



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

November 7, 2002
9:00 A.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. Tim Theissen - Chairman - Edgewood
Ms. Barbara Carlin - Kenton County
Mr. Al Hadley - Elsmere
Mr. Eugene Meyer - Covington
Mr. Bernie Wessels - Fort Wright
Mr. Joe Price - Vice-Chair - Crestview Hills
Mr. Paul Swanson - Secretary/Treasurer - Erlanger

LEGAL COUNSEL PRESENT:

David Schneider, Esq.

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

APPROVAL OF THE MINUTES:

There were no minutes to approve from October as there was no morning meeting held.

SUBDIVISION ITEMS:

a. PRESENTATION OF PRELIMINARY PLATS, OTHER PLATS, AND OTHER ISSUES REQUIRING COMMISSION ACTION AT A REGULAR MEETING FOR REVIEW:

PP-622 KENSINGTON HILLS SUBDIVISION

APPLICANT: Hicks and Mann, on behalf of Holiday Homes, Inc.

GENERAL LOCATION: An approximate 66.5-acre area at the terminus of Kensington Road (S.R. 1258), Unincorporated Kenton County.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 28 residential building lots, including public improvements such as street, storm drainage and water systems.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

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

CONDITIONS:

1. That Kensington Road (from the Green Road intersection to the subject Plat) be hard surfaced and widened to a minimum of 22 feet with curb and gutter, in accord with minimum subdivision regulation standards for a local street (Section 11.3 F);
2. That sidewalks be provided along both sides of all internal streets as well as along both sides of the reconstructed Kensington Road (Section 7.3 F);
3. That curb and gutter (in lieu of side ditches) be provided along all proposed streets (Section 7.3 D);
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 a maximum of five (5) lots contain a minimum lot width of 100 feet at the building setback line (Section 6.6);
6. That remaining property within the parent tract (Arthur Ashcraft D.B. 304, PG. 91) contain a

minimum of 20 feet of frontage along a public right-of-way. Note: This condition must be satisfied prior to approval of a Final Plat (Section 6.6);

7. That at least three (3) random on-site sewage disposal tests approved by the Health Department be submitted prior to approval of Improvement Drawings and Specifications (Section 3.1 C); and
8. That street name "Holiday Court", duplicated elsewhere in the county, be changed (Section 6.0G).

BASES:

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

ADDITIONAL INFORMATION:

1. It should be noted that although not requested by the applicant, the planning commission may grant a modification or waiver to the sidewalk regulation within the Non-Urban Service Area (applicable for sidewalks internal to the development as well as along Kensington Road), providing the planning commission shall find:

- a) That the plat for development or other request includes low densities and contains extremely large rural estate type lots; and
- b) That the development or request will generate low traffic volumes without adversely jeopardizing pedestrian safety; and
- c) That the provision for sidewalks abutting existing streets or roadways or other roadways is impracticable, unnecessary or will contribute to an attractive nuisance or other hazard regarding the issue of safety further regulated by Section 8.5 of these regulations;

Although this development exists within the Non-Urban Service Area, the findings necessary to grant a waiver to the regulations as set forth within Section 7.3 F a), b), and c) (referenced above) have not been substantiated in staff's opinion; and

2. Several lots contain ground slopes of 20 percent or greater. Building development on these lots in question will require implementation of "Hillside Development Controls" contained within the Kenton County Zoning Ordinance.

After a discussion by the Commissioners of the potential need for a street connection to developable property to the south and needed improvements to Kensington Road, the developer's representative agreed to table the Preliminary Plat for a period not to exceed six (6) months in order to explore the

practicality of such issues. A motion to table the matter as indicated was made by Mr. Wessels. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hadley, Ms. Carlin, Mr. Meyer, Mr. Swanson, Mr. Price and Mr. Theissen. The motion carried.

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

It was noted that Mr. Theissen would be withdrawing from any consideration and voting on item I-3935 and EP-619 due to a conflict with his firm. Mr. Wessels noted his withdrawal from FP-598 due to a possible conflict with an adjoining property owner. Mr. Hadley made a motion to approve the actions taken on plats and plans for the past month. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Ms. Carlin, Mr. Meyer, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

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

PUBLIC HEARINGS ON SCHEDULED PUBLIC FACILITIES: None.

