



## KC&MP&ZC MINUTES

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

October 2, 2003  
6:15 P.M.

NKAPC Meeting Room  
2332 Royal Drive  
Fort Mitchell, Kentucky

### MINUTES

#### COMMISSION MEMBERS PRESENT:

Mr. James Bertram - Taylor Mill  
Ms. Barbara Carlin - Kenton County  
Mr. Barry Coates - Covington  
Mr. 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  
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  
Mr. James Cook - Kenton County  
Mr. Bernie Wessels - Ft. Wright  
Mr. John Wells - Ft. Mitchell  
Ms. Alex Weldon, Covington

## 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. Joe Price.

## APPROVAL OF THE MINUTES:

Mr. Theissen noted the minutes from September had been distributed in the Commissioner's packets and asked for any questions or comments. Mr. Price noted changes relative to the Tewes Industrial Park. It was noted in the quote it should read ... "to its best use" instead of "in its best use." Also in the same paragraph, line 24 the word "is" should be changed to read "are". Mr. Price additionally noted the following language should be inserted just prior to the motion being made near the bottom of that same paragraph: "That appropriate protective covenants including architectural controls consistent with the testimony given at the September 4, 2003 public meeting be recorded in conjunction with the Final Plat." Mr. Hushebeck noted under the Financial Report "budge" should in fact read "budget". There being no further changes or corrections to be made to the minutes, Mr. Price made the motion to approve. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Price, Ms. Snyder, Mr. James Bertram, Ms. Barbara Carlin, Mr. Barry Coates, Mr. Tom France, Mr. Al Hadley, Mr. David Hilgeford, Mr. Mark Hushabeck, Mr. Eugene Meyer, Mr. Phil Ryan, Mr. Greg Scheper, Mr. Paul Swanson and Mr. Tim Theissen in favor. The motion carried unanimously.

FINANCIAL REPORT: none

## SUBDIVISION ITEMS:

### a. CONSIDERATION OF PRELIMINARY PLATS AND OTHER PLATS AND ISSUES REQUIRING COMMISSION ACTION AT A REGULAR MEETING.

Mr. Theissen asked for a motion to ratify and approve the plats from the month. Mr. Hushebeck noted his withdrawal from issue CPR-590 and FP-630 due to a conflict of interest. There being no further conflicts, Mr. France made the motion to ratify and approve. Ms. Snyder seconded the motion. A roll

call vote on the matter found Mr. France, Ms. Snyder, Mr. James Bertram, Ms. Barbara Carlin, Mr. Barry Coates, Mr. Al Hadley, Mr. David Hilgefurd, Mr. Mark Hushabeck, Mr. Eugene Meyer, Mr. Phil Ryan, Mr. Greg Scheper, Mr. Paul Swanson, Mr. Price and Mr. Tim Theissen in favor. The motion carried unanimously.

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. None.

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

PUBLIC FACILITIES: None.

PUBLIC HEARINGS ON SCHEDULED ITEMS:

1640R

APPLICANT: City of Independence, per Mayor Chris Moriconi.

LOCATION: N. A.

REQUEST: Proposed text amendments to the Independence Zoning Ordinance adding: (1) parking garages as a permitted use in the NSC (Neighborhood Shopping Center) zone and (2) self-storage facilities and warehouses as a conditional use in the NSC zone.

Staff presentation and Staff recommendations by Ms. Melissa Jort.

NKAPC STAFF RECOMMENDATION:

RECOMMENDATION A: To approve the proposed text amendment adding parking garages as a permitted use in the NSC Zone.

RECOMMENDATION B: To disapprove the proposed text amendment adding self-storage facilities and warehouses as a conditional use in the NSC 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 Recommendations:

### RECOMMENDATION A:

1. The proposed text amendment adding parking garages as a permitted use in the NSC Zone is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.202(1).
2. The proposed text amendment adding parking garages as a permitted use in the NSC Zone is reasonable so as to allow the opportunity for garage-type parking areas within the city.
3. The proposed text amendment adding parking garages as a permitted use in the NSC Zone is reasonable to clarify the intent of an existing permitted use within the Independence Zoning Ordinance.

### RECOMMENDATION B:

1. The proposed text amendment adding self-storage facilities and warehouses as a conditional use in the NSC Zone is not consistent with the intent and purpose of the NSC Zone. The purpose of the NSC Zone is to allow for a variety of retail and service business uses on a minimum building site area of five (5) acres. A self-storage facility is a single business that does not have the characteristics of a retail or service shopping center.

