



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

December 4, 2003
9:00 A.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. Jim Bertram -
Mr. Al Hadley - Elsmere
Mr. Phil Ryan - Park Hills*
Ms. Maura Snyder - Independence
Mr. Joe Price - Vice Chairman - Crestview Hills*

*arrived at 9:10 a.m.

LEGAL COUNSEL PRESENT:

Mr. Matt Smith, Esq.

Mr. Price, Vice Chairman, presiding in Mr. Theissen's absence, called the meeting to order at 9:00 a.m.
Mr. Price opened the meeting with the pledge of allegiance.

APPROVAL OF THE MINUTES:

There were no minutes to approve from November as no meeting was held.

SUBDIVISION ITEMS:

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

PP-637 PEMBROKE VILLAGE SUBDIVISION

APPLICANT: James W. Berling, in behalf of Cox Road, L.L.C.

LOCATION: An approximate 11-acre area at the northeast intersection of Cox Road and Taylor Mill Road, Independence.

REQUEST FOR ACTION: To approve a revised Preliminary Plat consisting of thirty-two (32) residential building lots, including public improvements such as streets, storm drainage, sanitary sewer and water system.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION

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

1. That a left-turn lane along Cox Road be provided at the entrance intersection (Section 6.1);
2. That Sight Distance right and left for vehicles exiting the proposed intersection with Cox Road be in accord with minimum Subdivision Regulation standards. Sight Distance measurements shall be clearly indicated on subsequent Improvement Drawings and Specifications (Section 6.0 E);
3. That 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);
4. That sidewalks be provided along both sides of all internal streets as well as along the portions of Cox Road and Taylor Mill Road fronting the Plat (Section 7.3 F); and
5. That all lots be accessed from the internal street system only (Section 6.1).

Bases for Recommendation:

The proposed REDCOAT VILLAGE 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. Jim Berling and Mr. Martin Butler registered to speak in favor of the issue. No one registered to speak against.

Mr. Butler addressed the Commission and stated it was a straightforward development and that they had no objections to any conditions except for the condition regarding sidewalks on Cox Road and 16. He stated they are asking that this condition be waived because it will disrupt the natural terrain in the area. He further stated the area does not lend for development. He further noted when future development goes in the sidewalks would only be torn out when the road widening takes place. He also noted the sidewalks would not lead anywhere and that there is nothing to connect the sidewalks at the present time. He additionally noted that installing the sidewalks would simply encourage pedestrian traffic that does not lead anywhere. Mr. Butler noted they have no problem with installing internal sidewalks in the development. He further noted they are not asking for a zone change and that all utilities are currently in place.

Mr. Berling addressed the Commission and stated one thing that attracted them to the site was the large trees along the perimeter. He stated to install sidewalks you would lose a lot of those trees for sidewalks that will not lead anywhere. Mr. Berling with regard to the site distance and the entrance way, the best location is the one specified on the proposal. He stated even though the speed limit is technically 55 m.p.h., there is no way you could achieve that speed through that area. He stated they would like to have Staff use their best judgment in determining the best site distance for the area/project. He further noted they have no problem with installing the left turn lane.

Mr. Bertram asked about sidewalks along Cox Road and 16. He stated he could see where sidewalks would not be feasible along 16 but feels they should be placed on Cox Road since there is new development across the road. He further noted since there is new development and an IGA as well as various business establishments across the road it would be nice to have sidewalks for pedestrians to 16 on Cox Road so they can cross the road at the intersection. Mr. Berling then stated they are in agreement with placing sidewalks along Cox up to 16 but not on 16. At the request of the planning commission, Mr. Hiles suggested language regarding the condition of site distance could be worded to read "that appropriate site distance right and left be verified by the design engineer prior to approval of improvement drawings." Mr. Hiles stated Staff does not have a problem as to the sidewalks issue.

Following the brief discussion on the matter, Mr. Bertram then motioned to approve PP-637 based on Staff's recommendations with the modification to the site distance (condition #2) as well as to condition #4 that sidewalks be provided along Cox Road and waived along Taylor Mill Road (16) due to topographical difficulties. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Bertram, Mr. Hadley, Mr. Ryan, Ms. Snyder and Mr. Price in favor. The motion carried unanimously.

*Mr. Bertram withdrew from the following issue due to a conflict of interest with his employer.

W-636 WAIVER, GEORGE T. KOCH

APPLICANT: Mr. George T. Koch

LOCATION: An approximate 1.5 acre parcel at the south east intersection of Richardson Road and the newly realigned Richardson Road, Independence.

REQUEST: Waiver to Section 6.1E (Access point spacing along an Arterial street). Granting the requested waiver will allow two (2) driveways along Richardson Road to be spaced less than 600 feet apart.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION

To grant the requested Waiver to Section 6.1E, but only subject to compliance with the following CONDITIONS:

1. That installation of the proposed driveway(s) as shown on the submitted development plan be delayed until such time as the realignment of the subject portion of Richardson Road is complete; and
2. That the existing driveway fronting proposed Parcel #1 be used to access all of the proposed parcels until such time as the realignment of the subject portion of Richardson Road is complete.

Basis for Recommendation:

Upon completion of the realignment of Richardson Road, the portion fronting the proposed parcels will no longer function as an Arterial roadway. Because the realignment of Richardson Road will cause the portion fronting the proposed parcels to function as a Local street, the driveway intersections as shown on the submitted development plan will not adversely affect vehicular traffic once the realignment has been completed.

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

Mr. Aire of Centerline Engineering addressed the Commission and stated the five lots to the east only have one curb cut. He then stated the driveways are within regulations as they stand now. He stated they would like to re-emphasize that Richardson Road will function as a local street when realignment has taken place. He further stated they have no objections to the conditions as stated by Staff.

