



## KC&MP&ZC MINUTES

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

May 1, 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. Tom France - Ludlow  
Mr. Al Hadley - Elsmere  
Mr. Mark Hushabeck - Lakeside Park  
Mr. Eugene Meyer - Covington  
Mr. Greg Scheper - Crescent Springs  
Ms. Maura Snyder - Independence  
Mr. Paul Swanson, Secretary/Treasurer - Erlanger  
Mr. Joe Price - Vice Chairman - Crestview Hills

#### LEGAL COUNSEL PRESENT:

Mr. Dave Schneider, Esq.

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

#### APPROVAL OF THE MINUTES:

Mr. Theissen stated the minutes were distributed in the Commissioners packets. Mr. Price noted on page 1, line 3 the word "motion" should be changed to "move"; on the second page beginning with Mr. Theissen, the word "Commissioners" should read "Commission." Mr. Swanson then made a motion to approve. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Swanson, Ms. Snyder, Ms. Carlin, Mr. Hadley, Mr. Hushabeck, Mr. Meyer, Mr. Price and Mr. Theissen in favor. Mr. Scheper abstained.

Mr. Theissen then noted that a request to table had been received regarding issue W-624 from Elizabeth Horowitz. Mr. Theissen then read the letter into the record. The letter was marked as an exhibit to the record and made a part of the minutes. He further noted a request to table had been received regarding issue PP-632. Mr. Theissen then read that letter into the record and marked same as an exhibit to be made a part of the record and minutes. Ms. Snyder made a motion to table W-624 for the standard amount of time (up to 6 months). Mr. Scheper seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. Scheper, Ms. Carlin, Mr. Hadley, Mr. Hushabeck, Mr. Meyer, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried. Mr. Price then made the motion to table PP-632 with Ms. Snyder giving the second on the motion. A roll call vote on the matter found Mr. Price, Ms. Snyder, Ms. Carlin, Mr. Hadley, Mr. Hushabeck, Mr. Meyer, Mr. Scheper, Mr. Swanson and Mr. Theissen in favor. The motion carried.

#### SUBDIVISION ITEMS:

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

\*Mr. France arrived

##### PP-630 SHIREPEAK SUBDIVISION

APPLICANT: Viox and Viox, Inc., in behalf of Dave and Jody Keeley.

GENERAL LOCATION: An approximate 24-acre area at the terminus of Shirepeak Way and Twinridge within the existing Sherbourne Subdivision, Erlanger.

REQUEST FOR ACTION: To approve a Preliminary Plat for Shirepeak Subdivision, consisting of 20 residential building lots, including public improvements such as street extensions, storm drainage, sanitary sewer and water system.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

**NKAPC STAFF RECOMMENDATION:** To approve a Preliminary Plat for SHIREPEAK SUBDIVISION, 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 a maximum of 450 feet (Section 7.2);
2. That a geotechnical investigation be performed for all areas proposed for earthwork / grading proposed on ground slopes 20% or greater prior to approval of Improvement Drawings and Specifications (Section 6.6);
3. That stormwater runoff controls be provided (Section 7.0); and
4. That the following note be provided on a subsequent Final Plat:  
Plat approval is contingent upon the following: That the residual area contained within D.B. 407, PG. 57 is combined with the residual area contained within D.B. 427, PG. 314 such that the two (2) parcels cannot be transferred independently of one another. (Section 6.6).

**BASES:**

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

**ADDITIONAL INFORMATION:**

The Kenton Conservancy has been actively planning for the preservation of areas surrounding Doe Run Lake. Donations of land or conservation easements in areas that are adjacent to County property, or that would provide a link to the trails developed at the lake, may be of interest to the organization.

Mr. Viox, Mr. Dave Keeley, Mr. Brad Hueles and Mr. Rodney Crice registered to speak on the issue.

Mr. Theissen noted a letter had been received from the Eric Russo of the Hillside Trust with regard to the issue. He then marked the letter as an Exhibit to be made a part of the record and minutes.

Mr. Viox addressed the Commission regarding the issue and stated they agree with all conditions set by Staff. He then stated there are no problems with fire flow. He further noted a geotech report has already been performed and that will be provided during a later stage of development. Mr. Viox stated the two back lots will be identified by deed. He noted they are committed to dealing with the issues presented by Staff and will work with the conservancy on the issue. Mr. Hadley asked if the planned excavation process will satisfy the Hillside Trust. Mr. Hushabeck then asked if Thelen and Associates was involved

in the geotech report. Mr. Viox stated they were. At that time Mr. Hushabeck withdrew from any consideration and voting due to a conflict with his employer on the project. Following a brief discussion on the matter, Mr. Hadley motioned to approve and the following wording was added to condition #3: "...unless sufficient information is submitted to substantiate a waiver as determined by a duly authorized representative..." Mr. France seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. France, Ms. Carlin, Mr. Meyer, Mr. Scheper, Mr. Ryan, Ms. Snyder, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Hushabeck withdrew from voting. The motion carried.

#### PP-631 CANBERRA RIDGE

APPLICANT: James W. Berling, P.E., in behalf of The Scheben Group.

GENERAL LOCATION: An approximate 140-acre area along the east side of Independence Station Road, contiguous on the west by Independence Station Road and Banklick Creek, and on the north, east, and south by Brushy Fork Creek, Independence.

REQUEST FOR ACTION: To approve a Preliminary Plat for Canberry Ridge Subdivision, consisting of 229 residential building lots, including public improvements such as streets, storm drainage, sanitary sewer and water system.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

Mr. Theissen withdrew from the issue due to a conflict with his employer. Ms. Carlin withdrew due to a family relation with the owner of the property. Mr. Hushabeck also withdrew due to a conflict of interest with his employer. Mr. Theissen then turned the meeting over to Mr. Joe Price, Vice Chairman, for the remainder of the hearing on the issue.

Mr. Jim Berling and Mr. Butler registered to speak for the issue. Ms. Sherri Karen registered to speak against.

Mr. Butler addressed the Commission and stated he really did not have a presentation as Staff's presentation was more than adequate. He then stated that Mr. Jim Berling would address a couple of the conditions and that both were available to answer any questions.

