



## KC&MP&ZC MINUTES

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

November 6, 2003  
6:15 P.M.

NKAPC Meeting Room  
2332 Royal Drive  
Fort Mitchell, Kentucky

### MINUTES

#### COMMISSION MEMBERS PRESENT:

Mr. James Bertram - Taylor Mill  
Ms. Barbara Carlin - Kenton County  
Mr. Barry Coates - Covington  
Mr. James Cook - Kenton County  
Mr. Tom France - Ludlow  
Mr. David Hilgefard - Villa Hills  
Mr. Mark Hushabeck - Lakeside Park  
Mr. Eugene Meyer - Covington  
Mr. Phil Ryan - Park Hills  
Mr. Greg Scheper - Crescent Springs\*  
Ms. Maura Snyder - Independence  
Ms. Alex Weldon, Covington  
Mr. John Wells - Ft. Mitchell  
Mr. Bernie Wessels - Ft. Wright  
Mr. Paul Swanson, Secretary/Treasurer - Erlanger  
Mr. Joseph Price, Vice Chairman - Crestview Hills

Mr. Tim Theissen - Chairman - Edgewood

\*Arrived prior to vote on 1644R

COMMISSION MEMBERS NOT PRESENT:

Mr. Mike Denham - Bromley

Mr. Al Hadley - Elsmere

LEGAL COUNSEL PRESENT:

Mr. David Schneider, Esq.

Mr. Theissen, Chairman, called the meeting to order at 6:25 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 October had been distributed in the Commissioner's packets and asked for any questions or comments. Mr. Price noted on page 6 that Mr. Theissen's name should be deleted from those listed in favor of the issue. He also noted on page 7 the word "motioned" should be changed to "moved" and on page 9 the second lowercase "b" should be a "5". 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, Ms. Barbara Carlin, Mr. Barry Coates, Mr. Tom France, Mr. David Hilgeford, Mr. Mark Hushabeck, Mr. Eugene Meyer, Mr. Phil Ryan, Mr. Paul Swanson and Mr. Tim Theissen in favor. Mr. Bertram, Mr. Cook, Ms. Weldon, Mr. Wells and Mr. Wessels abstained. The motion carried.

FINANCIAL REPORT:

Mr. Swanson noted there were three budgets in the minutes. There were no questions or comments regarding those reports.

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. Bertram noted his withdrawal from issues IDS-443 and IDS-662 due to a conflict of interest. Mr. Theissen then noted his withdrawal from Z030905 (1645R) due a conflict of interest with his employer as well. There being no

further conflicts, Mr. Wessels made the motion to ratify and approve. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Wessels, Ms. Snyder, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. David Hilgefurd, Mr. Meyer, Mr. Ryan, Ms. Weldon, Mr. Wells, Paul Swanson, Mr. Price and Mr. Tim Theissen in favor. Mr. Hushebeck abstained. 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:

Prior to the start of the public hearings, Mr. Theissen noted that issue 1639R would be tabled pursuant to a request by the developer. He noted a letter was received requesting the tabling of the matter due to the timing of the traffic study and also pursuant to a request by the city. A motion was made by Ms. Weldon, second by Ms. Snyder to table the matter. Mr. Swanson then noted the fact that the issue has been tabled now two times and pursuant to the by-laws, if the issue is not brought back within three months the issue would then need to be withdrawn and resubmitted. Mr. Theissen then suggested tabling the matter for a period of four months rather than the standard six due to the fact that it has already been tabled for two months. Mr. Theissen also stated the letter received requesting the tabling of the matter would be marked as Exhibit 1 and made a part of the record. A roll call vote on the matter found Ms. Weldon, Ms. Snyder, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Wells, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Hilgefurd voted against. The motion carried.

1644R

APPLICANT: City of Fort Wright, per Mr. Larry Klein.

LOCATION: An approximate 21.6 acre area located at the northwest corner of the intersection of Orphanage Road with Madison Pike, Fort Wright.