Mr. Ryan asked if they had any idea as to a time frame of when the realignment would take place. Mr. Bertram then stated the process is ongoing and the funding is in place for the realignment. Mr. Bertram further noted the process should be completed by next October.

Following the brief discussion Mr. Hadley made the motion to approve based on Staff's report and

recommendations. Ms. Snyder seconded the motion. A roll call vote on the motion found Mr. Hadley, Ms. Snyder, Mr. Ryan and Mr. Price in favor. Mr. Bertram withdrew. The motion carried unanimously.

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. Price asked for any conflicts with any issues on the actions taken over the past month. There being none, Ms. Snyder made the motion to ratify and approve. Mr. Hadley seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Hadley, Mr. Bertram, Mr. Ryan and Mr. Price 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 9:45 a.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
REGULAR MEETING

December 4, 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. Al Hadley - Elsmere
Mr. David Hilgeford - Villa Hills
Mr. Mark Hushabeck - Lakeside Park
Mr. Phil Ryan - Park Hills
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

COMMISSION MEMBERS NOT PRESENT:

Mr. Mike Denham - Bromley
Mr. Eugene Meyer - Covington
Mr. Greg Scheper - Crescent Springs
Mr. Tim Theissen - Chairman - Edgewood

LEGAL COUNSEL PRESENT:

Mr. Brandon Voelker, Esq. for issue 1639R only
*Mr. David Schneider

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

APPROVAL OF THE MINUTES:

Mr. Price noted the minutes from November had been distributed in the Commissioner's packets and asked for any questions or comments. There being none, Mr. Wessels made the motion to approve. Ms. Snyder seconded the motion. All in favor. None opposed. The motion carried.

FINANCIAL REPORT:

Mr. Swanson motioned to ratify and approve the financial report. Ms. Snyder seconded the motion. All in favor. None opposed. The motion carried.

SUBDIVISION ITEMS:

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

Mr. Price asked if there were any conflicts. There being none, Ms. Snyder made the motion to ratify and approve. Ms. Weldon gave the second. A roll call vote on the matter found Ms. Snyder, Ms. Weldon, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hadley, Mr. Hilgeford, Mr. Hushebeck, Mr. Ryan, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Price in favor. Mr. Bertram abstained. The motion carried.

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.

Mr. Price read the report of actions taken at the morning subdivision review committee meeting and gave the findings of the Commission on the two items as presented on the agenda and contained in the report. There were no questions or comments.

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:

1639R

APPLICANT: Bear Creek Capital, LLC, per Mr. Steven J. Kelly.

LOCATION: An approximate 46 acre area located along the southeast side of Anderson Road, extending from Beechwood Road to a point approximately 250 feet east of Buttermilk Pike, Crescent Springs.

REQUEST TO BE REVIEWED: Review of a proposed Stage I Development Plan, for the area described herein, which is currently zoned MLU (a mixed land use zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

To disapprove the proposed Stage I Development Plan.

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 submitted Stage I Development Plan does not meet the following requirements of the Crescent Springs Zoning Ordinance:

a. Section 10.21, A. states that the purpose of the MLU Zone is to provide for the combining of offices, hotels and motels, retail and service uses, and residential uses within a planned development. The submitted Stage I Development Plan does not provide for any residential component.

b. Section 10.21, K. states that the location, height, and type of all signs shall generally be in accordance with Article XIV of the Crescent Springs Zoning Ordinance and as approved in the plan.

Article XIV of the Crescent Springs Zoning Ordinance provides for pole signs ranging in area from sixty (60) square feet to two hundred (200) square feet and maximum heights ranging from twenty (20) feet to forty (40) feet.

The submitted Stage I Development Plan indicates a three hundred (300) square foot, forty (40) foot high project identification sign along Anderson Road. This proposed sign is fifty (50) percent larger than any other sign currently permitted within the city.

The submitted Stage I Development Plan indicates a 1,100 square foot, eighty (80) foot high project identification sign between outlots 6 and 7. This proposed sign is four hundred fifty (450) percent larger and one hundred (100) percent taller than any other sign currently permitted within the city.

Based on these figures, the proposed project identification signs are not in general accordance with the existing sign regulations of the city.

c. Section 10.21, N. states that a proposed development plan shall be evaluated based upon its agreement with an officially adopted Neighborhood Concept Plan. On April 9, 1990, Crescent Springs City Council adopted a Neighborhood Concept Plan covering the site in question. As it pertains to land use, the adopted neighborhood Concept Plan states the following:

The western portion of the area should be encouraged to be developed in a combination of retail and office activities, and the remaining portion of the area should be encouraged to be developed in less

intense uses, such as office and residential. The purpose of these recommendations is to locate activities which generate more vehicular traffic, to be located closer to Buttermilk Pike and its interchange with I-75/71.

The submitted Stage I Development Plan significantly deviates from Council's adopted Neighborhood Concept Plan and its stated purpose. Retail/service activity is the dominant land use feature and encompasses the majority of the site in question. Based on the total square footage identified on the submitted development plan, 89% is devoted to retail/service uses, 11% is devoted to office uses, and 0% is devoted to residential uses.

d. Section 10.21, N. states that a proposed development plan shall be evaluated based upon the extent to which the proposed development plan is consistent with the purpose of the MLU Zone. As previously stated, the purpose of the MLU Zone is to provide for the combining of offices, hotels and motels, retail and service uses, and residential uses within a planned development. It is important to note that the text of the Crescent Springs Zoning Ordinance uses the word "and", not "or", when referring to the list of uses that are to be included in the MLU Zone. The submitted Stage I Development Plan does not provide for any residential component.

e. Section 10.21, N. states that a proposed development plan shall be evaluated based upon the extent to which the proposed design is compatible and coordinated with existing and/or proposed development contiguous to the site. Compatibility and coordination with existing and/or proposed development shall be reviewed in terms of intensity of land use type in relation to the general character of the surrounding areas, including coordination of vehicular and pedestrian circulation; the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; provisions of screening areas or utilization of natural features; the transition of land use types based on the proposed design; and the impact of the proposed development on adjacent uses, such as noise, visual impact, hours of operation, traffic circulation, etc.