Mr. Berling addressed the Commission and stated that they realize the area in the back of the property is shown as R1-A but they believed it to be R1-C when the plat was submitted. He then stated they will be back next month for the zone change to R1-C. Mr. Berling noted that many years ago the railroad day lighted the tunnel that used to go through the area. He stated in the process they took Banklick Creek with it. He further noted that Banklick Creek then took on a different path and the middle portion of the Old Banklick Creek that runs through the center of the property is a dry bed. Mr. Berling stated he wanted to clarify the issue so it was clear what the plans were in the development of the property. He stated the only issues is condition #2 regarding the full left hand turn on Independence Station Road. He stated they will be building sidewalks all through the development. Mr. Berling asked for clarification on sidewalks along Independence Station Road. Mr. Berling then asked to be excused from building the sidewalks along Independence Station Road until such time that it is feasible. Staff then clarified the

issue by stating the issue of sidewalks was not specifically addressed and therefore sidewalks were not required along Independence Station Road. Mr. Price then read a letter into the record from the Hillside Trust with regard to the issue. He then marked the letter as an exhibit to be made a part of the record. Mr. Butler addressed the Hillside Trust letter. He stated the development was designed so as not to disturb the ridge and a geotech study will be done with regard to the issue. Mr. Price asked if there is any evidence that Brushy Creek is eroding the hillside. Mr. Butler responded and stated there was no evidence of this and clarified the point with the owners of the property who further stated there were no significant landslides in the area. Mr. Swanson asked Mr. Butler for further explanation of the back portion of the development as to the zone change. Mr. Butler stated what they are asking for is approval with the condition that a zone change will be applied for for the back portion of the property before the project can move forward in its entirety. Mr. Hadley asked about the sidewalk issue and stated he needed justification as to why they would not be installed in certain areas. Mr. Berling stated the area is just not feasible to install the sidewalks due to the topography along Independence Station Road.

Ms. Sherrie Karen addressed the Commission in opposition and stated she wanted to voice her concerns with the issue. She then gave a background of the organizations and groups of which she is currently involved with. She further noted she is not representing any particular organization but because of her involvement with those organizations she has specific concerns about the development. She stated she feels this area is suitable for a conservation green area. She stated she has a concern about the area that is to be filled in and its affect on Brushy Fork Creek. Mr. Berling then stated their intention has been and is to develop the property. He stated they want the same end as Ms. Karen and wish to protect the creek also. He further stated he doesn't feel there is time to re-work the plan but he is willing to meet with her to discuss the plan. Mr. Price then closed the public hearing on the matter. Mr. Hiles stated he felt the concerns of the Hillside Trust needed to be addressed and suggested that a geotech be performed and submitted prior to improvement drawings being submitted. The applicant stated he had no problem with this suggestion. Following the discussion, Mr. Hadley motioned to approve with the addition to condition #2 that Staff reconsider or further study the left turn lane. He further added to condition #7 that a geotech study be performed. Mr. Hiles then stated that Staff is recommending that condition #2 be required and if at a later time it is found that the left turn lane cannot be done, the applicant can then request a waiver. Mr. Swanson then seconded the motion. Mr. France suggested that an additional information comment be added "that serious consideration should be given to conserving a considerable portion of the Brushy Fork Creek corridor for passive recreational use." A roll call vote on the motion then found Mr. Hadley, Mr. Swanson, Mr. France, Mr. Meyer, Mr. Scheper, Ms. Snyder and Mr. Price in favor. Ms. Carlin, Mr. Hushabeck and Mr. Theissen withdrew. The motion carried.

#### PP-443 HARVET HILLS - LUNAR DRIVE EXTENSION

APPLICANT: Jerry F. Keith and Associates, P.S.C., in behalf of Harvest-Reece, L.L.C.

GENERAL LOCATION: An approximate 18.8-acre area at the terminus of Lunar Drive within the existing Harvest Hills Subdivision, contiguous on the northeast with Fowler Creek Road, Independence.

REQUEST FOR ACTION: To approve a Preliminary Plat for Harvest Hills-Lunar Drive Extension, consisting of 32 residential building lots, including public improvements such as streets, storm drainage, sanitary sewer and water system.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

**NKAPC STAFF RECOMMENDATION:** To approve a Preliminary Plat for HARVEST HILLS - LUNAR DRIVE EXTENSION, 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 a maximum of 450 feet (Section 7.2);
2. That a geotechnical investigation be performed for all areas of the proposed street crossing ground slopes in excess of 20% prior to approval of Improvement Drawings and Specifications (Section 6.6);
3. The boundary between the R-1D Zone and R-1A Zone be shown on a subsequent Final Plat and the totality of lot areas within the R-1D Zone be a minimum of 9000 square feet (Section 6.6); and
4. That the lot containing the stormwater detention area be incorporated into abutting Lots #14 through #18, respectively (Section 6.6).

**BASES:**

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

Mr. Jerry Keith and Mr. Tim Reese registered to speak on the issue. No one registered to speak against.

Mr. Theissen noted a letter was received from the Hillside Trust with regard to the issue. He then read the letter into the record and marked it as an exhibit to be made a part of the record and minutes.

Mr. Keith addressed the Commission and stated that this is a very straight-forward issue. He stated there are no problems with any of the conditions of Staff. Mr. Price asked who would be maintaining the detention area. Mr. Keith stated he conferred with Staff on the subject and the owner of the lot would actually be maintaining it. Ms. Carlin asked how the detention areas would be maintained if portions are owned by individual property owners. Mr. Hiles then stated easements would be created and the detention areas could not be altered. Mr. Keith stated with regard to the Hillside Trust letter that the sanitation line will actually be an aerial type of crossing. He further stated no fill would be placed behind the homes. Mr. Hadley asked about reinforcing the basements. Mr. Keith then stated there would be no need for reinforcements of the basements. Following a brief discussion, Mr. Hadley made a motion to approve based on Staff's recommendations. Mr. Price seconded the motion. Mr. Theissen suggested adding the following wording to condition #4 "...the lot containing the storm water detention area be incorporated into one or more abutting lots 14-18, respectively." A roll call vote on the matter found Mr.

Hadley, Mr. Price, Ms. Carlin, Mr. France, Mr. Hushabeck, Mr. Meyer, Mr. Scheper, Ms. Snyder, Mr. Swanson and Mr. Theissen in favor. The motion carried.

## W-626 THE LOFTS

APPLICANT: Jerry F. Keith, P.E., in behalf of Wright-Reese-Carlisle, L.L.C.

GENERAL LOCATION: A 7.2-acre area along the west side of Sleepy Holly 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: Waiver to Section 6.0, B STREET GRADE REQUIREMENTS. Granting the requested waiver will eliminate the requirement that final street grades be a maximum of twelve percent (12%).

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION: To grant the requested Waiver to Sections 6.0 B STREET GRADE.

## BASES FOR STAFF RECOMMENDATION:

That unusual topographical or exceptional physical conditions exist on the site in question, further defined as follows:

The existence of steep ground slopes throughout the property in question makes provision of a final street grade of 12 percent or less, difficult. Although achievable, the required street stub to access adjacent Devou Park property becomes less practical with a final street grade of 12 percent or less. Considering the results of allowing a final street grade of 13 percent (the increased practicality of a street connection to Devou Park and a stormwater runoff control facility over-designed to detain a higher quantity of stormwater runoff than required), the Waiver request is reasonable in staff's opinion.