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), CC (a community commercial zone), and HOC (a highway oriented commercial zone) to CC (C-PUD) (a community commercial zone with a commercial planned unit development overlay zone) and HOC (C-PUD) (a highway oriented commercial zone with a commercial

planned unit development overlay zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

#### NKAPC STAFF RECOMMENDATION:

To approve the proposed map amendment from R-1C, CC, and HOC to CC (C-PUD) and HOC (C-PUD).

#### 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, CC, and HOC to CC (C-PUD) and HOC (C-PUD) is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the majority of the site in question for Commercial - Retail/Service uses. The proposed CC (C-PUD) and HOC (C-PUD) Zones will allow the development of a variety of commercial uses.
2. The use of the C-PUD Overlay Zone represents a logical extension of the existing zoning located to the north and west of the site in question. The area generally bounded by Highland Pike, Madison Pike, Orphanage Road, and the hillside, with the exception of the site in question, currently has the C-PUD Overlay Zone applied to it. The proposed C-PUD Overlay Zone will provide for a more consistent zoning classification for the area previously defined.
3. The area currently zoned with the C-PUD Overlay Zone, along with three areas within the site in question, are being additionally regulated by a set of design guidelines which pertain to such items as building materials and signage. As these various parcels develop individually, it is the intent of these design guidelines to maintain a degree of commonality, thus providing for a uniform development.

Since the site in question is located at the major intersection of the entire development quadrant, the proposed C-PUD Overlay Zone, for the site in question, will allow for a more uniform development style for the area previously defined.

Mr. Larry Klein registered to speak in favor of the issue. Ms. Peach Decker registered as a neutral party.

Mr. Klein addressed the Commission and stated Staff did an excellent job and the city is in full agreement with Staff's report. He noted the issue has been discussed at length with the city.

Ms. Decker addressed the Commission and stated she is one of two corporate officers of Decker Enterprises. She just wanted to clarify that there is a portion of her lot that she will not be able to do anything with. Mr. Theissen then stated it is listed as physically restricted, meaning only that development would be difficult in that area. She then asked for a listing of uses allowed for her property. Mr. Theissen stated she could obtain a copy of the zone and what is listed as permitted uses.

Mr. Wessels then made a motion to approve based on Staff's report and the testimony given on the issue. Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. Wessels, Ms. Carlin, Mr. Bertram, Mr. Coates, Mr. Cook, Mr. France, Mr. Hilgefurd, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Ms. Weldon, Mr. Wells, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

1646R

APPLICANT: Bob Ratermann, Inc., per Mr. Bob Ratermann

LOCATION: An approximate 0.7-acre area located along the northeast side of Highland Pike, between Madison Pike and Reeves Drive, approximately 450 feet northwest of Madison Pike, Fort Wright.

REQUEST: Review of a proposed Stage I Development Plan, for the area described herein, which is currently zoned CC (Community Commercial Zone).

Staff presentation and Staff recommendations by Ms. Larisa Keith.

#### NKAPC STAFF RECOMMENDATION:

To approve the proposed Stage I Development Plan for the area described herein, which is currently zoned CC (Community Commercial Zone), but only subject to compliance with the following conditions:

1. That the maximum impervious surface ratio not exceed seventy percent (70%).
2. That the maximum building height not exceed forty (40) feet.
3. That the proposed parking lot be reconfigured to meet the requirements as set forth in Article XI of the Fort Wright Zoning Ordinance.
4. That no lighting be permitted which would glare onto any street or adjacent property.
5. That no flat or mansard roof construction be permitted.
6. That sidewalks be provided along Highland Pike and along the proposed access road into the site.
7. That the proposed parking area and dumpster be screened per Section 9.17 of the Fort Wright 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 Stage I Development Plan identifies the site in question to be used for retail and service uses including a Subway restaurant. The CC Zone permits a limited variety of retail and service uses, including but not limited to bakeries, beauty shops, drug stores, supermarkets, eating and drinking places, excluding drive-in facilities. The purpose of the zone is to provide convenience goods and services to the work population and surrounding residents in a small-scale setting. The proposed development is consistent with the purpose of the CC Zone and with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies the majority of the site in question for Commercial - Retail/Service uses.