The proposed office building and the freestanding retail building are not set back far enough from Anderson Road, given the residential development that exists across Anderson Road.

Given the design of the site, the proposed retail buildings and development of the proposed outlots will create buildings that will be viewed from all sides. To provide for a coordinated and unified development, the buildings need to be designed in a manner that provides for consistent building materials on all four building facades. Insufficient information has been submitted regarding the design of the buildings to determine their effect on the character of adjacent land uses.

The submitted development plan does not include sidewalks for pedestrian access to, from, and through the proposed development to adequately determine its effect on the surrounding areas.

f. Section 10.21, N. states that a proposed development plan shall be evaluated based upon the amount of traffic that would be generated by the proposed operation and the ability of the existing street system to

adequately handle said traffic and the extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.

The applicant submitted a Traffic Impact Study to the NKAPC staff on November 19, 2003. The following deficiencies are noted relative to that study:

- (1) Anderson Road and Bromley-Crescent Springs Road are stated to urban collector streets. The comprehensive plan, however, identifies them as arterial streets.
- (2) There is no discussion pertaining to the impact of the proposed development as it relates to the at grade railroad crossing at Beechwood Road (i.e., volume of railroad traffic, length of time for railroad clearance through the intersection, amount of back up on Beechwood Road approaches).
- (3) Trip generation, and all subsequent calculations, was based upon 223,000 square feet of retail space. The submitted development plan includes a total of 325,210 square feet of retail space - an increase of 102,210 square feet or 46%.
- (4) The projected traffic generated by the proposed development was distributed along the roadway network. Insufficient rationale was provided to determine how the trip distribution was derived.
- (5) The traffic impact study does not provide information relative to the existing and future levels of service for existing curb cuts along Anderson Road (i.e., Ireland Street, Spille Court, existing multi-family developments). As such, the impact of the proposed development on these existing developments cannot be determined.
- (6) The traffic impact study recommends that certain improvements be made to the intersection of Buttermilk Pike with Anderson Road. These improvements have been included within the analyses. However, the study does not identify who would be responsible for the construction of such improvements or if these improvements have been scheduled or funded by the Kentucky Transportation Cabinet.
- (7) The traffic impact study was prepared for an opening day, full build out, scenario of 223,000 square feet of retail space, already under the square footage identified on the development plan. Insufficient analysis was provided to determine what the impact of the development might be in the next five years given the future external growth of the area.

g. Section 11.3, F., 1., a. states that unsignalized access points along arterial streets shall be spaced a minimum distance of six hundred (600) feet apart. The submitted development plan indicates that curb cuts along Anderson Road will be spaced less than six hundred (600) feet apart with the least spacing distance at approximately one hundred eighty (180) feet apart.

Additional Information:

The submitted development plan indicates the construction of a new roadway through the proposed development and connecting with Anderson Road/Beechwood Road, at its intersection with Bromley-Crescent Springs Road. The construction of this roadway connection will necessitate the redesign of the off-street parking area of an existing multi-family residential building. Insufficient information has been

submitted to indicate that sufficient off-street parking will be provided for the existing multi-family residential building.

Mr. Steve Kelly, Mr. John Wiley, Ms. Elizabeth Horowitz, Mayor Clare Moriconi, Ms. Debbie Ivy, Mr. Rob Marland, Mr. T.J. Thelan, Mr. James Sucher, Mr. Chris Kendall, Mr. James Sweeney and Mr. Peter Rodish registered to speak in favor of the issue. Mr. Oliver, Ms. Carol Grape, Ms. Deborah Cooper, Ms. Thelma Dolhover, Ms. Patty Rice, Ms. Ann Horander, Mr. Bruce Pfetzer, Ms. Nadine Lieb, Ms. Carol Riley, Mr. Jeff Smith, Mr. Bill Hemmer, Mr. Gary Wolnitzek, Mr. David Rose, Mr. Bill Goetz, Mr. Neil Thompson, Mr. Chris Kerns, Ms. Kim Berte, Ms. Paula Webber, Ms. Barb Shaw and Mr. David Heidrich registered to speak against the issue.

Mr. Price read into the record various letters received with regard to the issue. He then marked those as Exhibits to be made a part of the record on the matter.

Ms. Horowitz addressed the Commission and stated they had been working on the proposal for some time. She then introduced those who would be speaking on the proposal and in what capacity.

