



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

January 2, 2003
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. James Sucher - Crescent Springs
Mr. Joe Price - Vice Chairman - Crestview Hills
Mr. Paul Swanson - Secretary/Treasurer - Erlanger

LEGAL COUNSEL PRESENT:

Matt Smith, 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:

Mr. Theissen stated the minutes were distributed in the Commissioners packets. Mr. Price noted a correction on page 2, line 7 to change "makes" to "make." There were no other corrections or comments. Mr. Hadley motioned to approve the minutes from December. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Ms. Carlin, Mr. Meyer, Mr. Sucher, Mr. Swanson and Mr. Theissen in favor.

SUBDIVISION ITEMS:

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

PP-626 THE LOFTS

APPLICANT: Jerry Keith and Associates, P.S.C., in behalf of Wright-Reese-Carlisle, L.L.C.

GENERAL LOCATION: A 7.2-acre area along the west side of Sleepy Hollow Road (S.R. 1072), contiguous on the south and west by Devou Village Apartments and on the north by Devou Park, Fort Wright.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 53 attached residential units, including public improvements, such as streets, storm drainage, sanitary sewer, and water systems, for THE LOFTS.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

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

CONDITIONS:

1. That Sight Distances (Right and Left) for vehicles exiting the proposed intersection with Sleepy Hollow Road be in accord with minimum Subdivision Regulation standards. Sight Distance measurements shall be clearly indicated on subsequent Improvement Drawings and Specifications (Section 6.0 E);
2. That full intersection improvements (left-turn lane and right-turn deceleration lane) be provided along Sleepy Hollow Road at the proposed intersection (Section 6.1);
3. That the proposed intersection with Sleepy Hollow Road be spaced a minimum distance of 600 feet from any existing intersection along Sleepy Hollow Road (Section 6.1 E);

4. That a minimum fire flow of 2025 gpm at 20 psi (ISO Guidelines) be provided/ensured by hydraulic modeling, and fire hydrant spacing be maximum of 450 feet, be provided unless otherwise approved in writing by the city's Fire Chief (Section 7.2);
5. That a geotechnical investigation for the public street(s) crossing ground slopes in excess of 20 percent be performed and/or submitted for review prior to approval of Improvement Drawings and Specifications (Section 6.6);
6. That sidewalks be provided along both sides of all internal streets four (4) foot behind the curb, as well as along the portion of Sleepy Hollow Road fronting the Plat (Section 7.3 F);
7. That a pedestrian access to Devou Park be provided from the internal street system via an easement, a minimum 20 feet in width (Section 6.7);
8. That a "T-Type" turnaround be provided at the terminus of Street "B", and a cul-de-sac turnaround be provided at the terminus of Street "A", in accord with minimum Subdivision Regulation standards, respectively (Section 7.3 H);
9. That all proposed horizontal curves have a minimum curve radius of 100 feet (Section 6.0 E);
10. That Streets "A" and "B" be named not duplicating other existing names within the county (Section 6.0, G);
11. That extruded curbing be prohibited (Section 7.3); and
12. That final street grades be a maximum of twelve (12) percent (Section 7.3).

BASES:

The proposed subdivision THE LOFTS 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. Jerry Keith, Mr. Tim Reese, Mr. Larry Kline, and Mr. Rob Keller registered to speak on the issue.

Mr. Keith addressed the Commission as the applicant and stated he would be happy to answer any questions should there be any. As there were none, Mr. Keith directly addressed the conditions on the issue by Staff. Mr. Keith stated with regard to condition #1 that there is no problem with the site distance requirement, but that will be verified on improvement drawings. He stated with regard to condition #2 that there are several problems with the intersection improvements. Mr. Keith noted this was a small

