



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

July 1, 2004
9:00 A.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Ms. Barbara Carlin - Kenton County
Mr. James Cook - Kenton County
Mr. Paul Darpel - Edgewood
Mr. Chuck Eilerman - Covington
Mr. Tom France - Ludlow
Mr. Al Hadley - Elsmere
Mr. Phil Ryan - Park Hills
Mr. Bernie Wessels - Ft. Wright
Mr. Paul Swanson, Secretary/Treasurer - Erlanger
Mr. Joe Price - Vice Chairman - Crestview Hills
Ms. Alex Weldon - Chairperson - Covington

LEGAL COUNSEL PRESENT:

Mr. David Schneider, Esq.

Ms. Weldon called the meeting to order at 9:00 a.m. Ms. Weldon opened the meeting with the Pledge of Allegiance.

APPROVAL OF THE MINUTES:

A motion was made by Mr. Price and seconded by Mr. France to approve the minutes from June. A roll call vote on the matter found Mr. Price, Mr. France, Mr. Darpel, Mr. Eilerman, Mr. Hadley, Mr. Wessels and Ms. Weldon in favor. Ms. Carlin, Mr. Cook, Mr. Ryan and Mr. Swanson abstained. The motion carried.

PRELIMINARY PLATS, PLANS AND RELATED ISSUES:

PF-95 KENTON COUNTY PUBLIC LIBRARY

APPLICANT: Kenton County Public Library, per Wayne Onkst, Director

LOCATION: An approximate 5.6-acre area site located along the north side of Walton Nicholson road between Madison Pike and Cadillac Drive, approximately 250 feet west of Madison Pike in unincorporated Kenton County.

REQUEST: Public Facility per KRS 100.324 - proposed location of a new branch library facility.

Staff presentation and Staff recommendations by Ms. Melissa Jort.

NKAPC STAFF RECOMMENDATION:

To disapprove the location of a new site to be used for a future library branch facility and to reconsider a possible location more central to the Independence 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 Recommendation:

1. The proposed new location for the Independence library branch facility is not consistent with the 2001 Area Wide Comprehensive Plan Update, which states the following:

"To provide for an adequate amount of well located cultural facilities to serve the basic needs of the population."

The Plan Update identifies the proposed library site to be on the border of the Urban Service Area boundary (the area generally north of KY 16). The Urban Service Area is that area in which the full range of urban services is planned for and anticipated to be available during the planning period. The area south of the Urban Service Area is more rural in character, with less density and less demand for the full range of services. The methodology for guiding growth and development within the Urban Service Area is that development should occur in a planned sequence, extending out from existing urban developments, so that such urban services can be properly planned for and extended at the appropriate time.

The Area-Wide Comprehensive Plan Update, while supporting the existing branch library locations, is based on a countywide provision of library service to area populations. The planned location of local neighborhood service-type facilities provides substantial benefits by providing easily accessible services to the population and achieves the goals of sustainable development and smart growth identified in the Plan Update. The proposed location for the library facility would not achieve the goal of providing an easily accessible, neighborhood service-type facility.

2. The proposed site for the Independence library branch facility is not consistent with the Library Plan of the Area-Wide Comprehensive Plan Update recommends the following:

- The addition of three new branch library facilities in the KCPL [Kenton County Public Library] system. The general locations of these are as follows: one in the vicinity of Dixie Highway and the I-75 Interchange; one on State Route 16, north of I-275; and, the third in the vicinity of Turkeyfoot Road and Richardson Road.

The Library Plan recommends three additional library facilities to adequately serve the existing and future population in Kenton County over the next 20 years. The proposed branch libraries are in addition to the three that currently exist. The proposed site to replace the existing location would eliminate a local public service facility that provides substantial benefits to the central and eastern area of the County.

3. Future growth within the time frame of the Area Wide Comprehensive Plan Update is anticipated to primarily take place in the central portion of Kenton County, generally south of I-275 and north of Kentucky State Route 16. Current estimates project that approximately 6,000 additional household units are expected within the central area of the county over the next 20 years. Because the proposed library site is located at the edge of this growth area, the majority of current branch users, as well as future branch users will be underserved with a library branch being relocated to the proposed location.

An analysis of visitor circulation generated for the existing Independence branch shows that a large proportion of those who visit the existing Independence branch library originate from areas along KY 16 in the Taylor Mill/South Covington area, north of the existing Independence Branch library. The proposed location would not be easily accessible by existing and future population within developing subdivisions within this area and would necessitate additional trip distances to a location further south.

Mr. Wayne Onkst, Mr. Jerry Dusing, Mr. Gene Farrell and Mr. Lou Noll registered to speak in favor of the issue. Mr. Charlie Deters and Mr. Eric Deters registered to speak against.

Ms. Weldon read a letter into the record received with regard to the issue which was marked as an exhibit to be made a part of the record.

Mr. Onkst addressed the Commission with a visual presentation regarding the upgrade of the library. He stated to continue to provide for the needs of the people in the area they need the new facility. Mr. Onkst briefly highlighted various aspects of the presentation with regard to lack of space in the existing facility, i.e. not enough shelving to house books and materials, not enough reading space in the children's area, not enough space for maintenance supplies, lack of space for employees to work, limited amount of space for meeting rooms, etc. He stated they need to provide the same quality of service in Southern Kenton County that is provided by the main branch in Covington and the newer facility in Erlanger. Mr. Onkst further stated they are planning to construct a much larger location which will be partially funded by the sale of the current location. He additionally noted the new location is only 3 ½ miles from the existing library, while the distance is 12 miles to get to the Erlanger branch. Mr. Onkst showed a map depicting the amount of usage by residents of the Taylor Mill area of the Erlanger branch. He then stated that many residents drive past the Independence location to go to the Erlanger branch because books and services are simply not offered or available at the Independence location. He stated they have searched literally dozens of sites over the past year before the committee decided on the location chosen. He also noted the site was chosen because of its accessibility from the surrounding areas. Mr. Onkst stated the selected site offers easy access for residents. He additionally noted this is the second time in five years that they are coming before the Commission with the request. He stated with the new facility they won't need to come back again so soon because the new facility will be sufficient. He also stated the new facility will use the geothermal system that will require less furnace space and less funding which will allow for more funding for the facility in general. He also noted the new facility will have a garage for the library van that goes around the county bringing books to children of the county who cannot get to the library. Mr. Onkst stated the staff has been very good to the library board and they have worked very well together. He stated they feel the site committee and the board made an excellent recommendatin for the new facility. Mr. Onkst further noted they feel the new facility will provide excellent programs and services for children. He noted they have one deficiency and that is an adequate facility in Southern Kenton County. He then noted they are anxious to get things up and running. He further noted they realize they do not need the Commissions approval on the issue but would desperately like to have it.