Mr. Kelly addressed the Commission and distributed color handouts relating to the project. He stated they have been working with the city for a number of months on the project. He noted the project does have frontage on Anderson Road. He further noted the development is not a mall but a retail development. Mr. Kelly noted the main access is off Anderson Road which is where the site identification sign will be located. He further noted they are looking to provide access across the railroad, which is something the city asked them to look into. He further noted that Baxter and Dawson would be improved, as well as Beechwood Road. He stated they are looking to create an intersection at Bromley-Crescent Springs Road. Mr. Kelly stated the type of signage proposed is of the monument style that will be landscaped and sized in accordance with the size of the development. He noted there is 20% open space within the development. He noted they have put a lot of time into landscaping of the development. He additionally noted there is a slope to the site which will consist of some cuts to the elevation. He stated they are trying to distance themselves from the railroad tracks. He noted their setbacks are in conformance with regulations on the project. He further noted the retail aspect of the development is oriented away from the residential areas. He also noted there will be some public places within the development and discussed a clock tower with benches. Mr. Kelly noted that storm water retention is to be located in the back of the development. He also stated the elevation is intended to be broken up and not uniform compared to what is typically seen in retail centers. He also noted they tried to vary the colors of the buildings as well. With regard to a traffic study, Mr. Kelly noted one had not been done for any development in the area for ten years. Mr. Riley then addressed the details of the traffic study. Mr. Wessels questioned the specifics of the plan as to sidewalks, setbacks, landscaping, etc. because they were not very clear. Mr. Schwartz stated that basically if the plan were approved, the aspects presented in the plan would be permitted.

Mr. Riley addressed the Commission with regard to the traffic study and stated the state has proposed adding a right turn lane to alleviate some of the traffic issues involved with both directions of access to

the highway. He stated the projected level of service from Beechwood Road would be operating at a level C or above. He further reviewed the improvements to be made on area roads leading to and from the development. He then distributed a memo outlining the differences in square footage on the project which was marked as an Exhibit to be made a part of the record. Mr. Hadley questioned the route of the delivery trucks with regard to the retail establishment. Mr. Riley then demonstrated on the display boards the direction the trucks would take with regard to deliveries within the development.

Ms. Horowitz then distributed a handout to the Commissioners with regard to the land use of the proposal. The document was then marked as an Exhibit and made a part of the record. Ms. Horowitz then reviewed the specifics of the land use as to what is allowed and what is not. She stated they do not believe residential must be included in the development to be permitted because of the wording of the MLU Zone. She stated she believes the proposed development does a good job of dealing with traffic concerns raised by the city. She further stated unless the site stays vacant there would be traffic issues with any development on the site. She stated the biggest traffic problem is the morning peak travel time. She further stated that retail traffic is definitely higher but is spread out throughout the day and the traffic would not be primarily traveling in one direction as is the case in the morning. She additionally noted the city has worked very hard with Bear Creek Development to make this a beneficial project to the city.

Ms. Ivy addressed the Commission and distributed a handout that she read into the record with regard to the proposed Stage I Development Plan. The letter was then marked as an Exhibit to be made a part of the record.

Mayor Moriconi addressed the Commission and stated she feels it is a good project for the city and will provide jobs for the city. She further stated she is surprised by all the opposition to the development. She stated she feels residential uses are no longer appropriate for this site. She further noted the city met with the State Highway Department in recent months to discuss traffic concerns in the area. She stated she understands the state is intending to install another lane from the Toeppen Building to the interstate to alleviate traffic issues in the area. Mr. Wessels then asked if the city looked at any development agreements with the developer regarding sidewalk issues, signage, curb cuts, etc. Mayor Moriconi stated the city had and in fact the developer would be meeting next week to discuss such issues. Ms. Horowitz then stated that part of the financing does involve development agreements, so there will in fact be a development agreement with the city. Mr. Hilgeford then questioned statements made by Mayor Moriconi that the state would eventually help alleviate traffic concerns such as that which occurred with the Dolwick Connector. Mayor Moriconi then stated she was only hoping traffic concerns could be addressed soon versus later. She then noted the state probably should have looked at Buttermilk Pike five years ago.

Mr. Marland addressed the Commission and stated he feels this site will be used by many residents of the surrounding area and not just those coming off the interstate. He further stated he feels this would be a benefit to the area. He then acknowledged that Buttermilk is rough at times but also stated many residents know the back ways around Buttermilk and the traffic.

Mr. Thelen addressed the Commission and stated he is in favor of the development. He stated all around Crescent Springs there is development and he feels this will be good for the city.

Mr. Sucher addressed the Commission and stated he owns the Speakeasy and has been in the area for thirty-four years. He stated they have seen traffic increase over the years. He also stated he has no problem with the development and that he is not afraid of the competition. He stated the only problem he has with Bear Creek is he and his neighbors have been trying to talk with the developer about improvements and so far they have been ignored. He further noted no one seems to be concerned about residential development which increases traffic. He additionally noted he feels residential traffic accounts for 90% of the traffic in the area.

Mr. Kendall addressed the Commission and stated it has been proven in the area that if you build nice establishments people will come, as true with this development.

Mr. Sweeney addressed the Commission and stated he is a resident of Crescent Springs. He stated there are costs to this project and traffic is the main one. He stated something will be done with the land and that too will have costs. He further stated there are also losses as in losses of revenue to the city.

Mr. Rodish addressed the Commission and stated he feels the Commission should put their stamp of approval on the project. He stated he drives home every day on Anderson and there is traffic everywhere. He challenged Bear Creek to make this a very nice facility. He further stated he sees a lot of growth and feels it would great for the city in terms of giving back to the city.

*At this time (9:00 pm) a ten minute recess was taken.

Mr. Oliver addressed the Commission with concerns as to the development. He asked what was done with regard to the traffic study as far as counts, etc. Mr. Riley stated counts were taken in addition to other means of counting traffic. He further asked about the regional area which will serve the project. He asked various questions as to the time delays calculated in the traffic study. Mr. Riley stated they did counts at various points as well as manual counts done at intersections where machine counts could not be taken. He stated the state also did twelve hour counts which they used in calculating the results in the traffic study. Mr. Oliver stated it will be interesting to see where the buildings will be and where the parking lots would be on the outlots. He stated his concern is really the Beechwood Road area. He stated it is designated as a collector but it doesn't meet the requirements of a collector road. He stated the residents would be affected by the development. He further stated that malls are mainly around arterial streets, which is not the case here. He additionally noted he is not against the development; he is against the traffic patterns around residential developments. He stated the traffic is going to be so bad on Amsterdam and Buttermilk since it is being accessed on Beechwood Road. He further noted that Beechwood Road has two schools, a swim club and various activities and that increased traffic will cause issues on Beechwood. He stated the development would be encouraging the use of Beechwood Road which is a residential road. He stated he just wants to caution the Commission because anybody can make numbers look great and developers are trying to sell a project. He stated he would like to only

have one egress on Beechwood.

