



## KC&MP&ZC MINUTES

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

June 5, 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. Eugene Meyer - Covington  
Mr. Phil Ryan - Park Hills  
Mr. Bernie Wessels - Ft. Wright  
Mr. Paul Swanson, Secretary/Treasurer - Erlanger  
Mr. Joe Price - Vice Chairman - Crestview Hills

#### LEGAL COUNSEL PRESENT:

Mr. 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. Phil Ryan.

#### APPROVAL OF THE MINUTES:

Mr. Theissen stated the minutes were distributed in the Commissioners packets. Mr. Theissen noted the first page should read Mr. Matt Smith as counsel, not Mr. Dave Schneider. There being no further corrections, Mr. Wessels then made a motion to approve. Mr. Swanson seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Swanson, Ms. Carlin, Mr. France, Mr. Hadley, Mr. Meyer, Mr. Ryan and Mr. Theissen in favor. The motion carried.

Mr. Theissen then noted that two requests to withdraw had been received. He then noted a letter had been received by Mr. Jay Bayer withdrawing item PP-632. He further noted no action would be necessary as the issue was withdrawn. Mr. Theissen additionally noted a letter had been received from Mr. Jerry Keith with regard to issue W-626. Mr. Theissen stated as this item was being withdrawn as well, no action would be required. Mr. Hiles then noted with regard to issue W-626 that the applicant had agreed to meet the original condition and submitted two letters as reference. He then noted that the city asked that these letters be submitted as part of the record to clarify the agreement regarding the waiver and conditions. Mr. Theissen then marked those as exhibits to be made a part of the record on the matter, as well as the letters received requesting the items be withdrawn.

#### SUBDIVISION ITEMS:

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

###### W-624 FORT WRIGHT POINTE

APPLICANT: Grand Communities, Ltd.

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

REQUEST FOR ACTION: Waivers to Sections 6.0 B STREET EXTENSION and 7.3 J.1 INTERCONNECTION/EXTENSION. Granting the requested waiver will eliminate the requirement that a street connection be provided within FORT WRIGHT POINTE to access Devou Park property to the north of the subdivision. Note: This issue was tabled at the March, April and May meetings.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

###### NKAPC STAFF RECOMMENDATION

To grant the requested Waivers to Sections 6.0 B STREET EXTENSION and 7.3 J.1 INTERCONNECTION / EXTENSION.

## BASES FOR STAFF RECOMMENDATION:

That strict compliance with 6.0 B STREET EXTENSION and 7.3 J.1 INTERCONNECTION / EXTENSION could cause an unsafe situation, further defined as follows:

Unnecessary and disruptive traffic should be minimized in residential areas. The generation of traffic through residential areas creates noise, pollution, and potential safety hazards which would be detrimental to the residential character of the area in question. It would also result in overloading the design capacity of streets not intended for such purposes, thus reducing the safety in residential areas. It is unnecessary, disruptive and a safety hazard to route high volumes of vehicular traffic accessing a regional park system through a street system designed and intended for low volumes of residential vehicular traffic, in staff's opinion.

Ms. Elizabeth Horowitz, Mr. Jim Gorman and Mr. Larry Klein registered to speak on the issue.

Ms. Horowitz addressed the Commission and distributed a copy of the proposal to the commissioners. Mr. Theissen marked the document as an exhibit to be made a part of the record. Ms. Horowitz then reviewed the terms of the modified request as noted on the exhibit. She stated they do need the variances as noted, which would have been four feet on both sides. She stated the concrete path would run for 75 feet and then a mulched pathway would run from that point. She noted it was a concern of the city that ATV vehicles not utilize the path. Mr. Larry Klein then noted that the city is requesting that the concrete path be a minimum of five feet and that the fencing be constructed by the developer and maintained by the city. Mr. Theissen then noted before the word "roadway" it be noted that it read "public" roadway easement. Ms. Horowitz stated they had objected all along because they don't feel it meets the requirement to provide the access to a property that is already developed. She stated they also didn't feel it was suitable for the subdivision to have the access to Devou Park because of increased traffic concerns going through the subdivision. She stated Mr. Gorman had concerns regarding who would maintain the right of way. Mr. Theissen stated the path would be in the right of way and that would be maintained by the city.

Mr. Larry Klein addressed the Commission and stated for the record that they are in agreement with the modified waiver request. Mr. Theissen then noted the changes/additions to the modified waiver request as follows: on the third bullet point in request the word "public" be inserted before "roadway"; on the fifth bullet point the words "by developer" be inserted before "in the right of way"; at the last point referenced on page one the words "by developer" be inserted after "in the right of way" as well as "5' minimum" inserted after "a concrete sidewalk"; lastly, at the very bottom of page one of the modified waiver request the words "with approval of the City of Fort Wright" be inserted after "use by ATVs". Mr. Theissen then marked the document as amended as an exhibit to be made a part of the record. Mr. Wessels then made a motion to deny W-624 and approve the modified waiver request as noted in exhibit number two. Mr. Wessels noted a further condition that the litigation in regard to the issue be dismissed with prejudice. Mr. Theissen then stated if the litigation is not dismissed, the issue will be brought back. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hadley, Ms. Carlin, Mr. France, Mr. Meyer, Mr. Ryan, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

## PP-633 INDEPENDENCE STATION RESERVES

APPLICANT: Cardinal Engineering Corp. in behalf of Centerline Development, LLC.