2. The proposed text amendment adding self-storage facilities and warehouses as a conditional use in the NSC Zone is not consistent with the definition of a conditional use, as interpreted by the NKAPC staff. Kentucky Revised Statute (KRS) 100.111 (6) defines 'Conditional Use' as follows:

"Conditional Use means a use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation."

The NKAPC staff has interpreted this definition to include public and semi-public uses, such as schools, hospitals, day care center, and recreational facilities. Self-storage is not essential to the NSC Zone and would not promote the public health, safety or welfare.

Mr. Tom Lutz registered to speak in favor of the application. No one registered to speak against.

Mr. Lutz addressed the Commission and stated he was representing the owner of the property, Mr. Marty Neltner, on the issue. He further stated that Mr. Neltner owns the building they are trying to obtain the text amendment for. He stated the property consists of a little over three (3) acres. He further stated one idea was to get a mini storage facility there to utilize that property. He stated they needed

more storage but cannot do that on this property unless a text amendment is obtained. He further stated the property in question is overgrown and is just becoming a dumping site.

Mr. Hilgefurd stated that he agreed with Staff on the issue. He further noted that even as a conditional use it does not belong in this zone. Mr. Theissen stated that one of his concerns is that this would be near a residential area and a fear is that they would not be aware of what might be going in on the property. Following a brief discussion on the matter Mr. Hilgefurd then made a motion to approve Part A of the issue but to disapprove Part B as stated by Staff in Staff's report. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. France, Mr. Hadley, Mr. Hushabeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Swanson, and Mr. Theissen in favor. The motion carried unanimously.

\*Mr. Theissen withdrew from the following issue due to a conflict of interest with his employer. Mr. Price, Vice Chairman, then presided over the hearing on the issue.

1641R

APPLICANT: Corporex, Inc., per Mr. Robert Lessel.

LOCATION: An approximate 3-acre area located at the southwest corner of the intersection of Mount Zion Road with Sigmon Lane, Unincorporated Kenton County.

REQUEST: A proposed map amendment to the Kenton County Zoning Ordinance, changing the area described herein, from R-1C (a single-family residential zone with a maximum density of approximately 3.5 dwelling units per net acre) to I-1 (an industrial one zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

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

1. That access onto Sigmon Lane be prohibited.
2. That screening along Sigmon Lane and Mount Zion Road, within Kenton County, meet the minimum requirements of the Kenton County Zoning Ordinance.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendation:

1. The proposed map amendment from R-1C to I-1 is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question for Industrial uses. The proposed I-1 Zone will allow the development of a variety of assembly, compounding, manufacturing, packaging, and processing uses.
2. The proposed map amendment from R-1C to I-1 represents a logical extension of the existing I-1 Zone located to the west of the site in question, within Boone County.
3. Given the proposed I-1 Zone, it is anticipated that the site, along with the much larger area, will be developed with industrial uses. Sigmon Lane is identified as a local street on the county's comprehensive plan and is currently not constructed to handle such traffic. It is therefore recommended that access to Sigmon Lane be prohibited.
4. The Kenton County Zoning Ordinance contains landscape regulations which require: (1) perimeter landscaping between industrial and residential land uses; and (2) landscaping along street frontages. To ensure that the proposed development is properly integrated, it is recommended that screening along Sigmon Lane and Mount Zion Road, within Kenton County, meet the minimum requirements of the Kenton County Zoning Ordinance.

#### Additional Information:

Since the majority of the proposed development will take place within Boone County, it is anticipated that the majority of the reviews, permits, and approvals, will be granted through Boone County. However, since some of the proposed development will take place within Kenton County, a greater degree of coordination is needed before such permits and approval are granted.

Mr. Bob Lessel registered to speak in favor of the issue. Ms. Judith Eubanks registered to speak against and Mr. Tony Wigel registered to speak as a neutral party.

Mr. Lessel addressed the Commission and stated the basic thing they are trying to do is to have the overlapping property in Kenton County be consistent with the bulk of the property located in Boone County. He stated there is a possibility that the street shown will not be put in but access will be off of Mt. Zion Road regardless. He further stated he has no problem with the two conditions as stated by Staff.

Ms. Eubanks addressed the Commission against the issue and stated she routinely goes to work and has to drive in the area indicated. She stated she really would not like to see more commercial development come to the area. Ms. Eubanks also stated that more commercial development will only increase the current bad traffic conditions. She further stated it is overwhelming to try to deal with the traffic every morning as it is and feels it would only get worse.

