



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

December 5, 2002
9:00 A.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. Tim Theissen - Chairman - Edgewood
Mr. Al Hadley - Elsmere *
Mr. Bernie Wessels - Fort Wright
Mr. Joe Price - Vice Chairman - Crestview Hills
Mr. Paul Swanson - Secretary/Treasurer - Erlanger

LEGAL COUNSEL PRESENT:

David Schneider, Esq.

Mr. Theissen, Chairman, called the meeting to order at 9:05 a.m. Mr. Theissen opened the meeting with the pledge of allegiance and a prayer by Mr. Joe Price.

APPROVAL OF THE MINUTES:

Mr. Theissen stated the minutes were distributed in the Commissioners packets. There were no questions

or comments. Mr. Wessels motioned to approve the minutes from November. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen in favor.

*Mr. Hadley arrived at 9:10 a.m. in time to hear the Staff presentation on the following issue.

SUBDIVISION ITEMS:

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

PP-623 DAISY RIDGE SUBDIVISION

APPLICANT: Raymond Erpenbeck Consulting Engineers, P.L.L.C., in behalf of Mr. Don Laake.

GENERAL LOCATION: An approximate six (6) acre area along the south side of Nelson Road, opposite Ashmont Subdivision and Doe Run Estates, Erlanger.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of five (5) residential building lots including public improvements such as sanitary sewer for DAISY RIDGE SUBDIVISION.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

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

CONDITIONS:

1. That a minimum fire flow of 500 gpm at 20 psi be provided/ensured by certified flow test (Section 7.2);
2. That all existing structures on Lot #3 comply with all applicable setback requirements within the R-1C Zone. Note: Such verification shall be required on a subsequent Final Plat (Section 6.6);
3. That any accessory structures on a proposed lot not occupied by a principal residence be razed prior to approval of a Final Plat; and
4. That a sidewalk be provided along the portion of Nelson Road fronting the proposed lots (Section 7.3F).

BASES:

The proposed subdivision DAISY RIDGE is consistent with the recommendations of the 2001 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, and the Erlanger County Zoning Ordinance.

Mr. Wayne Erpenbeck addressed the Commission and stated there would be major excavation involved in order to get the sidewalks in. He stated there is also a big oak tree that sits in the sidewalk area and that is the reason the sidewalk stops where it does. He stated he drove by the Drees site and there is no evidence of sidewalks going in. He further stated it creates a safety hazard to have gaps in the sidewalks at the end. Mr. Erpenbeck stated with the topography it makes it difficult to put in the sidewalks. He stated the ground is actually below Nelson Road at the end so there is still a difference in elevation to make allowances for. He stated he feels its asking them to spend a lot of money just to get some sidewalks put in. Mr. Erpenbeck stated there is not a lot of room to install the sidewalks to begin with and there is no guarantee the city will fill in the gaps that will be created. Mr. Swanson stated that someday the tree will no longer be there due to age, weather, etc. He asked if there were some way to condition the sidewalk be installed after the tree is gone. He stated that he knows it would be a question of who would then install the sidewalk. Mr. Theissen then stated he would rather see some creative design with the sidewalk around the tree in question. Mr. Erpenbeck stated it is still a 2 ½ to 3 percent grade which would make putting in the sidewalks difficult. Mr. Wessels stated his concern is in any new subdivision they are requiring sidewalks and the development will need to be connected somehow. He stated the sidewalks need to go in. He further noted he didn't feel it was as steep through that area as indicated. Mr. Theissen stated a condition would need to be added regarding sewer easement and to add an additional information comment regarding creative design to address the sidewalk issue. Mr. Wessels noted there would be six driveways coming into Nelson with this development so there is already going to be some dirt work done. He then stated the others were required to have sidewalks and he felt they should be installed to have a connection to the other development. Mr. Price then motioned to approve with all conditions of Staff and also to include a provision regarding a sewer easement, and to include a condition that sidewalk, curb and gutter be provided along Nelson Road. Mr. Swanson then stated the only opportunity to have the sidewalks installed is to require them in this instance. He stated he's concerned that they will not be doing their job as commissioners if sidewalks are not required. He further noted he realizes there will be costs involved but feels it is the only chance to have sidewalks installed. Mr. Erpenbeck stated the street meets the subdivision regulations and therefore does not feel curb and gutter should be required. Mr. Erpenbeck then stated the road is not even two years old. Mr. Price then modified his motion to not include curb and gutter. Mr. Wessels seconded the motion with the added information comment regarding creative design as to sidewalks. A roll call vote on the matter found Mr. Price, Mr. Wessels, Mr. Hadley and Mr. Theissen in favor. Mr. Swanson voted against. The motion carried.