Mr. Wessels and Mr. Cook posed the question to Mr. Onkst as to how many residents currently walk to the library versus the amount of those who drive there. Ms. Carroll of the library addressed the question and stated the figure is less than 2%. She further noted the current location is closer to residential areas than previously and there still are few who walk to the location.

Mr. Dusing addressed the Commission and stated that both the Independence location and the proposed new location cannot both remain open without watering down the services at both facilities. He further noted it would also not be feasible to keep both facilities open and have a first class facility. Mr. Dusing

then noted the current proposal is in line with the Comprehensive Plan.

Mr. Farrell addressed the Commission and stated he works for the library at the Independence branch as a maintenance person. He stated he has seen the demise of the Independence location due to the lack of space. He stated the new plan has been worked on magnificently for the past year. Mr. Farrell then submitted a newspaper article which was marked as an exhibit to be made a part of the record.

Mr. Noll addressed the Commission and stated he was a member of the site committee as well as an advisory member of the Kenton County Board. He stated they looked at an awful lot of sites for the new facility. He further noted the original list of sites contained sixty-one sites. He noted how the list was broken down eventually to six sites until the current site was chosen. Mr. Noll stated the site chosen meets the requirements of the Comprehensive Plan. He further stated there are two major arteries within the vicinity of the new facility. He also noted he is willing to go to all three libraries to get what he needs and feels the same will occur with the new facility, that people will go to the new facility to get what they need that is not offered elsewhere. He additionally noted he has not seen a lot of walkers or bikers going to the libraries and that most drive there.

Mr. Charlie Deters addressed the Commission and stated he feels the Independence Center is a good site for the library. He stated the issue is where the new library should be. He further stated there are good locations much closer than the proposed location. He further noted that there are many schools in the area as well and this is the central population where the library should be located. Mr. Deters stated the existing location is only nine years old and that it is surprising that it is now requiring a new facility. He stated a much larger site should be chosen so this does not happen again where it will be insufficient in a number of years.

Mr. Eric Deters addressed the Commission and stated he is present as a taxpayer because the library board has chosen to spend tax payor's money (7 million) after purchase price. He stated it is a complete sham to say that people are driving past the existing location. He stated the existing location is .3 acres less than the proposed site. He further stated the exact same building could be built where the existing location is. He also noted the current site has a hill and this is why they claim they cannot expand on it. He further noted they are saying they need a basement. He noted there is no easier way to build a basement than where there is a hill because it requires less digging. He also stated they want to build a new library for out in the county where there aren't even any public sewers. Mr. Deters noted the Commission voted 3-1 against the site, not 3-3 as was previously stated by Mr. Onkst. He then stated the Independence site is more accessible.

Mr. Dusing noted in rebuttal that there are public sewers to the site. He also noted the TANK service is an express service which is once in the morning and once in the evening. He stated the current site back hill could be utilized if substantial work and dollars were spent. He also clarified that the original vote was in fact 3-3 with a condition that the existing location remain open. He then noted the second vote was then 5-1 to disapprove and that the library commission keep looking at alternate sites.

Mr. Deters noted in rebuttal that the Commission was aware of the concerns of Staff when discussions were had. He also stated Independence is booming, Boone County is booming but the area of the proposed site is not.

Mr. Cook stated Southern Kenton County is growing substantially so it makes total sense to bring the library where the growth will be down the road. He stated the growth is going to go south. He also noted the proposal meets the requirements of the Comprehensive Plan. Mr. Wessels further stated there is a very strong need currently to have a library where its at now and that it may be jumping the gun a bit to put it in the southern end of the city. Mr. France then stated the decision that needs to be made is whether or not the request is consistent with the Comprehensive Plan and he does not feel that is not. Mr. Cook wanted to reiterate that he is not pushing for it to be at one site or ther other but feels it needs to be further south versus more centrally located. Mr. Schneider then clarified what the Commission's role was to be in making a vote and taking a vote. Following the discussion on the issue a motion was made by Mr. Cook that the proposal does meet the requirements of the Comprehensive Plan. Mr. France seconded the motion. A roll call vote on the matter found Mr. Cook, Mr. France, Ms. Carlin, Mr. Darpel, Mr. Hadley, Mr. Ryan, Mr. Swanson and Mr. Price in favor. Mr. Eilerman, Mr. Wessels and Ms. Weldon voted against. The motion carried by a vote of 8-3.

At this time (11:10 a.m.) a five minute break was taken.

*At this time Mr. Eilerman and Mr. Price had to leave prior to the following issue being heard.

W-623 WAIVER, DAISY RIDGE

APPLICANT: Mr. Don Laake

LOCATION: An approximate six (6) acre area along the south side of Nelson Road, opposite Ashmont Subdivision and Doe Run Estates, Erlanger.

REQUEST: Waiver to Section 7.3 F and previously imposed Preliminary Plat condition for DAISY RIDGE requiring a sidewalk along the portion of Nelson Road fronting the proposed lots.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

To deny the requested Waiver to Section 7.3 F and previously imposed Preliminary Plat condition for DAISY RIDGE.

Bases for Recommendation:

1. The modification, as requested, does not include the findings necessary to grant a waiver to the regulations as set forth within Section 8.5 A, or B, or C, or D (referenced above);
2. Section 7.3 F of the Kenton County Subdivision Regulations require sidewalks along both sides of all

streets; and

3. The circulation of pedestrian traffic is an important element within all developments. Not requiring a sidewalk in this location of higher density growth would create a critical circulation gap for residents of the surrounding subdivisions resulting in a lack of interconnection between developments and connectivity to a nearby regional recreational facility, Doe Run Lake.

Additional Information:

Requiring a sidewalk along the portion of Nelson Road fronting DAISY RIDGE will still result in gaps between sidewalk sections fronting the Gripshover and Zumdick properties, respectively. It is recommended that the city of Erlanger pursue efforts to provide a sidewalk along these portions of property to accomplish the goals of efficient pedestrian circulation outlined above in Bases.

Mr. Laake registered to speak on the issue. No one registered to speak against.

Mr. Laake addressed the Commission and stated the street was increased to 20 feet and it will probably never be widened. He stated the other side of the street would have been much easier to put a sidewalk in versus in front of the requested area. He stated he had someone look inot it and was told there was no way to put in the sidewalks without tearing into the hill and creating erosion. He further noted while the plat shows five lots there will probably only be three. He additionally noted they would essentially be creating a sidewalk for three lots. Ms. Weldon read a letter into the record from the City of Erlanger. The letter was then marked as an exhibit to be made a part of the record. Mr. Wessels stated he sees a real topographical problem with putting in sidewalks. He additionally stated the difficulty lies with the fact that a waiver was granted for the other side of the road as to sidewalks but the topography is such that it makes it difficult to install the sidewalks. It was noted that mistakes were made in allowing for a waiver on the opposite side of the road. Following the brief discussion on the matter Mr. Wessels then made a motion to grant the waiver based on the fact that topographical difficulties existed in installing the sidewalks and that a hardship would be created to install the sidewalks. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Ryan, Ms. Carlin, Mr. Cook, Mr. Darpel, Mr. France, Mr. Swanson and Ms. Weldon in favor. Mr. Hadley voted against. The motion carried with a vote of 8-1. It was noted that the photos submitted by the applicant would be marked as exhibits for the record.