project and a small development in size. He noted the biggest problem is the lane will be blocking some of the residential homes in the area. He further noted the topography would limit a right turn into the property. He additionally noted that his biggest concern with it is the blocking of residential driveways. Mr. Theissen then stated it is more of a concern to him to have more curb cuts off of Sleepy Hollow than worrying about a left turn across two lanes to get to driveways. Mr. Keith stated in regard to condition #3 and the 600 foot spacing requirement. He noted the site is fairly steep to the north. He additionally noted the access point proposed is the most practical point to place it due to the topography. He stated they do not feel they could put an access point further north and meet the requirements. He noted it would be impossible to construct it topographically. He further noted to space the entrance way another 600 feet would not change the safety of the access point. With regard to condition #4 and the minimum fireflow requirement, Mr. Keith stated it would be investigated and researched. He noted they will discuss the matter with the Northern Kentucky Water District and the issue will be addressed. Mr. Keith stated in regard to condition #5 that a geotechnical report has been done and he will make sure it is applicable to the project. With regard to condition #6 Mr. Keith stated the developer is asking for sidewalks on one side only. He stated the buildings are fairly spaced out and that it is not a typical development. He noted he feels the sidewalks on one side will handle the pedestrian traffic. Mr. Theissen then noted that sidewalks are required on a 2-acre development on both sides and this development is 7 acres. He asked if there is any practical reason for not having sidewalks on both sides. Mr. Keith stated the topography is a factor for their request to have them on one side. He noted it is a big issue to place the sidewalks four feet back from the curb. He additionally noted this was a small development and to move the sidewalks back would cause the buildings to be moved back essentially. He noted that to do this would negatively affect the development. Mr. Theissen asked if a compromise would be to move it more towards the street and curve the sidewalks back out. The applicant then stated this would not be a problem. He further noted the portion along Sleepy Hollow is difficult topographically to construct sidewalks. He stated the slopes are very steep in the area and he doesn't feel a connection would ever be made in that area. Mr. Theissen then noted he doesn't see a lot of foot traffic down towards Ludlow but up towards Ft. Wright he does see a need for sidewalks for those waiting for a bus, etc. Mr. Keith then stated that is something that could be done but the entire length would be difficult. With regard to condition #7 and the pedestrian access to Devou Park, Mr. Keith noted this is not a problem. He stated they can be flexible with the access point as long as it does not interfere with the building. Mr. Theissen then asked about the vehicular connection and Mr. Keith noted Mr. Reese would be addressing that issue. As to condition #8 Mr. Keith stated the T-type turnaround would not be a problem for Street B. He stated Street A where the existing turnaround is shown would be difficult to construct a cul de sac due to the topography and steep ridge. He stated the majority of traffic would have a turnaround at the cul de sac. Mr. Theissen suggested some signage (i.e. no turnaround or dead-end) to warn those driving in that direction. Mr. Keith noted as to condition #9 that there are two horizontal curves in the development that are below minimum standards. He stated one has an 80-foot radius and one with an 85-foot radius. He further stated that all curves meet the requirements. He stated they are asking for a waiver on those two areas. He stated the larger the radii the less building space they will have. He stated it will be detrimental to the development. Mr. Keith stated the path shown is the gentlest slope to take due to the topography of the area. Mr. Hadley then question where the visitor parking would be. Mr. Keith stated wherever they could have additional parking it was added. Mr. Keith stated in regard to condition #10 and the street name that it will be checked to make sure there is no duplication

or similar name. Mr. Keith stated the extruded curbing as referenced in condition #11 is just a term that is used on the plan and that the type of curb used is in accordance with regulations. Mr. Keith noted with regard to condition #12 that the final street grading will be a maximum of 12 feet. Mr. Theissen noted a letter was received from Bayer Becker dated December 30 that would be marked as Exhibit 1 and made a part of the record. Mr. Theissen then read the letter into the record. In response to the letter submitted, Mr. Keith stated they will have an engineer look at the final grading of the plan. He further noted with regard to the detention area as referenced in the letter that they do not have a problem discharging in that area and they will handle the water on their site. He further noted it is an engineering detail that will be handled at the improvement plan stage. He noted that part of the problem will be taken care of when the detention area is re-routed. With regard to the third item referenced in the letter, Mr. Keith stated they are not going to change the 15-inch culvert. He further stated the water will continue to drain down and go under Sleepy Hollow and through a 60-inch pipe. He additionally noted this will be looked at during the improvement plan stage as well. As to item #4 referenced in the letter, Mr. Keith stated it will not be a problem to extend the sidewalk to the area requested.