PP-624 FORT WRIGHT POINTE SUBDIVISION

APPLICANT: Land Development Consultants, in behalf of Grand Communities, Ltd.

GENERAL LOCATION: An approximate 16-acre area along the east side of Fort Henry Drive, the north side of Amsterdam Road, and the west side of Devou Village Apartments, directly opposite Redwood Drive, Fort Wright.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 50 residential building lots

including public improvements such as streets, storm drainage, sanitary sewer, and water systems for FORT WRIGHT POINTE SUBDIVISION.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

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

CONDITIONS:

1. That a minimum fire flow of 500 gpm at 20 psi be provided/ensured by certified flow test and fire hydrant spacing be maximum of 450 feet (Section 7.2);
2. That sidewalks be provided along the portions of Amsterdam Road and Fort Henry Drive fronting the Plat (Section 7.3 F);
3. That Sight Distance right for vehicles exiting the proposed intersection with Fort Henry Drive be in accord with minimum Subdivision Regulation standards. A Sight Distance measurement shall be clearly indicated on subsequent Improvement Drawings and Specifications (Section 6.0 E);
4. That a pedestrian connection (i.e. a minimum 20 foot wide easement) be provided to access Devou Park property to the north of the Plat (Section 6.0 B);
5. That street "B" be extended to eliminate flag lots #44 and #45 (Section 6.6.).

BASES:

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

Mr. Wessels abstained due a conflict with an adjoining property owner and his firm but reserved his right to speak as a neutral party on the issue. Mr. Schneider then noted for the record that several years ago he handled the estate for the property owner and for this reason he stated he should not take any position on the issue.

Mr. Jeff Talkers, Mr. Jim Gorman, Ms. Elizabeth Horowitz and Mr. Larry Sprague registered to speak for the issue. Mr. Bernie Wessels and Mr. Larry Klein registered to speak as neutral parties.

Mr. Gorman addressed the Commission and stated they are in agreement with the conditions with a caveat as to eliminating the sidewalks due to the terrain. He stated that they believe the clarification is necessary to avoid paying thousands to make a level area to be able to build a sidewalk. He further stated they think it is unreasonable to build a retaining wall just to be able to build a sidewalk. Mr. Gorman then stated that Amsterdam is in the process of being reconstructed. Mr. Theissen stated the streets and sewers need to be constructed and he feels the sidewalks are just as important. Mr. Gorman stated he doesn't feel it is fair to have the property owners pay more to have the sidewalks constructed if they front Amsterdam. He stated if everyone in Fort Wright is going to use the sidewalks then the fifty property owners should not be forced to build the sidewalks. Mr. Theissen noted he could not have KDOT build a retaining wall in order for the developer to construct the sidewalk. Mr. Theissen then asked about the requirement regarding extending the street. Mr. Gorman stated they are agreement with talking with the city about extending the street. Ms. Horowitz addressed the Commission and stated essentially the Commission is taking land and requiring that the street be extended. There were no further comments from those for the issue.

Mr. Theissen noted a letter was received via fax from Jeannine Kreinbrink and marked it as an Exhibit to be included with the record.

Mr. Larry Klein addressed the Commission and asked that public access be provided to the park. He then noted that all but one of the access points to Devou Park are through residential areas. He stated there are no high traffic generating aspects to the park and most of the recreation is passive. He further stated that access from Sleepy Hollow is prohibited due to the grade and stated the proposed access is much more reasonable. He further stated he does not think a good case has been made to modify Staff's recommendation regarding the street extension. He stated the grade is friendly and the difficulty between extending the street and the property line is one lot. Mr. Klein then stated without it, it may never get developed. He also stated there are two civil war batteries on the site and school children visit the area out of the generosity of adjoining property owners who allow them to park on their private property. Mr. Theissen then referenced a portion of the subdivision regulations as provided by Mr. Klein. He then read into the record the regulation and stated he felt this regulation gave the Commission the authority to require the street extension. Mr. Klein reiterated that Devou Park property is no more public than the land at the Drawbridge, etc. Mr. Theissen noted a letter received on the issue from Gene Weaver and attached summary would be marked as Exhibit 2, Exhibit 3 would be the Master Devou Park Plan, Exhibit 4 would be the requirements regarding street extensions and interconnections and Exhibit 5 would be Article VIII, Administration and Enforcement. These were noted to be included with the record on the issue.

