



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

February 5, 2004
9:00 A.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. Chuck Eilerman - Covington
Mr. Tom France - Ludlow
Ms. Maura Snyder - Independence
Mr. Bernie Wessels - Ft. Wright
Mr. Paul Swanson, Secretary/Treasurer - Erlanger
Mr. Joe Price - Vice Chairman - Crestview Hills
Mr. Tim Theissen - Chairman - Edgewood

LEGAL COUNSEL PRESENT:

Mr. David Schneider, Esq.

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

Mr. Theissen welcomed new Commission member Mr. Chuck Eilerman as a representative for Covington. Mr. Eilerman then gave a brief background of information on himself. Mr. Theissen also introduced Mr. Ryan Hutchinson as the new member of Staff who will be working with Mr. Scott Hiles.

APPROVAL OF THE MINUTES:

There were no minutes to approve from January 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-638 CODY MEADOWS SUBDIVISION

APPLICANT: Bayer Becker Engineers in behalf of Bluegrass Investments, LLC.

LOCATION: An approximate 37 acre area along the south side of Cody Road, approximately 400 feet east of the Independence Station Road intersection, Independence.

REQUEST: To approve a Preliminary Plat consisting of 84 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 CODY MEADOWS, but only subject to compliance with the following CONDITIONS:

1. That a right-turn lane be provided at the entrance intersection (Section 6.1);
2. That Sight Distance right and left for vehicles exiting the proposed intersection with Cody 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 and certified by a flow test, and fire hydrant spacing be a maximum of 450 feet (Section 7.2);
4. That efforts be pursued to reconfigure Lot #23 such that the property extending to Bristow Road be conveyed to one or both of the abutting property owners;
5. That all lots be accessed from the internal street system only (Section 6.1).

Bases for Recommendation:

The proposed CODY MEADOWS 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. Jay Bayer, Mr. Patrick Merten, Mr. Scott Willis, Mr. Joseph Schwartz and Mr. Harold Magger registered to speak in favor of the application. No one registered to speak against.

Mr. Bayer addressed the Commission and gave a brief background on the development of the project. He stated Staff did a great job and he really didn't need to go into the project. He stated he wanted to go over the conditions stated by Staff with regard to the right turn lane. He then stated they agree with Staff as to the right turn lane. He then noted there is a very low need for a left turn lane due to the low amount of traffic. Mr. Bayer additionally stated they agree to the sight distances and that they will be able to meet fire flow requirements. He further noted the developer is willing to do something with the strip of land that is undevelopable. He further noted they agree to the condition with regard to the internal street system. Mr. Hiles clarified that condition number four (4) is a condition to reconfigure lot number twenty-three (23). Mr. Theissen stated his concerns with there only being one access point to the subdivision. Ms. Carlin questioned the feasibility of dedicating the narrow portion of land on lot #23 to the county to possibly allow for a connection to the property to the south of the development. Mr. Bayer stated they would like to sell the strip of unusable property and would like to leave Staff's condition on the matter as written.

No others registered to speak on the matter.

Following discussion on the matter, Mr. Wessels made a motion to approve with the five conditions. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Eilerman, Mr. France, Ms. Snyder, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

*Mr. Bertram withdrew due to a conflict of interest with his employer.

PP-639 WHISPERING WOODS SUBDIVISION

APPLICANT: One Eleven Engineering & Surveying, PLLC in behalf of One Eleven Developers, LLC.

LOCATION: An approximate 34 acre area at the northwest intersection of Cody Road and Webster Road, Independence.

REQUEST: To approve a Preliminary Plat consisting of 61 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 WHISPERING WOODS, but only subject to compliance with the following CONDITIONS:

1. That Sight Distance right and left for vehicles exiting the proposed intersections with Cody Road and Webster 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);
2. That a minimum fire flow of 500 gpm at 20 psi be provided and certified by a flow test, and fire hydrant spacing be a maximum of 450 feet (Section 7.2);
3. That Street "B" be extended to eliminate flag lots #45 and #44 and provide access to a developable portion of property to the north of the site (Section 6.6);
4. That all lots be accessed from the internal street system only (Section 6.1).

Bases for Recommendation:

The proposed WHISPERING WOODS 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. Darrin Eyre and Mr. Jim Bertram registered to speak in favor of the issue. No one registered to speak against.

Mr. Eyre addressed the Commission and stated Staff did a very good job so he wouldn't be going into the details of the plan. He further noted the sight distance condition would be addressed at the improvement drawing stage of the plan. Mr. Eyre noted that internal access would be provided. He also noted with regard to condition number three (3) that the ridge gets narrower as it goes out to the adjacent piece of property. Mr. Bertram then distributed a handout with regard to the plan regarding a blown-up view of the cul de sac. He noted they are trying to take out as little of the trees as possible. His handout was then marked as an exhibit to be made a part of the record on the issue. He then noted if the street is extended and widened it would put the homes back further down the ridge. Mr. Bertram stated to put them back further would put the homes on lots that have three to one slopes. He then stated they propose leaving the open space to preserve the trees in the area. He additionally stated if the street is put in they would have to cut down the ridge and build up the steep slope. He further noted they would lose developable area on the ridge if the street is extended. Mr. Bertram added they could extend the private drive and provide an easement rather than stub the street and provide a cul de sac. Mr. Bertram then noted they would provide a 16-foot drive in the area of lot number forty-four (44). Mr. Theissen then noted he sees this as a reasonable compromise to the issue of extending the street stub versus providing an easement. Mr. Hiles then suggested adding the following conditions: eliminate condition #3 (to