Ms. Grape addressed the Commission and stated her major concern is the traffic. She stated she feels this will resemble Rookwood in Hyde Park on a Saturday as far as traffic. She stated the outlots resemble green space which is not the case. She stated there doesn't appear to be room as far as parking for seven restaurants as well as retail. She stated she is recommending disapproval and stated there is much more work to be done before it can be approved.

Ms. Rice addressed the Commission and stated she would like to know that things will be done fairly as far as the residents of the mobile home park where she lives. She stated she heard the residents will be offered one-third of what their homes are worth and she just wants things to be done fairly.

Mr. Pfetzer addressed the Commission and stated his letter was read earlier into the record that he has nothing to add.

Mr. Hemmer addressed the Commission and stated he is against the development but thinks there are some things that can be worked out to make it viable. He stated he is a lifelong resident of the area and is very familiar with traffic in the area. He stated his concerns are with traffic. He stated he thinks sidewalks are needed but doesn't know if there is room. He stated he is afraid that all the traffic will come down Amsterdam Road to try to avoid the traffic. He further stated he feels it will be difficult to get out of the intersection where Bonefish and Fifth Third Bank are located. He additionally stated he does not know if adding another lane on Buttermilk is really going to help much, which is one of his concerns. He then asked if Buttermilk is in the state's six-year plan.

Mr. Wolnitzek addressed the Commission and asked if the 20% open space required by the MLU Zone is the open park or just adding up all the tree islands. He stated there is too much information missing along with too many questions to approve the issue currently.

Mr. Rose addressed the Commission and stated he is concerned about the little man being pushed out. He stated if the smaller roads were put in it would hurt the smaller businesses and cause them to be pushed out. He stated the bank on the corner will be sealed off because it is only one way in and one way out. He stated the trains make so much noise that some kind of a wall will need to be put up because when the trees are taken down the noise will be worse. He noted the plan just does not make sense.

Mr. Goetz addressed the Commission and stated he wanted to elaborate on the point of storm water drainage. He stated there is a major problem with the storm drainage on Buttermilk. He stated the state has increased the expressway drainage and they keep dumping water on Crescent Springs. He stated when there is a major storm there is a lot of water coming to the area. He encouraged the Commission to look closely at the project.

Mr. Kerns addressed the Commission and stated he is not in favor of the plan. He stated the traffic will be backed up on the highway which could cause a dangerous situation.

Ms. Webber addressed the Commission and stated she represents St. Joseph Church in Crescent Springs. She thanked the Staff for their fine presentation. She further stated she has not yet heard any compelling reasons why this development is necessary, especially when there is talk of Crestview Hills and Florence Mall being redone. She asked the city of Crescent Springs what specific arrangements are being made for the residents of the mobile home park.

Mr. Heidrich addressed the Commission and stated he was representing the International Village. He stated he makes at least five plus daily trips through the area. He stated they have concerns with the development and distributed a handout of requested conditions. He stated he is asking for some entitlement for the existing property of the apartment buildings. He then reiterated and reviewed the points as spelled out on the handout. He further noted that Stage I Plans tend to become entitlements to the developer.

Mr. Kelly addressed the Commission in rebuttal. He made it clear this is not a zone change but a Stage I Development Plan. He stated one of the things they recognize on the plan is the radius and where the project would draw from. He stated this particular area has a lot of traffic coming from all different directions. He stated they are going to have a development plan with the city and further noted they have outlined improvements on the plan and are asking for approval.

Staff had nothing further to add to their presentation.

Mr. Wessels stated his concerns as far as what he felt the Commission's options were with regard to the proposal. Mr. Ryan stated he liked the project but did not like the vagueness of the project. He stated while this is not a subdivision, at some point the outlots, if sold, will then be subdivided. He then noted at that point there would be curb cuts that do not line up, etc., which are concerns with the project. Mr. Hilgeford recommended that Buttermilk Pike be improved so the residents can be alleviated of some of the traffic problems. Mr. Bertram asked if anything has been submitted with regard to the nine million dollars worth of improvements. Mr. Schwartz then stated that nothing had been submitted. Mr. Bertram further stated he agreed with Mr. Wessels that the plan is vague and it is a lot of money to not know where it is being spent.

Mr. Dennis Gordon then addressed the Commission and stated it is somewhat sad the way the project was portrayed. He stated that given the information Staff was presented with and in the time frame in which that information was submitted, that Staff had to take the position they did on the project. He then suggested possibly tabling the matter to give the Staff, the city and the developer time to work out the issues that have been raised. Mr. Bertram asked the developer what his feelings would be on tabling the matter since there seemed to be too many unknowns with the project as it stands. Mr. Kelly stated to table the matter would put the project in peril. Ms. Horowitz stated the reason there are so many problems with the project is because Staff could not get past the fact that there was no residential development within the development. She stated she did not feel they should have to provide information in a Stage I Plan whether the outlots are going to be sold or leased or whether the streets are going to be private or public. Mr. Bertram then stated there is too much vagueness with the plan to

approve it. Mr. Hilgeford then motioned to disapprove based on Staff's recommendations and the testimony given during the public hearing. Mr. Hadley seconded the motion. Mr. France then questioned the residential requirement in Staff's report. Mr. Hilgeford then stated he would be willing to exclude that requirement from the conditions. Mr. Schwartz then asked for clarification on the motion. Mr. Hilgeford reiterated his motion with the second by Mr. Hadley. A roll call vote on the matter found Mr. Hilgeford, Mr. Hadley, Ms. Carlin, Mr. France, Mr. Hushebeck, Mr. Ryan, Mr. Wells, Mr. Swanson and Mr. Price in favor of the motion. Mr. Bertram, Mr. Coates, Mr. Cook, Ms. Snyder, Ms. Weldon and Mr. Wessels voted against. The motion carried by a vote of 9 to 6.