PP-590 RIVERS BREEZE ADDITION

APPLICANT: Viox and Viox, Inc., in behalf of Grand Communities, Ltd.

LOCATION: An approximate 5 acre area at the terminus of existing Riversbreeze Drive within the existing Rivers Breeze Subdivision, Ludlow.

REQUEST: To approve a Preliminary Plat for a 42 unit addition to Rivers Breeze Subdivision including public improvements such as street, 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 RIVERS BREEZE ADDITION, but only subject to compliance with the following CONDITIONS:

1. That a minimum fire flow of 1000 gpm at 20 psi be provided and certified by a flow test and fire hydrant spacing be a maximum of 425 feet (Section 7.2);
2. That a turnaround be provided at the terminus of Riversbreeze Drive; and
3. That an additional \$400 be submitted for the requested Waivers.

Bases for Recommendation:

The proposed RIVERS BREEZE ADDITION is consistent with the recommendations of the 2001 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, and the Ludlow Zoning Ordinances, except as noted under the above Conditions and recommended Waivers to Sections 6.0D and 7.3F.

Subsequent Recommendation:

That Waivers be granted to Sections 6.0D and 7.3F allowing: (1) a 23 foot wide public right-of-way including an additional maintenance easement reservation of 8.5 feet along each side of Riversbreeze Drive and (2) sidewalks along one side of Riversbreeze Drive, on the following bases:

1. Granting the requested Waivers will allow development to continue in a manner consistent with the approval of the initial phases of Rivers Breeze Subdivision.
2. Granting the Waiver to Section 6.0D permitting Riversbreeze Drive to exist within a 23 foot wide public right-of-way that includes an additional maintenance easement reservation of 8.5 feet will allow the effective circulation of public vehicular traffic while providing the legislative body with the area necessary to effectively maintain such street.
3. Development is proposed for one (1) side of Riversbreeze Drive. Granting the Waiver to Section 7.3F permitting sidewalk on one side of Riversbreeze Drive will allow for the required circulation of pedestrian traffic.
4. That the modifications would provide for innovative design layout of the subdivision further defined as follows:
 - a) Sidewalk on one side provides for pedestrian traffic without requiring unnecessary sidewalk on the

opposite side containing no development; and

b) A 23 foot wide right-of-way with maintenance easement reservation allows for the public maintenance of the street without requiring the full width right-of-way (40 feet) causing the building locations to be further from the ridge top requiring additional hillside grading and disturbance.

Ms. Weldon read a letter into the record from the Hillside Trust which was marked as an exhibit to be made a part of the record.

Mr. Jim Viox registered to speak on the issue. No one registered to speak against.

Mr. Viox stated the letter was written prior to the plan review. He stated that G.J. Thelen was hired to do an engineering survey. He stated this area is back towards Montague and not where flooding occurred on Hazen. He further stated he met with the Sanitation District to eliminate the pump station if easements could be obtained from the City of Covington and the Devou Trust. He then noted this has been done. He additionally noted the site has been graded, improvements have been done, and all issues raised in the Hillside Trust letter have been addressed. He also stated the density has been reduced overall so it's not really 42 new units but actually 7-10 units. He then stated they are in agreement with the conditions of Staff. Mr. Hadley then made the motion to approve based on Staff's recommendations and conditions with waivers. Mr. France seconded the motion. A roll vote on the matter found Mr. Hadley, Mr. France, Ms. Carlin, Mr. Cook, Mr. Darpel, Mr. Ryan, Mr. Wessels, Mr. Swanson and Ms. Welson in favor. The motion carried unanimously.

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. Darpel withdrew from any voting and consideration on issues I-4163 and I-4164 due to a conflict of interest. There were no other conflicts to speak of with regard to the actions taken. Mr. Swanson made the motion to ratify and approve. Mr. Cook seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Cook, Ms. Carlin, Mr. Darpel, Mr. France, Mr. Hadley, Mr. Ryan, Mr. Wessels and Ms. Weldon in favor. The motion carried unanimously.

OTHER COMMITTEE BUSINESS: None.

There being nothing further to come before the Commission, the meeting was recessed at 12:20 a.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
REGULAR MEETING

July 1, 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. Paul Darpel - Edgewood
Mr. Chuck Eilerman - Covington
Mr. Tom France - Ludlow
Mr. Al Hadley - Elsmere
Mr. David Hilgeford - Villa Hills
Mr. Phil Ryan - Park Hills
Mr. Greg Scheper - Crescent Springs
Ms. Maura Snyder - Independence
Mr. John Wells - Ft. Mitchell
Mr. Bernie Wessels - Ft. Wright
Mr. Paul Swanson, Secretary/Treasurer - Erlanger
Mr. Joseph Price, Vice Chairman - Crestview Hills
Ms. Alex Weldon, Chairperson - Covington

COMMISSION MEMBERS NOT PRESENT:

Mr. Mike Denham - Bromley
Mr. Mark Hushabeck - Lakeside Park

LEGAL COUNSEL PRESENT:

Mr. David Schneider, Esq.

Ms. Weldon, Chairperson, called the meeting to order at 6:15 p.m. Ms. Weldon opened the meeting with

the Pledge of Allegiance.

APPROVAL OF THE MINUTES:

Mr. Price made a motion to approve the minutes as submitted for June. Mr. Coates seconded the motion. A roll call vote on the motion found Mr. Price, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgeford, Mr. Hushebeck, Mr. Ryan, Mr. Wells, Mr. Wessels, Mr. Swanson and Ms. Weldon in favor. Mr. Bertram, Ms. Carlin, Mr. Cook and Ms. Snyder abstained. The motion carried.

FINANCIAL REPORT:

There were no questions or comments with regard to the financial report.

SUBDIVISION ITEMS:

Mr. Eilerman pointed out differences in the red circles indicated on the map for the Comprehensive Plan with regard to issue PF-95 heard at the morning meeting. He noted solid red circles are listed as community service areas where slashed red circles are not. Mr. Eilerman voiced concerns that some Commissioners may have voted on the issue without being clear on what the area was designated as. He then stated he felt it was not in compliance with the Comprehensive Plan. Ms. Weldon then stated since there could be some question about the vote or confusion, the Commission has sixty days to render a decision. It was suggested that the issue be tabled to be revisited based on the fact that this could effect how some Commissioners voted. Mr. Bertram made the motion to table the issue and approve all other items from the morning meeting. Mr. Swanson seconded the motion. A roll call vote on the matter found Mr. Bertram, Mr. Swanson, Ms. Carlin, Mr. Coats, Mr. Darpel, Mr. Eilerman, Mr. Ryan, Mr. Wessels and Ms. Weldon in favor. Mr. Cook, Mr. France, Mr. Hadley, Mr. Wells and Mr. Price voted against. Ms. Snyder abstained. The motion carried by a vote of 9-6-1.

