



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

August 5, 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. Chuck Eilerman - Covington
Mr. Tom France - Ludlow
Mr. Al Hadley - Elsmere
Mr. Phil Ryan - Park Hills
Mr. Bernie Wessels - Ft. Wright
Mr. Joe Price - Vice Chairman - Crestview Hills

LEGAL COUNSEL PRESENT:

Mr. David Schneider, Esq.

Mr. Price called the meeting to order at 9:00 a.m. Mr. Price opened the meeting with the Pledge of

Allegiance and an invocation by Mr. Eilerman.

APPROVAL OF THE MINUTES:

Approval of the minutes was dispensed with until the evening meeting due to technical problems in distributing the minutes to all commission members.

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. Schneider reviewed the statute with regard to the proposed issue. It was noted that the issue was brought back for a reconsideration of the vote due to some possible confusion with the Comprehensive Plan from last month's meeting as it related to the issue. Ms. Melissa Jort addressed the Commission and pointed out the differences between the community service area as it pertains to the issue. Mr. Logsdon then addressed the Commission and gave some background information on the two areas as well as

further defining the Comprehensive Plan and what is planned for the specific areas. Mr. Eilerman then spoke as to the community service area and the viability of the new library being placed in that area. Discussion was had amongst the Commission as to the location of the library as to whether or not this was a good thing to be placed in a community service area versus a crossroads community area. Mr. Ryan stated in light of Mr. Logsdon's comments he has no intentions of making a motion. Mr. France stated it appeared that of the eight Commission members who voted for the issue at last month's meeting, none had an interest in changing their vote. There being no motion on the matter, the recommendation from last month stands and would go before the full Commission at the evening meeting.

PP-643 BOWMAN RIDGE

APPLICANT: One Eleven Engineers and Surveyors, P.L.L.C. in behalf of One Eleven Developers, L.L.C.

LOCATION: An approximate 55-acre area located on the south side of Bowman Road, approximately 2200 feet east of Teegarden Road, unincorporated Kenton County.

REQUEST: To approve a Preliminary Plat consisting of 25 residential building lots, including public improvements such as streets, storm drainage and water system.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION

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

1. 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);
2. That sidewalks be provided along both sides of each street (Section 7.3F);
3. That sidewalks be provided along the portion of Bowman Road fronting the Plat (Section 7.3F);
4. That Sight Distance right and left for vehicles exiting the proposed intersections with Bowman Road be in accord with minimum Subdivision Regulation standards. Sight Distance measurements and profiles shall be clearly indicated on subsequent Grading Plans / Improvement Drawings and Specifications (Section 6.0 E);
5. That the proposed street be extended such that Lot #11 and Lot #12 are no longer flag lots (Section 6.6); and
6. That the Final Plat contain the statement: "Plat approval for building development on lots is contingent upon issuance of a final sewage construction permit by the Northern Kentucky District

Health Department" (Section 7.1).

Bases for Recommendation:

The proposed BOWMAN RIDGE is consistent with the 2001 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, and the Kenton County Zoning Ordinance, except as noted under the above Conditions.

Mr. Jim Bertram registered to speak as the applicant on the issue. He stated he only has a few concerns with a couple conditions. Mr. Bertram stated with regard to sidewalks that they are in the non-urban service area. He further stated they are trying to have a rural development and to install sidewalks would ruin the rural type setting. He stated he feels they meet the three requirements necessary to grant the waiver on the sidewalks. He further stated the nearest sidewalk is approximately five miles away. As to condition number five, Mr. Bertram stated they do not want to install a street stub due to the hillside restrictive area. Mr. Hadley sited concerns as to people walking in the street for exercise if there are no sidewalks in the area. Mr. Bertram stated they are asking that no sidewalks be required because the clientel they are trying to attract wants a rural setting. He further stated that Bowman is a dead-end road that currently has no sidewalks. Mr. Bertram noted that curb and gutter will be installed as well as storm sewers as required. Mr. Cook stated he agreed with Mr. Hadley as to the safety issue of having the sidewalks. Mr. Hadley then made the motion to approve with a recommendation that sidewalks be installed internally in the development. Mr. Ryan then stated he drove down Bowman and it is a narrow road. He further noted he had to stop a few times for people walking dogs and kids playing in the street. He stated for this reason he felt sidewalks would be appropriate. Mr. Bertram additionally notd it was an economic hardship to have to install the sidewalks and that it would probably raise the per plat price. Mr. France then seconded the motion. The motion was clarified to read that condition numbers three and five would be waived and that condition number two would be modified to require sidewalks on one side. A roll call vote on the motion found Mr. Hadley, Mr. France, Ms. Carlin, Mr. Eilerman, Mr. Ryan and Mr. Wessels in favor. Mr. Cook and Mr. Price voted against. The motion carried by a vote of 6-2.