\*Mr. Hushabeck withdrew after reading through the plan due to a conflict of interest with his employer.

Mr. Jerry Keith, Mr. Tim Reese and Mr. Larry Kline registered to speak on the issue.

Mr. Keith addressed the Commission and stated that changes were made in the plan and he feels major strides were accommodated for. He stated the main reason for asking for the waiver is to comply with the tie in to the Devou property. He noted it will make a much nicer flow into the Devou property as proposed. Mr. Theissen noted with regard to the re-design that it didn't appear that there was as much general parking. Mr. Keith stated he would have to actually count the spaces but he felt it was pretty close to what the previous plan was. Mr. Theissen asked if on-street parking was permitted. Mr. Keith then stated on-street parking was permitted. He further noted they are literally placing parking wherever they can on the plan.

Mr. Kline addressed the Commission in opposition to the issue. He stated the city's official position is to oppose the waiver. He noted this location is one of the furthest streets from the city building which will make snow removal difficult due to the location and grade. He further noted they are asking for additional catch basins to collect the water from the steep grade. Mr. Kline stated they do recognize the benefit of the grade change in the connection to the Devou property. Mr. Hadley asked about the water flow coming down the street. Mr. Hiles stated typically the requirements regarding water flow and detention basins would be addressed at the next phase. Mr. Hiles further noted the number of detention basins is determined by the amount of lineal street as well as the grade of the street. Mr. Reis stated they would put in the slotted type drain to compensate for the water flow. Mr. Kline then stated this would be agreeable. Mr. Reis further addressed the concerns regarding the fact of the street being one of the furthest away from the city building and concerns with snow removal. He noted there would be a homeowners association established and they would be assisting in snow removal. Mr. Hiles stated this is a fairly minor change. Following the discussion on the matter, Mr. Theissen stated the recommended action was to grant the waiver subject to a condition that would require the applicant to install a slotted drain across the street at approximately the point where the intersection is or such other structure as may be required by the city or Planning Commission Staff. Mr. France made the motion based on unusual topographical and physical conditions, as well as an innovative design layout. A second condition was suggested adding the following language "...that there be an increased level in detention as much as is practical." Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. France, Ms. Carlin, Mr. Hadley, Mr. Meyer, Mr. Scheper, Ms. Snyder, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried.

#### W-626 THE LOFTS

APPLICANT: Jerry F. Keith, P.E., 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: Waiver to Section 7.2, B WATER SYSTEM DESIGN STANDARDS. Granting the requested waiver will eliminate the requirement that a minimum fire flow of 2,025 gpm at 20 psi (ISO Guidelines) be provided/ensured.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

Following much discussion on the matter as to fire flow and the adequacy of the 1,600 gpm fire flow, the applicant offered to table the matter to obtain additional information for the Commission to render a decision. Mr. Hadley then motioned to table the matter to allow the applicant to acquire additional beneficial information. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Ms. Carlin, Mr. France, Mr. Meyer, Mr. Scheper, Mr. Swanson and Mr. Theissen in favor. Mr. Hushabeck abstained. Ms. Snyder had to leave the meeting prior to the motion and vote. The motion carried.

b. CONSIDERATION OF ACTIONS TAKEN ON PLATS BY COMMISSION'S DULY AUTHORIZED REPRESENTATIVE, SINCE THE COMMISSION'S LAST REGULAR MEETING (e.

g., GRADING PLANS, IMPROVEMENT DRAWINGS, FINAL DEVELOPMENT/STAGE II PLANS, FINAL PLATS, IDENTIFICATION PLATS, etc.) - See listing of plans and plats recommended for approval on separate handout.

Mr. Theissen noted a conflict and withdrew from any action on item FP-538 due to a conflict of interest with his employer. There were no additional conflicts. Mr. Hadley motioned to ratify and approve. Mr. France seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. France, Ms. Carlin, Mr. Hushabeck, Mr. Meyer, Mr. Scheper, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

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

PUBLIC HEARINGS ON SCHEDULED PUBLIC FACILITIES: None.

OTHER COMMITTEE BUSINESS: None.

There being nothing further to come before the Commission, the meeting was recessed at 12:45 p.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
REGULAR MEETING

May 1, 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. Tom France - Ludlow

Mr. Al Hadley - Elsmere  
Mr. David Hilgeford - Villa Hills  
Mr. Mark Hushabeck - Lakeside Park  
Mr. Eugene Meyer - Covington  
Mr. Phil Ryan - Park Hills  
Mr. Greg Scheper - Crescent Springs  
Ms. Maura Snyder - Independence  
Ms. Alex Weldon, Covington  
Mr. John Wells - Ft. Mitchell  
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. Mike Denham - Bromley

LEGAL COUNSEL PRESENT:

David A. Schneider, Esq.

Mr. Theissen, Chairman, called the meeting to order at 6:15 p.m. Mr. Theissen opened the meeting with the Pledge of Allegiance and a prayer by Mr. Joe Price.

Mr. Theissen recognized former Commissioner Mr. Bill Snyder with a plaque for his service and commitment to the Planning Commission.

APPROVAL OF THE MINUTES:

Mr. Theissen noted the minutes from March had been distributed in the Commissioner's packets and asked for any questions or comments. There being none, Mr. Wessels made a motion to approve. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Wessels, Ms. Snyder, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hadley, Mr. Hushabeck, Mr. Meyer, Mr. Wells, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Hilgeford, Mr. Ryan and Mr. Scheper abstained. The motion carried.

FINANCIAL REPORT:

There were no questions or comments.

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.

\*Ms. Weldon arrived.

Mr. Theissen read into the record the report of actions from the morning meeting. Mr. Bertram noted his withdrawal from I-4001, PP-443, W-626 and I-4004 due to conflicts with his employer. Mr. Theissen noted his withdrawal from FP-538 due to a conflict with his employer. Mr. Hushabeck noted his withdrawal from PP-630 and W-626 due to a conflict with his employer. There being no further conflicts, Mr. Hadley motioned to ratify and approve. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hilgefurd, Mr. Hushabeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Ms. Weldon, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

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

PUBLIC FACILITIES: None.

PUBLIC HEARINGS ON SCHEDULED ITEMS:

\*The following two issues were combined.

1614R

APPLICANT: Mr. John Nie.

GENERAL LOCATION: An approximate 3-acre area situated along the east side of Madison Pike, approximately 1,800 feet north of Walton Nicholson Pike, Unincorporated Kenton County.

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

Staff presentation and Staff recommendations by Ms. Melissa Jort.