GENERAL LOCATION: An approximate 33 acre area along the south side of Independence Station Road (C.R. 1307), west of Webster Road (C.R. 1308), Independence.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 80 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 INDEPENDENCE STATION RESERVES, but only subject to compliance with the following CONDITIONS:

### CONDITIONS:

1. That full intersection improvements (left-turn and right-turn deceleration lane) be provided at the entrance intersection (Section 6.1);
2. That the portion of Independence Station Road fronting the proposed development be widened to 22 feet with side ditches (Section 7.3);
3. That Sight Distance right and left for vehicles exiting the proposed intersection with Independence Station 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);
4. That a minimum fire flow of 500 gpm at 20 psi be provided/ensured by certified flow test and fire hydrant spacing be maximum of 450 feet (Section 7.2);
5. That sidewalks be provided along both sides of all internal streets as well as along the portion of Independence Station Road fronting Lot #56 and the residual tract containing the existing house (Section 7.3);
6. That access to Lot #56 be from the internal street system only (Section 6.1);
7. That the existing residence on the unnumbered residual tract be accessed from the proposed internal street system only (Section 6.1E);
8. That the existing residence on the unnumbered residual tract be connected to the public sanitary sewer system and comply with all setback requirements within the R-1C Zone (Section 7.1 / Section 6.6); and
9. That a street stub to the western property boundary be provided in the vicinity of Lots #39 and #40 or Lots #33 and #34 (Section 6.0B);

## BASES:

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

Mr. Joe Kramer and Mr. Jeff Cold registered to speak on the issue.

Mr. Theissen read into the record a letter received from Mr. Eric Russo of the Hillside Trust. He then marked the letter as an exhibit to be made a part of the record.

Mr. Kramer addressed the Commission and stated they are at a preliminary plat level with regard to the issue. He stated the issues brought up in the letter from Eric Russo would be addressed at the design level. He further stated they are proposing a 22-foot wide street as well as a deceleration lane in lieu of full intersection improvements. He stated in order to do the widening they have to go from 17 feet to 23 feet. He noted he does not feel there is room to do the widening and the taper as well as the ditching necessary. He then stated they are proposing to widen the road to a 22-foot minimum and asking for a waiver of the left turn lane. Mr. Kramer reiterated that they don't feel there is sufficient room to allow for the widening. Mr. Theissen then asked what precedent they would be setting if they allow for the waiver of the intersection improvements. Mr. Wessels asked about the traffic counts and whether or not that has been studied. Mr. Kramer stated since it's a county road they have not done a traffic count, nor have they had access to that type of traffic information. Mr. Wessels proposed looking into that issue further because he didn't feel there was sufficient information to grant the waiver. Mr. Kramer also addressed the issue of moving the driveway with regard to the existing home. He stated he did not feel it was appropriate to have a driveway going across the front yard. He also stated to have access from the back, they would have to come around from the garage in the back and go around the back yard and up eight feet to elevation level of the street. He stated they don't feel that is appropriate either. He further noted since the house is not going to fit in with the design of the new subdivision, they don't want to make it look like it's a part of the subdivision. He therefore noted they would just like to leave the existing home as it is. Mr. Kramer stated they could go back and do a traffic study if necessary, but they feel very strongly about the entryway to the subdivision with the existing house and driveway. He stated they are not asking for several curb cuts on Independence Station Road, they are merely asking to leave the one curb cut the way it is and have the access driveway to the existing home the way it is presently. Mr. Theissen stated that has inclination would be the need to have the conditions and requirements met. He further stated he didn't feel there was sufficient evidence to allow for a waiver of the condition. Ms. Carlin asked if it would be to the developer's benefit to speak to Jim Berling who will be developing the adjacent property. She noted the intersection would also benefit his development. Mr. Theissen stated that was a good point. Mr. Meyer then stated if additional development is going in on Jim Berling's property, that would only increase the traffic flow considerably. Mr. Hiles stated if the condition is not waived it would be left up to Staff to decide which is the best access. Mr. France stated he didn't feel it was right to take one development that has existing homes on the property to modify it to benefit another development. Mr. Hadley stated he felt that access was necessary at lots 33 and 34. Mr. Wessels suggested further exploring all potential options and if they hit any roadblocks they can then come back and discuss it further with the Commission. Mr. Hadley stated he didn't feel that a waiver could be

granted. Mr. Theissen then concurred with Mr. Hadley. Following the discussion Mr. Hadley then made a motion to approve PP-633 based on Staff's recommendations and conditions adding that the stub should be at lot 33 and 34, and eliminating the wording #39 and #40. He also suggested that Staff work with the developer on the turn lane issue. Mr. France seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. France, Ms. Carlin, Mr. Meyer, Mr. Ryan, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

Mr. Hiles stated the applicant on issue PP-591, Rolling Green Estates, has requested that the time to develop the property be extended another twelve months. He further stated there was not any significant change in the area to warrant changes to the issue. Following a brief discussion on the matter Mr. Wessels made a motion to approve the twelve month extension. Mr. Meyer seconded the motion. A roll call vote on the motion found Mr. Wessels, Mr. Meyer, Ms. Carlin, Mr. France, Mr. Hadley, Mr. Ryan, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

Mr. Hiles also noted with regard to issue PP-456, Bob Ratterman Subdivision in the vicinity of Highland Pike the matter of the plat having expired. He stated in a meeting with Staff it was found that no changes were necessary. He further noted the city is in agreement. Mr. Hiles stated Staff did not feel the issue had to be heard again and asked the Commission to approve reinstating the approval period and extending it twelve months. Mr. Hadley asked for a letter from Larry Klein stating the details. Mr. Hiles stated reinstating the approval would allow for development to go forward. Mr. Wessels then motioned to approve the reinstatement and extension for twelve months from June 5, 2003 for PP-456. Mr. Hadley seconded the motion. Mr. Hiles also noted he felt the project would be completed by that time next year. A roll call vote on the issue found Mr. Wessels, Mr. Hadley, Ms. Carlin, Mr. Meyer and Mr. Theissen in favor. Mr. France and Mr. Ryan abstained. 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-296 and item IDS-619 due to a conflict of interest with his employer. Mr. Wessels noted a conflict of interest with item I-4005. There were no additional conflicts. Mr. Hadley motioned to ratify and approve. Mr. Meyer seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Meyer, Ms. Carlin, Mr. France, Mr. Ryan, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

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

**PUBLIC HEARINGS ON SCHEDULED PUBLIC FACILITIES: None.**

**OTHER COMMITTEE BUSINESS:**

There being nothing further to come before the Commission, the meeting was recessed at 11:10 p.m. until 6:15 p.m.