OTHER COMMITTEE BUSINESS:

There being nothing further to come before the Commission, the meeting was recessed at 10:20 a.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
REGULAR MEETING

November 7, 2002
6:15 P.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. James Bertram - Taylor Mill
Ms. Barbara Carlin - Kenton County
Mr. James Cook - Kenton County
Mr. Mike Denham - Bromley
Mr. John Dorsey - Fort Mitchell
Mr. David Hilgeford - Villa Hills
Mr. Eugene Meyer - Covington
Mr. Frank Smith - Lakeside Park
Ms. Maura Snyder - Independence
Mr. James Sucher - Crescent Springs
Mr. Bernie Wessels - Ft. Wright
Mr. Paul Swanson, Secretary/Treasurer - Erlanger
Mr. Joseph Price, Vice Chairman - Crestview Hills
Mr. Tim Theissen - Chairman - Edgewood

COMMISSION MEMBERS NOT PRESENT:

Mr. Jay Bayer - Park Hills
Mr. Barry Coates - Covington
Mr. Jeff Gaiser - Ludlow
Mr. Al Hadley - Elsmere
Ms. Alex Weldon, Covington

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. Following the prayer Mr. Theissen welcomed new member Mike Denham, representing Bromley, to the Commission. He also welcomed Mr. Dennis Gordon as the new Director and successor to Mr. Bill Bowdy.

APPROVAL OF THE MINUTES:

Mr. Theissen noted the minutes from October had been distributed in the Commissioner's packets and asked for any questions or comments. Mr. Meyer noted on page 10 under the Fort Wright issue that he was listed as voting both against and for the issue. Mr. Sucher stated he recalled voting against the issue and stated his name should be substituted for Mr. Meyer's. Mr. Price noted on page 2 under Item "c." should be deleted. He also noted the wording "Covington Zoning Ordinance" should be changed to read "Kenton County Comprehensive Plan." There being no further corrections, Mr. Price made a motion to approve the minutes. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Price,

Ms. Snyder, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. Denham, Mr. Hilgefurd, Mr. Meyer, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Mr. Dorsey and Mr. Smith abstained. The motion carried.

FINANCIAL REPORT:

It was noted that the budget was provided to the Commission. There were no questions or comments. Mr. Swanson made the motion to approve the budget. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Swanson, Ms. Snyder, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. Denham, Mr. Dorsey, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Mr. Sucher, Mr. Wessels, Mr. Price and Mr. Theissen in favor. The motion carried.

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 reviewed and discussed the one issue heard at the morning meeting that had been tabled. Mr. Bertram noted a conflict with I-3910 and stated his firm prepared the plat and would be withdrawing from any consideration and voting on the matter. There being no other conflicts (it was further noted that Mr. Theissen had withdrawn from I-3935 and EP-619, as well as Mr. Wessels having withdrawn from FP-598 as noted at the morning meeting) Mr. Bertram made a motion to ratify and approve. Mr. Wessels seconded the motion. A roll call vote on the matter found Mr. Bertram, Mr. Wessels, Mr. Carlin, Mr. Cook, Mr. Dorsey, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Denham 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:

1594R

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

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 Ms. Larisa Hughes.

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 recommendation is consistent with previous recommendations. On August 15, 2002, the City of Fort Mitchell, per Mr. Bill Goetz, City Administrator, made application for review and recommendation on 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. On August 30, 2002, the NKAPC staff recommended approving the proposed text amendments and on September 5, 2002, following the public hearing, the KC&MP&ZC also recommended approval of the amendments, with modifications.

The submitted request is the same as previously submitted by the City of Fort Mitchell in August, 2002,

with the exception of the allowance for a reduced number of parking spaces to be built when the Stage II Plan identifies sufficient area and infrastructure to meet the parking requirements within office park developments.

4. The proposed text amendment adding parking regulations for Office Parks (see Attachment A) is appropriate in that it provides for a reasonable amount of required off-street parking for 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.

ADDITIONAL INFORMATION:

This current application under review was submitted prior to Fort Mitchell City Council adopting an amendment pertaining to item #2 which was included in a previous application (Z-02-08-05/1579R). Following the application of the text amendments currently under consideration, the City of Fort Mitchell adopted an ordinance reducing the parking requirements for offices other than those in Office Parks.