## NKAPC STAFF RECOMMENDATION:

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

## SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed map amendment changing the site in question from R-1B to RC is not consistent with the Area-Wide Land Use Map of the 2001 Comprehensive Plan Update. The site in question is identified for Residential Development at a density of Under 2.0 dwelling units per net acre. The proposed map amendment would result in commercial development being situated in an area recommended for Residential Development.
2. The proposed map amendment changing the site in question from R-1B to RC is not consistent with the Goals and Objectives and Development Concepts as they pertain to Commercial Development, as contained in the 2001 Area-Wide Comprehensive Plan Update:

## GOODS AND SERVICES

2. To locate and design centers providing goods and services so as to maximize consumer safety and convenience while minimizing any adverse environmental effects.

Centers providing goods and services should be conveniently accessible to the population. Different types of centers should be provided which serve the unique needs and desires of different types of consumers - examples are as follows: centers oriented to serving immediately surrounding residents with daily convenience needs, centers intended to serve the transient public, major commercial centers offering both convenience and comparison goods and services.

## COMMERCIAL

Spot and strip commercial developments are undesirable and should be discouraged. Such developments are usually characterized by: (a) inadequate room for expansion as the need for additional commercial services increases; (b) little or no coordination of vehicular or pedestrian access; (c) inadequate parking; (d) multiplicity of curb cuts; and (e) additional trip generation between facilities, resulting in inconvenience for shoppers and unnecessary additional traffic volumes and hazards on the adjacent street network.

The proposed map amendment would result in commercial development being located outside of nearby centers intended to provide goods and services, resulting in a spot commercial development.

3. The proposed map amendment is not consistent with the intent of Community Service Areas and Crossroad Community Districts as identified within the Area-Wide Comprehensive Plan Update:

## Community Service Areas

The intent and purpose of these areas is to concentrate increased residential density within areas with existing commercial land uses that can provide, or be expanded to provide, convenience goods and services to a growing population. Several of these areas also contain, or are located near, other services and facilities necessary to support increased residential density, such as fire stations and library and park facilities. Increased density will enhance the potential for business development to serve the needs of residents of nearby residential development. Furthermore, by providing such services within short distances of more residences, trip distances that residents travel for convenience goods and services are reduced and the use of alternate modes of transportation becomes more feasible (e.g. pedestrian and/or bicycle). This proposed increase in population density should also further enhance the potential for increased and more efficient mass transit service.

## Crossroad Community Districts

The purpose of these areas differs from the Community Service Areas designated within the "Urban Service Area" in that residential areas will be significantly less dense. Residential development in these areas should be established based on the capability to serve these areas with adequate water and sewer service.

The proposed map amendment would result in commercial development taking place outside of a Community Service Area to the north and a Crossroad Community District to the south, within an area intended for public facilities and residential uses. The existing zoning classification is therefore appropriate and the proposed zoning classification is inappropriate.

4. Section 17.0, F. of the Kenton County Zoning Ordinance 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". The area of the site in question, at three (3) acres, does not specifically meet this requirement.

5. There have been no major changes of economic, physical, or social nature that were not anticipated in the preparation and adoption of the Area-Wide Comprehensive Plan Update that have/will substantially alter the basic character of the area within the vicinity of the site in question.

## ADDITIONAL INFORMATION:

If the Planning Commission or legislative body takes action to approve the zone change as submitted, it is recommended that the submitted development plan meet the minimum requirements of the Kenton County Zoning Ordinance in regards to signage.

1616R

APPLICANT: Kenton County Planning Commission, per Mr. Timothy Theissen.

**GENERAL LOCATION:** An approximate 6-acre area situated along the east side of Madison Pike, approximately 1,600 feet north of Walton Nicholson Pike, Unincorporated Kenton County.

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

Staff presentation and Staff recommendations by Ms. Melissa Jort.

#### **NKAPC STAFF RECOMMENDATION:**

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

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

1. The proposed map amendment changing the site in question from R-1B to RC is not consistent with the Area-Wide Land Use Map of the 2001 Comprehensive Plan Update. The site in question is identified for Other Community Facilities. The proposed map amendment would result in commercial development being situated in an area recommended for community facilities.
2. The proposed map amendment changing the site in question from R-1B to RC is not consistent with the Goals and Objectives and Development Concepts as they pertain to Commercial Development, as contained in the 2001 Area-Wide Comprehensive Plan Update:

#### **GOODS AND SERVICES**

2. To locate and design centers providing goods and services so as to maximize consumer safety and convenience while minimizing any adverse environmental effects.

Centers providing goods and services should be conveniently accessible to the population. Different types of centers should be provided which serve the unique needs and desires of different types of consumers - examples are as follows: centers oriented to serving immediately surrounding residents with daily convenience needs, centers intended to serve the transient public, major commercial centers offering both convenience and comparison goods and services.

#### **COMMERCIAL**

Spot and strip commercial developments are undesirable and should be discouraged. Such developments are usually characterized by: (a) inadequate room for expansion as the need for additional commercial services increases; (b) little or no coordination of vehicular or pedestrian access; (c) inadequate parking; (d) multiplicity of curb cuts; and (e) additional trip generation between facilities, resulting in inconvenience for shoppers and unnecessary additional traffic volumes and hazards on the adjacent street network.

The proposed map amendment would allow commercial development to be located outside of nearby centers intended to provide goods and services, resulting in spot commercial development.

3. The proposed map amendment is not consistent with the intent of Community Service Areas and Crossroad Community Districts as identified within the Area-Wide Comprehensive Plan Update:

#### Community Service Areas

The intent and purpose of these areas is to concentrate increased residential density within areas with existing commercial land uses that can provide, or be expanded to provide, convenience goods and services to a growing population. Several of these areas also contain, or are located near, other services and facilities necessary to support increased residential density, such as fire stations and library and park facilities. Increased density will enhance the potential for business development to serve the needs of residents of nearby residential development. Furthermore, by providing such services within short distances of more residences, trip distances that residents travel for convenience goods and services are reduced and the use of alternate modes of transportation becomes more feasible (e.g. pedestrian and/or bicycle). This proposed increase in population density should also further enhance the potential for increased and more efficient mass transit service.

#### Crossroad Community Districts

The purpose of these areas differs from the Community Service Areas designated within the "Urban Service Area" in that residential areas will be significantly less dense. Residential development in these areas should be established based on the capability to serve these areas with adequate water and sewer service.

The proposed map amendment would allow commercial development to take place outside of a Community Service Area to the north and a Crossroad Community District to the south, within an area intended for public facilities and residential uses. The existing zoning classification is therefore appropriate and the proposed zoning classification is inappropriate.

4. There have been no major changes of economic, physical, or social nature that were not anticipated in the preparation and adoption of the Area-Wide Comprehensive Plan Update that have/will substantially alter the basic character of the area within the vicinity of the site in question.