*From this point forward Mr. David Schneider presided as legal counsel for the remainder of the meeting.

1649R

APPLICANT: City of Edgewood, per Mr. Roger Rolfes.

LOCATION: N.A.

REQUEST: A proposed text amendment to the Crestview Hills Zoning Ordinance amending the regulations pertaining to the Class 5 fence, within residential zones.

Staff presentation and Staff recommendations by Ms. Melissa Jort.

NKAPC STAFF RECOMMENDATION:

To disapprove the proposed text amendment to the City of Edgewood Zoning Ordinance amending the use of a Class 5 fence within a 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 to the City of Edgewood Zoning Ordinance amending the use of a Class 5 fence within a residential zone is unreasonable as there is no basis on which to interpret the meaning of "unusual circumstances for good cause shown". The submitted request would therefore allow Class 5 perimeter fences to be placed at the discretion of the zoning administrator without a reasonable explanation of the regulations.

2. The proposed text amendment to the City of Edgewood Zoning Ordinance amending the use of a Class 5 fence within a residential zone is inappropriate for the proper enforcement of fence regulations within the city. The submitted request would allow Class 5 perimeter fences to be used as a continuation or replacement of existing legal fences and would result in inconsistent perimeter fences being placed

throughout the city.

Mr. Rolfes registered to speak in favor of the issue. No one registered to speak against.

Mr. Rolfes addressed the Commission and stated they are not ready to adopt the class 5 cart blanche. He stated he is respectfully requesting the Commission to grant the request, as submitted. Mr. Hadley asked if he had any pictures of what was allowed. Mr. Rolfes stated he did not bring any pictures of what was currently allowed. He further stated the problem is in some areas of the city there are solid wood fences that are in need of being replaced but because of regulations they cannot. He stated if someone has a solid fence that goes partially down the length of the yard and they want to complete the fence, they cannot. He stated they want to do right by the citizens and are therefore asking for the text amendment. He further noted that under this proposal it gives them some latitude to make decisions on an individual basis.

Mr. Hadley then motioned to approve based on the comments and testimony given by Mr. Rolfes. Mr. Hushebeck seconded the motion. A roll call vote on the motion found Mr. Hadley, Mr. Hushebeck, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hilgefurd, Mr. Ryan, Ms. Snyder, Ms. Weldon, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Price in favor. The motion carried unanimously.

1651R

APPLICANT: City of Crestview Hills, per Mr. Dan Groth.

LOCATION: N.A.

REQUEST: A proposed text amendment to the Crestview Hills Zoning Ordinance modifying the regulations pertaining to business signs in the RP-1 (Research park-One) Zone.

Staff presentation and Staff recommendations by Ms. Melissa Jort.

NKAPC STAFF RECOMMENDATION:

To approve the proposed text amendment modifying the regulations pertaining to business signs in the RP-1 Zone, but only subject to compliance the condition that the wording of the proposed text amendment be amended to read as follows: "Each individual building within the RP-1 Zone shall be permitted to have a wall or ground mounted sign, which shall not exceed thirty (30) square feet in surface area."

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, except as noted under condition, 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, except as noted under condition, will allow for a variety of research, office, training and other business uses to place a wall or ground mounted sign within the RP-1 zoning district.
3. The recommended wording "Each individual building within the RP-1 Zone shall be permitted to have a wall or ground mounted sign, which shall not exceed thirty (30) square feet in surface area" provides for clarification of the proposed activity and is consistent with a similar regulation for business signs in the PO-1 and PO-2 zoning districts.

Mr. Groth registered to speak in favor of the issue. No one registered to speak against.

Mr. Groth addressed the Commission and stated they are seeking the text amendment for certain sections because they are vague.

Mr. France motioned to approve based on Staff's recommendations. Mr. Bertram seconded the motion. A roll call vote on the motion found Mr. France, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Hilgeford, Mr. Hushebeck, Mr. Ryan, Ms. Snyder, Ms. Weldon, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Price in favor. The motion carried unanimously.

*The following two issues were combined for purposes of the public hearing.

1652R

APPLICANT: City of Crescent Springs, per George Ripberger.

LOCATION: N. A.

REQUEST: Proposed text amendments to the Crescent Springs Zoning Ordinance adding a new zoning district, the NM (Neighborhood Market) Zone, along with the necessary cross references within other sections of the zoning ordinance

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

To disapprove the proposed text amendments adding a new zoning district, the NM (Neighborhood Market) Zone, along with the necessary cross references within other sections of the 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 Recommendations:

1. The proposed text amendments adding a new zoning district, the NM (Neighborhood Market) Zone, along with the necessary cross references within other sections of the zoning ordinance is unnecessary and would create a zoning district which is duplicative. The permitted uses within the proposed NM Zone are currently identified as permitted uses within several other zones currently identified within the Crescent Springs Zoning Ordinance.
2. Given the size of the city of Crescent Springs, along with the limited amount of area for commercial activity, the proposed NM Zone is not warranted. Such a zoning district would have very limited application within the city. Its inclusion within the zoning ordinance, therefore, dilutes the importance of the existing zones.
3. The proposed NM Zone contains language that is vague and will be difficult to administer. Subsection D., 2. reads as follows: "No outdoor storage of any material (usable or waste) shall be permitted in this zone, except that Christmas trees and other decorations may be sold during the holiday season and garden supplies along with yard and lawn care items, may be sold and displayed during the garden season."