Mr. Reese addressed the Commission on behalf of the applicant and stated this plan was the eighth drawing and they feel they have perfected it. He noted with regard to the full intersection improvements that he met with Bernie Wessels regarding the issue and feels that due to the topography it is impossible to put in a turn lane. He further stated they have walked it over and over and they still feel it impossible to do. He stated they took into consideration the fact that the site does allow for more buildings but they chose to keep it on a lesser density. Mr. Reese addressed the 600-foot spacing issue and stated if the street is put in where recommended that it doesn't make sense to do so due to the steep grade. He stated they feel they can save more trees using the proposed layout than by putting in a huge retaining wall. With regard to the issue of fireflow, he spoke with Bernie Wessels on this matter as well and noted if they need to tie into a line there that can be done. Mr. Reese noted regarding condition #5 and the geotechnical investigation that they will not be touching that particular area and they will be going back further. As to condition #6 and the sidewalks issue. Mr. Reese stated they went to Ft. Wright and asked for a variance. He stated if the slope is not made any steeper by creating the sidewalks then he would be open to it. As to condition #6 he stated he feels it a good idea to put a 10x6 concrete pad with a bench and ornamental railing for those catching the bus. As to providing sidewalks on both sides throughout the site, he stated if they can do what is proposed they are hoping to avoid removing any additional trees. Mr. Reese stated they have no problem with the access point to Devou Park with regard to condition #7. He further noted he does not have a problem with vehicular access but with only 50 or so homes coming into the development it can bring in more traffic to the development. He noted he would prefer not to put in a street stub. Mr. Reese stated they will work with the City of Ft. Wright regarding the signage at the turnaround. He further noted the cul de sac would be difficult due to the topography. Mr. Reese noted as far as the letter submitted by Bayer Becker that he asked them to put it together to address their concerns. He stated the detention area was discussed and Bernie Wessels does not know how much of the water is from the existing development or the proposed development, but any issues will be addressed. As to the 15-inch culvert tie in Mr. Reese noted this is not a problem. Mr. Hadley asked about the street parking and whether or not parking will be on the street. Mr. Reese stated there will be street parking on one side. As to the horizontal curve issue and the radii, Mr. Hiles noted the 100-foot radius is a national average and a safe travel for this road. He further stated that when the percentage falls below

100 it makes it less safe. Mr. Hadley then asked if there could be no parking on the curves. Mr. Reese then stated that is not a problem. Mr. Hiles stated as to the sidewalks on Sleepy Hollow Road, that point is agreeable with Staff to provide the pad and a portion of sidewalk but not extending it the whole length. He stated there is a spacing issue along Sleepy Hollow Road. He noted as it is an arterial road it does function differently than other arterials. He stated they thought the most important thing is that the sight distance is provided for and full intersection improvements are done, then the spacing issue is acceptable. He also stated Staff would at least like to see the left turn lane if full intersection improvements are not done. Mr. Hiles noted that if sidewalks are required on just one side then the water main would be an issue because it would then be placed where the water main would sit, which is 1 foot behind the sidewalk. Mr. Hiles noted it might be a good idea to waive the one-foot requirement and then the water district can determine where the main would be placed.

Mr. Kline addressed the Commission as a neutral party and stated he feels the turning lane improvements are critical, especially the left turn lane. He stated without having a turn lane for stacking of cars it would be a safety hazard so he feels there needs to be a provision for one. He stated he concurs with Staff with the exception of the street connection. He stated putting park traffic through residential property is not a good idea. He stated that the Devou Park master plan calls for very passive uses and nothing to generate a high amount of traffic. He then noted he feels traffic would be at a minimum. Mr. Theissen then recommended that the Planning Commission recognize and accept as an exhibit the evidence on this issue submitted at last month's meeting. He then noted the evidence would be submitted but not attached due to the length of the exhibit. Mr. Kline further noted the city concurs with the statements in the letter submitted by Bayer Becker. He stated the sidewalks on both sides of the development are essential. He then added that perhaps a homeowners association could be responsible for replacing any sidewalks that needed to be repaired or replaced due to water main problems. He further noted he thinks a 4-foot tree line versus a 1-foot tree line is worth accommodating the water district concerns. He additionally stated the people living on the other side of Sleepy Hollow Road will be adversely affected by the increased traffic and will have no place to walk. Mr. Kline then asked about the possibility of having sidewalks on one side of Sleepy Hollow Road.

Mr. Reese addressed the Commission in rebuttal and stated they look forward to working with Larry Kline on the project. He stated the streets will be public streets, not private. He further noted he agrees with Mr. Kline with regard to the traffic but noted in his 38 years he has yet to see an accident. He stated a right turn lane is virtually impossible due to the topography. Mr. Theissen then stated with a development of this size and all the waivers that will need to be granted, the left turn lane will probably be required. Mr. Sucher asked if there was anything that could be done to try to get the right deceleration lane in. Mr. Reese stated he has worked with three different engineers and has yet to find a way to make it work. Mr. Sucher then proposed making the radius of the entrance wider if a deceleration lane cannot be accomplished. Mr. Reese was agreeable to this suggestion.