become 3A) and add that an ingress/egress and utilities easement be provided from the terminus of street B to the abutting property to the north. With regard to condition #5 (to become 3B), that the common driveway serving lots 44 and 45 be constructed at a minimum of 16-feet wide. Mr. Hiles suggested adding an additional information item to have the property owner share maintenance of the easement. Mr. Theissen then suggested adding an additional condition (3C) for the creation of a common maintenance agreement of the driveway for all users of the easement. Following the discussion regarding the change in conditions, Mr. Wessels made the motion to approve the application with the conditions as amended. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Wessels, Ms. Snyder, Ms. Carlin, Mr. Eilerman, Mr. France, Mr. Swanson, Mr. Price and Mr. Theissen 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. Theissen withdrew from consideration and voting with regard to issue FP-619 due to a conflict of interest with his employer. A motion was made by Mr. Swanson to ratify and approve the actions taken over the past month. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Swanson, Ms. Snyder, Mr. Bertram, Ms. Carlin, Mr. Eilerman, Mr. France, Mr. Wessels, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

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

PUBLIC HEARINGS ON SCHEDULED PUBLIC FACILITIES: None.

OTHER COMMITTEE BUSINESS:

There being nothing further to come before the Commission, the meeting was recessed at 10:30 a.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
REGULAR MEETING

February 5, 2004
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. Chuck Eilerman - Covington
Mr. Tom France - Ludlow
Mr. Mark Hushabeck - Lakeside Park
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 at 7:30 p.m.

COMMISSION MEMBERS NOT PRESENT:

Mr. Mike Denham - Bromley
Mr. Al Hadley - Elsmere
Mr. David Hilgeford - Villa Hills

LEGAL COUNSEL PRESENT:

Mr. David Schneider, Esq.

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

Mr. Theissen introduced the new Commission member representing Covington, Mr. Chuck Eilerman. Mr. Eilerman then gave a brief background history on himself. Mr. Theissen also introduced Mr. Ryan Hutchinson as the newest member of Staff to be working with Mr. Scott Hiles.

Mr. Theissen then read a letter into the record regarding issue 1659R. He stated this item was being withdrawn pursuant to the letter received. Mr. Theissen then stated no action would be taken on the issue as it was being withdrawn. He further noted the letter would be marked as an exhibit to be made a part of the minutes and record on the matter.

APPROVAL OF THE MINUTES:

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

FINANCIAL REPORT:

There were no questions or comments by the Commission on the financial report.

SUBDIVISION ITEMS:

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

b. CONSIDERATION OF ACTIONS TAKEN ON GRADING PLANS, IMPROVEMENT DRAWINGS AND SPECIFICATIONS, (STAGE II PLANS), FINAL PLATS, AND IDENTIFICATION PLATS BY THE COMMISSION'S DULY AUTHORIZED REPRESENTATIVE SINCE THE COMMISSION'S LAST REGULAR MEETING. See handout.

c. CONSIDERATION OF THE REPORT OF ACTIONS TAKEN BY THE SUBDIVISION/PUBLIC FACILITY REVIEW COMMITTEE AT A MEETING PRIOR TO, BUT ON THE SAME DAY, AS THE REGULAR MEETING. See handout.

Mr. Theissen read over the report of actions taken from the morning meeting. Mr. Bertram noted his withdrawal from item PP-639 due to conflict of interest with his employer. Mr. Theissen then noted his withdrawal from item FP-619 due to a conflict of interest with his employer. There being no questions or comments of the Commission, Mr. Wessels made a motion to ratify and approve. Mr. Eilerman seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Eilerman, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hushebeck, Mr. Ryan, Ms. Snyder, Ms. Weldon, Mr. Wells, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried.

c. 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:

*Mr. Coates withdrew from consideration and voting on the following issue due to a conflict of interest with his employer.

1635R

APPLICANT: Hub & Weber, P.S.C., per Mr. Eugene R. Weber, on behalf of Mr. Howard Adams.

LOCATION: An approximate 0.6-acre area located at the southeast corner of Johnson Street and Fifth Street, Covington.

REQUEST: A proposed map amendment to the City of Covington Zoning Ordinance, changing the area described herein, from R-3 (HP) (a low density residential zone with an historic preservation overlay zone) to HC-1 (HP) (highway commercial one zone, with an historic preservation overlay zone) (This issue was tables at the August 7, 2003 meeting).

Staff presentation and Staff recommendations by Ms. Larisa Keith.

NKAPC STAFF RECOMMENDATION:

To disapprove the proposed map amendment from R-3 (HP) to HC-1 (HP).

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-3 (HP) to HC-1 (HP) 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 ranging from 14.1 to 30.0 dwelling units per net acre. The proposed HC-1 (HP) Zone would allow for the development of a variety of commercial uses including restaurants, banks, hotels, convention centers, and specialty retail sales, and would also permit a service/filling station as a conditional use.