#### ADDITIONAL INFORMATION:

If the Planning Commission or legislative body takes action to approve the zone change as submitted, it is recommended that the application be approved prior to, or simultaneous with the approval of the proposed map amendment changing an approximate 3-acre area located adjacent to the site in question from R-1B to RC (Z-03-03-02/1614R).

Mr. Theissen incorporated into the record the minutes and exhibits from last month's meeting with regard to the issue.

Mr. John Nie, Mr. Mike Schleper, Mr. Martin Nie, Mr. Gene Manion and Mr. Les Holmes registered to speak on the issue.

Mr. Nie addressed the Commission and stated the Commissioners received a revised site plan. He also stated he had a letter from Mrs. White as requested by Mr. Hadley, and a letter from Mr. Patterson, which was submitted for the record. Mr. Nie stated it would be smart to have the property designated as a commercial zone. Mr. Theissen read into the record the two letters produced and marked them as exhibit one and two, respectively.

Mr. Manion addressed the Commission as a neutral party. He stated he represents the care center in the area and they are also being affected by the highway. He stated they are not against the re-zoning and actually approached the Planning Commission himself. He then stated he was told it would not be in compliance with the land use and would be denied. He stated due to the highway taking the property a triangular portion of land is created that would be left residential. He further noted if the entire area could be re-zoned he would not be against the current zone change proposal. He also stated if the area he referenced would not be re-zoned, they would be against it because they do not want to be left with an acre lot that is residential.

Mr. Holmes addressed the Commission as a neutral party. He stated he has absolutely no objection to Nie purchasing the property and putting up a new building. He stated he is against the zone change and questioned what other businesses could potentially go in. Mr. Bertram asked about the criteria for going against the Comprehensive Plan, specifically whether or not the new highway going in would not be considered a change to the area. Mr. Theissen agreed and further noted that in anticipation of the Commission going in that direction of being for the issue, Mr. Schwartz drafted a proposed motion with conditions. Mr. Theissen then read the proposal into the record. Following a brief discussion on the matter, Mr. Bertram then made a motion to approve based on the suggested findings of Staff as read by Mr. Theissen. Mr. Theissen also marked the document containing the language for the motion as an exhibit to the record. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Bertram, Mr. Price, Ms. Carlin, Mr. Cook, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Hushabeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Ms. Weldon, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Mr. Coates abstained. The motion carried.

1617R  
APPLICANT: City of Independence, per Mr. Mark T. Wendling, City Administrator.

GENERAL LOCATION: N. A.

REQUEST TO BE REVIEWED: A proposed text amendment to the Independence Zoning Ordinance adding institutions of religious worship, subject to certain restrictions, as a conditional use in the Neighborhood Commercial (NC) Zone.

Staff presentation and Staff recommendations by Ms. Melissa Jort.

**NKAPC STAFF RECOMMENDATION:**

To approve the proposed text amendment adding institutions of religious worship, subject to certain restrictions, as a conditional use in the Neighborhood Commercial (NC) Zone.

**COMPREHENSIVE PLAN DOCUMENTATION:**

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

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

1. The proposed text amendment adding institutions of religious worship, subject to certain restrictions, to the list of conditional uses within the Neighborhood Commercial (NC) Zone (see Attachment A) is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.230(1).

2. The Board of Adjustment has the authority to hear and decide on applications for conditional use permits. The submitted request is therefore reasonable in that the specific area and location of institutions of religious worship, including accessory residential dwelling units, within the Neighborhood Commercial (NC) Zone will be addressed on a case-by-case basis by the Board of Adjustment.

3. The addition of churches and other buildings for purpose of religious worship, teaching or education, including accessory residential dwelling units, to the list of conditional uses in the Neighborhood Commercial (NC) Zone is consistent with the intent of the NC Zone. As it is reflected in the list of existing permitted uses, the intent of the NC Zone is to provide a zoning classification, which permits retail, and service businesses primarily oriented towards serving the day-to-day needs of area residents. Adding the proposed text to the Neighborhood Commercial Zone will allow for an additional neighborhood oriented service, including accessory and supporting residential dwelling units, to be situated in a central location and therefore to be accessible to the surrounding community and the general public.

4. The characteristics of the proposed use are either similar to or less intense than existing conditional uses within the NC Zone. The proposed addition of churches and other buildings for the purpose of religious worship, along with accessory residential dwelling units, is also consistent with conditional uses listed in the residential zones within the Independence Zoning Ordinance.

**ADDITIONAL INFORMATION:**

According to the "Religious Land Use and Institutionalized Persons Act" of 2002, Section 2b (3) "Exclusions and Limits", no government shall impose or implement a land use regulation that:

- a. Totally excludes religious assemblies from a jurisdiction; or
- b. Unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

No government may therefore apply a land use regulation that inflicts a large problem on the religious exercise of a religious assembly or institution, unless the government shows that placement of this burden upon that assembly or institution is in furthering a greater governmental interest, or, is the least restrictive way to achieving that greater governmental interest.

Mr. Mark Wendling, Ms. Jennifer Gregory and Mr. George Soister registered to speak on the issue.

Mr. Wendling addressed the Commission and stated the city is in support of this text amendment and has been in discussion about it for several months. He stated he was available to answer any questions on the issue.

Ms. Gregory addressed the Commission and stated she is a resident of Kenton County and a member of the NKU faculty, but made it clear that she in no way, shape or form represented NKU. She stated the proposal has direct ties to NKU in that the organization is Tibetan and they currently are going back and forth between NKU as a religious affiliation. Mr. Theissen then noted that several faxes had been received on the issue. He further stated that the information received was religious in nature and he did not feel they were appropriate and therefore, he was not going to allow them into the record. He further stated that to read the documents may possibly open up legal issues down the road. He additionally stated that any religious affiliation should not be considered in the text amendment. Mr. Hilgefjord then stated he felt that they (the faxes) should not be ignored but should also not be read. Mr. Theissen then stated that none of the faxes contained signatures or addresses. Mr. Hadley then noted that because of that fact they were invalid. Following the discussion on the issue, Mr. France motioned to approve. Mr. Hushabeck seconded the motion. A roll call vote on the matter found Mr. France, Mr. Hushabeck, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Hilgefjord, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Ms. Weldon, Mr. Wells, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

\*The following two issues were combined.

PP-576

APPLICANT: Viox and Viox, Inc. in behalf of Glenhurst Development, L.L.C.