Following the discussion on all the issues, Mr. Hadley made a motion to approve based on the recommendations of Staff and the discussions with modification to the conditions as follows:

1. That Sight Distances (Right and Left) for vehicles exiting the proposed intersection with Sleepy

Hollow Road be in accord with minimum Subdivision Regulation standards. Sight Distance measurements shall be clearly indicated on subsequent Improvement Drawings and Specifications (Section 6.0 E);

2. That a left-turn lane and increased right-turn curve radius be provided along Sleepy Hollow Road at the proposed intersection (Section 6.1);

3. That a minimum fire flow of 2025 gpm at 20 psi (ISO Guidelines) be provided/ensured by hydraulic modeling, and fire hydrant spacing be maximum of 450 feet, be provided unless otherwise approved in writing by the city's Fire Chief (Section 7.2);

4. That a geotechnical investigation for the public street(s) crossing ground slopes in excess of 20 percent be performed and/or submitted for review prior to approval of Improvement Drawings and Specifications (Section 6.6);

5. That sidewalks be provided along both sides of all internal streets, as well as along the portion of Sleepy Hollow Road fronting the Plat south of the entrance intersection and to a point along Sleepy Hollow Road fronting the Plat north of the entrance intersection terminating into a concrete pad of appropriate size to serve as a bus stop waiting area (Section 7.3 F);

6. That vehicular and pedestrian access to Devou Park be provided from the internal street system in the vicinity of the in-street turn-a-round. Additionally, pedestrian access shall be provided to Devou Village Apartments in the vicinity of Building #1510 (Section 6.7);

7. That a "T-Type" turnaround be provided at the terminus of Street "B" (Section 7.3 H);

8. That there be no parking permitted (and proper signage posted) along the portions of proposed street containing a horizontal curve radius less than 100 feet unless otherwise disapproved by the city's emergency service provider(s) (See Additional Information #5) (Section 6.0 E);

9. That Streets "A" and "B" be named not duplicating other existing names within the county (Section 6.0, G);

10. That extruded curbing be prohibited (Section 7.3); and

11. That final street grades be a maximum of twelve (12) percent (Section 7.3).

The following waivers were granted as part of the motion;

1. Section 6.1E INTERSECTIONS allowing the proposed intersection with Sleepy Hollow Road to be spaced closer than 600 feet from an existing intersection along Sleepy Hollow Road on the basis that

exceptional physical conditions (i.e. steep topography) exist that would make provision of the entrance intersection further to the north impractical. In addition, nominal traffic volumes along Sleepy Hollow Road combined with a 30 m.p.h. speed limit, and the provision of proper sight distances and intersection improvements makes the location of the proposed intersection "as safe as practical";

2. Section 7.4F SIDEWALKS allowing the location of the sidewalks to vary from four (4) feet behind the curb to one (1) foot behind the curb on the basis that exceptional physical conditions (i.e. steep topography) exist. Requiring all of the sidewalk to be four (4) foot behind the curb would require some of the proposed building to be located further down the existing steep slopes resulting in additional and unnecessary hillside earthwork and tree removal;

3. Section 7.4F SIDEWALKS not requiring sidewalk along the portion of Sleepy Hollow Road fronting the Plat north of the entrance intersection (See Condition #6) due to exceptional physical conditions (i.e. steep topography) that exist along this portion of Sleepy Hollow Road. In addition, because sidewalks do not exist (nor are they planned) along Sleepy Hollow Road in this general vicinity, the provision for sidewalks is impracticable and unnecessary at this time;

4. Section 7.3H CUL-DE-SAC AND DEAD-END STREET not requiring a cul-de-sac turnaround at the terminus of Street "A" subject to the condition that proper signage be posted at the mid-street turnaround to indicate the forthcoming termination of the street on the basis that due to the mid-street turnaround, the proposed T-Type turnaround will successfully function as a reasonable turnaround and the requirement to provided a cul-de-sac turnaround would be impractical due to the exceptionally steep topography and would result in additional and unnecessary hillside earthwork and tree removal; and

5. Section 6.0 CURVES AND SIGHT DISTANCE CRITERIA allowing two (2) proposed horizontal curves to have radii of 85 feet and 80 feet, respectively, subject to the condition that no on-street parking is permitted where such radii is less than 100 feet, proper signage is posted, and such no parking requirement stringently enforced by the city of Fort Wright. Such Waiver was granted on the further contingency that the city of Fort Wright's emergency service providers (fire, police and rescue services) do not object to the reduced curve radii. The basis for the Planning Commission's action was the fact that exceptional physical conditions (i.e. steep topography) exist on the proposed site. Requiring the horizontal curves in question to be a minimum of 100 feet would necessitate a realignment of the proposed roadway and would result in additional and unnecessary hillside earthwork and tree removal. In addition, the applicant stated for the record that because areas of on-street parking would be eliminated, additional off-street parking would be provided wherever practical.

Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Ms. Carlin, Mr. Meyer, Mr. Sucher, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously. Ms. Carlin noted for the record that she felt it was strict in requiring the turn lane because it should be required due to a safety issue. Mr. Theissen agreed with the statement.

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-3964 and EP-619 due a conflict with his firm. Mr. Price then made a motion to ratify and approve. Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. Price, Ms. Carlin, Mr. Hadley, Mr. Meyer, Mr. Sucher, 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 11:10 a.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
REGULAR MEETING

January 2, 2003
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. Barry Coates - Covington
Mr. James Cook - Kenton County
Mr. Mike Denham - Bromley
Mr. Al Hadley - Elsmere

Mr. David Hilgefurd - Villa Hills
Mr. Eugene Meyer - Covington
Mr. Frank Smith - Lakeside Park
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. Jay Bayer - Park Hills
Mr. John Dorsey - Fort Mitchell
Mr. Jeff Gaiser - Ludlow
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 the minutes from December had been distributed in the Commissioner's packets and asked for any questions or comments. There were no questions or comments. Mr. Price motioned to approve the minutes for December. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Hadley, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Denham, Mr. Hilgefurd, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Swanson and Mr. Theissen in favor. Mr. Bertram and Mr. Meyer abstained. Ms. Weldon arrived immediately after the vote was taken. The motion carried.

Mr. Theissen noted there was no financial report to be approved this month.

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. There were no questions or comments. Mr. Theissen reiterated his withdrawals from the earlier meeting. Mr. Bertram then noted his withdrawal from issue I-3962 and I-3967 due to a conflict, as well as PP-636. Mr. Hadley then made the motion to ratify and approve. Mr. Bertram seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Denham, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Ms. Weldon 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:

1601R

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

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: A proposed text amendment to the Erlanger Zoning Ordinance (1) increasing the required ratio of unpaved area to paved area within the front yards of properties within single-family residential zones; (2) adding regulations for shared parking provisions; and (3) modifying the off-street parking requirements for automobile service stations, bowling establishments, city and/or county government offices, combination restaurants, and medical offices and clinics.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

RECOMMENDATION A: To approve the proposed text amendment increasing the required ratio of unpaved area to paved area within the front yards of properties within single-family residential zones (see Attachment A).

RECOMMENDATION B: To approve the proposed text amendment adding regulations for shared parking provisions (see Attachment B).

RECOMMENDATION C: To approve the proposed text amendments modifying the off-street parking requirements for automobile service stations, bowling establishments, combination restaurants, and medical offices and/or clinics (see Attachment C).

RECOMMENDATION D: Disapproval of the proposed text amendment modifying the off-street parking requirements for city and/or county government offices (see Attachment C).

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

RECOMMENDATION A:

1. The proposed text amendment increasing the required ratio of unpaved area to paved area within the front yards of properties within single-family residential zones (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. The proposed text amendment increasing the required ratio of unpaved area to paved area within the front yards of properties within single-family residential zones (see Attachment A) is appropriate in that it will limit the amount of off-street parking area located in the front yards of property situated in single-family residential zones, thus providing for open "green" spaces.
3. The proposed text amendment increasing the required ratio of unpaved area to paved area within the front yards of properties within single-family residential zones (see Attachment A) is reasonable in that it will provide consistency with other zoning ordinances used within Kenton County. All of the other legislative bodies within Kenton County that regulate the amount of unpaved area versus paved area within the front yard of single-family residential zones provide a ratio of unpaved area to paved area of 3:1.

RECOMMENDATION B:

1. The proposed text amendment adding regulations for shared parking provisions (see Attachment B) is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. A number of studies pertaining to peak parking demands of various individual land uses and mixed use developments have been undertaken in past years. Parking data has been collected by the NKAPC staff and analyzed for a wide range of commercial uses in developments of a variety of sizes and at locations across the United States.

Based upon the conclusions of the various studies, shared parking can be effectively used to serve two or more individual land uses without causing significant conflicts or encroachments and conversely providing efficient benefits to uses involved and amounts of land dedicated to parking.

3. The proposed text amendment adding regulations for shared parking provisions (see Attachment B) is reasonable in that it will provide consistency with other zoning ordinances used within Kenton County. To date, Bromley, Crescent Springs, Edgewood, Fort Mitchell, Fort Wright, Kenton County, and Ryland Heights have adopted the shared parking regulations.

RECOMMENDATION C:

1. The proposed text amendments modifying the off-street parking requirements for automobile service stations, bowling establishments, combination restaurants, and medical offices and/or clinics (see Attachment C) are allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).

