class of sign, Class 13 (ground) sign (see Attachment B) provides for a reasonable size and height and is significantly different from other sign classes currently listed.

3. The proposed text amendments adding the Class 13 sign to the list of permitted class signs within the IP-1, IP-2, IP-3 and I-1 Zones for the identification of an industrial park is reasonable in that it provides the necessary cross references within the zoning ordinance.

4. Currently, class 9 signs are permitted for the identification of an industrial development or park. This is interpreted to mean that each separate industrial site may have a class 9 sign. The proposed class sign, Class 13, would be a ground sign with a maximum size of fifty (50) square feet and a maximum height of ten (10) feet, and is to be used only at each major entrance into an industrial park for the purposes of identifying an industrial development (see attachment B). The proposed text amendment would only allow class 9 signs to be used for the identification of an industrial park that is adjacent to a freeway or interstate. The proposed change will only allow each separate industrial use permitted in these zones a

class 5 and class 8 sign, or a class 6 and class 8 sign. Therefore, the proposed text amendments will reduce the number of larger signs within industrial zones in the City of Erlanger, creating a more aesthetic appearance.

Mr. Brian Dunham, Mr. Tom Donovan, Mr. Mike Dickey and Ms. Patty Sudkamp registered to speak on the issue.

Mr. Dunham addressed the Commission as the attorney for the Dickey group. He stated he is asking for the Commission's approval on the issue.

Mr. Dickey addressed the Commission and stated he feels the car wash would bring new people to the area and improve the area. He stated it is a nice project using state of the art techniques.

Ms. Sudkamp addressed the Commission and discussed the area and what was on the property previously. She stated the applicant's family owned a business on the property for more than thirty years. She further noted the property has been for sale for four years. She also noted she would like to see a nice senior center on that corner but feels the car wash versus the alternative is good compromise. Ms. Sudkamp stated the applicant has agreed to screening, landscaping and to moving the vacuum cleaners to the front of the property versus the back near the church to minimize the noise. She stated concerns with traffic but noted the proposal would have far less traffic. She stated she supports the application and hopes it works for the applicant.

Mr. Donovan addressed the Commission and stated his concerns with 24-hour access. He stated additional concerns with trash in the area. He further noted there is a car wash less than a mile away and he would have liked to see something else go on the property. Following the discussion, Mr. Swanson made a motion to approve. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Price, Mr. Bayer, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Hadley, Mr. Hilgefurd, Mr. Meyer, Ms. Snyder, Mr. Sucher, Ms. Weldon and Mr. Theissen in favor. The motion carried.

1591R

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

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, Material revisions for Guards and Railings on certain storm culverts and bridges.

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

RECOMMENDATION: 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.

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:

The Storm Sewer Regulation, as revised, will allow the use any materials that will resist loading specified in the Kentucky Building Code and is weather resistant and ultraviolet (UV) light resistant without a sacrifice in safety around certain Storm Drainage Systems including other culverts and bridge structures

There was no Staff presentation. Mr. Theissen noted this went back to Mr. Swanson's committee. He further noted the last time this was brought up it was mentioned that PVC material be used in construction of guards and railings. It was further discussed to change "is" to "are" in the text. Mr. Swanson then motioned to adopt the changes for the text amendment. Ms. Weldon seconded the motion. A roll call vote on the matter found Mr. Swanson, Ms. Weldon, Mr. Bayer, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Hadley, Mr. Hilgefard, Mr. Meyer, Mr. Price, Ms. Snyder, Mr. Sucher and Mr. Theissen in favor. The motion carried.

OLD BUSINESS:

Mr. Theissen noted this will be the last official meeting with Mr. Bill Bowdy as Executive Director as a new director has been chosen effective October 28, 2002. Mr. Theissen stated he supports him wholeheartedly and the Committee in their decision.

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

Mr. Theissen noted the Home Builders Association of Northern Kentucky is planning a seminar on Wednesday November 13 at Thomas More College. He stated there is a \$25 fee that the Commission will pay for those interested in attending. He further noted there are eight different planning commissions who are sponsoring the event but that the NKAPC chose to not participate in sponsoring the event. He additionally noted that attending the seminar will fulfill the education requirement for the Commission.

COMMISSION ITEMS:

Standing Committee Reports:

Subdivision Regulations Review Committee:

Mr. Swanson noted they are still meeting monthly. He stated the next meeting would be held on November 5th at noon.

By-Laws:

Mr. Price had nothing to add.

Model Zoning Ordinance:

Mr. Wessels was not present but Mr. Theissen noted they have not met.

Mr. Swanson commented that the Commission's legal counsel has responded on behalf of the Commission to the three lawsuits brought on the Krumpelman Farm matter.

COMMENTS/REQUESTS TO THE COMMISSION:

There being no further business to come before the Commission, the meeting adjourned at 7:55 p.m.