GENERAL LOCATION: An approximate 127 acre area along the south side of Hogreff Road, interconnected with the existing Greens of Glenhurst to the east and Glenhurst Subdivision to the south, Independence.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 373 residential building lots, including public improvements such as streets, storm drainage, sanitary sewer and water system.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

**NKAPC STAFF RECOMMENDATION:**

To approve a Preliminary Plat for GLENHURST SUBDIVISION - SCHERDER ADDN., but only subject to compliance with the following CONDITIONS:

**CONDITIONS:**

1. That the map amendment Z-03-04-03/1618R, be approved by the city of Independence;
2. That Sight Distances (Right and Left) for vehicles exiting the proposed intersections with Hogreffe 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);
3. That the proposed sanitary sewer be extended to the north side of Hogreffe Road (Section 7.1);
4. That a minimum fire flow of 500 gpm at 20 psi be provided/ensured by certified flow test and fire hydrant spacing be maximum of 450 feet.
5. That the intersection of Glenhurst Drive with Hogreffe Road be provided with either: (1) an exclusive left-turn lane from southbound Glenhurst Drive to eastbound Hogreffe Road; or (2) three-way stop signs (Section 7.3);
6. That proposed driveways along Hogreffe Road be spaced a minimum distance of 200 feet (Section 6.1E);
7. That ownership and maintenance issues related to the proposed "Community Space" be clarified prior to approval of a Final Plat;
8. That the terminus of the Glenhurst Drive extension be constructed as close as practical to the northern most property boundary and be provided a temporary turnaround (Section 7.3); and
9. That the abandoned portion of Hogreffe Road be vacated in accord with proper procedures of law.

**BASES:**

The proposed GLENHURST SUBDIVISION - SCHERDER ADDN. is consistent with the Kenton County Subdivision Regulations, and the Independence Zoning Ordinance, except as noted under the above Conditions.

1618R

APPLICANT: Glenhurst Development Co., LLC, per Mr. Ronald Mechlin.

GENERAL LOCATION: An approximate 130-acre area located at the terminus of Hogrefffe Road, Independence.

REQUEST TO BE REVIEWED: A proposed map amendment to the Independence Zoning Ordinance, changing the area described herein, from A-1\* (an agricultural one zone), R-1B (a single-family residential zone with a maximum density of 2.0 dwelling units per net acre), R-1C (RCD) (a residential zone with a maximum density of approximately 3.5 dwelling units per net acre with a residential cluster development overlay zone), R-1D (a detached single-family residential zone with a maximum density of approximately 4.8 dwelling units per net acre), and I-1\* (an industrial one zone) to R-1D (PUD) (a residential zone with a maximum density of approximately 4.8 dwelling units per net acre with a planned unit development overlay zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

To approve the proposed map amendment from A-1\*, R-1B, R-1C (RCD), R-1D, and I-1\* to R-1D (PUD), but only subject to compliance with the following conditions:

1. That each dwelling unit be provided with a minimum of two (2) off-street parking spaces.
2. That the location, height, and type of all fences, walls, and signs be as permitted in the underlying R-1D Zone.
3. That the intersection of Glenhurst Drive with Hogrefffe Road be provided with either: (1) an exclusive left turn lane from southbound Glenhurst Drive to eastbound Hogrefffe Road; or (2) three way stop signs.

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed map amendment from A-1\*, R-1B, R-1C (RCD), R-1D, and I-1\* to R-1D (PUD) is consistent with the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan Update. The specific goals and objectives 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.

## RECREATION AND OPEN SPACE

1. To provide an adequate amount and variety of recreational opportunities to satisfy the full range of needs of the population.

Concerted effort should be made to provide a wide variety of types of recreational facilities programs to meet the year round desires and needs of various age and interest groups.

2. To provide basic recreation and open space facilities and programs which are conveniently located and accessible to the population.

Effort should be made to provide for recreation and open space facilities which are both region oriented, containing a variety of active and passive recreation pursuits, and neighborhood oriented, which are primarily aimed at satisfying the day-to-day desires and needs of immediately surrounding residents.

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

Effort should be made to ensure the incorporation of design for recreation and open spaces as an integral part of emerging urban development or redevelopment. Such effort should result in recreation and open space areas which complement and enhance surrounding development, rather than take on the appearance of appendages added out of necessity. Constant effort should be made to protect recreational areas from intrusion of other type uses so that they may continue to serve their intended function adequately.

The site in question is located in an area which is served by an arterial roadway which is scheduled for major improvements, has access to the new Hogreffe Road connector, is provided with public water and sewer service, and is an extension of a residential development currently under construction.

The proposed amendment will allow for the construction of detached single-family residential dwellings and provide for the retention of a community service area.

2. The proposed map amendment from A-1, R-1B, and I-1 to R-1C (RCD) is consistent with the Development Concepts, which are a part of the Goals and Objectives Element of the 1996 Area-Wide Comprehensive Plan Update. The specific development concepts are as follows:

## 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 density of development for undeveloped land should be based on considerations such as: (a) the density of adjacent developed areas, of which the undeveloped land would be a logical extension; (b) access to major transportation facilities; (c) the nature of adjacent activities; and, (d) residential development in rural areas should be designed to maintain existing rural character of open space and the appearance of low density. Such a concept would result in development which is compatible with surrounding land uses and which would not result in generating high volumes of traffic through low density areas.

## COMMUNITY FACILITIES

- o Appropriate authorities and private developers should be encouraged to assure realization of community facilities planning by requiring and/or incorporating designs for such facilities into the early stages of development. Such early incorporation shall serve to insure that such facilities do not appear as "after-thoughts" located only where remnants of undeveloped land exist and that capital improvement planning for completion of such facilities can be reasonably programmed.

The area located to the southwest of the site in question is currently being developed with detached single-family residential dwellings at a density of approximately 3.0 dwelling units per net acre utilizing the RCD Overlay Zone. The area located to the east of the site in question is currently being developed with detached single-family residential dwellings at a density of approximately 3.0 dwelling units per net acre utilizing the R-1D Zone. The proposed map amendment is an extension of these developments and would provide for a consistent type of residential development on the site in question. Additionally, the proposed map amendment will allow the retention of open spaces along the creek and drainage swales and provide for the development of a community service area as part of the design of the site.

3. The existing zoning of the site in question is inappropriate and the proposed zoning is appropriate.

As previously stated, areas located to the southwest and east of the site in question are currently being developed with detached single-family residential dwellings at a density of approximately 3.0 dwelling units per net acre. Additionally, each of these previously approved subdivisions provided for street extensions into the site in question.

It would, therefore, be appropriate that the site in question be developed in a manner which is consistent

with the existing and anticipated development to its southwest and east. The existing zoning of the site in question will not allow for a consistent development pattern while the proposed zoning will.

4. There have been changes of a social and physical nature within the area that were not anticipated in the adopted comprehensive plan that will substantially alter the basic character of the area.