2. The proposed text amendments modifying the off-street parking requirements for bowling establishments, combination restaurants, and medical offices and/or clinics (see Attachment C) are appropriate in that they are consistent with standards included within the Institute of Transportation Engineers (ITE) Parking General manual.

a. The ITE Parking Generation manual indicates an average of 4.36 off-street parking spaces for each lane in a bowling center. The existing regulation requires five (5) off-street parking spaces for each lane. The proposed text amendment would reduce this requirement to four (4) off-street parking spaces for each lane

b. The ITE Parking Generation manual indicates an average of 9.08 - 14.14 off-street parking spaces per 1,000 square feet of gross leasable area in a combination restaurant. The existing regulation requires one (1) off-street parking space per seventy-five (75) square feet of gross floor area (13.33 spaces per 1,000 square feet). The proposed text amendment would increase this requirement to one (1) off-street parking space per sixty-five (65) square feet of gross floor area (15.38 spaces per 1,000 square feet).

c. The ITE Parking Generation manual indicates an average of 4.11 off-street parking spaces per 1,000 square feet of gross building area in a medical office and/or clinic. The existing regulation requires one (1) off-street parking space per two hundred (200) square feet of gross floor area (5 spaces per 1,000 square feet). The proposed text amendment would reduce this requirement to one (1) off-street parking space per two hundred fifty (250) square feet of gross floor area (4 spaces per 1,000 square feet).

3. The proposed text amendments modifying the off-street parking requirements for automobile service stations and combination restaurants (see Attachment C) are reasonable in that they will provide consistency with other zoning ordinances used within Kenton County.

a. The existing regulation requires two (2) off-street parking spaces for each gas pump island of an automobile service station. All of the other legislative bodies within Kenton County that provide parking regulations for automobile service stations require one (1) off-street parking space per gas pump island.

The proposed text amendment would reduce this requirement to one (1) off-street parking space for each gas pump island.

b. The existing regulation requires one (1) off-street parking space per seventy-five (75) square feet of gross floor area in a combination restaurant. Eighteen legislative bodies within Kenton County provide parking regulations for combination restaurants. Most of the legislative bodies have a requirement of either one (1) off-street parking space for every forty (40) square feet of gross floor area (25 spaces for every 1,000 square feet) or one (1) off-street parking space for every sixty-five (65) square feet of gross floor area (15.38 spaces for every 1,000 square feet). The proposed text amendment would increase this requirement to one (1) off-street parking space per sixty-five (65) square feet of gross floor area.

RECOMMENDATION D:

1. The proposed text amendment modifying the off-street parking requirements for city and/or county government offices (see Attachment C) is not consistent with the Institute of Transportation Engineers (ITE) Parking Generation manual.

The ITE Parking Generation manual indicates an average of 3.84 off-street parking spaces per 1,000 square feet of gross building area in a city and/or county government office. The existing regulation requires one (1) off-street parking space per two hundred fifty (250) square feet of gross floor area (4 spaces per 1,000 square feet). The proposed text amendment would increase this requirement to one (1) off-street parking space per two hundred (200) square feet of gross floor area (5 spaces per 1,000 square feet).

ADDITIONAL INFORMATION:

1. The submitted application included proposed amendments: (1) modifying the off-street parking requirements for office uses; and (2) adding off-street parking requirements for office park developments. These proposed amendments are the same as those previously submitted and reviewed by the Kenton County Planning Commission in April/May 2002 (Z-02-04-01/1559R). In light of the previous review, hearing, and action, it is the opinion of the NKAPC staff that a hearing on these proposed amendments is not necessary and the city may take immediate action.

Following Staff's presentation there were no questions or comments by the Commission and no one registered to speak on the issue. Mr. Hadley motioned to approve with the exception of recommendation D as indicated by Staff. Mr. Coates seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Coates, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. Denham, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Ms. Weldon, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

1603R

APPLICANT: Covington Community center, per Ms. Annalee Duganier, Planner

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Covington Zoning Ordinance (1) eliminating "institutions for human medical care; hospitals, clinic sanitariums", from the list of conditional uses in all residential zones; and (2) eliminating the maximum occupancy regulations for addiction treatment facilities.

Staff presentation and Staff recommendation by Mrs. Larisa Hughes.

NKAPC STAFF RECOMMENDATION:

RECOMMENDATION A: To approve the proposed text amendment eliminating "institutions for human medical care; hospitals, clinic sanitariums", from the list of conditional uses in all residential zones (see Attachment A), but only subject to compliance with the condition that Section 158.077, R-1G (Residential One-G) Zone, (C) Conditional uses (10); read as follows:

Hospitals, on contiguous parcels of at least four (4) acres.