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

June 5, 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. 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. Alex Weldon, Covington  
Mr. John Wells - Ft. Mitchell  
Mr. Bernie Wessels - Ft. Wright  
Mr. Paul Swanson, Secretary/Treasurer - Erlanger  
Mr. Tim Theissen - Chairman - Edgewood

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Barry Coates - Covington  
Mr. Mike Denham - Bromley  
Ms. Maura Snyder - Independence  
Mr. Joseph Price, Vice Chairman - Crestview Hills

LEGAL COUNSEL PRESENT:

Mr. Matt Smith, 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. Phil Ryan.

APPROVAL OF THE MINUTES:

Mr. Theissen noted the minutes from May had been distributed in the Commissioner's packets and asked for any questions or comments. Mr. Swanson noted on page 1 that Mr. Denham was absent. There being no further corrections or comments, Mr. Swanson made a motion to approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Hadley, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. France, Mr. Hilgeford, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Weldon, Mr. Wells, Mr. Wessels and Mr. Theissen in favor. The motion carried unanimously.

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.

Mr. Theissen read into the record the report of actions from the morning meeting. Mr. Bertram noted his withdrawal from I-4009 and PP-633 due to conflicts with his employer. Mr. Wessels noted withdrawal



from I-4005 and FP-296 due to a conflict of interest. Mr. Theissen noted his withdrawal from FP-296 as well due to a conflict with his employer. There being no further conflicts, Mr. Wessels motioned to ratify and approve. Mr. France seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. France, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. Hadley, Mr. Hilgefard, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Weldon, Mr. Wells, 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:**

1621R

**APPLICANT:** City of Covington, per Ms. Annalee Duganier, Planner

**GENERAL LOCATION:** N. A.

**REQUEST TO BE REVIEWED:** Proposed text amendments to the Covington Zoning Ordinance modifying the criteria for the removal of a Board of Adjustment member.

Staff presentation and Staff recommendations by Mr. Kyle Hughes, intern.

**NKAPC STAFF RECOMMENDATION:**

To approve the proposed text amendment modifying the text of Section 158.200 (H) of the Covington Zoning Ordinance to read: "Members of the Board of Adjustment who miss (3) or more of the scheduled meetings of the Board within (12) consecutive months shall be presumed to be acting with inefficiency, neglect of duty, or malfeasance" (see Attachment A).

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

1. The proposed text amendment modifying Section 158.200 (H) to read: "Members of the Board of Adjustment who miss (3) or more of the scheduled meetings of the Board within (12) consecutive months shall be presumed to be acting with inefficiency, neglect of duty, or malfeasance" (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 to the Covington Zoning Ordinance is reasonable in that it will provide criteria clearly defining what is to be considered "...inefficient, [and] neglect of duty..." for members of the City of Covington's Board of Adjustments. The proposed amendment will both clarify and reinforce the criteria of the Board of Adjustments member removal process.

3. The proposed text amendment will inform all existing and future Board members, the time that is

demanded of them in order to effectively carry out their responsibilities. Therefore, the proposed text amendment is appropriate since it strictly defines the number of meetings from which a Board member may be absent.

4. Although all Boards of Adjustment within Kenton County do not meet monthly, the City of Covington's Board of Adjustments has historically held one meeting a month. Since there are typically twelve (12) meetings within twelve (12) consecutive months, it is not unreasonable to require that Board of Adjustment members who miss three (3) or more meetings within that time period be considered negligent.

Ms. Annalee Duganier registered to speak on the issue.

Ms. Duganier addressed the Commission and stated the text amendment just clarifies the criteria for the removal of a member from the Board of Adjustment. There were no other questions or comments. Mr. Hilgeford made a motion to approve for reasons stated by Staff. Ms. Weldon seconded the motion. A roll call vote on the matter found Mr. Hilgeford, Ms. Weldon, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. France, Mr. Hadley, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

\*Mr. Hushebeck withdrew from the following issue due to a conflict with his employer.

1622R

APPLICANT: Wayne L. Warning.

GENERAL LOCATION: An approximate 5,000 square foot area located along the south side of Spring Street, approximately 200 feet west of Highway Avenue. The site includes property located at 917-19 Spring Street, Covington.

REQUEST TO BE REVIEWED: A proposed amendment to an existing approved Stage I Development Plan for the area described herein, which is zoned R-3 (a single, two, and multi-family residential zone). The proposed amendment would allow for the construction of a detached single-family residential dwelling.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

To approve the proposed amendment to the existing approved Stage I Development Plan, but only subject to compliance with the following conditions:

1. That the development plan be revised to meet the minimum requirements of the Covington Zoning Ordinance.

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed amended Stage I Development Plan is consistent with the text of the 2001 Area-Wide Comprehensive Plan Update which encourages in-fill residential development in a manner that is consistent with the type and density of its surrounding area. Areas located to the north and east of the site in question, which are part of the original Stage I Development Plan, are currently occupied by five detached single-family residential dwellings at a density of approximately 12.2 dwelling units per net acre. The amended Stage I Development Plan would allow the construction of an additional detached single-family residential dwelling with a resulting density of approximately 14.6 dwelling units per net acre.
  2. The amended Stage I Development Plan continues to meet the minimum requirements of the Zero Lot Line Regulations, as contained within the Covington Zoning Ordinance. Section 158.060 (E) of the Covington Zoning Ordinance states that the total lot coverage permitted for all buildings on the site shall not exceed 50% of the lot area. The existing approved Stage I Development Plan provides for a total building coverage of approximately thirty (30) percent. The proposed amended Stage I Development Plan provides for a total building coverage of approximately thirty-seven (37) percent.
  3. The amended Stage I Development Plan meets the minimum requirements of the Covington Zoning Ordinance, except for the following:
    - a. Section 158.049 requires that a geotechnical evaluation be prepared prior to construction on slopes in excess of twenty (20) percent. The site in question is characterized by steep slopes. Insufficient information has been submitted to determine compliance with this requirement.
    - b. Section 158.096 (D) (6) prohibits structures within the R-3 Zone from exceeding four (4) floors or fifty (50) feet in height. Insufficient information has been submitted to determine compliance with this requirement.
- Mr. Wayne Warning, Ms. Shirley Redmond, Ms. Sherry Karen, Mr. John Taravella and Mr. Bill Quigley registered to speak on the issue.