On February 14, 2002, the City of Independence, per Mr. Mark Wendling, submitted an application for NKAPC and KCPC review and recommendation on proposed map amendments, as part of the annexation process, changing: (1) the site in question, along with the area located to the southwest of the site in question, from A-1, R-1B, R-1C (RCD), and I-1 to R-1F; and (2) the area located immediately to the east of the site in question from A-1 and R-1B to R-1D (Z-02-02-02/1551R). On March 1, 2002, the NKAPC staff recommended disapproval of the proposed map amendments. Following the public hearing held on March 7, 2002, the KCPC recommended disapproval of the proposed map amendments. On June 3, 2002, Independence City Council adopted Ordinance Number 2002-O-08, changing the zoning of the area located immediately to the east of the site in question from A-1 and R-1B to R-1D.

The zone change for the area located to the east of the site in question, along with the subsequent approval of a preliminary plat, will allow for the development of 130 detached single-family residential dwellings. This development, along with the proposed street extensions previously identified, create a situation where the existing zoning of the site in question is no longer appropriate.

5. The submitted Stage I Development Plan meets the minimum requirements of the Kenton County Zoning Ordinance, except for the following:

a. Section 10.14, H. states that off-street parking facilities shall be provided in accordance with Article XI of the Kenton County Zoning Ordinance. Section 11.2, K. requires that single-family residential dwellings be provided with a minimum of two (2) off-street parking spaces. Insufficient information has been submitted to determine compliance with this requirement. It is therefore recommended that each dwelling unit be provided with a minimum of two (2) off-street parking spaces.

b. Section 10.14, I. states that the location, height, and type of all fences, walls, and signs shall be as approved in the plan. The submitted development plan does not indicate the provision of any fences, walls, or signs. It is therefore recommended that the location, height, and type of all fences, walls, and signs be as permitted in the underlying R-1D Zone.

6. Based upon the design of the site in question, Glenridge Drive and Hogleffe Road feed traffic to and from the proposed subdivision and the proposed community service area. To provide for improved traffic flow, it is recommended that the intersection of Glenhurst Drive with Hogleffe Road be provided with either: (1) an exclusive left turn lane from southbound Glenhurst Drive to eastbound Hogleffe Road; or (2) three way stop signs.

Mr. Hushabeck withdrew due to a conflict with his employer. Mr. Chuck Berling, Mr. Jim Viox, Mr.

Rodney Crice, Mr. Justin Verst, Mr. Ron Mechland, Mr. Bob Schroeder, Mr. Joe Arlinghaus and Mr. Greg Bridges registered to speak in favor of the issue. Mr. Paul Thompson and Ms. Angie Thompson registered as neutral parties.

Mr. Berling addressed the Commission and stated Mr. Viox will speak from a development standpoint and he will be available to answer any questions.

Mr. Viox then addressed the Commission and stated they agree with all conditions of Staff on the preliminary plat. He stated the reason they are using the R-1D Zone is to conserve land because this zone allows for preserving community space. He further stated they will interconnect streets within the subdivision so as not to use Hogrefe Road. Mr. Viox additionally noted they are anticipating conveying 26.1 acres to the City of Independence as community space. He stated the density is in conformance with the Comprehensive Plan. Mr. France asked if any driveways are on Glenhurst. Mr. Viox stated there are not.

Mr. Berling addressed the Commission and stated he agrees to the conditions of the zone change. Mr. Theissen asked about the community space. Mr. Theissen further clarified that it would not be available for residential development. Mr. Berling stated that was correct. Mr. Berling further noted they wanted to develop it from a community perspective. He then stated that all others who registered to speak would be available to answer any questions.

Mr. Paul Thompson and Ms. Angie Thompson addressed the Commission and asked about the quality of the homes to be built on the property, as well as the price range. Mr. Berling stated most of the lots towards their lot were larger lots. He further noted the price range would be from \$120,000 to \$160,000. Ms. Thompson asked about the tree line to the east and whether or not that would be left as it is. Mr. Berling stated the tree line to the east would be, but the other area would need to be checked into with the city. Ms. Thompson stated they do have concerns with the number of homes going into the development and the access. She then asked when the road widening was going to take place. Mr. Berling stated it would be done in phases. Mr. Thompson asked if there was a time frame when this would start to the west. Mr. Berling stated it would probably be connected within a year. Following the discussion, Mr. Hadley then motioned to approve both PP-576 and 1618R based on Staff's report and findings. Mr. Theissen then added a condition that no additional residential units be allowed to be constructed on the community space. Ms. Snyder seconded the motion. A roll call vote on the issue found Mr. Hadley, Ms. Snyder, Ms. Carlin, Mr. Cook, Mr. Coates, Mr. France, Mr. Meyer, Mr. Ryan, Mr. Scheper, Mr. Wells, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Bertram, Mr. Hilgefurd, Mr. Hushabeck and Ms. Weldon abstained. The motion carried.

1619R

APPLICANT: Mr. Joe Schreiber.

GENERAL LOCATION: An approximate 1.4-acre area located at the southeast corner of the intersection of Harris Street with Ireland Street, Crescent Springs.

REQUEST TO BE REVIEWED: A proposed map amendment to the Crescent Springs Zoning

Ordinance, changing the area described herein, from R-1F (a single-family residential zone at a maximum density of approximately 7.3 dwelling units per net acre) to R-2 (a multi-family residential zone at a maximum density of 15.0 dwelling units per net acre).

Staff presentation and Staff recommendations by Ms. Melissa Jort.

#### NKAPC STAFF RECOMMENDATION:

To approve the proposed map amendment from R-1F to R-2.

#### SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. During the last Area-Wide Comprehensive Plan Update, the area of the site in question was recommended to be changed from Residential Development at 7.1 to 14.0 dwelling units per net acre to Commercial-Office. The Plan states that "the area located at the northeast corner of Buttermilk Pike and Anderson/Bromley-Crescent Springs Road, in the vicinity of Ireland Avenue...is currently occupied by single-family residences, is a transition area between existing office uses and multi-family residential uses." Although the proposed map amendment is not consistent with the Recommended Land Use Map, the area of site in question does transition from multi-family to office uses, and is therefore consistent with existing land use and density immediately adjacent to the northwest, northeast, and southeast of the site in question. The existing zoning classification is therefore inappropriate and the proposed classification is appropriate for encouraging higher density development in this area.
2. The proposed map amendment from R-1F to R-2 is consistent with a previous recommendation pertaining to the site in question. On February 5, 2001, Mr. Joe Schreiber, on behalf of Mr. Rex Marquette, submitted an application for NKAPC and KCPC review and recommendation on a proposed map amendment changing the site in question from R-1F to R-2 (Z-01-02-03/1494R). On February 23, 2001, the NKAPC staff recommended approval of the proposed map amendment, subject to the condition that screening be provided along the north and south sides of the site in question. Following the public hearing held on March 1, 2001, the KCPC recommended approval of the proposed map amendment subject to the same condition. On April 9, 2001, Crescent Springs City Council denied the proposed map amendment.
3. The proposed map amendment from R-1F to R-2 is consistent with a previous action pertaining to an area located adjacent to the site in question. On July 15, 1999, Joseph and Carolyn Spille submitted an application for NKAPC and KCPC review and recommendation on a proposed map amendment to the Crescent Springs Zoning Ordinance changing the area located to the north of the site in question, from R-1F to R-2 (Z-99-07-09/1423R). On July 30, 1999, the NKAPC staff recommended approval of the proposed map amendment, subject to two conditions. On August 5, 1999, following the public hearing, the KCPC recommended approval of the proposed map amendment, subject to two conditions. On November 1, 1999, Crescent Springs City Council approved a map amendment.