2. The proposed HC-1 Zone permits a variety of commercial uses including restaurants, banks, hotels, convention centers, and specialty retail sales. Conditional uses within this zone include service stations and filling stations with food sales, automobile, motorcycle, and truck sales and service facilities, and boat and other marine equipment sales and service. The existing R-3 zone permits one, two and multiple family residential development at a maximum density of approximately 20 dwelling units per net acre. Therefore, the existing zoning is appropriate and the proposed zoning is inappropriate.

3. There have been no major changes of an economic, physical, or social nature within the vicinity of the site in question that were not anticipated by the 2001 Area-Wide Comprehensive Plan Update.

4. Section 158.190 (F) of the City of Covington Zoning Ordinance states: "The zoning map shall not be amended, changed, or modified in such a manner as to create a free-standing zone of less than one (1) acre...For the purpose of computing the total size of an area to be rezoned for compliance herewith, there shall be added to such area: the area of public rights-of-way interior to the area being changed; one-half the area of public rights-of-way abutting the area being changed; and the area of any land which is contiguous to the area being changed...which already bears the zoning classification sought or the area being changed". Contiguous implies that the property must have contact on all or most of one side. The site in question is adjacent to an existing HC-1 Zone only at a point at the center of the intersection. It is the opinion of the NKAPC staff that the site in question is not contiguous to an existing HC-1 zone and therefore does not meet the minimum size requirement of freestanding zones, as set forth in the City of Covington Zoning Ordinance.

Additional Information:

1. The City of Covington is currently going through a zoning ordinance update. The site in question is one of several areas that are being specifically focused on by the City. Therefore, the proposed zone change from R-3 (HP) to HC-1 (HP) is premature.

2. If the proposed zone change is approved by the City of Covington, a complete site plan review will be conducted as part of a public hearing for the conditional use permit, to be held by the Covington Board of Adjustment.

Mr. Dan Rich and Ms. Betty Schultz registered to speak in favor of the issue. Mr. Vic Canfield, Mr. Howard Hodge, Ms. Susan Hodge, Mr. Terry Lanham, Ms. Ann Mitchell, Mr. Eric Hevert, Mr. Clint King and Ms. Cooper Ambjorn-Olsen registered to speak against/as neutral parties on the issue.

Mr. Rich addressed the Commission and stated they are requesting a zone change because the existing zoning is inappropriate. He stated the intersection is not residential. He further stated the proposed construction is for an office addition. He additionally noted the owner has stated the existing office space is too small. Mr. Rich stated the owner has conferred with Staff and was told the only way to build the addition is to obtain a zone change. He stated the owners are willing to work with the city on the project.

Mr. Howard Hodge addressed the Commission and stated this property was zoned R-3 twenty-five years ago. He further noted the owner knew this when he bought the business. He further stated the primary sale is due to lottery sales and that gas is a secondary business income. He further noted there is plenty of highway commercial in the area and that they hope the neighborhood can be returned to residential.

Mr. Lanham addressed the Commission and stated he walks by the business everyday and in the summer months no one cares for the property. He noted in the winter the ice is so thick you cannot walk. He stated he does not see them as being good neighbors for the area.

Ms. Mitchell addressed the Commission and stated she agrees with Mr. Hodge's comments on the matter. She further noted the houses next to the location are residential.

Mr. Hevert addressed the Commission and stated his concern is that if the zone is expanded to the residential area his fear is that strip clubs will go in.

Mr. King addressed the Commission and stated the owner has never taken care of his property. He stated the homeless congregate on the property and that he has had to call the police several times to have them leave the lot.

Ms. Ambjorn-Olsen addressed the Commission and stated they have made changes to the area; families have been added to, homes have been improved, etc. She stated it is a convenience store that sells cigarettes, lottery tickets and gas but no bread or milk. She noted the owner has made no effort to make a positive impact on the neighborhood.

Mr. Rich addressed the Commission in rebuttal and stated the store does sell milk and bread in addition to other items.

Mr. Eilerman stated he doesn't feel the zoning has anything to do with the property going down. He stated he feels the business could grow and thrive without the zone change. Mr. Theissen stated he felt that with such a small addition of 10x7 feet that that area could be found by reconfiguring the store in some way. Ms. Weldon then made a motion to disapprove based on Staff's recommendations and report. Mr. Eilerman seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Eilerman, Ms. Carlin, Mr. Cook, Mr. France, Mr. Hushebeck, Mr. Ryan, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Bertram abstained. Mr. Coates withdrew. The motion carried.

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

1658R

APPLICANT: Shadybrook, LLC, per Mr. Charles Berling.

LOCATION: An approximate 65-acre area located approximately 600 feet south of Senour Road, between Cloveridge Drive and Fowler Creek Road, Independence.

REQUEST: A proposed map amendment to the Independence Zoning Ordinance, changing the area described herein, from R-1C and R-1C (RCD) (a detached single-family residential zone) to R-1C (PUD) (a detached single-family residential zone with a Planned Unit Development Overlay Zone)

NKAPC RECOMMENDATION:

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

1. That the area of the site in question currently zoned R-1C (RCD) not be changed.
2. That the height of structures not exceed thirty-five (35) feet.