Mr. Wigel addressed the Commission on the issue and stated he just wanted to clarify that the zone change does not include Signal Lane. He stated there are two culverts in the area which will need to be

addressed that will be required to handle all the additional water. Mr. Lessel then stated the detention area is designed to alleviate some of the drainage issues in the area.

Following the comments and testimony given, Mr. Hadley made a motion to approve based on Staff's recommendations and conditions on the issue. Mr. Scheper seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Scheper, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. France, Mr. Hilgefard, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Ms. Snyder, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

1642R

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

LOCATION: N. A.

REQUEST: A proposed text amendment to the Covington Zoning Ordinance adding pet grooming to the list of special permitted uses within the R-U (an urban residential) Zone.

Staff presentation and Staff recommendations by Ms. Larisa Keith.

NKAPC STAFF RECOMMENDATION:

To approve the proposed text amendment adding pet grooming to the list of special permitted uses within the R-U (an urban 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 Recommendations:

1. The proposed text amendment adding pet grooming to the list of special permitted uses within the R-U (an urban residential) Zone is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.202(1) (see Attachment A).
2. The proposed text amendment is consistent with the purpose of the R-U Zone. Permitting pet grooming as a special permitted use will allow an additional selective type of neighborhood retail activity to locate within the R-U Zone, with restrictions that will ensure that the character of the neighborhood is preserved. Therefore, adding pet grooming as a special permitted use is reasonable.
3. Pet grooming is similar in character to other uses currently listed as special permitted uses within the R-U Zone, such as delicatessens and beauty shops. Therefore, adding pet grooming as a special permitted use in the R-U Zone is appropriate.

Ms. Annalee Duganier registered to speak in favor of the issue. No one registered to speak against.

Ms. Duganier addressed the Commission and stated the city is in favor of the application. She stated the proposed use is compatible with current uses in the zone. Mr. Hadley questioned Ms. Duganier as to whether or not the animals would be permitted to be kept outside. Ms. Duganier stated the animals would not be kept outside, only inside. Mr. Hadley then motioned to approve the application based on Staff's recommendations. Mr. Coates seconded the motion. A roll call vote on the issue found Mr. Hadley, Mr. Coates, Mr. Bertram, Ms. Carlin, Mr. France, Mr. Hilgefurd, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

The following two issues are being combined for purposes of the public hearing.

\*Mr. Bertram withdrew from any consideration and voting on the issues due to a conflict of interest.

1643R

APPLICANT: Centerline Engineering and Surveying, PLLC, per Mr. Darren Eyre, on behalf of SMI New Home Solutions, LLC.

LOCATION: An approximate 20-acre area located along the south side of Bristow Road, between Banklick Road and Williams Woods Drive, Unincorporated Kenton County.

REQUEST: A proposed map amendment to the Kenton County Zoning Ordinance, changing the area described herein, from R-RE (a residential rural estate zone) and R-1B (a detached single family residential zone with a maximum density of 2 dwelling units per net acre) to R-1C-RCD (a detached single family residential zone with a Residential Cluster Development Overlay Zone).

Staff presentation and Staff recommendations by Ms. Melissa Jort.

NKAPC STAFF RECOMMENDATION:

To approve the proposed map amendment from R-RE and R-1B to R-1C-RCD, but only subject to compliance with the following conditions:

1. That the requirement for at least twenty percent (20%) of the total acreage of the proposed development plan representing common open space and recreation areas be confirmed upon review of the Stage II Development Plan.
2. That the height of structures not exceed thirty-five (35) feet.
3. That each dwelling unit be provided with a minimum of two (2) off-street parking spaces.
4. That the location, height, and type of all fences, walls, and signs be in general conformity with the underlying R-1C 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 Recommendation:

1. The proposed map amendment from R-RE and R-1B to R-1C-RCD 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.

The proposed R-1C-RCD Zone will allow the development of 50 detached single-family residential dwellings at a maximum density of approximately 3.2 dwelling units per net acre. The Residential Cluster Development (RCD) Overlay Zone will also provide flexibility in the design and, to the greatest extent possible, allow for the preservation of hillside areas and suitably located recreation and open space facilities.

2. A portion of the site in question is identified as a Physically Restrictive Development Area (PRDA). Areas designated as PRDA are not intended to imply that such areas should not be developed, but rather that most of these areas should remain undeveloped and thus would become an integral part of the natural open landscape of Northern Kentucky. Where development is proposed in such areas, this land use category should alert developers and regulating bodies to potential problems which must be solved prior to any construction. Any development of areas designated PRDA should be a type of land use that is compatible with the recommended land use of adjacent properties, unless sound bases can be shown for other use types. It is further recommended that these areas be adequately controlled through local land use regulations.