Mr. Bill Goetz addressed the Commission and stated that Ms. Hughes covered the issue. He stated the parking spaces requirement was discussed at a recent meeting to reduce the number from 5 to 4 parking spaces. He further noted what is now being considered is 3 parking spaces per 1,000 square feet in office parks. He further noted this would increase the amount of green space.

Following a brief discussion on the issue Mr. Dorsey made a motion to approve the matter. Mr. Cook seconded the motion. A roll call vote on the matter found Mr. Dorsey, Mr. Cook, Mr. Bertram, Mr. Denham, Mr. Hilgefard, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Wessels, Mr. Price, Mr. Swanson and Mr. Theissen in favor. The motion carried.

1595R

APPLICANT: City of Crestview Hills, per Mr. Dan Groth, City Administrator

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Fort Mitchell Zoning Ordinance: (1) reducing the minimum front yard setback requirement in the SC (Shopping Center) Zone from 150 feet to 75 feet; and (2) adding off-street parking requirements to the list of Other Developmental Controls within the SC Zone.

Staff presentation and Staff recommendation by Ms. Melissa Jort.

NKAPC STAFF RECOMMENDATION: CRESTVIEW HILLS ZONING ORDINANCE:

To approve the proposed text amendments: (1) reducing the minimum front yard setback requirement in the SC (Shopping Center) Zone from 150 feet to 75 feet; and (2) adding off-street parking requirements

to the list of Other Development Controls within the SC Zone, but only subject to compliance with the following condition:

1. That the wording of Section 10.8, E., 7. be changed to read as follows:

E. OTHER DEVELOPMENT CONTROLS:

7. Off-street parking is permitted as follows:

- a. To a minimum of twenty (20) feet from property lines along major streets (collector and arterial);
- b. To a minimum of ten (10) feet from property lines along interstate highways;
- c. To a minimum of seventy-five (75) feet from property lines immediately adjacent to a residential zone.

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

COMPREHENSIVE PLAN DOCUMENTATION:

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

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed text amendments (1) reducing the minimum front yard setback requirement in the SC (Shopping Center) Zone from 150 feet to 75 feet; and (2) adding off-street parking requirements to the list of Other Development Controls within the SC Zone 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 to reduce the minimum front yard setback requirement and add off-street parking requirements to the list of Other Development Controls within the SC Zone (see Attachment A) are appropriate in that the amendments will allow for the reasonable development of property zoned SC while protecting adjacent roadways and residential uses.
3. Recently adopted landscape regulations within the Crestview Hills Zoning Ordinance (Section 9.17) make it reasonable to allow for the proposed text amendments. Landscape regulations are intended to improve the appearance of vehicular use areas and property adjoining public/private road rights-of-way and driveways, preserving existing trees, and requiring screening between land uses.
4. The condition to change the requirements for off-street parking adjacent to residential zones (i.e. eighty (80) feet from the property line) is necessary as this would conflict with the proposed minimum front yard depth requirement of seventy-five (75) feet.

5. The condition to clarify the wording of the proposed off-street parking requirements is necessary to determine the appropriate distances from the property line when two or more of the criteria apply. The present location of the SC Zone is situated along a major street (Dixie Highway), along an interstate highway (I-275), as well as adjacent to a residential zone situated on the north side of Dixie Highway and I-275. The condition to add the word "immediately" to the wording of subsection E.,7.,c. is recommended to specify the required off-street parking distance when the SC Zone directly abuts a residential zone. The present location of the SC Zone could be classified as situated adjacent to a residential zone, with Dixie Highway and I-275 located in between.

Mayor Paul Meier, Mr. Blair, Mr. Dan Groth, Mr. Glenn Anderson, Mr. Lawson Walker, Mr. Josh MacIntosh, Mr. Greg Pancero, Mr. Bob Frey and Mr. Henry Harris registered to speak in favor of the issue. Mr. Hank Boehmer, Ms. Paige Shelton, Ms. Virginia Maloney, Mr. Scott Shelton, Ms. Marilyn Monohan, Ms. Meredith Dean and Mr. David Deal registered to speak against the issue.

Mayor Meier addressed the Commission and stated they normally do not get site specific on text amendments but as they have only one shopping mall zone they are specifying the changes as requested. He stated the Crestview Hills Mall had approached the city about building a 225 seat restaurant in the front of the mall on Dixie Highway. He stated they wanted to reduce the amount of front yard setback from 150 feet to 75 feet in order to allow for the new restaurant. Mayor Meier submitted an exhibit that was marked as Exhibit 1 to be included in the record.