RECOMMENDATION B: To approve the proposed text amendment eliminating the maximum occupancy regulations for addiction treatment facilities (see Attachment B).

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

RECOMMENDATION A:

1. The proposed text amendments eliminating "institutions for human medical care; hospitals, clinic sanitariums", from the list of conditional uses in all residential zones (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. Eliminating institutions for human medical care; hospitals, clinics, and sanitariums from the list of conditional uses in all residential zones, except as noted under the condition, is reasonable and appropriate. Hospitals, clinics, and sanitariums are typically considered institutional uses, being of a higher intensity than typical residential uses. Hospitals, clinics, and sanitariums create increased vehicular traffic and are less compatible with residential development than other, more typical types of residential facilities, such as convalescent homes, nursing homes, and homes for the aged.
3. Hospitals, clinics, and sanitariums continue to be permitted uses in other more appropriate zoning districts within the City of Covington, such as the SC (Shopping Center), and the INST (Institutional) Zones. Thus, eliminating these uses in residential zones will not prohibit them from locating within the City.
4. Saint Elizabeth North Hospital is located within the City of Covington R-1G Zone as a conditional

use. Eliminating hospitals as conditional uses in the R-1G zone would make this use nonconforming. Adding hospitals, on contiguous parcels of at least four (4) acres, to the list of conditional uses in the R-1G Zone, would allow Saint Elizabeth Hospital to remain as a conditional use, while preventing similar establishments from entering residential areas unless large sites are available.

RECOMMENDATION B:

1. The proposed text amendment eliminating the maximum occupancy regulations for addiction treatment facilities (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. Section 1003 of the 2002 Kentucky Building Code currently regulates the maximum floor area allowances per occupant for buildings, including institutional uses for inpatient treatment, outpatient and sleeping areas. The elimination of the maximum occupancy regulations for addiction treatment facilities from the Covington Zoning Ordinance would also eliminate any conflicts between the two codes.

Ms. Annalee Duganier registered to speak on the issue. She stated Staff covered all the issues. Mr. Theissen asked if any analysis had been done to determine if this text amendment would affect anyone else. Ms. Duganier stated it was their consensus that St. Elizabeth was the only entity to be affected by the amendment. There being no further discussion on the issue, Ms. Weldon made the motion to approve the two text amendments as recommended by Staff. Mr. Price seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Denham, Mr. Hadley, Mr. Hilgeford, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

1604R

APPLICANT: Mr. Robert Gibson

GENERAL LOCATION: An approximate 0.3-acre area located on the east side of Madison Pike between McMillan Drive and Independence Station Road, approximately 100 feet south of McMillan Drive, City of Independence.

REQUEST TO BE REVIEWED: A proposed map amendment to the Independence Zoning Ordinance, changing the area described herein, from R-1D (a single family residential zone with a maximum density of 4.8 dwelling units per net acre) to R-1DD (a single and two family residential zone, with a density ranging from 4.8 to 6.4 dwelling units per net acre).

Staff presentation and Staff recommendation by Mrs. Larisa Hughes.

NKAPC STAFF RECOMMENDATION:

To disapprove the proposed map amendment from R-1D to R-1DD.

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update identifies the site in question, as well as areas to the north, south, east and west, for Residential Development at a density ranging from 4.1 to 7.0 dwelling units per net acre. The submitted request is to change the area described herein, from R-1D (a single family residential zone with a maximum density of 4.8 dwelling units per net acre) to R-1DD (a single and two family residential zone, with a density ranging from 4.8 to 6.4 dwelling units per net acre). Both the current and proposed zoning designations are within the recommended residential density as defined within the Plan Update.
2. The existing zoning classification is appropriate and the proposed zoning classification is inappropriate. The areas adjacent to the site in question are comprised of single-family detached residential housing units. The site in question is approximately 0.3 acres and under one ownership. Therefore, the proposed change constitutes spot zoning.
3. There have been no major changes of economic, physical, or social nature that have substantially altered the basic character of the area containing the site in question.
4. Section 17.0 (F) states that the zoning map shall not be amended, changed, or modified in such manner as to create a free standing zone of less than five (5) acres, except where specific area restrictions are stipulated in the zoning ordinance, or as outlined in the adopted comprehensive plan by the planning commission. While the 2001 Area-Wide Comprehensive Plan Update identifies this area for Residential Development at a density ranging from 4.1 to 7.0 dwelling units per net acre, no classification has been made identifying the 0.3 acre site in question specifically for two-family residential dwellings.