Mr. Bernie Wessels addressed the Commission and stated the Commission has the capability to set aside 50 feet of property and to allow up to two years to purchase that property. He stated he really reserved his right to speak as an adjoining property owner but wanted to make that one point.

Mr. Price asked Staff if there was any protection of historic sites such as Battery Park. Mr. Hiles stated legal counsel was consulted and they were informed that there is no protection.

Ms. Horowitz stated they are essentially wanting to take property for the park, to be used for the park. She stated the park is a passive park and always has been. She stated it is a public park and feels public access should be provided for a regional park. She further stated that Sleepy Hollow is a more reasonable access point. She stated she doesn't feel this is undeveloped land and therefore the Commission does not have authority to require them to put in access. She further noted they are willing to negotiate with the city about purchasing the land for the extension but they don't feel it should be taken. Ms. Horowitz then stated the City of Covington does own the park, it is just overseen by the Devou Trust.

Mr. Gorman stated it is not legal to require private land for public use. He further stated the Commission is violating its own rules in requiring the street extension. He stated they are requiring those 50 owners to provide for access to a public property. He then noted if the city wants to purchase the land then they can sit down with the city to discuss that. Mr. Theissen then stated it is only a matter of 150 feet. Mr. Gorman stated the bottom line is there is other access other than requiring them to extend the street. Mr. Theissen then noted that it makes sense to provide the access on the hill where it is easier and less expensive than to provide access on steep grade.

Mr. Klein stated if there was a developer on the other side there wouldn't be a question of having a street connection.

Mr. Theissen stated he doesn't see where the problem is. He stated it doesn't seem excessive to require 150 feet to provide for the extension. Mr. Hadley stated a worse case scenario would be that the trust goes bankrupt and the city has to sell part of the property, then access would need to be there. He further stated that while he hopes that doesn't happen, it could and they need to plan for the future. Following the discussion on the matter, Mr. Swanson made a motion to approve with the five conditions discussed as part of the recommendation with an amendment to condition #4 deleting "pedestrian connection" along with the parenthetical behind those words and inserting "street extension" in its place. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Price, Mr. Hadley and Mr. Theissen in favor. Mr. Wessels withdrew. The motion carried.

PP-625 INDEPENDENCE RIDGE SUBDIVISION, PHASE 2

APPLICANT: Bayer-Becker Engineers, in behalf of Liberty Crossing, L.L.C.

GENERAL LOCATION: An approximate 26-acre area at the terminus of Friar Tuck Drive, contiguous on the west and interconnected with existing Independence Ridge Subdivision, just north of Independence Station Road and just west of Madison Pike, Independence.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 73 residential building lots, including public improvements such as streets, storm drainage, sanitary sewer, and water systems for INDEPENDENCE RIDGE, PHASE 2.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

To approve a Preliminary Plat for INDEPENDENCE RIDGE, PHASE 2, but only subject to compliance with the following CONDITION:

CONDITION:

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

BASES:

The proposed INDEPENDENCE RIDGE, PHASE 2 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 Condition.

Mr. Gil Whitaker registered to speak on behalf of the developer. He addressed the Commission and stated there are not a whole lot of issues. He stated the development did involve an assembly of four different properties. He stated that storm water drainage is being provided for. He also noted they have no problems with the fire flow conditions.

There were no questions or comments.

Mr. Wessels made a motion to approve with the one condition as provided by Staff. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Mr. Hadley, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

W-590 RIVERSBREEZE WAIVER

APPLICANT: Grand Communities, Ltd.

LOCATION: Riversbreeze Subdivision, an approximate 33-acre area located at the terminus of Riversbreeze Drive (formerly Uphill Street), bordered on the east by the Children's Home of Northern Kentucky, and on the south by Devou Park, contiguous to the city of Covington, Ludlow.

REQUEST FOR ACTION: Waiver of Section 6.0 D street rights-of-way. Granting the requested Waiver would allow 22-foot wide public streets within 23-foot wide public rights-of-way. An additional reservation of 8.5 feet (each side) for roadway maintenance easements is proposed.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

To grant the requested Waiver to Section 6.0 D street rights-of-way on the basis that the modification would provide for innovative design layout of the subdivision.