2. The submitted Stage I Development Plan meets the minimum requirements of the Fort Wright Zoning Ordinance with the exception of the following items:

a. Section 10.27 E. 3. states that the maximum impervious surface ratio is seventy percent (70%). Insufficient information was submitted to determine compliance with this requirement.

b. Section 10.27 E. 4. states that the maximum building height is forty (40) feet. Insufficient information was submitted to determine compliance with this requirement.

c. Article XI of the Fort Wright Zoning Ordinance sets forth regulations for off street parking. Section 11.1 states that one parking space shall be a minimum of nine (9) feet in width and eighteen (18) feet in length. The proposed development plan identifies parking spaces measuring less than nine (9) feet in width.

Section 11.2 requires retail and personal service stores to have four (4) parking spaces for every one thousand (1,000) square feet of gross leasable area. Further, it requires one (1) parking space for each two (2) employees on the shift of largest employment plus one parking space for each sixty five (65) square feet of gross floor area or two (2) seating accommodations based on maximum capacity, whichever is greater, in a combination restaurant. The proposed development plan identifies 4,500 square feet of retail space and 1,200 square feet of restaurant space. Based on square footage, nineteen (19) parking spaces are required. Insufficient information was submitted to determine the number of employees on the shift of largest employment.

d. Section 10.27 H. 4. states that no lighting shall be permitted which would glare from any use located within this zone onto any street or into any adjacent property. Insufficient information was submitted to determine compliance with this requirement.

e. Section 10.27 H. 8. states that flat and mansard roof constructions shall not be permitted. Insufficient information was submitted to determine compliance with this requirement.

f. Section 10.27 H. 10. states that sidewalks shall be required when any new development occurs. No sidewalk improvements are shown on the submitted development plan. Therefore, it is recommended that

sidewalks be provided along Highland Pike and along the proposed access road into the site.

g. Section 9.17 sets forth the regulations regarding landscaping within the Fort Wright Zoning Ordinance. The regulations state that any commercial land use adjoining the public right of way must have ten (10%) percent of each yard landscaped with trees, shrubs, planting beds, and/or perennials in a motif designed by the owner. A minimum of three (3) trees shall be planted per 100 linear feet, or fraction thereof, of road frontage. In addition, a vehicular use area associated with any land use adjoining any public or private street must have ten (10) feet of perimeter screening and five percent (5%) interior landscaped area. Finally, proposed dumpsters are required to be fenced per the Fort Wright planting manual, in any zone or land use other than residential, which adjoins any zone or land use other than residential. The submitted development plan does not meet these requirements.

#### Additional Information:

1. It is important to note that stormwater runoff controls are not shown, but are required prior to approval of a Stage II Development Plan.
2. The submitted Stage I Development Plan identifies an approximately 0.3 acre area fronting Highland Pike as right-of-way. PlaNet GIS data identifies this property as being privately owned by the applicant. Clarification of this issue will need to be made prior to the submittal of a Stage II Development Plan.

Mr. Bob Ratermann, Mr. Bill Martin and Mr. Larry Klein registered to speak in favor of the issue. There was no one opposed to the issue.

Mr. Martin addressed the Commission and stated they are agreeable with all conditions. Mr. Theissen noted they would be responsible for building the access roadway back to the existing auto body establishment. Mr. Wessels questioned the applicant as to signage. Mr. Martin stated they are aware there is no pole signage permitted and that they will be using monument style signage. Mr. Martin also stated they will be providing for sidewalks.

Mr. Klein addressed the Commission and stated the conditions were agreeable.

Ms. Keith noted the preliminary plat requires the access drive so an additional condition would not be necessary requiring it. Mr. Wessels then motioned to approved and added an 8th condition that no pole signs be permitted. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hilgefard, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Ms. Weldon, Mr. Wells, Mr. Swanson and Mr. Theissen in favor. The motion carried.

1647R

APPLICANT: K4 Architecture LLC, per Mr. John Lucas, on behalf of Fifth Third Bank.

LOCATION: An approximate 0.2-acre area located along the west side of Beech Drive, between Dudley

Pike and Buckner Road, approximately 200 feet south of Dudley Pike, Edgewood.