The area of the site in question identified as PRDA contains an existing drainage course running through the site in question. The submitted development plan identifies two (2) storm water retention lakes as well as open space and recreational walkways to be located in this area. The proposed map amendment incorporating the RCD Overlay Zone will therefore will allow for the retention of this natural drainage area.

3. Section 10.14 of the Kenton County Zoning Ordinance requires that at least twenty (20%) of the total acreage of the proposed Residential Cluster Development (RCD) Overlay Zone shall be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. It is recommended that this requirement be confirmed upon review of the Stage II Development Plan.

4. The proposed map amendment from R-RE and R-1B to R-1C-RCD meets the minimum requirements of the Kenton County Zoning Ordinance, except for the following:

a. Section 10.14, G. states that the height of structures shall be as approved in the plan. The submitted development plan does not provide for the maximum height of structures. The maximum height of structures within the R-1C Zone is thirty-five (35) feet. Therefore, it is recommended that the height of structures not exceed thirty-five (35) feet.

b. Section 10.14, H. states that off-street parking shall be in accord with Article XI of the Kenton County Zoning Ordinance. Section 11.2, K. requires that each dwelling unit 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 for any fences, walls, nor specify the type and size of the proposed entrance signs. It is therefore recommended that the location, height and type of all fences, walls and signs be in general conformity with the underlying R-1C Zone.

PP-634

APPLICANT: Centerline Engineering and Surveying, PLLC in behalf of SMI.

LOCATION: An approximate 19 acre area along the south side of Bristow Road (S.R. 536), approximately 500 feet east of Banklick Road, Independence.

REQUEST: To approve a Preliminary Plat consisting of 50 residential building lots, including public improvements such as streets, storm drainage, sanitary sewer and water system.

NKAPC STAFF RECOMMENDATION:

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

1. That map amendment Z-03-09-03/1643R be approved by the city of Independence (Section 6.6);
2. That full intersection improvements (as indicated on the Preliminary Plat) be provided at the entrance intersection (Section 6.1);
3. That Sight Distance right and left for vehicles exiting the proposed intersection with Bristow 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. The entrance street and southern portion of the street stubbed at the southern property line be constructed 28 feet wide (Section 7.3);

6. That a street stub to the western property boundary be provided in the vicinity of Lots #27 / #28 (Section 6.0B);
7. That sidewalks be provided along both sides of all internal streets as well as extended approximately an additional 400 feet along Bristow Road north of the entrance intersection (Section 7.3 F);
8. That the Home Owners Association (H.O.A.) documents be recorded with (or prior to) the first section of a Final Plat and contain the provision for the permanent maintenance by the H.O.A. of the two (2) retention basins and walking trails (Section 7.0); and
9. That all lots be accessed from the internal street system only (Section 6.1).

#### Bases for Recommendation:

The proposed BRISTOW LAKES 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.

Following Staff's presentation Mr. Hushebeck questioned whether it was possible to do a street stub without losing a building lot in the development. Mr. Theissen stated he conferred with Mr. Schwartz on that issue and it noted it would not be possible to do.

Mr. Darren Eyre, Mr. Jim Bertram and Mr. Mark Wheatly registered to speak in favor of the issue. Ms. Judith Eubanks registered to speak against.

Mr. Eyre addressed the Commission and stated he would just like to go over the conditions on the issue. He noted with regard to condition number 1 the 20% has been set aside for open space. With regard to condition number 2, Mr. Eyre stated the buildings will be two-story buildings but they will not be any higher than thirty-five (35) feet high. He further noted that all buildings will be detached. Mr. Bertram stated as to condition #3 that there is plenty of site distance and the calculations will be provided at a later date. Mr. Eyre commented with regard to condition #4 that the heights of walls and fences will be addressed at the appropriate time in development and those conditions will be met. Mr. Bertram noted they do not have an issue with providing a 28-foot through main drive to a T-intersection at the end but from the T-intersection to Williams Woods they are proposing a 25-foot wide street due to the access already being provided by Williams Woods. As to condition #6 Mr. Bertram noted that there is already a 20-25 foot rise in the slope so it is almost impossible to serve the adjacent property. It was noted that the street stub to Williams Woods will get cut down to tie it in but the area along Banklick is already higher and the other street stub really cannot be done. As to the sidewalks issue, Mr. Bertram stated they will be providing walkways throughout the development to provide for an interconnection due to the feasibility issue of providing for sidewalks along Bristow. With regard to condition #8 Mr. Bertram noted the walkways would be asphalt around the lake and to the street. There was no objection noted with regard

to condition #9.