Mr. Warning addressed the Commission and stated he had a geotechnical report done by Thelen. He stated the requirements have been met. He also noted the issue regarding building restrictions took him by surprise when he purchased the land

Ms. Redmond addressed the Commission and stated she owned the property since 1991 and cannot find anything that restricts building on the lot. She stated she doesn't see any reason why the home should not be built and stated it would benefit the area. She further noted she is definitely in favor of the project.

Ms. Karen addressed the Commission and stated she is in favor of the zone change but has concerns with the project. She stated she is glad a geotechnical report was done. She stated a concern with the amount of water at the toe of the hill. She then asked if a structural engineer had to review the plans of the home. Ms. Karen then reiterated that she is in favor of the zone change.

Mr. Taravella addressed the Commission and stated he lives next door to the property. He asked how far from the street the home would be. The applicant then stated it would be 15 feet from the right of way. Mr. Taravella asked where the driveway would be placed. The applicant stated it would be at the front just as Mr. Taravella's is. He further questioned the size of the proposed building. The applicant stated it would be approximately 2,400 square feet. Mr. Taravella stated his main concern is the water. He stated he has noticed water draining from the hill three days after a rain. He further noted he doesn't want to have it draining onto his property. The applicant then stated he would be building retaining walls and adding drain tile based on the geotechnical report. Mr. Taravella stated he has no problem with the application.

Following the comments by those registered, Ms. Weldon made a motion to approve based on the reasons and conditions set forth by Staff. Mr. Meyer seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Meyer, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. France, Mr. Hadley, Mr. Hilgeford, Mr. Ryan, Mr. Scheper, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Mr. Hushebeck withdrew. The motion carried unanimously.

1623R

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

GENERAL LOCATION: N. A.

REQUEST TO BE REVIEWED: Proposed text amendments to the zoning ordinances of the political jurisdictions within Kenton County: (1) deleting the existing definition(s) of "family" and adding a new definition of "family"; and (2) adding compatibility standards for qualified manufactured housing, along with various cross references in other sections of the zoning ordinance (definitions, zoning districts).

Staff presentation and Staff recommendations by Ms. Melissa Jort.

NKAPC STAFF RECOMMENDATION:

To approve the proposed text amendments to the zoning ordinances of the political jurisdictions within Kenton County: (1) deleting the existing definition(s) of "family" and adding a new definition of "family"; and (2) adding compatibility standards for qualified manufactured housing, along with various cross references in other sections of the zoning ordinance (definitions, zoning districts).

COMPREHENSIVE PLAN DOCUMENTATION:

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

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed text amendments (1) deleting the existing definition(s) of "family" and adding a new definition of "family"; and (2) adding compatibility standards for qualified manufactured housing, along

with various cross references in other sections of the zoning ordinance (definitions, zoning districts) are allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statutes (KRS) 100.203 (1).

2. The proposed text amendment deleting the existing definition(s) of "family" and adding a new definition of "family" provides the necessary revisions in order to bring Kenton County zoning ordinances into constitutional conformity and which can be upheld as a reasonable definition for land use and zoning purposes.

3. The proposed text amendment adding compatibility standards for qualified manufactured housing, along with various cross references in other sections of the zoning ordinance (definitions, zoning districts) provides for reasonable regulations for protecting property values by ensuring architectural standards are met for the placement of qualified manufactured homes within detached single-family residential zoning districts.

#### ADDITIONAL INFORMATION:

In accordance with KRS 100.348, the adoption of compatibility standards for qualified manufactured housing by the legislative bodies within Kenton County are permissive regulations, not mandatory. Regardless, it is recommended that should a legislative body decide not to adopt these compatibility standards, that the proposed definitions for manufactured housing (see Attachment B) be adopted so as to maintain consistency in the interpretation of zoning ordinances throughout Kenton County.

Mr. Walter Blair, Mr. Thad Vann, Mr. Don Case and Mr. Bill Friedlander registered to speak on the issue.

Mr. Blair addressed the Commission and stated he has questions regarding manufactured homes, especially with regard to their aesthetic appearance. He stated he feels there is a lack of conformity between stick built homes and manufactured homes. He further stated he feels this restricts development freedom. He also asked if all areas of Kenton County have a definition of a minimum of 900 square of living space. Mr. Wessels then stated that Mr. Vann is prepared to answer any questions in that regard. Mr. Blair then stated he felt the restrictions were too restrictive.

Mr. Vann addressed the Commission and stated he is with the Kentucky Manufactured Housing Institute of Frankfort. He thanked the Commission for working with them over the past few months. He stated the Kentucky Manufactured Institute does endorse the text amendments and urges the Commission to pass the amendment. Mr. Wessels asked Mr. Vann to give some background information on why this issue was even brought up. Mr. Vann stated for several years the Institute has been working to create some fair standards for manufactured housing. He stated they began looking at the issue and worked with local agencies to come up with the standards. He further stated they were asked to come in and speak to the Commission on what the Kentucky Manufactured Housing Institute can do and address the issues of conformance with existing subdivisions. He then stated that Staff did an excellent job in coming up with

the text amendments. He then mentioned the square footage minimum of 900 square feet is a minimum and have no objection to adopting a higher square footage.

Mr. Friedlander addressed the Commission and stated Jefferson County has just adopted a whole new planning code, which includes manufactured housing as well.

Mr. Theissen then asked Ms. Jort about the bottom of page seven of Staff's recommendations where it reads "qualified manufactured homes that have been illegally placed..." He stated it seems kind of punitive to have an applicant remove the home, then get the approval. Ms. Jort then stated the text could be modified. Mr. Theissen then suggested it read "qualified manufactured homes may not be constructed until an application for approval of placement has been accepted and approved." Following the brief discussion on the matter, Mr. Wessels then made a motion to approve, including the modification to subsection 9., D., (1) as stated above. Mr. Hadley seconded the motion. A roll call vote on the motion found Mr. Wessels, Mr. Hadley, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. Hilgefurd, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Weldon, Mr. Wells, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

1624R

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 professional offices, subject to certain restrictions, as a conditional use in the R-1C Zone (a detached single-family residential zone).

Staff presentation and Staff recommendations by Ms. Melissa Jort.