Mr. Blair addressed the Commission and stated he concurs with the mayor's comments on the matter.

Mr. Dan Groth addressed the Commission and stated he too concurs with the mayor's comments. He further stated the mall has been a white elephant for 20 years. He stated the Panera Bread Company is a great start and they now have a chance to build up the mall with two upscale restaurants on the site.

Mr. Glenn Anderson addressed the Commission and stated their company has been working to redevelop and revitalize the mall. He further noted they are very excited about the redevelopment.

Mr. Lawson Walker addressed the Commission as legal counsel for the mall. He thanked the city for making the request. He further stated he has worked with the mall for the past two years and this zone will turn the property into a more viable mall. He urged the Commission to allow for the text change. He stated the outlots are already there and the Crestview Hills Mall can build what they wish to build there; it's just a question of where it can be built. He additionally noted a comparison to other cities as to what their setbacks are. He noted this project would have much more footage as to setbacks. He further noted this change really only affects one property in the city. He stated no building has been built in the city without a variance from the Board of Adjustment. He further noted it is not good planning to have to go to the Board of Adjustment every time a building is built. He then stated if allowed to do this they can bring two upscale restaurants to the area. Mr. Lawson noted they could put a Waffle House or a Firestone tire place there now but the mall doesn't want to do that. He stated the requests are reasonable and he urged the Commission to adopt the text amendment.

Mr. John MacIntosh addressed the Commission and stated he didn't have anything to add but was available to answer any questions. Mr. Dorsey questioned as to how much space is available now between the right-of-way and Dixie Highway. Mr. MacIntosh stated there is 51 feet of right-of-way. Mr. MacIntosh also stated there is a major drainage course that would need to be moved or placed underground at a large expense.

Mr. Henry Harris addressed the Commission and stated he is a six and-a-half year resident of Crestview Hills. He stated he has always thought of the mall as an embarrassment but a diamond in the rough. He further stated the new restaurants would turn the mall around.

Mr. Boehmer addressed the Commission and stated he is a 48-year resident of Crestview Hills. He stated he would like to see the integrity of the city council preserved. He further stated they would like to see the green space preserved. Mr. Boehmer stated there are other areas such as Dream Street that are overdeveloped and he does not want to see that happen here. He further stated there is a possibility now to build on these outlots but stated he doesn't think what is being proposed can be done without creating a traffic mess. He stated he has patronized the proposed restaurants probably more than others and stated they are good establishments. He further noted that to build these restaurants at the front of the property there just is not room to do that. He then asked that the issue would be able to be brought back to the Board of Adjustment to protect the integrity of what the community wants and needs.

Mr. Maloney addressed the Commission and stated he is currently on city council. He stated he doesn't feel parking next to the interstate is a concern of anyone. He further stated the zoning is there to protect the community. He stated they are asking for a 20% reduction in the variance, which is a pretty large reduction. He further stated the residents in the area bought into the area with the understanding that the zoning was set. He reiterated the zoning is in place to protect the area. He additionally noted he is not against development. He also noted the city council meeting was attended by over 40 people who were against the issue. He further noted it was not an easy vote and it came down to a vote of 3-4. He stated this is not only building closer to the residents but bigger towards the residents. He noted he talked to enough people in opposition to the text change. He further noted that he cares about the city and does not want to see something that will negatively affect the city and area.

Ms. Shelton addressed the Commission and stated she is a new resident to the area. She stated she is excited about the new redevelopment of the mall but concerned about the congestion and looks of the proposed restaurants.

Mr. Shelton addressed the Commission and stated he doesn't think the frontage space is necessary and that the other areas could be utilized around the mall.

Mr. Monahan addressed the Commission and stated he would like to see more studies done regarding the feasibility of the project.

Ms. Meredith Dean addressed the Commission and stated she owns a restaurant and noted that the restaurants are not going to improve the mall. She noted that most people don't eat and then shop. She further stated if they want to improve the mall they should put the restaurants in the mall.

Mr. David Dean addressed the Commission and stated he is not against development. He further noted that the Panera Bread Company is successful because of what it offers and would not be more successful if it was 75 feet closer to the road.