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 and R-1C (RCD) to R-1C (PUD), subject to conditions, 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 for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre. The proposed map amendment will allow for the development of 140 single family detached residential dwellings, at a density of approximately 2.75 dwelling units per net acre.
2. A portion of the site in question, totaling 10 acres, comprises part of the adjacent Clover Ridge subdivision which is currently zoned R-1C (RCD). The submitted development plan identifies the addition of four (4) lots to be located near the terminus of the proposed internal street system. The existing Residential Cluster Development Overlay Zone, which was eliminated from the Independence Zoning Ordinance following approval of the development, requires that at least 20% of the total acreage of the proposed RCD be retained as common open space/recreation area. Staff reviewed the approved Stage II Development Plan for Clover Ridge Subdivision (Z-00-08-05/1478R) and found there would be no significant reduction in open space given the addition of the four (4) proposed lots. It is therefore recommended that the existing zoning for this portion of the site in question remain for consistency with the remainder of the subdivision.
3. A portion of the site in question is identified as a Physically Restrictive Development Area (PRDA). Areas designated as PRDA are not intended to imply that such areas should not be developed, but rather that most of these areas should remain undeveloped and thus would become an integral part of the natural open landscape of Northern Kentucky. Where development is proposed in such areas, this land use category should alert developers and regulating bodies to potential problems which must be solved prior to any construction. Any development of areas designated PRDA should be a type of land use that is compatible with the recommended land use of adjacent properties, unless sound bases can be shown for other use types. It is further recommended that these areas be adequately controlled through local land use regulations.

The area of the site in question identified as PRDA contains an existing drainage course running through the site in question. The submitted development plan identifies a regional stormwater detention basin in this area as well as recreational amenities including hiking trails and two (2) athletic fields. The proposed map amendment from R-1C and R-1C (RCD) to R-1C (PUD), subject to conditions, is reasonable to provide flexibility in the design and location of uses and structures while preserving to the greatest extent possible, the retention of a natural drainage area and open space system.

4. The proposed map amendment from R-1C and R-1C (RCD) to R-1C (PUD), subject to conditions, meets the minimum requirements of the Independence Zoning Ordinance except for the following:

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

PP-581R

APPLICANT: Bayer Becker Engineers in behalf of Shadybrook, LLC.

LOCATION: An approximate 65 acre area abutting the existing portion of Shadybrook Trails Subdivision to the north, Clover Ridge Subdivision to the east and Sycamore Creek Subdivision to the west, Independence.

REQUEST: To approve a Revised Preliminary Plat consisting of 140 residential building lots, including public improvements such as streets, storm drainage, sanitary sewer and water system.

NKAPC RECOMMENDATION:

To approve a Preliminary Plat for REVISED SHADYBROOK TRAILS, but only subject to compliance with the following CONDITIONS:

1. That map amendment Z-04-01-02/1658R be approved by the City of Independence (Section 6.6);
2. That a minimum fire flow of 500 gpm at 20 psi be provided and certified by a flow test, and fire hydrant spacing be a maximum of 450 feet (Section 7.2); and
3. That, as part of the required Land Disturbance Permit process, the existing "regional" stormwater runoff control facility be evaluated and approved by Sanitation District No. 1 (Section 7.0).

Bases for Recommendation:

The proposed REVISED SHADYBROOK TRAILS 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.

Staff presentation and Staff recommendations by Ms. Melissa Jort.

Mr. Chuck Berling, Mr. Gill Whitaker and Mr. Rudy Kreutzjans registered to speak in favor of the issue. Mr. Ed Dotson and Ms. Nancy Weiss registered to speak against/as neutral parties.

Mr. Berling addressed the Commission on behalf of Shadybrook Development. He stated this is a combination of tying three pieces of property together. He stated they offered to the city baseball and soccer fields, etc. along with parking to provide additional recreational space. Mr. Theissen asked if the development of the other properties were in agreement. Mr. Berling stated it is a joint project with the surrounding areas. He stated there are no problems with any of the conditions stated by Staff.

Mr. Whitaker addressed the Commission and stated he doesn't have a whole lot to add. He stated he feels this is a unique situation because most of the infrastructure is already in place. He further noted it is an innovative plan that will provide interconnections to all adjoining subdivisions.

Mr. Dotson addressed the Commission and asked what would happen to the existing driveway. Mr. Berling responded and stated it would be abandoned once access is provided for. Mr. Dotson then asked about the electric lines for the development. Mr. Berling stated all electric would be underground.

Ms. Weiss addressed the Commission and stated the only type of recreation is kids on four wheelers in the summer. She stated there was supposed to be a soccer field on her side of the road. She asked if the zone means apartment buildings would be going in. Mr. Theissen stated that multi-family would be allowed but what is being proposed for single-family housing.

Mr. Berling stated the proposal is for the city to take over the fields/recreational as a public park. He further noted they've had discussions with the city as far as the green space but nothing can be decided as far as the city taking it over until the public hearing. Mr. Theissen then read a letter from the Hillside Trust into the record and marked it as an exhibit to be included with the record. Mr. Russo's letter stated the recreational area is in a drainage area. Mr. Berling then stated the recreational area is actually above the drainage area on a plateau.