All of the streets in question were (or will be) constructed to public street standards. If such streets were required to be within a full width right-of-way, the condominium buildings (existing and proposed) would encroach within that right-of-way. However, a 22 foot wide street within a 23 foot wide right-of-way will allow this condominium development to proceed as originally approved having units that are located closer to the street. In addition, the 8.5 foot wide roadway maintenance easement will provide the legislative body with the area necessary to effectively maintain the streets in question.

Mr. Theissen noted a letter was received from Mayor Ed Schroeder in support of the waiver that would be marked as Exhibit 1, a letter from Ed Schutzman on the matter would be marked as Exhibit 2, and an Explanations and Reasons for Request of Waiver as Exhibit 3.

Mr. Larry Sprague registered to speak on the issue.

Mr. Swanson asked if an easement could be granted, why couldn't a right of way be granted when the developer owned it. Mr. Sprague stated Grand Communities will still own the 23 feet and it reserves the right to assign the six inches. He further stated one of the big reasons for not having the right of way is Cinergy. He stated Cinergy will not put utilities in right of ways. He then stated they would have to provide an additional ten feet behind the right of way in order for Cinergy to install the utilities. He stated this has been done before.

Following the discussion on the matter, Mr. Wessels made a motion to grant the waiver. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hadley, Mr. Swanson, Mr. Price and Mr. Theissen 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.

Mr. Theissen noted his withdrawal from consideration and voting on I-3946 as his firm prepared the deeds on the matter. Mr. Wessels noted his withdrawal from IDS-609 as the project is being developed by his company. Mr. Price then made a motion to ratify and approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Hadley, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried.

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 11:55 a.m.
until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
REGULAR MEETING

December 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. Barry Coates - Covington
Mr. James Cook - Kenton County
Mr. John Dorsey - Fort Mitchell
Mr. Al Hadley - Elsmere
Mr. David Hilgeford - Villa Hills
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. James Bertram - Taylor Mill
Ms. Barbara Carlin - Kenton County
Mr. Mike Denham - Bromley
Mr. Jeff Gaiser - Ludlow
Mr. Eugene Meyer - Covington
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.

APPROVAL OF THE MINUTES:

Mr. Theissen noted the minutes from November had been distributed in the Commissioner's packets and asked for any questions or comments. Mr. Price noted on page 7 under Staff Recommendations it should read Fort Mitchell, not Covington. On page 9 he noted it should read the Crestview Hills Zoning Ordinance and on page 13, second line from the bottom the word "with" should be added as to the subdivision regulations. Mr. Hadley made the motion to approve as amended. Mr. Hilgefurd seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Hilgefurd, Mr. Cook, Mr. Dorsey, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Bayer and Mr. Coates abstained. 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 read into the record the report of actions from the morning meeting. Mr. Theissen reiterated the withdrawals from the earlier meeting including his withdrawal from issue I-3946 and Mr. Wessels withdrawal from issue IDS-609. Mr. Bayer then noted his withdrawal from issue PP-625 as his employer provided services for the applicant, I-3957 and IDS-609 due to conflicts. Mr. Price made the motion to ratify and approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Hadley, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Hilgefurd, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Mr. Bayer 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:

1597R

APPLICANT: Melvin and Opal Lipscomb

GENERAL LOCATION: An approximate 1-acre area located along the north side of Maverick Road between Staffordsburg Road to the east and Taylor Mill Road to the west, unincorporated Kenton County.

REQUEST TO BE REVIEWED: A proposed map amendment to the Kenton County Zoning Ordinance, changing the area described herein, from RC (a rural commercial zone) to R-1B (a detached single-family residential zone).

Staff presentation and Staff recommendations by Ms. Melissa Jort.

NKAPC STAFF RECOMMENDATION - KENTON COUNTY ZONING ORDINANCE:

To approve the proposed map amendment from RC to R-1B.

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 RC to R-1B is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question for residential development at a density of 2.0 dwelling units per net acre and under.

The proposed R-1B Zone permits detached single-family residential dwellings on a minimum lot area of one-half (1/2) acre (2.0 dwelling units per net acre). The existing use of the property is consistent with surrounding development. The proposed R-1B Zone will bring the existing land use into conformity with the permitted uses of the property and permit the property owner to expand or modify the detached single-family residential dwellings on the property at a maximum density of 2.0 dwelling units per net acre.