**NKAPC STAFF RECOMMENDATION:**

To disapprove the proposed text amendment adding professional offices, subject to certain restrictions, as a conditional use in the R-1C Zone (a detached single-family residential 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 submitted request adding professional offices, subject to certain restrictions, as a conditional use in the R-1C Zone does not meet the definition of a conditional use. A conditional use is defined as "a use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed..." The NKAPC

staff interpretation regarding conditional uses has historically been that conditional uses are public in nature, providing essential public service functions (i.e. churches, police stations, schools, etc).

The addition of professional offices, subject to certain restrictions, to the list of conditional uses within the R-1C Zone would allow offices to be located in areas identified for single-family residential uses, and thus represents an incompatible land use. The addition of professional offices as a conditional use is not an essential use nor would it promote public health, safety, or welfare in the R-1C Zone.

2. The submitted request adding professional offices, subject to certain restrictions, as a conditional use in the R-1C Zone is an unreasonable attempt to circumvent the map amendment process. On January 16, 2003, the area for which this proposed text amendment would apply was reviewed as part of an application for NKAPC and KCPC review and recommendation on a proposed map amendment to the Independence Zoning Ordinance, changing an approximate 0.5-acre area from R-1C to NSC (Z-03-01-03/1607R). On January 31, 2003, the NKAPC staff recommended disapproval of the proposed map amendment. At the KCPC public hearing held on February 6, 2003, and at the request of the applicant, the application was tabled for a period not to exceed six (6) months.

In addition, the site in question has been found to be in violation of the regulations pertaining to home occupations, signage, and paving of off-street parking areas as per Sections 9.11, 11.1, and 14.1 through 14.4 of the Independence Zoning Ordinance. A violation notice was issued at the site on April 30, 2003.

3. The submitted request adding "professional offices created from modified residences or historical structures in areas that are identified for commercial or office activities in the comprehensive plan, provided they are adjacent to a state highway route" is unreasonable and unclear in its interpretation. An analysis of the Independence Zoning Map and the Area-Wide Comprehensive Plan Update found this proposed text amendment to be applicable to only one area within the City. The proposed text amendment would therefore institute a regulation which, at present, cannot be applied uniformly throughout all areas within the R-1C zoning district. Further, the proposed text amendment does not specify a definition/criteria for "modified residence" nor "historical structure" which would create confusion should the Board of Adjustment be asked to hear and decide on an application for a conditional use permit of this type.

Mr. Dave Davidson and Mr. Jeff Jarboe registered to speak on the issue.

Mr. Davidson addressed the Commission and stated this is a request made by the City of Independence. He stated the city specifically asked that this recommendation be made. He stated that there are at least five properties this amendment would affect. He stated the new Kentucky 17 is not far from Madison Pike but stated the area is changing quite a bit. He stated the Comprehensive Plan has this area as a commercial area and it should be deemed commercial. He further stated Mr. Jarboe is directly affected by the zone change as well as others. He further stated he now currently lives across the street from McDonald's and Kroger's. He stated he has a tax preparation business with another individual that is now expanding and he needs more room. He further noted his home is zoned residential in a commercial

area. He also noted they met with Staff on the issue and did exactly what they were told to do, and are now getting a negative recommendation. He stated they have literally gotten no objection to the zone change, the city is highly recommending it, but they still have received a negative recommendation from Staff. Mr. Hilgefurd noted that although roller rinks have somehow made their way into the R-1C zones in Independence, but that doesn't mean that mistakes should continue to be made. Mr. Hilgefurd further stated that this will affect everyone in the R-1C zone. Mr. Davidson stated the city requested that this be along the highway only. Mr. Theissen then marked the two letters submitted as exhibits to be made a part of the record.

Mr. Jarboe addressed the Commission and stated the reason he didn't go for a map amendment was because that would require a five-acre minimum, which prohibits a map amendment for properties less than five acres. Mr. Hilgefurd stated there are so many other solutions to the problem. He asked why they couldn't have gone to the Board of Adjustment and asked for a variance to the 5,000 square foot requirement to allow for the request and thereby avoiding the whole text amendment procedure. Mr. Schwartz then gave a brief history of the map amendment request previously submitted. Following much discussion on the issue, Mr. Theissen noted that this kind of conditional use does not exist in any zoning code in Kenton County. He further noted this is not an appropriate use in a residential zone. Mrs. Carlin stated she can't see how a business on a small scale cannot be allowed in an area designated as commercial on the Comprehensive Plan that already has commercial uses across the street. Mr. Theissen stated this is going to create problems down the road if allowed to continue. Mr. Hilgefurd stated half of the county lives in an R-1C zone. He stated he cannot allow himself to have commercial uses even as a conditional use, in the R-1C zone. He further noted he has total sympathy for the applicant, but stated there are other ways to obtain what is being requested. Mr. Scheper stated he feels the city took the wrong method by applying for a text amendment and stated a better route would have been a map amendment. Mr. Hilgefurd then motioned to disapprove. Mr. Meyer seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Meyer, Mr. Bertram, Mr. France, Mr. Hushebeck, Mr. Ryan, Mr. Scheper, Ms. Weldon, Mr. Wells, Mr. Swanson and Mr. Theissen in favor. Ms. Carlin abstained. Mr. Cook, Mr. Hadley and Mr. Wessels voted against. The motion carried.

\*At this time a brief recess was taken.

1625R

APPLICANT: City of Crescent Springs, per Mayor Claire Moriconi.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: A proposed text amendment to the Crescent Springs Zoning Ordinance, adding "Beauty salons, including barber shops and tanning salon facilities" to the list of permitted uses within the LHS (Limited Highway Service) Zone.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

To disapprove the proposed text amendment adding "Beauty salons, including barber shops and tanning



salon facilities" to the list of permitted uses within the LHS (Limited Highway Service) Zone.

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

1. The LHS Zone is intended to provide a zoning classification which permits a limited variety of service uses oriented towards serving the traveling public.

The intent of the NC and NSC Zones is to provide zoning classifications permitting a variety of retail and service uses oriented towards serving the day to day needs of area residents, either within individual buildings or within coordinated developments.