Following the discussion on the issues, Mr. Price made the motion to approve 1658R and PP-581R based on Staff's recommendations and report. Mr. Cook seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Cook, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hushebeck, Mr. Ryan, Ms. Weldon, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Mr. Scheper and Ms. Snyder abstained. The motion carried.

1660R

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

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Covington Zoning Ordinance, modifying the list of permitted uses in the GC (General Commercial) Zone.

NKAPC RECOMMENDATION:

To approve the proposed text amendments modifying the list of permitted uses in the GC (General Commercial) Zone, but only subject to compliance with the following conditions:

1. That the proposed text amendment outlining size and location restrictions for ground floor dwelling units be moved to Section 158.105 (D) entitled "Space and height standards"; and
2. That the wording of the first sentence be changed to read as follows: "Dwelling units on the ground floor must meet the following requirements".

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 modifying the list of permitted uses in the GC (General Commercial) Zone are 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 deleting "general building services" from the list of permitted uses within the GC Zone and adding "and other media production studios" is appropriate to allow for a clear interpretation of the Covington Zoning Ordinance. "General building services" as a permitted use in the GC Zone is not clearly defined. The proposed text amendment adding "other media production studios" is therefore reasonable to permit uses similar in character to radio and television studios to locate within the GC Zone.
3. The proposed text amendment to permit ground floor dwelling units, subject to certain restrictions, within the GC Zone, is reasonable to allow for residential redevelopment in the City while maintaining the retail character of areas zoned GC. The proposed text amendment is also appropriate to bring existing ground floor dwelling units into conformity with the Covington Zoning Ordinance.
4. Section 158.105 (D) of the Covington Zoning Ordinance currently contains height and spacing standards for above ground dwelling units within the GC Zone. The condition that the proposed text amendment outlining similar restrictions for ground floor dwelling units be moved to this section is therefore reasonable. It is also recommended that the wording of the first sentence be revised in order to clarify that the proposed wording pertains to ground floor dwelling units.

Staff presentation and Staff recommendations by Kathy Farrow.

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

Ms. Duganier addressed the Commission and stated that the text amendment is basically a rewording to make things more clear. She further stated since the Staff prepared their report they've actually come up with a better word for general building services; communication service establishments. She also noted with regard to dwelling units on ground floors she felt it would be clearer and make a lot more sense to leave it at the end of the list of uses. There were no questions or comments by the Commission. Mr. Theissen suggested adding a third condition to read that alternative language be considered that communication service establishments be replaced and that a definition be added to define what communication service establishments are. He stated one concern he had was that an application was made and there was language that was put on notice to everybody in the public and if you just change the language then someone could theoretically object and say they didn't know you were changing it. He then stated if it was made as a condition it could be dealt with at the first and second reading at the city level and that way the public would get notice of it at the first and second reading. Mr. Theissen then recommended a motion that would eliminate the two existing conditions and add a new first condition that would state on the condition that subparagraph seven of the principal permitted uses be modified to communication service establishments and that a definition thereof be added to the Covington Zoning Ordinance that would adequately define the term as was proposed by city staff at the planning commission meeting. Mr. Theissen then continued with condition number two being that subparagraph 17c be deleted and that language be added to the space and height requirement in that section of the code providing that all dwelling units be at least 750 square feet of gross floor area. Mr. Theissen asked Ms. Duganier to clarify the definition of communication service establishments, which she read as follows; "broadcasting and other information relay services accomplished through use of an electronic and telephonic mechanism excludes services classified as major utilities and services and minor utilities and typical uses include recording studios, television and radio studios, telecommunication service centers and telegram service offices." Ms. Weldon then motioned to approve. Mr. Price seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hushebeck, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

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

1661R

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

LOCATION: N. A.

REQUEST: Proposed text amendment to the Crestview Hills Zoning Ordinance: (1) modifying the minimum off-street parking requirements for retail and personal service stores and shopping centers; and (2) modifying the sign requirements for uses within the SC (Shopping Center) Zone.

NKAPC RECOMMENDATION:

RECOMMENDATION A: To approve the proposed text amendment modifying the minimum off-street

parking requirements for retail and personal service stores and shopping centers, but only subject to compliance with the condition that the required number of off-street parking spaces be reduced to 4.0 spaces for each 1,000 square feet of gross leasable area.

RECOMMENDATION B: To approve the proposed text amendment modifying the sign requirements for uses within the SC (Shopping Center) Zone.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendations:

RECOMMENDATION A:

1. The proposed text amendment modifying the minimum off-street parking requirements for retail and personal service stores and shopping centers (see Attachment A), except as noted under condition, is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203 (1).

2. The proposed text amendment modifying the minimum off-street parking requirements for retail and personal service stores and shopping centers (see Attachment A), except as noted under condition, is appropriate in that it is generally consistent with the standards included within the Institute of Transportation Engineers (ITE) Parking Generation manual.

The Institute of Transportation Engineers (ITE) Parking Generation report (2nd edition, 1987) indicates an average of 3.6 off-street parking spaces for each 1,000 square feet of gross leasable area for shopping centers.