2. The proposed map amendment from RC to R-1B is consistent with the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan Update and the Development Concepts, which are a part of the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan Update. The specific goals and objectives and development concepts are as follows:

HOUSING - RESIDENTIAL DEVELOPMENT

1. To provide safe and sanitary housing to all residents.

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

2. To provide a variety of housing types and residential development to accommodate different needs and desires of the population.

Effort should be made to encourage a variety of residential densities and housing types to meet the needs and desires of a range of family sizes, age groups, and income levels and to ensure that equal opportunity in choice of housing by all elements of the population is provided throughout the region.

3. To achieve the goals of this element without unduly disrupting the goals of other elements.

Effort should be made to ensure that areas which are proposed to be developed for purely residential purposes are protected from the intrusion of incompatible land uses. Development of new urban residential areas should be promoted only where they can be reasonably and economically served with essential public services.

RESIDENTIAL

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

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

o The preservation and restoration of housing should be encouraged in selected areas.

Such a concept would provide quality housing for existing and future population, and would preserve structures that have architectural and/or historical significance.

The proposed map amendment is appropriate as it is situated within and along the fringe of the Urban Service Area Boundary and conforms to the character of the surrounding development.

ADDITIONAL INFORMATION:

The proposed map amendment may not conform to the requirements of the Kenton County Zoning Ordinance Section 9.15 requiring buildings to have a connection to a central sanitary sewer system of adequate capacity and design, and approved by proper authorities. In order for the applicant to achieve the desired objectives for new housing on the site, necessary approvals regarding servicing must first be obtained.

Mr. Melvin Lipscomb, Mrs. Opal Lipscomb, Mr. Roger Justice and Mrs. Cindy Justice registered to speak in favor of the issue. No one registered to speak against.

Mrs. Lipscomb addressed the Commission as the owner of the property in question. She stated they simply want to put a single family home on the property. She stated the lot is currently vacant. She noted their purpose for the application is to put a home on that property.

All others registered to speak on the issue had nothing to add.

Mr. Theissen noted two letters had been submitted from neighbors on the issue. He marked those as Exhibit 1 and Exhibit 2 to be made a part of the record. Mr. Hadley then motioned to approve. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Mr. Bayer, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Hilgefurd, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried.

1598R

APPLICANT: Covington Community center, per Mr. Tom DiBello

GENERAL LOCATION: An approximate 1-acre area located on the north and south sides of Thomas Street, between Eastern Avenue to the west and Oakland Avenue to the east, City of Covington.

REQUEST TO BE REVIEWED: A proposed map amendment to the City of Covington Zoning Ordinance, changing the area described herein, from R-1G (a detached single family residential zone with a maximum density of approximately 8.7 dwelling units per net acre) to R-U (an urban residential zone permitting single and two family residential dwelling unites at a maximum density of approximately 21.7 dwelling units per net acre).

Staff presentation and Staff recommendation by Ms. Larisa Hughes.

NKAPC STAFF RECOMMENDATION - COVINGTON ZONING ORDINANCE:

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

1. That the development plan be revised to eliminate one dwelling unit.
2. That the development plan be revised to meet the zero lot line regulations as set forth in the Covington Zoning Ordinance.
3. That the development plan be revised to meet the front yard setback requirements for the R-U Zone as set forth in the Covington Zoning Ordinance, or that a variance(s) be applied for and granted by the Covington Board of Adjustment.
4. That the development plan be revised to meet the minimum required side yard setback of one (1) foot

for accessory structures as set forth in the Covington Zoning Ordinance, or that a variance(s) be applied for and granted by the Covington Board of Adjustment.

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, except as noted under the conditions, is generally consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question for Residential Development at a density ranging from 7.1 to 14.0 dwelling units per net acre. Areas located to the north, south, east, and west of the site in question are also identified for Residential Development at a density ranging from 7.1 to 14.0 dwelling units per net acre. The surrounding area is currently developed at a density of approximately 14.9 dwelling units per acre. The submitted development plan indicates a density of approximately 16.0 dwelling units per net acre. The elimination of one proposed dwelling unit will create a density of approximately 14.7 dwelling units per net acre for the site in question, which is generally consistent with both existing developed density of the surrounding area as well as the recommended density in the 2001 Area-Wide Comprehensive Plan Update.

2. The proposed map amendment is consistent with the text of the 2001 Area-Wide Comprehensive Plan Update, as stated in the Goals and Objectives, which identifies the need:

"To provide a variety of housing types and residential development to accommodate different needs and desires of the population.