REQUEST: A proposed map amendment to the Edgewood Zoning Ordinance, changing the area described herein, from R-1E (a detached single family residential zone) to PO (a professional office building zone).

Staff presentation and Staff recommendations by Ms. Melissa Jort.

#### NKAPC STAFF RECOMMENDATION:

To approve the proposed map amendment from R-1E to PO, but only subject to compliance with the following condition:

1. That an area of existing natural screening in the area of the proposed map amendment be retained in accordance with Section 9.17 of the Edgewood 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-1E to PO is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question for Commercial-Office development. The proposed map amendment will allow for the expansion of existing commercial office use.

2. The proposed map amendment from R-1E to PO meets the minimum requirements of the Edgewood Zoning Ordinance, except for the following:

- a. Section 9.17 of the Edgewood Zoning Ordinance requires that where a natural screening and buffer exist prior to development, that every effort shall be made to retain such conditions. The submitted development plan identifies an area of existing natural screening in the area of the proposed map amendment, adjacent to a residential zone. Insufficient information has been submitted to determine compliance with this requirement.

Mr. John Lucas, Mr. Richard Posey, Mr. Jeff Smith and Mr. Bill Kreutzjans registered to speak for the issue. Mr. Carl Jeffries and Mr. Kelly Rohan registered to speak against.

Mr. Posey stated he represented the architects for the bank. He stated the property is currently owned by Ashley Development but is in the process of transferring the property to Fifth Third Bank. Mr. Posey stated they are really just bringing the triangle of property in with current zoning. He stated there is a



five or six foot elevation to Beech Drive and that screening will be in place. He further noted they are hoping to alleviate some of the congestion caused by the fact that the ATM is a drive-up type. He stated they would actually be using less area as far as parking due to the fact that patrons will no longer be parking and walking up to the ATM. He also stated to utilize the triangular piece of property is difficult without egress from Beech Drive. He stated the requested zone change is a kind of clean up to include the triangular area with the rest of the property.

Mr. Kreutzjans addressed the Commission and stated he is in agreement with the recommendations. He stated the proposed property is listed as office and they basically just want to include it in the existing zone.

Mr. Jeffries addressed the Commission in opposition and stated he is concerned with green space and screening. He stated he is also concerned with what will happen with the location of the dumpster. The applicant then stated there will be no change in the location of the dumpster on the site. Mr. Jeffries stated another concern was the curb cut on Beech. He then asked why the ATM was being installed on the other side of the building when the drive thru lanes are on the opposite side.

Mr. Rohan addressed the Commission in opposition and stated he is a property owner at 10 Beech Drive. He stated his concern is with the established trees and asked if those were to remain or would be taken down and replaced. He then asked if it was feasible to keep the trees without damaging the root system. He also stated he just wants to protect the screening from Dixie Highway. He additionally asked about lighting in the area and whether or not headlights would be shining in his direction when cars are in line.

Mr. Smith of Fifth Third Bank then addressed the Commission. He stated the trees would not be affected at all. He stated they will be putting in a curb only and will not be disturbing the trees. He also stated there are only two drive thru lanes now and to put in an ATM drive thru lane would cause a backing up of traffic. He further stated there is not room to put a drive thru ATM lane on the other side. Mr. Smith noted the headlights will be pointed back toward Dixie Highway and that he will be happy to work with the residents as to screening in the area if necessary.

Following the public hearing, Mr. Hilgefurd motioned to approve with the conditions stated by Staff and the findings contained in Staff's report. Mr. France seconded the motion. A roll call vote on the motion found Mr. Hilgefurd, Mr. France, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Ms. Weldon, Mr. Wells, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously

\*Mr. Bertram withdrew due to a conflict of interest on the following issue.

1648R

APPLICANT: Centerline Engineering and Surveying, PLLC, per Mr. James Bertram Jr., on behalf of Mr. Wallace Shelton.

LOCATION: An approximate 0.2-acre area located along the east side of Madison Pike, between

McCullum Pike and Hartland Boulevard, approximately 750 feet south of McCullum Pike, Independence.