While the proposed text amendment reduces the requirement from 5.5 spaces for every 1,000 square feet of gross leasable area to 4.25 spaces for every 1,000 square feet of gross leasable area, it is the opinion of the NKAPC staff that the requirement of 4.0 spaces for every 1,000 square feet of gross leasable area is more consistent with the national standard.

3. The proposed condition requiring 4.0 spaces for every 1,000 square feet of gross leasable area is consistent with a previous recommendation made by the NKAPC staff and the KCPC.

On January 4, 1990, the Kenton County Planning Commission submitted an application to amend the text of all zoning ordinances within Kenton County, reducing the required number of off-street parking spaces for retail and personal service stores and shopping centers to 4.0 spaces for every 1,000 square feet of gross leasable area (Z-90-01-02/937R). On January 26, 1990, the NKAPC staff recommended

approval of the proposed text amendment. On February 1, 1990, following the public hearing, the KCPC recommended approval of the proposed text amendment.

RECOMMENDATION B:

1. The proposed text amendment modifying the sign requirements for uses within the SC (Shopping Center) Zone (see Attachment B) is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. Given the size of the existing SC Zone within the city of Crestview Hills, it is conceivable that a number of varying designs could be achieved and implemented. As such, it is appropriate to allow the signage for such developments to be viewed on a case by case basis with the understanding and stipulation that such signage be generally consistent with the strict requirements of the zoning ordinance.

1662R

APPLICANT: Jeffrey R. Anderson Real Estate, Inc., per J. R. Anderson, on behalf of Crestview Hills Mall Company.

LOCATION: An approximate 49-acre area located at the southeast quadrant of the Dixie Highway/I-275 interchange, Crestview Hills.

REQUEST: Review of a proposed Stage I Development Plan, for the area described herein, which is currently zoned SC (a shopping center zone).

NKAPC RECOMMENDATION:

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

1. That the required landscaping be provided between commercial uses and residential uses.
2. That the required landscaping be provided between commercial uses and public or private streets.
3. That a minimum of five (5) percent of the vehicular use area be landscaped.
4. That approval of the proposed text amendment modifying the sign requirements for uses within the SC (Shopping Center) Zone be adopted prior to, or simultaneous with, the action on the proposed Stage I Development Plan.
5. That the sidewalk be located along the west side of the access road, adjacent to the outlots.
6. That an interconnection be provided between the off-street parking areas for the existing Panera Bread restaurant and the proposed retail/restaurant building (Building H).

7. That approval of the proposed text amendment modifying the minimum off-street parking requirements for retail and personal service stores and shopping centers be adopted prior to, or simultaneous with, the action on the proposed Stage I Development Plan.
8. That the proposed pole sign located at the intersection of Turkeyfoot Road with Crestview Hills Mall Road be prohibited.
9. That the proposed pole sign located along Interstate 275 not exceed a maximum height of 30 feet.
10. That the proposed pole signs located along Dixie Highway not exceed a maximum height of 18 feet.

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 development/redevelopment of the Crestview Hills Mall is consistent with the recommendations contained within the 2001 Area-Wide Comprehensive Plan Update. Chapter V, Land Use, Commercial, Retail/Service, specifically identifies the Crestview Hills Mall as an underutilized facility that has the potential for development/redevelopment. The comprehensive plan reads as follows:

Additionally, the Crestview Hills Mall is located within this sector adjacent to I-275. This Mall, which is currently underutilized, potentially provides significant opportunity for new businesses. Furthermore, several out lots exist at the Mall that are available for future development.

2. The submitted Stage I Development Plan meets the minimum requirements of the Crestview Hills Zoning Ordinance, except for the following:

a. Section 9.17, D. identifies regulations for specific landscaping between commercial uses and residential uses. The submitted development plan provides sufficient area for the required landscaping and notes that a detailed landscape plan will be submitted as part of a Stage II Development Plan. However, insufficient information has been submitted to determine that the landscaping requirements will be satisfied.

b. Section 9.17, D. identifies regulations for specific landscaping between commercial uses and public or private streets. The submitted development plan provides sufficient area for the required landscaping and notes that a detailed landscape plan will be submitted as part of a Stage II Development Plan. However, insufficient information has been submitted to determine that the landscaping requirements will be satisfied.

c. Section 9.17, D. requires a minimum of five (5) percent of the vehicular use area be landscaped. The submitted development plan notes that a detailed landscape plan will be submitted as part of a Stage II Development Plan. However, insufficient information has been submitted to determine that the landscaping requirements will be satisfied.

d. Section 10.8, B., 3. states that signage shall meet the requirements of Article XIV, Sign Regulations. The submitted development plan does not meet these requirements. The City of Crestview Hills, however, has submitted a proposed text amendment to modify this Section 10.8, B., 3. to read as follows: The location, height, size, and type of all signs shall generally be in accordance with Article XIV of this ordinance and as approved in the plan. It is recommended that this proposed text amendment be adopted prior to, or simultaneous with, the action on the proposed Stage I Development Plan.

e. Section 10.8, E., 4. requires that a site plan for development within the SC Zone include the layout of the entire area of the proposed shopping center and that the plan take into consideration good shopping center design (i.e., internal and external pedestrian and vehicular access) and the functional relationship of uses within the shopping center.