The proposed text amendment adding "Beauty salons, including barber shops and tanning salon facilities" to the list of permitted uses within the LHS (Limited Highway Service) Zone is not consistent with the intent of the LHS Zone. Beauty salons, barber shops, and tanning facilities are uses which are consistent with the intent of the NC or NSC Zones and are therefore identified as permitted uses within these zoning districts.

2. The recommendation of disapproval is consistent with a previous recommendation made by the NKAPC staff.

On October 7, 1997, the city of Fort Wright submitted a proposed text amendment adding banks and dry cleaning establishments to the list of permitted uses within the LHS Zone (Z-97-10-02/1320R). On October 31, 1997, the NKAPC staff recommended disapproval of the proposed text amendment. On November 6, 1997, following the public hearing, the KCPC recommended approval of the proposed text amendment. Fort Wright City Council subsequently approved the proposed text amendment.

Mr. B.J. David registered to speak on the issue.

Mr. David addressed the Commission and stated this immediately impacts him because the building he is selling has a potential buyer that wants to put in a beauty salon and tanning establishment. He stated he is in favor of the text amendment. Mr. Hilgefurd asked if the applicant would consider a conditional use versus a permitted use. He further noted he could possibly see it as a conditional use and the applicant could then go before the Board of Adjustment for that request. Mr. Scheper stated he doesn't feel this is necessarily a bad thing being as there are similar type uses in the area. He then motioned to approve and stated it is an appropriate use for the zone, and also added that this is the only such zone in the area. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Scheper, Mr. Ryan, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Hushebeck, Mr. Meyer, Ms. Weldon, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

\*Mr. Theissen asked Mr. Paul Swanson to preside over the next issue as he had a conflict with his employer. Ms. Carlin also withdrew due to a personal conflict with the owner of the property

1626R

APPLICANT: Mr. James W. Berling.

GENERAL LOCATION: An approximate 50-acre area located approximately 2,400 feet north of Independence Station Road, contiguous to the west with Banklick Creek, and to the north and east with Brushy Fork Creek, Independence.

REQUEST TO BE REVIEWED: A proposed map amendment to the Independence Zoning Ordinance, changing the area described herein, from R-1A (a single-family residential zone at a maximum density of approximately 1 dwelling unit per net acre) to R-1C (a single-family residential zone at a maximum density of 3.5 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-1A to R-1C but only subject to compliance with the following condition:

1. That a conservation easement be placed on the area of the proposed map amendment to provide for passive recreation and pedestrian access uses in the area of the Banklick and Brushy Fork Creek corridors, with access provided via a minimum twenty (20) foot wide pedestrian access easement off of the public street system (i.e. cul-de-sac on Geralton Court).

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

1. The Land Use Map of the 2001 Area-Wide Comprehensive Update identifies the area of the proposed map amendment for Recreation and Open Space uses. The condition that a conservation easement be placed on the site in question is therefore reasonable in that residents of the surrounding area will have access to the area for passive recreation. The provision for passive recreation opportunities is consistent with the Goals and Objectives section of the Area-Wide Comprehensive Plan Update. A section of the Plan reads as follows:

#### 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 duly 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.

Located at the confluence of the Banklick and Brushy Fork Creeks, the site in question contains many natural environment characteristics which should be conserved. In addition, the site provides numerous opportunities for the provision of passive recreational and pedestrian uses to the surrounding community.

2. The Area-Wide Comprehensive Plan Update identifies the area of the proposed map amendment as part of the "park-link system", one part of which stretches from the Boone/Kenton County line and extends along the Ohio and Licking riverfronts and south along Banklick Creek. The purpose of the park-link system is to connect existing and proposed parks, historic sites and districts, and scenic areas, with hiking trails, bike paths, and pedestrian walkways along streams and rivers. Retaining this area as part of the park-link system would be consistent with the Comprehensive Plan.

3. The proposed map amendment from R-1A to R-1C, subject to condition, is reasonable to allow the northern portion of the preliminary plat to contain lots which comply with the minimum lot size requirements for the R-1C Zone.

#### ADDITIONAL INFORMATION:

1. It is recommended that serious consideration be given to placing a conservation easement on the remainder of the property proposed for development.

2. On May 1, 2003, upon review of the Preliminary Plat for the proposed subdivision, the Planning Commission waived the requirement for sidewalks along the portion of Independence Station Road fronting the proposed development. It is recommended that this requirement be reconsidered.

Mr. Jim Berling, Mr. Butler, Mr. Mark Hult and Ms. Sherry Karen registered to speak on the issue.

Mr. Butler addressed the Commission and distributed a handout outlining his presentation. Mr. Swanson then marked the document as an exhibit to be made a part of the record. He stated they are here for the back portion of the property to obtain a zone change for that portion. He stated they are asking for a simple straight zone change. He stated the lots will be 80 feet wide and all streets will be 25 feet wide except for the main spine, which will be 28 feet wide. He stated they feel very strongly that the development will not cause any increase in water flow as the water already runs into the creek. He further stated that additional detention areas would be provided for. He also stated they will be installing

an attractive entrance wall and underground utilities will be provided for. He clarified there are 229 lots in the development, which is right around 2.0 dwelling units per acre. He stated they feel this is a logical extension of the first development and are asking for approval. Mr. Hadley asked about access to lots #1 and #2. Mr. Berling stated lot #2 would be accessed internally off Canberra.

Mr. Berling addressed the Commission and stated with regard to the one condition that he feels they can work out a pathway in the development. He stated that Sherry Karen had concerns with how close it would be to the creek and if a pathway access would be provided for. Mr. Berling stated he met with Ms. Karen to address her concerns and that while the concept is rough, it will be addressed and more thought out. He further stated they also want to protect the creek and stated they are not interested in disturbing it.

Mr. Hult addressed the Commission and stated he is the executive director of the Banklick Watershed Council. He stated the group was founded by a number of groups that deal with water conservancy and water preservancy. He further noted that Banklick Creek has been chosen by the State as one of two in a five-state wide selection to study the area. He further stated there are seventeen non-profit groups that are interested in funding the study of Banklick Creek. He noted that what goes on here will affect the areas downstream. He further stated that rezoning is going to increase the flooding downstream incrementally. He stated Brushy Fork Creek is a special area that deserves special care. He further noted that water quality goals need to be met and if not, Banklick Creek will be affected.