REQUEST: A proposed map amendment to the Independence Zoning Ordinance, changing the area described herein, from R-1C (a detached single family residential zone) to NC (a neighborhood commercial zone).

Staff presentation and Staff recommendations by Ms. Melissa Jort.

#### NKAPC STAFF RECOMMENDATION:

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

1. That the proposed access point off Madison Pike be eliminated and that access be provided via an interconnection with the adjoining property to the north.
2. That landscaping be provided in accordance with Section 9.17 of the Independence 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 NC is consistent with the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update in identifying the area of the site in question as a Community Service Area.

The intent and purpose of a Community Service Area is to concentrate increased residential density within areas with existing commercial land uses that can provide, or be expanded to provide, convenience goods and services to a growing population. Increased density will enhance the potential for business development to serve the needs of residents of nearby residential development. In addition, by providing such services within short distances of more residences, trip distances that residents travel for convenience goods and services are reduced and the use of alternate modes of transportation becomes more feasible (e.g., pedestrian and/or bicycle).

The proposed map amendment from R-1C to NC will allow the development of a two-story professional office building to be located within an area comprising the historic "downtown" of the City of Independence, and will serve to enhance the potential for business development while serving the needs of nearby residents.

2. The proposed map amendment from R-1C to NC is appropriate in providing a use compatible with adjacent land uses. Currently, the area of the site in question contains vacant land being developed for professional office uses, a park and ride facility (formerly the City of Independence building), as well as the Independence Courthouse and retail/commercial type uses within the area of the intersection of Independence Road and McCullum Pike. The proposed map amendment will allow for the development of a professional office building to be interconnected with another professional office currently under development adjoining the site in question.

3. The proposed map amendment from R-1C to NC meets the minimum requirements of the Independence Zoning Ordinance except for the following:

a. The submitted development plan identifies access to the site in question to be provided via an existing curb cut off of Madison Pike. Section 11.3, F., 2., of the Independence Zoning Ordinance requires a minimum spacing of one hundred (100) feet between adjacent access points on collector streets. There is an adjacent access point on the adjoining property to the north of the site in question. Section 11.3, C., also requires that access drives be designed, located and constructed in a manner to provide and make possible the coordination of access with, and between, adjacent properties developed for similar uses. It is recommended therefore, that the access point off of Madison Pike be eliminated and an interconnection provided to the site via the adjoining property currently under development for an identical use.

b. Section 9.17 of the Independence Zoning Ordinance requires that landscape screening be provided between adjoining land uses as well as within vehicular use areas. Insufficient information has been submitted to determine compliance with this requirement.

Mr. Jim Bertram, Mr. Darrin Aire and Mr. Wallace Shelton registered to speak in favor of the issue. No one registered to speak against.

Mr. Bertram submitted a colored drawing to the Commission with regard to the proposal.

Mr. Aire addressed the Commission and stated the building will be full brick. He stated the front façade would have a full porch with a gabled roof. He further noted the exterior would have the same feel and consistency as the new development to the north. Mr. Aire stated the building set back would be the same as the building to the north. Mr. Theissen asked about the proposed uses for the building. Mr. Aire stated they are proposing it be used for office space. He stated they have concerns with eliminating the curb cut from Madison Pike. He further noted the lots are 100 feet wide and they are staggering the drive. He stated they are concerned with meeting the city's request. He further stated when the lots were divided it was based on the fact that there would be one curb cut with the lots evenly spaced. He stated at this time no access easements have been granted so the front access would be necessary. He further noted they wanted to have parking in the front of the building as well and it might be confusing to go all the way around and enter that way. Mr. Bertram then noted it makes for better curb appeal by having the green space between the buildings. He stated they would hate to see concrete all the way around the