PUBLIC HEARINGS:

1675R

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

LOCATION: N. A.

REQUEST: Proposed text amendments to the Covington Zoning Ordinance, adding a new zoning district, the PO-A (Professional Office A) Zone, along with the necessary cross references in other sections of the zoning ordinance.

Staff presentation and Staff recommendations by Larisa Keith.

NKAPC STAFF RECOMMENDATION:

To disapprove the proposed text amendments adding a new zoning district, the PO-A (Professional

Office A), 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 PO-A (Professional Office A) 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 PO-A Zone duplicates the existing PO Zone with two exceptions: (a) removing "Clinics, Medical or Dental" from the list of permitted uses and, (b) amending the minimum building site area for the office park development to ten (10) acres. The proposed PO-A (Professional Office A) Zone is therefore not warranted.

2. The proposed PO-A (Professional Office A) Zone permits an identical list of uses as contained within the current PO Zone with the exception of "Clinics, Medical or Dental." The Covington Zoning Ordinance currently defines "Clinics for human care" as a building used by medical persons for the treatment of persons on an outpatient basis only. Medical and dental clinics are consistent with other permitted uses within the proposed PO-A Zone. Therefore, creating a new zoning district with the purpose of eliminating clinics as a permitted use is an arbitrary exclusion.

Additional Information:

1. The City of Covington is currently going through a zoning ordinance update. Therefore, adding the PO-A (Professional Office A) Zone, along with the necessary cross references, to the Covington Zoning Ordinance is premature.

Ms. Frye registered to speak in favor of the issue. Mr. Robert Schafer, Mr. James Taylor and Mr. Robert George registered to speak against the issue/as neutral parties with questions.

Ms. Frye addressed the Commission and distributed a handout which was marked as an exhibit to be made a part of the record. She stated there is a difference between the PO zone and what is being requested. She stated they are looking at the scale of the development and what the city would like in that area. She stated they do not want any vehicle repair shop in the area. She further noted the city is reworking their current zoning.

Mr. Schaeffer addressed the Commission and stated his first concern was for the traffic as there are a lot of children in the area. Mr. Wessels stated he really does not have a problem with the city creating special zones. Mr. Hilgefurd stated he does not see a problem with the zone as stated. Mr. Hilgefurd then motioned to approve. Mr. Eilerman seconded the motion. A roll call vote on the matter found Mr.

Hilgeford, Mr. Eilerman, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Hadley, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Weldon in favor. The motion carried unanimously.

1676R

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

LOCATION: An approximate 12 acre area located along the eastern side of Interstate 71/75 and at the western termini of West 14th Street, Monterey Street, Linden Avenue, Old Lexington Road, South Linden Avenue, Monroe Street, and West 15th Street, Covington.

REQUEST: A proposed map amendment to the Covington Zoning Ordinance, for the area described herein, from the R-1G (single family residential) Zone and the R-3 (low density residential) Zone, to the proposed PO-A (Professional Office A) Zone.

Staff presentation and Staff recommendations by Larisa Keith.

NKAPC STAFF RECOMMENDATION:

Approval of the proposed map amendment to the Covington Zoning Ordinance, for the area described herein, from the R-1G (single family residential) Zone and the R-3 (low density residential) Zone, to the proposed PO-A (Professional Office A) Zone, but only subject to compliance with the following condition:

1. That the proposed zone change be to the PO (Professional Office) Zone rather than the requested PO-A 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 map amendment is generally consistent with the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update for Kenton County. During the 2000 Plan Update the Recommended Land Use map was amended to designate all areas of I-71/75 and I-275 as right of way. At that time, the site in question was still owned by the Kentucky Transportation Cabinet. Since that time, the City of Covington has acquired the property. The previous 1995 Plan Update identified the majority of the site in question as a Special Development Area. If the 2000 Plan Update had not made the amendment to the properties within the right of way, the site in question would remain Special Development Area and therefore the proposed amendment would be consistent. The recommended PO Zone permits a variety of uses including banks and other financial institutions, offices, clinics, medical and office, off street parking, police and fire stations, post offices, and office parks including office uses,

printing and mailing operations, conference facilities and limousine service.

2. The proposed map amendment is consistent with the "Pike and Twelfth Streets Interchange Development Plan". On May 15, 1990, the Mayor and Board of Commissioners approved the "Pike and Twelfth Streets Interchange Development Plan", with one exception. This plan includes recommendations for the site in question, as well as additional properties to the north, identifying the development of campus office development suitable for institutional uses, smaller scale office for professional uses, an access road and parking. Therefore, the recommended PO Zone would permit the implementation of the approved Development Plan.

3. The recommended PO Zone is more appropriate than the requested PO-A Zone. The proposed PO-A (Professional Office A) Zone would permit an identical list of uses as contained within the current PO Zone, with the exception of "Clinics, Medical or Dental." The Covington Zoning Ordinance currently defines "Clinics for human care" as a building used by medical persons for the treatment of persons on an outpatient basis only. Medical and dental clinics are consistent with other permitted uses within the proposed PO-A Zone. Therefore, creating a new zoning district with the purpose of eliminating clinics as a permitted use is an arbitrary exclusion.

Additional Information:

1. The site in question is part of a larger area identified in the "Pike and Twelfth Street Interchange Development Plan" for offices and institutional uses. It is essential that the development of this site be in coordination with the proposed access point from 12th Street, as identified in that 1990 Development Plan.

Ms. Frye registered to speak in favor of the issue. Mr. Schafer, Mr. Taylor and Ms. Sue Hegge registered to speak against the issue/as neutral parties with questions.

Ms. Frye addressed the Commission and stated there is a 12th Street development plan being put together that will hopefully be presented at the August meeting. She stated 12th Street will be widened as part of the redevelopment plan. She further noted the city is working with the Transportation Cabinet to provide more businesses along with the residential zone as part of the redevelopment. The Commissioners voiced concerns with the entrance being so near to the exit ramp. Ms. Frye stated the state is going to acquire some of the south side to accommodate for this.

Mr. Schafer addressed the Commission and stated his concern was for the playground. He asked if the tree line would stay. Ms. Frye stated the tree line would in fact stay.

Mr. Taylor addressed the Commission and asked about the details of the plan. He voiced concerns with rezoning and taxes being raised. Ms. Weldon stated that would not happen and that the neighborhood should remain as it is but there may be more buffering.