The submitted development plan indicates the installation of a sidewalk along the east side of the access drive, across from the outlots. Pedestrian traffic is more likely to occur on the same side of the access drive as the outlots rather than on the opposite side. It is therefore recommended that the sidewalk be located along the west side of the access road, adjacent to the outlots.

The submitted development plan indicates the existing Panera Bread restaurant and a proposed retail/restaurant facility (Building H) to be located south of the Panera Bread restaurant. The submitted development plan also indicates that the off-street parking lots serving these building will be separate, without an interconnection. To provide for a more coordinated development, and to encourage movement between adjacent land uses, it is recommended that an interconnection be provided between the off-street parking areas for the existing Panera Bread restaurant and the proposed retail/restaurant building (Building H).

f. Section 11.1, Z. requires that shopping centers be provided with 5.5 off-street parking spaces for every 1,000 square feet of gross leasable area. Based upon a development of 478,824 square feet, 2,634 off-street parking spaces are required. The submitted development plan indicates the provision of 2,036 off-street parking spaces. The City of Crestview Hills, however, has submitted a proposed text amendment reducing this requirement to 4.25 off-street parking spaces for every 1,000 square feet of gross leasable area. Based on the proposed requirement, 2,036 off-street parking spaces would be required. It is therefore recommended that this proposed text amendment be adopted prior to, or simultaneous with, the action on the proposed Stage I Development Plan.

g. Section 14.5, B., 3., b. allows regional shopping centers having 500,00 or more square feet of floor area to have one pole sign with a maximum size of 100 square feet for each main entrance. The site in question has three main entrances (two on Dixie Highway and one at Crestview Hills Mall Road).

Therefore, the site in question would be allowed to have three pole signs, each with a maximum size of 100 square feet. The submitted development plan indicates: (1) the installation of a pole sign, having a maximum size of 125 square feet, along Interstate 275, at the terminus of Crestview Hills Mall Road; and (2) the installation of two pole signs, each having a maximum size of 125 square feet, along Dixie Highway, at the existing curb cuts to the mall. The location, number, and size of these three pole signs are reasonable and generally consistent with the sign regulations.

The submitted development plan also identifies a pole sign, having a maximum size of 125 square feet, to be installed at the intersection of Turkeyfoot Road with Crestview Hills Mall Road. The provision of this sign would increase the number of pole signs beyond what is permitted by the sign regulations and would permit an advertising sign which is not allowed by the sign regulations. As such, it is recommended that the proposed pole sign located at the intersection of Turkeyfoot Road with Crestview Hills Mall Road be prohibited due to its inconsistency with the sign regulations.

h. Section 14.5, B., 3., b. states that no free standing (pole) sign shall exceed eighteen (18) feet in height. The submitted development plan indicates that the pole sign located along Interstate 275 is to be 100 feet in height. Additionally, the submitted development plan does not provide a maximum height for the two pole signs located along Dixie Highway.

Due to its proximity to Interstate 275 and the separation of land uses across the interstate, it is reasonable to allow the proposed pole sign located along Interstate 275 to be a maximum of 30 feet in height.

Due to their proximity to Dixie Highway, the separation of land uses across Dixie Highway, and the existing regulation on the height of such signs, it is reasonable to prohibit the proposed pole signs located along Dixie Highway from exceeding eighteen (18) feet in height.

3. Section 14.5, B., 3., b. of the Crestview Hills Zoning Ordinance states that each individual use may have wall mounted signs that are a maximum of one (1) square foot of area for each horizontal linear foot of building wall upon which the sign is to be located. Due to the orientation of the proposed buildings, their setback from adjacent residential structures, and their proximity to Interstate 275, the size, location, and number of proposed wall signs are reasonable and generally consistent with the sign regulations.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

Mr. Dan Groth, Mayor Paul Meier, Mr. Walter Blair, Mr. J.R. Anderson, Mr. Jay Bayer, Ms. Kim Elam and Ms. Leann Tito registered to speak in favor. Mr. John O'Brien, Ms. Pam Reedy, Mr. Jay Zang, Mr. Dave Reibold and Mr. Ron Johnson registered to speak against/as neutral parties to the issue.

Mayor Meier addressed the Commission and discussed proposed changes to the text amendments regarding parking requirements. He stated they want to make sure there are enough parking spaces for the shoppers but not too many such that green space is lost and parking spaces go unused. He further

noted they are requesting 4.25 parking spaces. He additionally stated a concern is the development calls for three free-standing signs. He stated he does not think the sign along 275 should be allowed. He also noted he would like to see the sign size stay at 18 feet and 125 feet wide. Mayor Meier further noted the city and residents are excited about the project with regard to the Stage I Development Plan and asked for approval.

Mr. Walter Blair addressed the Commission and stated the sign proposed along 275 would not be readily seen due to a site barrier. He further noted they are concerned with traffic problems around the mall. He stated he reviewed the traffic study and noted that no weekend studies were taken and he feels this is a more representative figure. He stated the new stores and more stores will greatly increase the traffic in the area. He further stated they feel the mall is used below capacity currently. Mr. Blair additionally stated if assumptions are correct, the re-development will create additional traffic concerns. He stated he feels a study should be funded immediately to address the traffic concerns.