4. The submitted development plan meets the minimum requirements of the Crescent Springs Zoning Ordinance.

Mr. Theissen questioned why Crescent Springs turned the application down previously in 1999. Mr. Schneider gave a background history on the previous submittal. He then stated that at that time there was a concern involving access in and out of the site as the primary reason for disapproval.

Mr. Jerry Dusing, Mr. Joe Schreiber and Mr. Kevin Hansen registered to speak in favor. Ms. Dawn Johnson, Mr. Jeff Smith and Mr. Jeff Morris registered to speak against.

Mr. Schreiber addressed the Commission and gave some background history on the site and himself. He stated he started acquiring the land for the proposal in 1991. He further stated he provided a site plan and a colored elevation of the project. Mr. Schreiber stated the project consists of two brick buildings, one with twelve two-bedroom units and one with 18. He stated all the parking was designed to be in the rear of the building to provide for a more pleasing look from the front. He also stated all requirements have been met or exceeded with regard to the project. He then stated they feel the development is an ideal development for the property. Mr. Schreiber then stated he was available to answer any questions.

Ms. McBride addressed the Commission and stated that the applicant actually owns a larger tract of land than what is before the Commission. She stated it would be very difficult to develop the property under its current zoning because it is split between two zones. She further stated the buildings are oriented to Ireland Avenue with the parking to the rear. She further stated the buildings sit back from the road and the area in front will be landscaped. It was also noted that there would be directional lighting with shielding where necessary. Ms. McBride stated the area is not suitable for office space, and that a medical office building would provide much more traffic than the current proposal.

Mr. Gehrum addressed the Commission and stated a traffic study was done for the project because they knew there would be a lot of questions. He stated the study was submitted to the Commission as part of their application. He noted the traffic level can be maintained based on their studies.

Mr. Hanson addressed the Commission and stated the plan has been explained pretty well by all those present on the issue. He stated the main entrance on Ireland will direct traffic onto Anderson. Mr. Wessels asked about the emergency gate and where that came from. Mr. Hanson stated it really came from Mr. Ripberger as a means of being able to encircle the entire property if necessary. Mr. Hadley asked about sidewalks as they were not shown on the site plan. Mr. Schreiber stated there are no sidewalks on the side facing Ireland. When Mr. Theissen asked why this was, Mr. Schreiber stated reasons of time and money.

Ms. Johnson addressed the Commission in opposition. She stated the residents of Harris are opposed to the development. She cited the conditions of the streets, erosion, water damage, decreased water pressure and decreased property values as concerns with the project. She also stated there are concerns with destruction of the streets in the area and noted the funds are not available to replace or repair the

streets. She stated no one would want to buy a home across from a multi-family. She further noted residents are concerned about lighting in the area. She further noted the intersection is extremely dangerous. She then stated her personal concern is the safety gate. She further stated in her seven years of living in the area there has been one emergency run. She stated she feels this will increase dramatically if the project goes forward.

Mr. Smith addressed the Commission in opposition. He stated this is the sixth time he has had to come before the Commission to oppose apartments coming to the area. He stated he has noticed a decrease in water pressure in the twelve years he has lived in the area since apartments have gone in. He also stated the intersection is dangerous and the proposed apartments will make the matter worse. Mr. Smith noted he has concerns with storm water if the project goes through as well.

Mr. Jeff Morris addressed the Commission in opposition. He stated he doesn't really want to be looking at an apartment building out his front door. Mr. Morris further noted he stands with his neighbors in opposition to the proposal and is in agreement with their concerns.

Mr. Hadley stated he does not feel this will decrease the property values but enhance property values. He further stated this is a valuable piece of property. Mr. France stated it seems like the applicant has gone out of his way to have this fit into the area. Mr. Hilgefurd noted he feels it is a good development. Mr. Theissen then noted that the way the site is developed, the applicant has done a pretty good job of minimizing the impact to the area. Following the discussion, Mr. Hadley motioned to approve and added that sidewalks must be installed along Ireland and Harris. He further noted it is in compliance with the Comprehensive Plan. Mr. Wells seconded the motion. Mr. Schneider asked for clarification on the basis for the zone change. Mr. Hadley stated they feel the basis for the zone change is because the present zoning is inappropriate and the requested zoning is appropriate. He also stated they feel it is in compliance with the Comprehensive Plan. A roll call vote on the matter found Mr. Hadley, Mr. Wells, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. Coates, Mr. France, Mr. Hilgefurd, Mr. Hushabeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Ms. Weldon, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

OLD BUSINESS:

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

Mr. Wessels made a motion to authorize the chairman to place on the agenda the definition regarding family and regulations for manufactured housing. Mr. Price seconded the motion. All in favor; none opposed. Mr. Wessels then thanked the Commission for their work in coming up with the definition over the past period of months. Mr. Wessels further noted that only five cities had adopted the landscape requirements. He stated he didn't know how to get the cities to look a little further at the issue. Mr. Hadley suggested going to the mayors of the cities that appointed them and ask about the issue to get

some action on it. A brief discussion was had on how best to approach the various cities regarding the issue. Mr. Bertram suggested one way could be to just ask if they have been adopted and if not, ask why to try and get some action on the matter.

#### COMMISSION ITEMS:

Standing Committee Reports:

Subdivision Regulations Review Committee:

The next meeting would be held on the 6h of May at noon.

By-Laws:

Mr. Price had nothing to report.

Model Zoning Ordinance:

See above.

#### COMMENTS/REQUESTS TO THE COMMISSION:

Mr. Schwartz stated July 4th is a Friday and suggested moving the July meeting to the 10th. There was no problem with the date change amongst the Commissioners so it was noted the July meeting would be held on the 10th.

There being no further business to come before the Commission, the meeting was adjourned at 10:30 p. m. None opposed.