Effort should be made to encourage a variety of residential densities and housing types to meet the needs and desires of a range of family sizes, age groups, and income levels and to ensure that equal opportunity in choice of housing by all elements of the population is provided throughout the region."

Additionally, the Implementation Chapter of the 2001 Area-Wide Comprehensive Plan Update states that the use of vacant, skipped-over parcels of land in otherwise built-up areas is very cost-effective since infrastructure is usually readily available at the site. Furthermore, the use of these parcels is one part of a "smart Growth" strategy to more efficiently use land resources. The Plan Update encourages the use of these parcels for all types of uses - per the appropriate land use designation of the Recommended Land Use Map. Infill housing is an important element of providing for affordable housing choices. Houses constructed on infill lots can more easily fall into the price range of lower

income families.

The site in question, as proposed, is to be developed at a maximum density of approximately 16.0 dwelling units per net acre. The proposed map amendment, as conditioned, will allow for the development of a site that is located in an area that is currently built up. The development of the site in question will also eliminate a nonconforming use in a residential zone, and make use of an area that is currently vacant. The provision for smaller single-family residential dwelling units will also provide for a variety of economic needs within the City of Covington and help to attract residents to the downtown area of Kenton County.

3. The City of Covington Zoning Ordinance provides for zero lot line regulations for the R-1G, RU and R-3 Zones. Section 158.060 (D) states that the dwelling units shall be placed on one interior side property line with a zero set back with the other side yard being a minimum of five feet. The lot at the southwest corner of Oakland Avenue and Thomas Street identifies the placement of the building on the exterior side of the property line. The elimination of this lot would allow for reconfiguration of the remaining lots on the south side of Thomas Street that would both meet the zero lot line regulations and the recommended residential density as recommended in the 2001 Area-Wide Comprehensive Plan Update.

4. Section 158.091 (F) (3) states that in the RU Zone the minimum front yard setback is ten (10) feet or the average setback of adjacent structures along the street frontage, whichever is less. The submitted development plan identifies a six (6) foot front yard setback for the buildings along the north side of Thomas Street, and a four (4) foot front yard setback for the buildings along the south side of Thomas Street. According to measurements taken on the submitted development plan, the average setback of existing buildings on the north side of Thomas Street is eight (8) feet and on the south side of Thomas Street is six (6) feet. Therefore the development plan needs to be revised to meet the front yard setback requirements for the R-U Zone as set forth in the Covington Zoning Ordinance, or that a variance(s) be applied for and granted by the Covington Board of Adjustment.

5. Section 158.035 (E) of the Covington Zoning Ordinance states that accessory structures and uses may be permitted to extend into the minimum rear yards, in all zones, provided that such structures are set back from the rear lot line a minimum of one foot, and a minimum side yard clearance of one foot is maintained. The submitted development plan identifies garage structures on each lot that do not meet the one foot side yard setback. Therefore the development plan needs to be revised to meet the minimum required side yard setback of one (1) foot for accessory structures as set forth in the Covington Zoning Ordinance, or that a variance(s) be applied for and granted by the Covington Board of Adjustment.

*Mr. Theissen noted his withdrawal from the matter as his law partner had done some work with the Community Center. Mr. Price then took over as vice-chair for the remainder of the issue.

Mr. Tom DiBello registered to speak in favor of the issue. No one registered to speak against.

Mr. DiBello addressed the Commission and stated the impact in the neighborhood was specifically targeted. He stated Thomas Street would be repaved with curb and gutter so it will be a major improvement for the area. He stated they are working with the city engineer regarding improvements and coordinating with them regarding same. He noted they did not have a problem with the conditions as set by Staff. He further noted that by eliminating one dwelling unit it allows them to have slightly larger lots. He also stated the plan is for single-family housing, which is what the neighborhood wanted. Mr. DiBello stated they are interested in increasing single-family home ownership. He further noted the street will be wider to accommodate one parking space per unit. Mr. Wessels noted he understood about the desire to increase home ownership in the area. He further asked what would prevent someone from purchasing a home and renting it. Mr. Petronio stated he wasn't sure but stated they would have the capability to put some restrictions on the deed. Mr. Dorsey questioned whether the project was a community project or a not for profit project. Mr. Petronio stated they are a non-profit organization. Mr. Hadley asked how many parking spaces were required for single-family housing. Ms. Hughes stated one off-street parking space is required for single-family and two off-street parking spaces for a two-family. Following the discussion Mr. Hilgefurd made the motion to approve based on Staff's recommendations. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Hadley, Mr. Bayer, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Price in favor. Mr. Theissen withdrew. The motion carried unanimously.