Ms. Hegge addressed the Commission and asked why this was being discussed now and that it was premature when the plan is not complete.

Following discussion among Commission members, Mr. Price made the motion to approve with the condition that the only access to the site be via 12th Street and that the rest of the community be maintained as it is, and also to include the buffering requirements of the PO-A. Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. Price, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Swanson and Ms. Weldon in favor. Mr. Bertram voted against. The motion carried by a vote of 16-1.

1677R

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

LOCATION: N. A.

REQUEST: A proposed text amendment to the Erlanger Zoning Ordinance deleting the definition of "kennel".

Staff presentation and Staff recommendations by Larisa Keith.

NKAPC STAFF RECOMMENDATION:

To approve the proposed text amendment deleting the definition of "kennel".

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 deleting the definition of "kennel" is appropriate since the Erlanger Zoning Ordinance does not identify "kennel" as either a permitted, accessory, or conditional use in any zoning district. Additionally, it is unnecessary to define a term that is not used within the ordinance.

No one registered to speak for or against the issue.

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

*Mr. Scheper withdrew from the following issue due to a conflict of interest.

1680R

APPLICANT: City of Crescent Springs, per Mayor Claire Moriconi

LOCATION: N. A.

REQUEST: A proposed text amendment to the Crescent Springs Zoning Ordinance, adding the MLU (Mixed Land Use) Zone to the list of zones that may have exception to the area and yard regulations, with certain stipulations.

Staff presentation and Staff recommendations by Larisa Keith.

NKAPC STAFF RECOMMENDATION:

To approve the proposed text amendment adding the MLU (Mixed Land Use) Zone to the list of zones that may have exception to the area and yard regulations.

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 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. Such development is designed to provide for an internally oriented group of activities, which are functionally integrated relative to land uses, vehicular and pedestrian circulation, and the arrangement of structures. In addition, the intent of the zone is to promote flexibility in design and planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious fashion; provide for more usable and suitably located open space facilities and common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.

The proposed amendment will give the planning commission the ability to waive the requirement that all lots abut a minimum frontage along a dedicated right-of-way provided that they are assured and unencumbered and maintained access way to a dedicated right of way. This allowance is appropriate in that it will promote the functionally integrated land uses and the relationships of the buildings, and will give the planning commission power to allow flexibility in design when necessary. Therefore, the proposed amendment meets the purpose of the MLU Zone.

2. The proposed amendment would also permit exceptions to the area requirements of the MLU Zone. Currently, the area requirements for the MLU zone are that no MLU Zone shall be permitted on less than twenty-five (25) acres of land. However, an area of less than twenty-five (25) acres may be zoned MLU, provided it is adjacent to an area within an existing approved Stage I Development Plan and is currently zoned MLU. The minimum area for submission of a Stage I Development Plan, within an existing MLU Zone, shall be not less than ten (10) acres. Since the planning commission and the legislative body are required to review both zoning map amendments and site plans for the MLU Zone, this will allow them to control what exceptions will be acceptable or unacceptable under this clause. Therefore the proposed amendment is appropriate.

3. Currently, the R-2, R-3, NC, PO, NSC, LHS, and NM zones are listed as permitted zones that may have exception to the area and yard regulations within the City of Crescent Spring Zoning Ordinance. Since the MLU Zone permits many of the same uses as these zones, the proposed amendment is reasonable.

No one registered to speak for or against the issue.

Mr. Hadley made a motion to approve based on Staff's recommendations. Mr. Darpel seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Darpel, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Mr. Ryan, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Weldon in favor. Mr. Scheper withdrew. The motion carried unanimously.

1681R

APPLICANT: Pioneer Business Center, LLC, per Mr. Thomas Frickman

LOCATION: An approximate 2.6-acre area located at the southwest corner of the intersection of Helen Ruth Drive with Old Madison Pike, approximately 1,000 feet southwest of Madison Pike (State Route 17), Fort Wright.

REQUEST: Review of a proposed Stage I Development Plan, for the area described herein, which is currently zoned IP.

Staff presentation and Staff recommendations by Larisa Keith.

NKAPC STAFF RECOMMENDATION:

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

1. That the development plan be revised to meet the minimum requirements of the Fort Wright Zoning Ordinance.
2. That sidewalks be provided along Old Madison Pike and Helen Ruth Drive.

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 is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question as PRDA (Physically Restrictive Development Area) and Industrial uses.

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 that 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 submitted development plan indicates the construction of a 1-story office warehouse building.

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

a. Section 14.6, D., outlines the size and type of signs which are permitted in the IP Zone. Insufficient information has been submitted to determine compliance with this requirement.

b. Section 10.24, E., 4., states a maximum building height of forty (40) feet. Insufficient information has been submitted to determine compliance with this requirement.

c. Section 10.24, G., states that effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of the Fort Wright Zoning Ordinance. Insufficient information has been submitted to determine compliance with this requirement.

d. Section 10.24, H., 4., states that no lighting shall be permitted which would glare from any use located within the IP Zone onto any street or into any adjacent property. Insufficient information has been submitted to determine compliance with this requirement.

e. Section 10.24, H., 5., requires that screening and landscaping be provided, as regulated by Section 9.17. Additionally, Section 10.24, I., 3., provides criteria pertaining to open space, stating that open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and

zones. This site is in close proximity to residential development. Therefore it is important that the proposed development be well screened from view at the street level of Old Madison Pike. Insufficient information has been submitted to determine compliance with this requirement.

f. Section 11.2 sets forth requirements for off street parking. Wholesale establishments, warehouses, and storage buildings are required to have one (1) parking space for each employee, plus one (1) space for each company vehicle operating from the premises. Insufficient information has been submitted to determine compliance with this requirement.

g. Section 11.3, G., sets forth regulations for the width of access points. In all zones, other than residential, access points are required to be no more than forty-eight (48) feet in width. The width is measured from point of curb return to point of curb return, excluding the curb radius. The submitted development plan identifies a width of approximately sixty (60) feet. Therefore, the plan should be revised to meet the minimum requirements.

h. Section 10.24, I., 2., provides for criteria pertaining to traffic circulation, the amount of traffic generated by proposed developments, and the ability of the existing and proposed street system to adequately, efficiently, and safely handle the anticipated traffic. The submitted development plan does not identify any pedestrian circulation systems except around the proposed building. It is therefore recommended that sidewalks be installed along Old Madison Pike and Helen Ruth Drive.

Additional Information:

1. Section 9.24 B., 2., states that for any area identified as Physically Restricted Development Area a geotechnical analysis by a qualified, registered civil engineer and geologist must be submitted for review at the zoning permit stage.
2. Section 6.1 of the Kenton County Subdivision Regulations states that the minimum centerline offsets of adjacent intersections for a local to a local street shall be 150 feet. Due to the topography of the site, compliance with this regulation would be difficult. Therefore the proposed access point is the most appropriate location.
3. As of August 1, 2003, Sanitation District No. 1 has taken over the authority, by law, of reviewing stormwater calculations and approving land disturbance permits for all land disturbing activities one (1) acre or greater, to determine compliance with the newly adopted storm water regulations.