Mayor Meier addressed the Commission in rebuttal and stated there are 56 uses in the shopping center zone and a tire store is not one of them. He stated the mall has been very responsible in bring a good product to the area.

Mr. Wessels asked Mr. Walker about a possible sharing of parking spaces. Mr. Walker stated that under contract they have to provide for so many parking spaces for the mall.

Mr. Hilgefurd stated the property in front of the mall will be commercial and doesn't think what is being proposed is outside that realm. He further noted he feels it is smart that the city is taking this stand on the issue. Mr. Theissen stated the fact that the Board of Adjustment is being approached on many building issues creates a situation where the Board of Adjustment basically decides on a case by case basis. Ms. Carlin stated she thought the zoning was in place to protect the area. She stated the mall has gotten itself into a bind of sorts by allotting so much parking to Dillard's. She further noted that now that they have gotten a successful business in the front of the mall, the front lots are more desirable. She stated she cannot see where there is a necessity to allow for the text amendment when there is plenty of ground there to allow for development. She stated the mall has the area on the side or back further but they want to take away from the community by putting it right out in front. Mr. Theissen then stated this was a good point to make but basically what is being said to the owner of the property is he cannot use 150 feet of his property. He stated he does not see a problem with the proposal. He further noted the nearest home is 400 feet away and doesn't see how the restaurants will affect the residents more than what is already present in the area. Mr. Meyer stated the fact that the Board of Adjustment has granted so many variances is proof that 150 feet is excessive.

Following the discussion Mr. Price made a motion to approve based on the evidence and testimony given, and added an additional information comment to include some type of reasonable pedestrian access from the mall to the Dixie Highway side. Mr. Cook seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Cook, Mr. Bertram, Mr. Denham, Mr. Dorsey, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Ms. Carlin and Ms. Snyder voted against. 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 a nominating Committee needed to be appointed to put together a report and recommendations for a slate of officers to be presented at the December meeting. Mr. Meyer, Ms. Snyder and Mr. Smith will prepare said report and make recommendations to the Commission at the December meeting regarding upcoming elections.

Mr. Theissen noted that January 2 falls on the Thursday following the holiday and questioned whether the meeting date should be moved to the 9th due to the holiday. Following a brief discussion it was decided the meeting date would remain on the 2nd as usual.

COMMISSION ITEMS:

It was noted that Ms. Snyder has agreed to fill Mr. Snyder's position on the By Laws Committed due to Mr. Snyder's resignation from the Commission.

Standing Committee Reports:

Subdivision Regulations Review Committee:

Mr. Swanson noted the committee meeting was on Tuesday and the majority of the time was devoted to discussing storm water issues. Mr. Theissen noted the Sanitation Department spoke at the meeting and discussed what their plans are for the area.

By-Laws:

Mr. Price had nothing to report.

Model Zoning Ordinance:

Mr. Wessels noted they will be meeting after the first of the year to discuss three issues: (1) the need to review the definition of "family"; Mr. Wessels further noted he reviewed the definition of four area cities and they were all different; (2) to update zoning ordinances to conform the subdivision regulations on site distances and (3) to discuss single family manufactured housing.

COMMENTS/REQUESTS TO THE COMMISSION:

Mr. Hilgefurd requested obtaining a copy of the KRS 100 book for reference. Mr. Schwartz then noted that David Pike was having 15,000 copies printed for distribution and 2,000 of those copies should be arriving at any time.

Mr. Theissen noted the historic preservation workshop was being presented at the Independence Senior Center on November 19th at 7 p.m. He also noted it was requested that the Commission participate in World Town Planning Day on November 8, 2002. Mr. Price made the motion regarding the proclamation. Ms. Snyder seconded the motion. All in favor. None opposed.

It was further noted that the Home Builders Association was planning a seminar on November 13th at the Thomas More Student Center at 5 p.m.

Mr. Theissen additionally noted that he has a printout of each Commissioner's education hours as to how many hours have been credited. He asked that each Commissioner pick up their list. He further noted the Commissioners have until June to meet the requirements.

Mr. Theissen took a moment to recognize Mr. Bill Bowdy on his last formal meeting prior to beginning his retirement and commended him on his contributions to the area in his many years with the NKAPC.

There being no further business to come before the Commission, the meeting adjourned at 8:40 p.m.