Mr. Anderson addressed the Commission and stated they have been doing a lot of these types of projects in the past five or six years. He further stated they have all been successful thus far. He then gave examples of projects done through a slide presentation. Mr. Anderson stated their goal is to provide a downtown feel to the project. He additionally stated one of the goals is to make it pedestrian friendly and he feels this project succeeds in that regard. He then reviewed the retail format of the project and store frontages. He stated the edge of pavement will be maintained and there will be no additional encroaching toward the residential areas. He further noted they will meet parking requirements on the project. He then stated he does have concerns with moving the sidewalk from one side to another.

Ms. Elam addressed the Commission and stated there is enough space to add an additional lane to alleviate traffic but she doesn't yet know where the right of way currently lies.

Mr. O'Brien addressed the Commission and stated it is nice to see an upscale development coming into the area. He additionally stated he has some concerns with the development. He noted he would like to see the grove of trees kept or improved. He additionally cited concerns with traffic once the development goes in and traffic at peak times of the day. He then asked about fencing behind Dillard's and who would be maintaining that fence. Mr. O'Brien also stated his concerns with lighting and increased noise from AC units on the roof. He further noted concerns with 18-wheelers making deliveries in the middle of the night and how dust would be contained during construction.

Ms. Reedy addressed the Commission and stated they have people crossing the drainage ditch in front of their property and asked if that was going to be filled in or not. She also noted concerns with trees as well and would like to see those remain.

Mr. Zang addressed the Commission and stated he has issues with signage and agrees with the city. He further stated if signage can be limited that would be preferred. He further noted that residences need to be screened around the back of the mall. He noted his concerns with traffic and how it would back up on the highway. He also noted he feels it's wonderful that the mall is finally going to get developed.

Mr. Riebold addressed the Commission representing Ms. Dimler, a resident in the area. He stated her concerns with lighting as well. He additionally noted she is in favor of the 6-foot fence mentioned by the developer.

Mr. Johnson addressed the Commission and stated most of his concerns have been addressed but that he has concerns with vegetation, landscaping and fencing. He stated Dillard's get nighttime deliveries now and you can hear them at night. He stated it is going to change the view for the residents due to the changes in elevation. He also noted a 6-foot fence really isn't going to do very much. Mr. Theissen then noted that due to the elevation and the fact that the buildings sit lower a 6-foot fence will substantially block a lot of the view.

Mr. Bertram asked about a time frame of the project. Mr. Bayer stated if everything goes well they are looking at November or December of 2005. Mr. Theissen asked about signage and the 18-foot height limit. Mr. Schwartz stated the current sign on Turkeyfoot is non-conforming at present. Mr. Theissen then suggested changing condition #9 and leaving #10 the way it is. The following reflects the suggested changes/modifications to the conditions as noted by Staff.

1. That the required landscaping, along with a minimum 6 foot high fence at the property line, be provided between commercial uses and residential uses.
2. That the required landscaping be provided between commercial uses and public or private streets.
3. That a minimum of five (5) percent of the vehicular use area be landscaped.
4. That approval of the proposed text amendment modifying the sign requirements for uses within the SC (Shopping Center) Zone be adopted prior to, or simultaneous with, the action on the proposed Stage I Development Plan.
5. That an interconnection be provided between the off-street parking areas for the existing Panera Bread restaurant and the proposed retail/restaurant building (Building H).
6. That approval of the proposed text amendment modifying the minimum off-street parking requirements for retail and personal service stores and shopping centers be adopted prior to, or simultaneous with, the action on the proposed Stage I Development Plan.
7. That the existing pole sign located at the intersection of /Turkeyfoot Road with Crestview Hills Mall Road be allowed to be modified in accord with the requirements for nonconforming structures/signs.
8. That the proposed pole sign located along Interstate 275 be prohibited.
9. That the proposed pole sign located along Dixie Highway, at the northern entrance to the site, not exceed a maximum height of 18 feet and a maximum sign area of 100 square feet.
10. That the proposed pole sign located along Dixie Highway, at the southern entrance to the site, be limited to a ground sign with a maximum height of 10 feet and a maximum sign area of 50 square feet.

Following discussion on the matter, Mr. Bertram made the motion to approve 1661R based on Staff's recommendations and conditions. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Bertram, Mr. Price, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hushebeck, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Ms. Weldon had to leave the meeting prior to roll being taken. The motion carried unanimously.

Mr. Bertram then made the motion to approve 1662R based on Staff's recommendations and amended conditions. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Bertram, Mr. Price, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hushebeck, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Ms. Weldon had to leave the meeting prior to roll being taken. The motion carried unanimously.

OLD BUSINESS:

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

COMMISSION ITEMS:

It was noted that a training conference was to be held on February 18th at 4:00 p.m.

Standing Committee Reports:

Committee reports were dispensed with due to the late hour.

Reports from Staff:

COMMENTS/REQUESTS TO THE COMMISSION:

There being no further business to come before the Commission, the meeting was adjourned at 10:20 p.m. None opposed.