Mr. Jerry Noran, Mr. George Kues and Mr. Robert George, Mr. Hirchoff and Mr. Kline registered to speak in favor of the issue. Ms. Sherry Karren registered to speak as a neutral party with questions.

Mr. Noran addressed the Commission and stated there is a 15-20 foot difference in elevation with regard to the signage. He stated they will be well within requirements for the maximum building height. Mr. Noran briefly reviewed the conditions and details of information not provided as part of the plan with regard to lighting, signage, etc. and stated that will be addressed at the Stage II level. He stated the only

issue is with the sidewalks. Mr. Noran stated most of Helen Ruth Road is already developed and those developments do not have sidewalks. He further stated the grade on Helen Ruth Road is significantly steeper which creates issues as to sidewalks. Mr. Noran noted he did not feel there would be any pedestrians walking to storage units so therefore sidewalks would not be warranted. He further noted he didn't think his client would want to install 1,000 linear feet of sidewalk.

Mr. George addressed the Commission and stated he is employed with a contractor that is currently working on Helen Ruth Road. He stated it is a steep grade and there is no way to make the turn. He noted if there is going to be an industrial business back there the trucks would not make the turn. He further noted since there is no access off Kentucky 17 they would have to come up Helen Ruth.

Mr. Kline addressed the Commission and stated he concurs with Staff to approve the issue. He stated the city would have more detailed information as to the plan before a decision is made. He stated he spoke with Mr. Frickman and there will be no pole signage. He additionally asked the Commission to leave the sidewalk request stay.

Mr. Noran addressed the Commission in rebuttal and stated they are talking about small business storage so he really doesn't think there would be semi trucks trying to make the curve. He also stated he feels they can accommodate a semi but doesn't really plan to.

Following the discussion Mr. Wessels made the motion to approve with the recommendations and conditions as stated by Staff with the added condition that no pole signs be allowed and to keep the sidewalk requirement. Mr. Swanson seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Swanson, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefard, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Price and Ms. Weldon in favor. Mr. Ryan abstained. The motion carried by a vote of 16-1.

1682R

APPLICANT: City of Independence, per Pat Taney, City Clerk.

LOCATION: An approximate 56-acre area located along the east side of Wilson Road, between Shaw Road and Bramlage Road, approximately 1,500 feet north of Bramlage Road, Unincorporated Kenton County.

REQUEST: Designation of appropriate zoning, for the area described herein, as part of the annexation process.

Staff presentation and Staff recommendations by Melissa Jort.

NKAPC STAFF RECOMMENDATION:

That upon annexation, the site in question be zoned R-1C (PUD).

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendation:

1. The designation of the site in question for R-1C (PUD) would be generally consistent with the proposed land use designation for this area. The proposed land use designation for the majority of the site is for Residential Development at a density 2.0 dwelling units per net acre and Under. A small area to the eastern portion of the site is identified for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre. The recommended R-1C (PUD) Zone would allow residential development at a minimum density of approximately 3.5 dwelling units per net acre.

2. The Planned Unit Development (PUD) Overlay Zone permits attached and detached single-family, multi-family and two-family residential housing at a maximum density of the underlying zoning district as well as commercial and public/semi-public uses. The purpose of the Planned Unit Development (PUD) Overlay Zone is to promote flexibility in the design and to permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in an harmonious fashion; as well as to provide for more usable and suitably located recreation facilities, other public and common facilities.

The PUD Overlay Zone will allow flexibility in the design of development for the site in question by taking into consideration the existing landscape features of the site. A stream currently bisects the site in question. The recommended R-1C (PUD) designation will therefore allow development to take place while providing for the preservation of the stream and other natural features of the site.

3. The designation of the site in question for R-1C (PUD) would represent a logical extension of the existing R-1C Zone located to the east of the site.

Mr. Ray Erpenbeck, Mr. David Noll and Ms. Joy Hall registered to speak in favor. Mr. Randall Wagner, Ms. Hegge and Mr. George Scott registered to speak as neutral parties.

Mr. Erpenbeck addressed the Commission and distributed handouts depicting the development. The handout was then marked as an exhibit to be made a part of the record. Mr. Erpenbeck stated they are asking the Commission to consider looking at it as R-ID zone with conditions. He stated they are proposing a mixture of lots which would give a density of 3.02 units per acre. He stated there is technically no green space but they are proposing a 200 foot wide conservancy easement within the development. He stated they are trying to plan a mixture of 80 and 60-foot wide lots. He additionally stated 26% of the lots will be 80 feet wide. He further noted he is asking the Commission to consider

this as an alternative to Staff's recommendations. He also noted there will be no tree removal whatsoever.

Mr. Noll addressed the Commission and distributed photos depicting the style of homes proposed for the development. These were then marked as exhibits to be made a part of the record. He stated basically the plan is to give a bit of variety to the consumer.

Mr. Schneider then briefly outlined the annexation guidelines with regard to the issue.

Ms. Hall addressed the Commission and stated she is in agreement with the development and Mr. Erpenbeck on the zone.

Mr. Wagner addressed the Commission and stated concerns with how the contractors treat the land in developing the area. He stated he feels the developers are more conservation-friendly than most. He further stated he lives right at the top of Shaw Hill and people are constantly slamming on their brakes there. He stated he feels the people on the Commission have an obligation to take care of the roads in Kenton County. He stated area planning has to include access.

Ms. Hegge addressed the Commission and stated the roads are getting more crowded and she has concerns with flooding in the area. She stated they are now paying a flood fee and she has never had a flood in her life. She asked what the developer plans to do about storm drainage. Ms. Weldon stated those issues will be reviewed at the development stage. Ms. Hegge stated the streets will be steep and the water will be running down.

Mr. Scott addressed the Commission and stated he does not oppose the annexation or subdivision but some things have not been addressed. He stated the last time it rained the water backed up into his property. He submitted photos showing the flooding in the area which were marked as exhibits to be made a part of the record. He stated Wilson Road is crooked and narrow. He further noted he feels these things are things that should be considered.

Mr. Erpenbeck addressed the Commission in rebuttal and stated the storm water regulations are very extensive now. He stated that access will be required at Wilson Road and that detention/retention will be controlled.

Mr. Wessels made the motion to approve. Ms. Weldon clarified the motion and stated the following: that because of information presented during the meeting and because Staff did not have a chance to review, which was the development plan submitted by Freedom Park LLC, it can be determined that a R-1D district is really the most appropriate zone for this as a continuation of the character and density of the existing district in Independence as long as the conditions are included and agreed to and maintained. Mr. Darpel seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Darpel, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Swanson, Mr. Price and Ms. Weldon in favor. Mr. Hilgefjord voted against. The motion carried by a vote of 16-1.