Ms. Eubanks addressed the Commission and stated the biggest concern is that several property owners have several acres and keep animals. She stated kids will be kids and they have a concern with liability if children wander onto their property. She asked about liability issues and had questions regarding the installation of a fence. Mr. Theissen then stated they cannot require a developer to install a fence and there are currently no regulations to require that. He further noted it is generally the obligation of the property owner with the animals to provide proper fencing to protect the animals. Ms. Eubanks further stated she wanted to clarify the concerns about walking to Bristow and she stated that would not be a concern of the residents in her area. She further noted they are mainly interested in their privacy and are not interested in being able to walk over to adjoining subdivisions.

Mr. Theissen then reviewed the conditions and clarified condition #5 that the main road would be 28-foot wide but then would be 25-foot wide at the interconnection to meet the 25-foot access point. Mr. Meyer questioned what advantage there would be in having a 28-foot wide street interconnecting with a 25-foot wide street. He further noted it would be a detriment. Ms. Snyder concurred. Mr. Theissen stated that condition #5 would have the following language deleted: "and southern portion of the street stubbed at the southern property line..." He clarified the condition to then read "The entrance street be constructed 28-foot wide." with the reference to Section 7.3. Mr. Theissen then noted that condition #6 would be deleted altogether. He noted that condition #7 would be modified such that the language "as well as" to the word "intersection" would be deleted. Condition #7 would then read "That sidewalks be provided along both sides of all internal streets and along Bristow from the entrance to the east property line adjacent to the Williams Woods subdivision." Mr. Theissen noted that conditions 8 and 9 would remain the same. Following clarification on the conditions, Ms. Snyder then made a motion to approve both applications with the revisions as noted to the conditions. Mr. France seconded the motion. Mr. Scheper then indicated with regard to condition #1 on the preliminary plat that the words "from the City of Independence" would be changed to "approved by the Kenton County Fiscal Court." Mr. Theissen then suggested adding a condition (#10) "That the walking paths in the open space area be constructed of 5-foot wide asphalt sidewalks. Ms. Snyder and Mr. France were in favor of adding the additional modification to the conditions on the issue. A roll call vote on the matter found Ms. Snyder, Mr. France, Ms. Carlin, Mr. Coates, Mr. Hadley, Mr. Hilgefurd, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

OLD BUSINESS:

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

COMMISSION ITEMS:

Standing Committee Reports: None to report.

#### Subdivision Regulations Review Committee:

It was noted the next meeting would be held on October 7th at noon. Mr. Theissen stated the budget was distributed in a memo to all Commissioners. He stated there were a few minor changes as to increases/decreases in the budget. He further noted an additional increase in the amount budgeted for insurance. He also explained a possible discrepancy with having to provide that amount for insurance. He additionally noted an upcoming meeting was being held to discuss the issue further. Mr. Theissen noted the attorney's fee was increasing from \$1,000/month to \$1,250/month due to an increase in appeals generated. Mr. Schwartz also added the increase was also due to the fact that Staff is requiring more information of legal counsel and asking additional questions, thus requiring additional work. A motion was made by Mr. Bertram to approve the budget. Ms. Snyder seconded the motion. A roll call vote on the motion found Mr. Bertram, Ms. Snyder, Ms. Carlin, Mr. Coates, Mr. France, Mr. Hadley, Mr. Hilgeford, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

#### By-Laws:

The next By-Laws meeting will be held Friday, October 17th at noon. Mr. Schwartz recommended placing the applications of the By-Laws committee on next month's agenda. A motion was made by Ms. Snyder to this effect and seconded by Mr. France. All in favor. None opposed.

#### Model Zoning Ordinance:

Mr. Theissen noted the Model Zoning Ordinance Committee had a very interesting public hearing October 1st. He stated the newspaper providers were not very pleased with having regulations on the newspaper stands. He further stated they put up a fairly good argument, enough so that the issue will be looked into further by the committee. Mr. Theissen stated there may be some less restrictive alternatives regarding the newspaper stands.

#### COMMENTS/REQUESTS TO THE COMMISSION:

Mr. Theissen noted that KAPA elections are upcoming and stated that Larisa Keith is running for a position. He further noted that information would be forthcoming with regard to voting.

There being no further business to come before the Commission, the meeting was adjourned at 8:30 p.m. None opposed.