ADDITIONAL INFORMATION:

It is important to note that the property owners of the site in question were notified by the City of Independence regarding the minimum size of new zones. The applicant decided to proceed with the application despite the information and advice that was given.

Mr. Robert Gibson, Mrs. Thelma Gibson, Mr. Tony Stenger, Ms. Patricia McCleese and Ms. Sharla Stenger registered to speak on the issue.

Mr. Gibson addressed the Commission as the applicant and stated the existing house is a small four room house. He stated it is not feasible to sell it or rent it in the condition it is in. Mr. Gibson further noted he felt it would be nice to build a two-family on the property. He stated he contacted the property owners around the proposed property and they were not against the plan. He further noted those same property owners have had a change of opinion and are now against the proposed plan. Mr. Gibson stated their initial investment would be \$150,000 and the value of the home as it is is \$65,000. He stated they feel the structure will upgrade the neighborhood.

Mrs. Gibson addressed the Commission and stated this will be a structure that will add to the area. She further noted it is in an area where just across the street there are properties that are deteriorating. Mr. Theissen then noted that a concern he has is that the Commission cannot change the Independence zone without having 5 acres and to do so would be violating their own regulations. He further noted the most beautiful two-family could be built on the property but it cannot be allowed with the current zoning. He additionally noted since the property comprises 0.3 acres and the zone requires 5 acres for the zone change it could not be done. Mrs. Gibson then stated there are single-family and two-family homes less than a mile from this property. Mr. Gibson then addressed the Commission and asked if it would be more applicable to go for a variance and put up two shot gun style homes. Mr. Theissen stated a variance could not be obtained either. He further noted he did not see any legal way to accomplish what the applicants wanted to do given the size of the lot.

Mr. Tony Stenger addressed the Commission in opposition and stated the applicant did come to them about the proposal. He stated they at that time said if it doesn't affect their property they should go ahead with it. He noted the applicant would not be able to build a two-family that would fit in with the characteristics of the neighborhood.

Ms. McCleese addressed the Commission in opposition and stated they live across the road and down a couple houses from the property. She stated no matter how old a property is, if you take care of it, it is worth something. She further stated when you get into a rental property, sometimes people don't care about it. She further noted she lived next to a rental property once and had problems.

Mrs. Stenger addressed the Commission in opposition and stated she feels if there are multiple families living next door you will have people coming and going all the time. She further stated they have had problems with other people living in the house before and feels having two families living there may make it worse.

Mr. Gibson addressed the Commission in rebuttal and stated they wanted to put in a two-family because the house isn't big enough to attract a suitable renter.

Mr. Theissen then stated their hands are tied as far as changing the zone. He stated he felt they would have to go along with Staff's recommendations on the matter. Mr. Hilgefurd then motioned for disapproval. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Ms. Snyder, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Denham, Mr. Hadley, Mr. Meyer, Mr. Smith, Mr. Sucher, Ms. Weldon, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

OLD BUSINESS:

Mr. Theissen reminded the Commissioners of the next audio training on February 5 at 4:00 p.m. for those who need additional continuing education hours. He also noted for anyone interested in going to Denver for the conference the deadline for early registration is January 13th.

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

Election of Officers

Mr. Theissen noted the nominating committee made the recommendation to nominate the existing officers for another year. Mr. Bertram motioned to accept the nominations. Mr. Cook seconded. All in favor. None opposed.

COMMISSION ITEMS:

Standing Committee Reports:

Subdivision Regulations Review Committee:

Mr. Swanson noted the next meeting will be January 7th at noon. He stated the intention is to discuss all items needing their attention and handle the others administratively. He noted they will be doing administrative planning for the next year.

By-Laws:

Mr. Price had nothing to report.

Model Zoning Ordinance:

Mr. Theissen stated Bernie asked if new members could be nominated. He noted he was asking Al Hadley, Joe Price and Barbara Carlin to serve on the Model Zoning Ordinance Committee. All nominated agreed to serve on the committee. Mr. Hadley, Mr. Price and Ms. Carlin were then appointed to serve with Bernie chairing the committee. Mr. Theissen noted the meetings are held on the first Wednesday of the month at noon.

COMMENTS/REQUESTS TO THE COMMISSION:

Mr. Schwartz asked the Commission if they approved of the new format for the mailings. There were no complaints offered by the Commissioners.

Ms. Weldon stated she attended a seminar on historic preservation and noted this type of seminar was not listed as one that would count toward her continuing education requirement. Mr. Schwartz suggested the matter should possibly go to Mr. Price's committee to amend the By-Laws to include historic preservation as it does apply.

There being no further business to come before the Commission, the meeting adjourned at 7:32 p.m.