At this time (9:20 p.m.) an eight minute break was taken.

Ms. Carlin and Mr. Bertram withdrew from the following issue due to conflicts of interest.

1683R

APPLICANT: James W. Berling, on behalf of George and Laverne Wolsing and Hasekoester-Reese, LLC.

LOCATION: An approximate 170-acre area located along the south side of Independence Station Road between Webster Road and Cody Road, approximately 800 feet west of Webster Road, Independence.

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

Staff presentation and Staff recommendations by Melissa Jort.

NKAPC STAFF RECOMMENDATION:

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

1. That the area of the proposed Wolsing Park be dedicated to a public and/or private entity for operation and maintenance and remain publicly accessible as part of the "park-link" system identified in the Area-Wide Comprehensive Plan Update.
2. That pedestrian access to the area of the proposed Homeowner's Association and connection to Wolsing Park be provided in the northwest and southeast area of the site.
3. That the additional access point to the Arlinghaus property fronting onto Webster Road be provided as identified in the colored version of the submitted development plan.
4. That the height of structures not exceed thirty-five (35) feet.
5. That each dwelling unit be provided with a minimum of two (2) off-street parking spaces.
6. That the location, height, and type of all fences, walls, and signs be in general conformity with the underlying R-1C Zone.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendations:

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

The proposed R-1C (PUD) Zone will allow the development of 400 detached single-family residential dwellings at a maximum density of approximately 2.7 dwelling units per net acre. The Planned Unit Development (PUD) Overlay Zone will also provide flexibility in the design and, to the greatest extent possible, allow for the preservation of the open space adjacent to the Banklick Creek as well as existing hillside areas in the area of the proposed ponds while providing suitably located recreation and other public and common facilities.

2. The Land Use Map of the 2001 Area-Wide Comprehensive Update identifies the southern portion of area of the proposed map amendment for Recreation and Open Space uses. The provision for passive recreation opportunities in the area of the proposed Wolsing Park is consistent with the Goals and Objectives section of the Area-Wide Comprehensive Plan Update. A section of the Plan reads as follows:

RECREATION AND OPEN SPACE

1. To provide an adequate amount and variety of recreational opportunities to satisfy the full range of needs of the population.

Concerted effort should be made to provide a wide variety of types of recreational facilities programs to meet the year round desires and needs of various age and interest groups.

2. To provide basic recreation and open space facilities and programs which are conveniently located and accessible to the population.

Effort should be made to provide for recreation and open space facilities which are both region oriented, containing a variety of active and passive recreation pursuits, and neighborhood oriented, which are primarily aimed at satisfying the day-to-day desires and needs of immediately surrounding residents.

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

Effort should be made to ensure the incorporation of design for recreation and open spaces as an integral part of emerging urban development or redevelopment. Such effort should result in recreation and open space areas which complement and enhance surrounding development, rather than take on the appearance of appendages added out of necessity. Constant effort should be made to protect recreational areas from intrusion of other type uses so that they may continue to serve their intended function adequately.

The southern portion of the site in question contains many natural environment characteristics which

should be conserved. In addition, the site provides numerous opportunities for the provision of passive recreational and pedestrian uses to the surrounding community.

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

4. Staff identified a discrepancy in the submitted development plans. The colored version identifies an additional access point to a property fronting onto Webster Road. It is therefore recommended that the additional access point be provided to the site in question and that corrections be made to the large version of the submitted development plan.

5. Section 10.12, L., of the Independence Zoning Ordinance states that at least twenty percent (20%) of the total acreage of the proposed PUD be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. The submitted development plan identified twenty five (25%) of the total acreage to be retained as part of the proposed Wolsing Park as well as eight percent (8%) of the total acreage to be retained and managed by a Homeowner's Association. Insufficient information has been submitted to determine the authority responsible for maintaining and managing Wolsing Park.

6. Section 10.12, L., of the Independence Zoning Ordinance states that open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the PUD. The submitted development plan does not provide for sufficient pedestrian connection between the proposed park/HOA area and the internal sidewalk system. It is recommended that pedestrian access be provided in the northwest and southeast area of the site in question between the proposed park/HOA area and the internal sidewalk system.

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

a. Section 10.12, H, states that the height of structures shall be as approved in the plan. The submitted development plan does not provide for the maximum height of structures. The maximum height of structures within the R-1C Zone is thirty-five (35) feet. Therefore, it is recommended that the height of structures not exceed thirty-five (35) feet.

b. Section 10.12, I, states that off-street parking shall be in accord with Article XI of the Independence Zoning Ordinance. Section 11.2, K, requires that each dwelling unit be provided with a minimum of two (2) off-street parking spaces. Insufficient information has been submitted to determine compliance with this requirement. It is therefore recommended that each dwelling unit be provided with a minimum of

two (2) off-street parking spaces.

c. Section 10.12, J, states that the location, height, and type of all fences, walls, and signs shall be as approved in the plan. The submitted development plan does not indicate the provision for any fences, walls, nor specify the type and size of the proposed entrance signs. It is therefore recommended that the location, height and type of all fences, walls and signs be in general conformity with the underlying R-1C Zone.

ADDITIONAL INFORMATION:

1. Upon review of the Preliminary Plat for the site in question, improvements to both Webster Road and associated intersection improvements are recommended in accordance with Kenton County Subdivision Regulations.

2. To allow for additional conservation of open space and to minimize grading in areas of site which contain steep slopes, consideration should be given to reducing the front yard setbacks in the proposed development plan.

Mr. Butler, Mr. Berling, Mr. Wolsings, Mr. Henry Fischer, Mr. Greg Fischer, Mr. Robert George, Mr. Tom List, Ms. Sherry Karen, Mr. Dave Arlinghaus and Mr. Damon Arlinghaus registered to speak in favor. Ms. Michele Herman, Mr. Michael Herman, Mr. David Robe and Mr. Arnsworth registered to speak against/as neutral parties.