The terms "holiday season" and "garden season" do not provide definitive time frames and will, therefore, be subject to interpretation.

1653R

APPLICANT: City of Crescent Springs, per George Ripberger.

LOCATION: An approximate .8 acre area located at the southeast corner of the intersection of Buttermilk Pike with Overlook Drive, Crescent Springs.

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

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

To disapprove the proposed map amendment from R-1C to NM.

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 NM is not 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 of 2.0 dwelling units per net acre and Under. The proposed NM Zone will permit the development of a limited variety of retail and service uses within an area recommended for residential development.

2. While the existing R-1C Zone may not be appropriate for the site in question, given the character of the adjacent land uses, the proposed Neighborhood Market (NM) Zone is also not appropriate.

The adopted comprehensive plan does not recommend commercial activity on the site in question. The proposed NM Zone would permit a limited variety of retail and service uses to be developed on the site in question. The proposed NM Zone, for the site in question, would constitute spot zoning. The result of the proposed zone change would create a free standing zone of approximately 1.3 acres -- .8 acres of private property and .5 acres of right-of-way.

3. There have not been any changes of an economic, physical, or social nature, within the vicinity of the site in question, which were not anticipated in the preparation and adoption of the 2001 Area-Wide Comprehensive Plan Update to warrant a change in the zoning classification.

4. Sufficient land exists elsewhere within the city that is already zoned for commercial uses. Areas in the vicinity of Hazelwood Drive, zoned LHS (Limited Highway Service), and Anderson Road, zoned MLU (Mixed Land Use), have the potential to be developed with uses permitted within the proposed NM Zone.

5. The proposed map amendment from R-1C to NM is not consistent with Section 17.0, F. of the Crescent Springs Zoning Ordinance, which states that the zoning map shall not be amended, changed, or modified in such manner as to create a free standing zone of less than five (5) acres, except where specific area restrictions are stipulated in this ordinance, or as outlined in the adopted comprehensive plan by the planning commission. The proposed map amendment for the site in question, along with the right-of-way of Buttermilk Pike and Overlook Drive, would create a freestanding zone of approximately 1.3 acres.

Mr. Wessels stated the Commission's hands are basically tied on the issue. Mr. Schneider stated this basically came up because a business owner would like to put on a kitchen addition and cannot.

Mr. Warren Heis registered to speak in favor of the issue. No one registered to speak against.

Mr. Heis addressed the Commission and stated his father in law bought the business in 1943 and it has been in the family ever since. He stated he understands the Commission has their regulations to consider but asked them to consider his application.

Following a brief discussion on the matter Mr. Hilgefurd motion to disapprove the map amendment based on the fact that it is spot zoning (in agreement with Staff's report). Mr. Wessels seconded the motion. A roll call vote on the text amendment found Mr. Hilgefurd, Mr. Wessels, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hadley, Mr. Hushebeck, Mr. Ryan, Ms. Snyder, Ms. Weldon, Mr. Swanson and Mr. Price in favor. Mr. Wells withdrew due to a conflict of interest. The motion carried.

On the matter of the map amendment, Mr. Hilgefurd motion to disapprove, based on Staff's recommendation. Mr. France seconded the motion. Ms. Weldon noted this is basically shutting out small businesses that have been in the area for a long time. A roll call vote on the matter found Mr. Hilgefurd, Mr. France, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Hushebeck, Mr. Ryan and Mr. Swanson in favor. Ms. Snyder, Ms. Weldon, Mr. Wessels and Mr. Price voted against. Mr. Wells withdrew due to a conflict of interest. The motion carried.

1654R

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

LOCATION: N. A.

REQUEST: Proposed text amendments to the Erlanger Zoning Ordinance adding a new zoning district, the IP-4 (Industrial Park-Four) Zone, along with the necessary cross references to other portions of the zoning ordinance (i.e. definitions, establishment of zones, general regulations, zones, sign regulations, performance standards, and administration).

Staff presentation and Staff recommendations by Ms. Melissa Jort.

NKAPC STAFF RECOMMENDATION

To disapprove the proposed text amendments adding a new zoning district, the IP-4 (Industrial Park-Four) Zone, along with the necessary cross references to other portions of the 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 Recommendations:

1. The proposed text amendments adding a new zoning district, the IP-4 (Industrial Park-Four) Zone, along with the necessary cross references to other portions of the zoning ordinance, would result in the unnecessary duplication of an existing zoning district. The proposed IP-4 Zone duplicates the existing IP-1 Zone with two exceptions: (a) adding "Motorcycle Sales - New and Used" as a permitted use and, (b) amending the performance standards for industrial zones, adding provisions for outdoor testing, training,

functions and gatherings within the proposed IP-4 Zone.

2. The proposed text amendments adding a new zoning district, the IP-4 (Industrial Park-Four) Zone, along with the necessary cross references to other portions of the zoning ordinance would result in the creation of a fifth industrial zoning district in the city. The Erlanger Zoning Ordinance already contains the I-1, IP-1, IP-2, and IP-3 zoning districts, each one differing in the number and type of permitted uses, the minimum lot or tract area, yard sizes and setbacks. The proposed IP-4 (Industrial Park-Four) is therefore not warranted.