Ms. Karen addressed the Commission and stated she spoke with Mr. Berling and she feels they will eventually get to the same intentions with concern to Brushy Fork Creek. He stated what she is afraid of is if she doesn't get with Mr. Berling there is a chance the trees will come down along the creek since the property lines go directly to the creek. She further noted they might come down due to development or due to property owners possibly taking them down. She further stated her concern is the hillsides need some protection and the only way that will happen is if some easements are places on the property to protect the creek.

Mr. Berling stated in rebuttal that he is sensitive to the trees as well. He also stated they ran the lot lines back to the creek but also stated he didn't think anyone is going to disturb those areas. He then stated he is willing to back up those lot lines and have conservations easements to protect the area. It was then suggested the words "conservations easement or similar instrument" be added to the condition. Mr. Berling stated his intention is to protect the stream and vegetation more than provide for a pathway. Mr. Berling stated they would be in agreement with applying the easement to the whole development and not just the 50 acres. He further stated the regulations require that storm water retention be addressed and they plan to do that.

Mr. Butler stated in rebuttal that the developer would like to work to protect the area, but by opening it up to the public also raises safety concerns. He stated they have to be careful in their decisions.

Following the discussion, Mr. France then made a motion to approve with the conditions as outlined per Staff and also to include the area to the north to therefore include the entire development and Canberra

Ridge. Mr. Wessels added the wording "or similar instrument" after the word easement in the condition referenced. Mr. Wessels then seconded the motion. A roll call vote on the matter found Mr. France, Mr. Wessels, Mr. Bertram, Mr. Cook, Mr. Hadley, Mr. Hilgefurd, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Weldon, Mr. Wells and Mr. Swanson in favor. Ms. Carlin and Mr. Theissen withdrew. The motion carried.

\*The following two issues have been combined for purposes of the meeting.

\*\*Mr. Bertram withdrew due to a conflict with his employer. Ms. Carlin withdrew due a family relationship with the property owner.

1627R

APPLICANT: Mr. Tim Reese, on behalf of Edward and Doretta Hicks and Robert and Robbie Kiernan.

GENERAL LOCATION: An approximate 12.7 acre area located at the southeast corner of the intersection of Senour Road with Mohawk Lane, Independence.

REQUEST TO BE REVIEWED: A proposed map amendment to the Independence Zoning Ordinance, changing the area described herein, from R-1C (a detached single-family residential zone with a maximum density of approximately 3.5 dwelling units per net acre) to R-1D (a detached single-family residential zone with a maximum density of approximately 4.8 dwelling units per net acre).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

To approve the proposed map amendment from R-1C to R-1D, but only subject to compliance with the condition that the density of the site in question not exceed a maximum density of 3.8 dwelling units per net acre.

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed map amendment from R-1C to R-1D, subject to the condition, is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre.

While the proposed R-1D Zone permits development at a maximum density of approximately 4.8 dwelling units per net acre, the condition that the density of the site in question not exceed 3.8 dwelling units per net acre provides for a density which is within the recommended density range identified within the comprehensive plan.

2. The proposed map amendment from R-1C to R-1D, subject to the condition, is consistent with the following Goals and Objectives and residential Development Concepts, as contained within the 2001 Area-Wide Comprehensive Plan Update:

## HOUSING - RESIDENTIAL DEVELOPMENT

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

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

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

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

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

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

## RESIDENTIAL

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

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

o The 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.

The site in question, as proposed and conditioned, is to be developed at a maximum density of 3.8 dwelling units per net acre. The area located to the south of the site in question is currently being developed with detached single-family residential dwellings at a density of approximately 6.3 dwelling units per net acre. The proposed map amendment, as conditioned, will allow for the development of detached single-family residential dwellings in a manner which is compatible with the existing development to its south.

PP-565

APPLICANT: Jerry F. Keith and Associates, PSC in behalf of Mr. Tim Reese.

**GENERAL LOCATION:** An approximate 13 acre area along the south side of Senour Road, interconnected with the existing Clover Ridge Subdivision to the south, Independence.

**REQUEST FOR ACTION:** To approve a Preliminary Plat consisting of 39 residential building lots, including public improvements such as streets, storm drainage, sanitary sewer and water system. Note: This application is linked with a proposed map amendment to be heard concurrently at the 6:15 meeting.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

**NKAPC STAFF RECOMMENDATION:** To approve a Preliminary Plat for CLOVER RIDGE ADDITION 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 full intersection improvements (left-turn and right-turn deceleration lane) be provided at the entrance intersection (Section 6.1);
3. That the portion of Senour Road fronting the proposed development be widened to 22 feet with side ditches (Section 7.3);
4. That Sight Distance right and left for vehicles exiting the proposed intersection with Senour 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);
5. That a minimum fire flow of 500 gpm at 20 psi be provided/ensured by certified flow test and fire hydrant spacing be maximum of 450 feet (Section 7.2);
6. That sidewalks be provided along both sides of all internal streets as well as along the portion of Senour Road fronting the Plat (Section 7.3);
7. With the exception of Lots #27, #28 and #29, that all lots be accessed from the internal street system only (Section 6.1);
8. That the driveway access to Lots #27, #28 and #29 be spaced a minimum distance of 200 feet from any other access point along this portion of Senour Road (Section 6.1); and
9. That easement / ownership issues regarding the private driveway "Mohawk Lane" be resolved prior to approval of a Final Plat.

**BASES:**

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

Mr. Jerry Keith, Mr. and Mrs. Jim Lauer, Mr. Donald Morrison, Mr. Greg Harvey, Ms. Jean Engle, Ms. Terri Laughlin, Ms. Dawn Miles, Mr. David Carlin, Mr. David Carlin, Sr., Mr. Lee Isenbarg, Ms. Heather Isenbarg and Ms. Heather Mitchell registered to speak on the issue.