1599R

APPLICANT: Ashley Properties, Inc., per Mr. William Kreutzjans

GENERAL LOCATION: An approximate 4-acre area located along the northwest side of Madison Pike between Highland Pike and Kyles Lane, approximately 200 feet southwest of Kyles Lane, City of Ft. Wright.

REQUEST TO BE REVIEWED: A proposed map amendment to the City of Fort Wright Zoning Ordinance, changing the area described herein, from R-1D (P) OP (single-family residential zone with a phased overlay), R-1C (P) OP (a single-family residential zone with a phased overlay), and R-1D (a single-family residential zone) to OP (Office Park).

Staff presentation and Staff recommendation by Ms. Larisa Hughes.

NKAPC STAFF RECOMMENDATION - FORT WRIGHT ZONING ORDINANCE:

To approve the proposed map amendment from R-1D (P) OP, R-1C (P) OP, and R-1D to OP, but only subject to compliance with the following conditions:

1. That provision for a frontage road (public or private), exclusive of off street parking areas, for future connections be provided to adjacent properties.
2. That the access point onto Madison Pike be identified as temporary.
3. That the maximum building height be forty (40) feet.

4. That erosion and sedimentation controls be utilized as set forth in the Fort Wright Zoning Ordinance.
5. That the development plan be revised to meet the landscape regulations as set forth in the Fort Wright Zoning Ordinance.
6. That fences, signs and walls meet the minimum requirements of the Fort Wright Zoning Ordinance.

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, except as noted under the conditions, is generally consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question for Commercial/Office, Physically Restricted Development Area (PRDA), and Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre. Areas located to the northwest are also designated for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre and PRDA. Areas to the southwest are identified for Commercial/Office. Areas to the northeast are identified for Commercial/Retail development and areas to the southeast are identified for Industrial development. The submitted development plan indicates two office buildings that are interconnected with parking.
2. The proposed map amendment, except as noted under the conditions, is consistent with the City of Fort Wright's Concept Plan Number 1, which includes the site in question. This Concept Plan identifies the site in question for Office/Research development due to its relatively low traffic generation and its ability to act as a buffer between more intense land uses.
3. The Concept Plan discusses vehicular circulation and includes the recommendation of the use of frontage roads and access control regulations. The Concept Plan states that access to the arterial street system, including Madison Pike, should be restricted to the requirements of the city's access control regulations, and that to provide for alternative ingress/egress, frontage roads are recommended to be developed along both sides of Madison Pike. Additionally, the Concept Plan states that access between these frontage roads and Madison Pike should be provided by one curb cut onto either side of Madison Pike at a point midway between Highland Pike and Kyles Lane. Access locations which cannot meet the minimum requirements of the city's access control regulations should be identified as temporary access and be terminated or relocated at such time as the particular site is provided an alternative means of

ingress/egress.

The Transportation Plan Element of the 2001 Area-Wide Comprehensive Plan Update identifies Madison Pike as an arterial street. Section 11.3 (F)(1) (a) of the City of Fort Wright Zoning Ordinance states that unsignalized access points shall be spaced a minimum distance of six hundred (600) feet apart, or if that requirement cannot be met, then an access point may be provided onto a frontage road or share common driveways. Additionally, Section 11.3(F)(1)(d) states that if none of these requirements can be met, then one access point shall be provided, however, it shall be considered temporary and may be terminated at such time as the property is provided an alternate means of access. The submitted development plan identifies utilizing the existing curb cut and does not provide for any connections to adjacent properties to the east and west. Therefore, the conditions require that provisions for a frontage road be provided to adjacent properties and that the access point onto Madison Pike be identified as temporary.

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

a. Section 10.29 (E) (4) states that the maximum building height in the OP Zone is forty (40) feet. Insufficient information has been submitted to determine compliance with these requirements.

b. Section 9.7 (C) requires the use of erosion and sedimentation controls for excavation, movement of soil, and tree removal. Insufficient information has been submitted to determine compliance with these requirements.

c. Section 9.17 sets forth the landscape regulations for all zones. Insufficient information has been submitted to determine compliance with these requirements.

d. Article XIII and XIV set forth the regulations for fences, walls and signs. Insufficient information has been submitted to determine compliance with these requirements.