building as far as what they are trying to do with that area of Independence. He further stated the speed limit in the area is 25 m.p.h. so traffic concerns are not an issue. He further noted they are trying to preserve the trees in the area to add to the curb appeal. Mr. Hushebeck then asked if the project would work with three less parking spaces as suggested. Mr. Bertram stated it would not. Mr. Theissen then asked if the applicant would be agreeable to allowing for an interconnection. The applicant then stated they would be agreeable to that. The applicant then further noted they designed the buildings to look like residential buildings and not office buildings to blend in with the area. Mr. Schwartz then interjected and stated Staff feels they are fair to comment and require an interconnection. He further noted their concern is the curb cut being proposed does not meet the requirements. Mr. Schneider stated he has serious concerns with identifying ownership. He stated if what is suggested is done as far as moving the curb to the south then that would be advisable. Mr. Bertram then stated the proposal was done to allow for an interconnection. He stated they showed the interconnection but did not consider losing the curb cut off KY 17. Mr. Bertram further noted they could meet the 100 foot requirement if the right of way is moved back. Mr. Schwartz then suggested recommending approval and modifying the condition. Mr. Bertram stated if you keep the curb cut as they are it makes for a nice smooth flowing pattern. He further stated to move the curb cut you would lose that. He also stated he does not want to have the traffic flowing in front of the building. Mr. Hilgefurd then stated the only thing he would question is if they can somehow work it out so they can move the access point to the south and he feels that Mr. Schwartz' suggestion provides that opportunity. Following much discussion on the issue, Mr. Theissen then suggested adding Mr. Schwartz' suggestion to change condition #1 to read "the proposed curb cut on the site in question be provided subject to approval of a variance being granted by the Independence Board of Adjustment." Mr. Theissen further noted that there would also be an interconnection easement, two 24-foot wide interconnection easements, one in the front and one in the back to the adjacent property to the rear in the event that it's ever developed to the south. Following all discussion on the matter, Ms. Weldon then made a motion to approve but only subject to the following three conditions: 1) that the proposed access point which is less than the required 100 feet for the Independence Zoning Code be subject to approve by the City of Independence Board of Adjustment for a variance; 2) that the landscaping be provided in accordance with Section 9.17 of the Independence Zoning Ordinance and 3) that access easements be provided for the property to the south to be shown on the Stage II Development Plan, with the basis being as supported by Staff. Mr. France then seconded the motion. Mr. Theissen then asked for clarification on the access easements to the south that there are two of them, both 24-feet wide, one in the front and one in the back. Both Ms. Weldon and Mr. France agreed to modify their motion to include the specifics referenced by Mr. Theissen on the access easements. A roll call vote on the motion found Ms. Weldon, Mr. France, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hilgefurd, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Bertram withdrew. The motion carried by a vote of 16-1.

OLD BUSINESS:

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

## COMMISSION ITEMS:

### Standing Committee Reports:

#### Subdivision Regulations Review Committee:

Mr. Swanson noted they have not met due to an idea of having a common set of regulations between Boone, Kenton and Campbell counties. Mr. Theissen stated there are a couple minor items to be added to the agenda for next month. Mr. Theissen then asked for a motion for permission to have those minor items placed on the agenda. Mr. Swanson made the motion with Mr. Bertram giving the second. All in favor. None opposed.

#### By-Laws:

It was noted by Mr. Price that the next meeting would be held November 12th at noon to discuss fee scheduling.

#### Model Zoning Ordinance:

Mr. Wessels stated they had received a lot of good feedback from the newsprint and media regarding the placement of newsstands. He stated some cities are adopting ordinances of their own so the committee will be taking a back seat for six months or so to see if the problems will be eliminated. He further stated they will not be meeting any more this year but will meet after the first of the year.

## COMMENTS/REQUESTS TO THE COMMISSION:

Mr. Theissen noted that Mr. Meyer, Ms. Snyder and Mr. France were appointed to serve on the appointment committee with regard to upcoming elections. Mr. Theissen also noted that there is a very good seminar being held on November 20th and 21st in Hamilton County. He stated this seminar could be applied toward the hourly education requirement. Mr. Schwartz noted that KAPA election ballots would be going out Friday and noted that Larisa Hughes is running for an office. He further noted the holiday party would be held on December 17th from 5-8 in the meeting room. He additionally noted the January meeting was being switched from January 1st due to the holiday to January 8th.

There being no further business to come before the Commission, the meeting was adjourned at 9:07 p.m. None opposed.