3. The proposed text amendments adding a new zoning district, the IP-4 (Industrial Park-Four) Zone, along with the necessary cross references to other portions of the zoning ordinance are not consistent with two (2) previous recommendations made by staff to approve text amendments adding new and used motorcycle sales to the list of permitted use within an existing industrial zone.

On March 22, 1996, the City of Elsmere, per Mayor Ken Robinson, submitted a request for NKAPC and KCPC review and recommendation on a proposed text amendment adding "New Motorcycle Sales" to the list of permitted uses within the IP-2 Zone (Z-96-04-02/1249R). On April 26, 1996, the NKAPC staff recommended approval of the proposed text amendment with the condition that the text read "Motorcycle Sales, new/used". On May 2, 1996, following a public hearing, the KCPC recommended approval of the proposed text amendment with one condition. On June 6, 1996, the Elsmere City Council adopted Ordinance Number 1423-1996, adding the proposed text amendment.

On August 4, 1998, the City of Crescent Springs, per Mayor Ken Robinson, submitted an application for review and recommendation on proposed text amendments to the Crescent Springs Zoning Ordinance, adding (1) motorcycle repair to the list of permitted uses within the IP-1 Zone; and (2) automobile and/or motorcycle sales and service, new or used, including the retail sale of parts and accessories to the list of permitted uses in the IP-1 Zone; and (3) "No sales, service or storage of automobiles and/or motorcycles shall be permitted within this zone, except within a fully enclosed building" to the list of other development controls within the IP-1 Zone (Z-98-08-01/1364R). On August 28, 1998, staff recommended approval of the proposed text amendments, and on September 3, 1998, following a public hearing, the KCPC recommended approval of the proposed text amendments. On September 8, 1998, the Crescent Springs City Council adopted Ordinance Number 1998-11, adding the proposed amendment.

These previous staff recommendations allowed motorcycle sales to be added as a permitted use within existing industrial zones, rather than as part of an application adding the proposed use within a new zoning district.

No one registered to speak for or against the issue. Mr. Swanson noted he was present at a meeting with the city on the issue. He stated he agreed with Staff but that the city had specific reasons to request the additional zone. Mr. Swanson then motioned to approve on the basis that the text amendment was allowed to be included as authorized by KRS 100. Ms. Weldon seconded the motion. A roll call vote on the matter found Mr. Swanson, Ms. Weldon, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Hilgefurd, Mr. Hushebeck, Ms. Snyder, Mr. Wells, Mr. Wessels and Mr. Price in favor. Ms. Carlin and Mr. France

voted against. Mr. Bertram and Mr. Ryan abstained. The motion carried.

1655R

APPLICANT: Kenton County Planning Commission (per Mr. Timothy B. Theissen, Chairman)

LOCATION: Incorporated and Unincorporated Kenton County

REQUEST: Amendments to the Kenton County Subdivision Regulations as follows: (1) Handicap Accessible Curb Ramps; (2) Joint Sealing Compound; and (3) Asphalt Thickness.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

Adopt Attachments "A", "B" and "C" regarding: (1) Handicap Accessible Curb Ramps; (2) Joint Sealing Compound; and (3) Asphalt Thickness.

Comprehensive Plan Documentation:

Date of adoption by the Kenton County Planning Commission: December 18, 2001.

Bases For Recommendation:

1. The proposed amendments are consistent with the goals and objectives contained within the 2001 Area-Wide Comprehensive Plan;
2. The proposed amendments are consistent with the Kentucky Revised Statutes 100.281 which states: "Subdivision regulations shall be based on the comprehensive plan, in those counties which have adopted a comprehensive plan, and all subdivision regulations shall contain: ...

"(3) Requirements for the design of streets, blocks, lots, utilities, recreation areas, other facilities, hazardous areas, and areas subject to flooding...

"(4) Specifications for the physical improvements of streets, utilities, and other facilities, and the extent to which they shall be installed or dedicated as conditions precedent to approval of any plat...";
3. The proposed amendments address specific Subdivision Regulation text regarding design and construction issues that are currently unclear and inconsistent with acceptable engineering and construction standards, and Federal Regulations; and
4. The proposed amendments upgrade existing Subdivision Regulations to comply with commonly accepted engineering and construction standards.

Following Staff's presentation, Mr. Swanson made the motion to approve based on Staff's report and

recommendations. Ms. Weldon seconded the motion. A roll call vote on the matter found Mr. Swanson, Ms. Weldon, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Hushebeck, Mr. Ryan, Ms. Snyder, Mr. Wells, Mr. Wessels and Mr. Price in favor. The motion carried unanimously.

OLD BUSINESS:

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

COMMISSION ITEMS:

Standing Committee Reports:

Subdivision Regulations Review Committee:
No report.

By-Laws:

With regard to the action on proposed amendments to the Kenton County Planning Commission By-Law, Ms. Snyder motioned to accept the changes. Ms. Weldon seconded the motion. A roll call vote on the matter found Ms. Snyder, Ms. Weldon, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Hushebeck, Mr. Ryan, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Price in favor. The motion carried unanimously.

Model Zoning Ordinance:

No report.

Report of the Nominating Committee regarding Election of Officers for 2004:

Ms. Snyder stated she would be chair of this committee in place of Mr. Meyer. She stated she was not aware of any further nominations and that the committee recommends that the current officers be slated for the following year. Mr. Price then stated the nominations were closed. Elections are to take place at the meeting on January 8, 2004.

COMMENTS/REQUESTS TO THE COMMISSION:

There being no further business to come before the Commission, the meeting was adjourned at 12:05 a. m. None opposed.