ADDITIONAL INFORMATION:

1. The submitted development plan identifies an approximate future lot line subdividing the site in question into two (2) acre parcels. This potential lot configuration may not meet the requirements of the Kenton County Subdivision Regulations. Such an evaluation would take place as part of the platting process.

2. The submitted development plan identifies the approximate location of a detention basin to be constructed within the right-of-way of Madison Pike. This location would not be allowable unless permission is granted by the Kentucky Transportation Cabinet.

*Mr. Bayer noted his withdrawal from the issue as his employer provided services on the project. Mr.

Coates also noted his withdrawal as his employer is also working with the project as well.

Mr. Bill Kreutzjans, Mr. Jerry Dusing, Mr. Gil Whitaker and Mr. Gene Weber registered to speak on the issue. There were none opposed.

Mr. Dusing addressed the Commission and stated that the recent detention on the project is not in the right of way. He noted this is because KDOT stated they are going to be acquiring that property to allow for fill and detention. He also noted they are proposing to use the building for a medical office building. He stated they are working with the Summit Medical Group on the project. Mr. Dusing also noted they have no problems with the conditions as set by Staff.

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

There being no questions or comments, Mr. Wessels made the motion to approve with the conditions as stated by Staff. Mr. Cook seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Cook, Mr. Dorsey, Mr. Hadley, Mr. Hilgefurd, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Bayer and Mr. Coates withdrew. The motion carried.

OLD BUSINESS:

- Election of Officers - Mr. Frank Smith noted the Committee concurs that the three persons currently serving are doing a great job, but added they are open to anyone who would like to run. Mr. Theissen then stated as there were no objections the vote on election of officers would be taken in January. He then noted the next meeting would be after the holiday on January 2, 2003. Mr. Theissen further noted the Christmas party would be held at the Oriental Wok on December 18th.

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS: None.

COMMISSION ITEMS:

Mr. Swanson noted the expense reimbursement that has been used the last several years needed to be increased. He stated it was agreed to raise the amount of reimbursement for meetings from \$20 to \$25 per meeting. Mr. Theissen stated it is already in the approved budget. Mr. Swanson then made the motion to approve the budget increase. Mr. Price seconded the motion. All in favor, none opposed.

Standing Committee Reports:

Subdivision Regulations Review Committee:

Mr. Swanson noted they are meeting with the Sanitation District to determine the relationship as far as who will do what and when. He stated the last two meetings devoted a lot of time to this issue. He noted

target dates of March and August of next year for certain requirements to be met. He then stated the Commission will have to make certain decisions on the issue. Mr. Theissen then noted the next meeting will be held on January 18th at noon.

By-Laws:

Mr. Price had nothing to report.

Model Zoning Ordinance:

Mr. Wessels had nothing to report.

COMMENTS/REQUESTS TO THE COMMISSION:

Mr. Theissen commented as part of House Bill 55 if someone attends a seminar that is clearly within the guidelines of the educational requirement then approval and motion are not required. He further stated if it's not clear then a motion and approval is needed. He stated approval was needed for a Covington Board of Adjustment member who has attended three seminars and is seeking approval toward his educational requirement. Mr. Hadley then noted as two of the three submitted were for the applicant's particular field (real estate) he did not feel they should be approved. Mr. Theissen then further noted as an example that an attorney could attend a seminar on real estate and it could technically apply if building codes were discussed. Following the discussion, Mr. Hadley made a motion to approve. Ms. Snyder seconded the motion. None opposed.

Mr. Schwartz then noted with a new executive director comes new changes as well. He noted changes to be made in the mailing procedures of issue. Mr. Theissen asked if anyone would have any objections to the changes noted concerning the mailing of memos. There were none.

Mr. Schwartz then asked for any other ways Staff could be more helpful or assist in any way to streamline what Staff does for the Commission. He asked for any suggestions. Mr. Theissen stated the one thing he noted that was helpful were the 3-D graphics of plans. He stated those are helpful in Staff presentations. Mr. Wessels asked if it could be noted on the plans if they are 5-foot contours or 2-foot contours.

Mr. Hilgefurd asked about the APA seminar and where it would be held. Mr. Schwartz noted it would be held in Denver on the last weekend in March of 2003 and that arrangements were being made for same.

There being no further business to come before the Commission, the meeting adjourned at 8:07 p.m.