Mr. Butler addressed the Commission and distributed a presentation packet. Ms. Weldon marked the packet as an exhibit to be made a part of the record. Mr. Butler stated they are in agreement with four of the six conditions. He stated the plan shows good diversification of lot sizes throughout the development. He stated this is a Stage I plan and noted the lot number will not exceed 415 lots. He stated they are proposing a density of 2.1 units per acre so they are well under what is permitted. He stated the client is committed to improving Webster Road to 22 feet. He then briefly highlighted aspects of the presentation packet and reviewed the concept. He stated the upgrade will be consistent with all requirements. He additionally noted sidewalks will be installed pursuant to subdivision regulations, street lights will be provided and utilities will be underground. He also noted the sewers will be gravity sewers. Mr. Butler stated that 42 acres will be retained for Wolsing Woods Park, and 14 acres will be retained as a greenbelt buffer area. He further noted that 37% of the total area will be retained as common open space/recreation area. He stated they anticipate the development buildout will take 6-10 years. He further noted the plan allows for natural landscaping. Mr. Butler noted they agree with conditions 2,3,4 and 5 and asked that condition number 1 be modified to read "That the area of the proposed Wolsing Woods Park be dedicated to a public and/or private entity for operation and maintenance and, provided that it is accepted by a public entity, and only in such event, remain publicly accessible as part of the park link system identified in the Area-Wide Comprehensive Plan Update." Mr. Hadley asked about the time frame for improving Webster Road. Mr. Butler stated 3-4 years depending on the market. Mr. Hadley then asked about sidewalks along Webster. Mr. Berling stated they did not

anticipate sidewalks along Webster.

Mr. Berling addressed the Commission and discussed improvements to be made to Webster Road and Independence Station Road. He stated the development has all the utilities you can think of. He further noted they met with county leaders with regard to the park and noted it would probably be a passive park at this time versus a play ground.

Mr. George addressed the Commission and stated there is about an 80 degree turn on a twelve foot lane on Webster. He noted the only way to the park is through this dangerous point. He also noted the field floods badly in that area and that he doesn't even allow his children in the field. He stated his biggest concern is access to the park.

Mr. List addressed the Commission and stated his father in law is Mr. Wolsing and he has a right of way through his property. He asked how the engineer was going to address that. He stated he would like to have another way out of his property in case the water comes up again. Mr. Berling stated he would address that issue.

Ms. Karen addressed the Commission and stated she was present to support the development and touched on various aspects she liked about the development. She stated she does have concerns with the grading that will be done. She also stated one of the best grading techniques is to not do anything to the land and to leave it like it is. She stated she appreciated Mr. Berling contacting her last week to discuss the development as to her concerns.

Mr. Dan Arlinghaus addressed the Commission and stated he approves the development and is all for it.

Mr. David Arlinghaus addressed the Commission and stated he approves the project.

Ms. Herman addressed the Commission and stated she and her husband are building a 3,200 square foot home in the area. She stated she is not opposed to Mr. Wolsing selling his property but is concerned with the PUD zone and the size of the lots. She stated she looks at the plan and sees 400 homes on undersized lots. She questioned whether or not two cars would be able to fit in the driveways. She further asked how Webster Road will be widened because one side of the road drops off. She stated Mr. Berling stated there will be one 8-inch main to service the development. She further noted she contacted the water district and was told at least two 8-inch mains will be necessary to service the development. She also noted if there was going to be an R-1C with a PUD she would think at least one of the lots should meet the requirements of an R-1C zone. Ms. Herman stated most of the homes are estate like homes built on larger tracts of land. She further noted she does not believe the infrastructure in the area can support 415 homes. She additionally stated the land is being set aside as green space is land that is physically restricted and land that would have remained as it is anyway.

Mr. Herman addressed the Commission and stated the lot sizes are absurd when you consider the development is 170 acres. He stated you don't have to make all of it PUD. He further noted you can have

diversity by having a portion of the acreage be PUD but not the whole thing.

Mr. Robe addressed the Commission and stated almost half or more of the area in the loop is 5, 10 and 15 acre lots. He stated it is a radical change to go from those size lots to something that has a twenty-five foot front yard and back yard.

Mr. Answorth addressed the Commission and asked where the traffic is going to go. He stated the road is already dangerous and this would put so many more cars on the road. He stated 400 houses is way too many. He further noted the development has devalued his property immensely due to the traffic.

Mr. Wolsing addressed the Commission and stated he has lived in the area for 82 years. He stated Webster Road was built as a horse and buggy road. He further noted that Webster runs down the hill where the park will start. He also noted the field has not been plowed in fifteen years.

Mr. Butler stated he had nothing more to add to the rebuttal but stated that he is available to answer any questions.

Mr. Herman stated in rebuttal that he had concerns with traffic but noted those issues have already been raised.

Mr. Scheper stated they could still build 380 homes without the PUD. He noted they could come in and chop it all up and that would be allowed as well under current zoning. Mr. Hilgeford reiterated Mr. Scheper's comments with regard to what is allowable under current zoning and what they are requesting. Mr. Hilgeford then motioned to approve with the recommendations as stated by Staff and with the modifications to condition # 1 and #6 and with the condition that the total lot count for the entire development not exceed 415 lots, along with the improvement along Webster Road and that all lots on Webster face towards the development, not towards Webster Road. Mr. Wessels seconded the motion. A roll call vote on the motion found Mr. Hilgeford, Mr. Wessels, Ms. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Swanson, Mr. Price and Ms. Weldon in favor. Mr. Bertam and Ms. Carlin abstained. Mr. Ryan voted against. The motion carried by a vote of 14-1.

OLD AND UNFINISHED BUSINESS:

Reports from Committees:

Subdivision Regulations Review Committee:

Mr. Swanson stated there was nothing new to report.

By-Laws:

Mr. Price noted they are in the process of reviewing the by-laws and will report back when there is something to report.

Model Zoning Ordinance:

Mr. Wessels stated there was nothing new to report.

Report from Legal Counsel:

Mr. Schneider had nothing to report.

Reports/Announcements from Staff:

Mr. Hiles discussed the amendment to fees for attached residential, detached residential and commercial/ industrial development. He stated they are not proposing a fee increase but fee restructuring. He stated the past four months they have been working with the Homebuilders Association to come up with the language, etc. He then highlighted the results of the meetings and the end result as it pertains to fees. Mr. Hiles recommended adopting the amendments. Mr. Price made the motion to adopt the fee restructuring as spelled out by Staff. Mr. Swanson seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Swanson, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Wessels and Ms. Weldon in favor. The motion carried unanimously. Ms. Weldon then recognized Mr. Jay Bayer, Mr. Bill Viox and Mr. Bill Erpenbeck for their contributions as members on the fees committee.

Mr. Dennis Gordon reviewed the proposed budget report for the year with the Commissioners prior to approval. Mr. Swanson made a motion to approve the budget as submitted. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Ryan, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Price and Ms. Weldon in favor. The motion carried unanimously.

Mr. Wessels brought up the issues of expending monies to attend yearly seminars and stated he felt the money could be better spent elsewhere and the continuing education could be done at home. Mr. Wessels stated stringent guidelines with regard to attending seminars should be imposed. Mr. Swanson then stated before the next conventions this year that guidelines should be incorporated.

Ms. Weldon then noted the convention for next year will be held in San Francisco March 19-23rd for planning purposes.

Correspondence: None.

There being no further business to come before the Commission, Mr. Price motioned to adjourn with Mr. Swanson seconding the motion. The meeting then adjourned at 11:55 p.m.