Mr. Keith addressed the Commission and stated there is no problem with the conditions on the zone change issue. He further stated they are comfortable with the density issue. He noted with regard to the condition for the preliminary plat they are fine with condition #1. He stated with regard to condition #2 they understand they need to do that but would like to see a taper type lane rather than a full deceleration lane. Mr. Theissen stated that would require a waiver and he asked for a basis. Mr. Keith stated he didn't feel it was necessary to have the deceleration lane. Mr. Theissen then stated he was not hearing anything as to a topographical basis for the waiver. Mr. Keith stated he didn't do a traffic study or anything. He noted as to condition #3 that it didn't make sense to have the developer widen 1,100 feet of Senour Road. He asked the Commission to consider only widening half of the required 22 feet. He stated he had no problem with conditions #4 and #5 is not out of the question. He noted with regard to condition #6 that he feels like it is a bad idea to put sidewalks along Senour Road. He stated they have no problem with internal sidewalks but they do not feel that having sidewalks along Senour Road is a good idea. He clarified it was not a monetary but a safety issue. As to condition #7 he stated that the lots will be accessed from Senour Road with a shared driveway. Mr. Keith stated there was no problem with condition #8. With regard to condition #9 he stated they currently have a survey underway to see where the boundary line falls. Mr. Keith stated as to condition #10 that they are extending 800 feet offsite to have the sewer access. He stated the developer is not happy with giving up a lot to access Mohawk. He further stated the developer would be willing to delegate some right of way or proposed dedication along Mohawk.

Mr. Lauer addressed the Commission and stated they are in favor of the project and stated it will add to the value of their home.

Mr. Harvey addressed the Commission and stated he lives in the house above Mr. Lauer. He stated he has a concern with a berm being built along Mohawk Road. He stated he is in favor of the access to Mohawk. He further noted his concern is that when the construction occurs there is going to be a lot of dirt and gravel thrown up along the road and they currently pay for the upkeep of the road. He stated the city doesn't do anything with Mohawk Road. He further noted there are water drainage issues on Mohawk now. Mr. Theissen then stated there will be controls regarding the water.

Ms. Engle addressed the Commission and stated her concerns with the traffic on the road. She stated she can hardly get out of her driveway now. She also cited concerns with whether or not her yard will be taken if the road is widened. Mr. Theissen stated it would not be like a chunk of yard was being taken and further noted the area taken is probably in the right of way.



Ms. Laughlin addressed the Commission and stated she too has concerns with traffic in the area. She further stated the road conditions are bad on 16.

Ms. Miles addressed the Commission and stated there is a new development on Fowler Creek currently and if this development goes through, there will be even more traffic. She stated she is in favor of sidewalks.

Mr. Carlin addressed the Commission and stated he has concerns with traffic. He further stated the bend in the road is blind. He stated his mailbox is on the opposite side of the street. He also noted it is a 45 mph road and he has had to jump into trees while getting his mail to avoid being hit by oncoming cars. Mr. Carlin stated that drainage in the area is bad. He further noted he has standing water on his property all the time.

Mr. Isenbarg addressed the Commission and stated he would rather keep the density at 3.5 and was wondering why it would be bumped to 48. Mr. Theissen stated the 39 lots are actually only a density of 3.3. He stated they requested a R-1D only because some larger lot sizes, not to increase density. Mr. Isenbarg further stated a deceleration lane is needed because traffic in the area makes the road dangerous. He cited concerns with water damage. He further noted that current development going into the area is not progressing due to all the water in the area. He stated if this goes through there will be more water issues.

Mr. Keith addressed the Commission in rebuttal and stated that construction traffic will not be on Mohawk Road and that it will be kept to Senour. He also stated the trees along Mohawk will be kept for screening. He stated the widening may be a foot or two that would be taken. He also noted that 39 lots is a small piece of the pie. He stated that if by chance anything gets disturbed along Mohawk they will be sensitive to those concerns and add more gravel if necessary. He further noted the drainage issues will be addressed. He also stated they cannot extend the sewer lines due to the topography. He also noted they may be able to pump the water to the sewer line to help alleviate some water drainage concerns.

Mr. Schwartz noted that the density he quoted was a net density and the density that was being quoted throughout the public hearing was actually a gross density. Following the discussion, Mr. Hilgefurd then made a motion to approve the zone change for the reasons as stated by Staff. Ms. Weldon seconded the motion. A roll call vote on the motion found Mr. Hilgefurd, Ms. Weldon, Mr. Cook, Mr. France, Mr. Hadley, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Mr. Bertram and Ms. Carlin withdrew. The motion carried.

Mr. Wessels made a motion to approve PP-565 with the conditions and recommendations by Staff, including the nine conditions as originally stated. Mr. Hilgefurd seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hilgefurd, Mr. Cook, Mr. France, Mr. Hadley, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Weldon, Mr. Wells, Mr. Swanson and Mr. Theissen in favor. Mr. Bertram and Ms. Carlin withdrew. The motion carried.

**OLD BUSINESS:**

**CORRESPONDENCE:** None.

**PLANNING, STAFF AND LEGAL COUNSEL ITEMS:**

It was noted that next month's meeting would be held on July 10th due to the holiday.

**COMMISSION ITEMS:**

**Standing Committee Reports:**

Mr. Theissen dispensed with the committee reports due to the late hour. He also noted the subdivision review committee has recommended some changes regarding storm water controls as well as a litany of clean-up items. He asked that the items be placed on the agenda to be discussed. A motion was made by Ms. Weldon and seconded by Mr. Ryan. All in favor. None opposed.

**Subdivision Regulations Review Committee:**

The next meeting would be held on the 8h of July at noon.

**By-Laws:**

**Model Zoning Ordinance:**

The next meeting will be held on July 1st at noon.

**COMMENTS/REQUESTS TO THE COMMISSION:**

Mr. Theissen noted that the county attorney has recommended that a model zoning issue be scheduled for July with regard to sexually oriented businesses. He stated the proposal was to do this in July and then have all the cities to act. He asked for authorization to place the item on the agenda for next month. Mr. Hushebeck made the motion with Mr. Meyer giving the second. All in favor. None opposed.

There being no further business to come before the Commission, the meeting was adjourned at 11:35 p. m. None opposed.