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. Wessels made the motion to ratify and approve the actions of staff since the last meeting. Mr. France seconded the motion. All in favor. None opposed.

OTHER COMMITTEE BUSINESS: None.

There being nothing further to come before the Commission, the meeting was recessed at 10:25 a.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
REGULAR MEETING

August 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. Al Hadley - Elsmere
Mr. David Hilgeford - Villa Hills
Mr. Mark Hushabeck - Lakeside Park
Mr. Phil Ryan - Park Hills
Mr. Greg Scheper - Crescent Springs
Mr. John Wells - Ft. Mitchell
Mr. Bernie Wessels - Ft. Wright
Mr. Paul Swanson, Secretary/Treasurer - Erlanger
Mr. Joseph Price, Vice Chairman - Crestview Hills

COMMISSION MEMBERS NOT PRESENT:

Mr. Paul Darpel - Edgewood
Mr. Mike Denham - Bromley
Ms. Maura Snyder - Independence
Ms. Alex Weldon, Chairperson - Covington

LEGAL COUNSEL PRESENT:

Mr. David Schneider, Esq.

Mr. Price called the meeting to order at 6:15 p.m. Mr. Price opened the meeting with the Pledge of Allegiance and an invocation by Mr. Eilerman.

APPROVAL OF THE MINUTES:

Mr. Price noted that both the morning and evening minutes needed to be approved. Mr. France made the motion to approve. Mr. Coates seconded the motion. A roll call vote on the motion found Mr. France, Mr. Coates, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. Eilerman, Mr. Hadley, Mr. Hilgefurd, Mr. Ryan, Mr. Scheper, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Price in favor. Mr. Hushebeck abstained. The motion carried.

FINANCIAL REPORT:

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

Mr. Price noted a request to table had been received regarding issues 1684R and PP-642 for a period of up to six (6) months. A motion was made by Mr. Hadley to table the items. Ms. Carline seconded the motion. All in favor. None opposed.

ACTIONS SINCE LAST MEETING:

Mr. Bertram noted his withdrawal from items I-4140, I-4141, I-4142, I-4181, I-4187 and GP-639 due to conflicts of interest with his employer. A motion was then made by Mr. Hadley to accept the report of actions. Mr. Wessels seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Wessels, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Mr. Hushebeck, Mr. Ryan, Mr. Scheper, Mr. Wells, Mr. Swanson and Mr. Price in favor. The motion carried.

Mr. Price then asked for ratification and approval of the items from the morning meeting. Mr. Bertram noted his withdrawal from FP-643 due to a conflict of interest with his employer. A motion was made by Mr. France to ratify and approve. Ms. Carlin seconded the motion. A roll call vote on the motion found Mr. France, Ms. Carlin, Mr. Bertram, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Hilgefurd, Mr. Hushebeck, Mr. Ryan, Mr. Scheper, Mr. Wells, Mr. Wessels and Mr. Price in favor. Mr. Eilerman voted against. Mr. Swanson abstained. The motion carried.

PUBLIC HEARINGS:

*The following two items have been combined for purposes of the meeting.

1678R

APPLICANT: City of Crestview Hills, per Dan Groth.

REQUEST: Proposed text amendments to the Crestview Hills Zoning Ordinance adding a new zoning

district, the R-1Bd (Residential One-Bd) Zone, along with the necessary cross-references in other sections of the zoning ordinance.

NKAPC STAFF RECOMMENDATION:

To disapprove the proposed text amendments adding a new zoning district, the R-1Bd (Residential One - Bd) Zone, along with the necessary cross references in other sections of the zoning ordinance.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendation:

1. The proposed text amendments adding a new zoning district, the R-1Bd (Residential One - Bd) Zone, along with the necessary cross references in other sections of the zoning ordinance are unnecessary and would create a zoning district which is duplicative. The proposed R-1Bd Zone duplicates the existing R-1Bc Zone with the exception of reducing the minimum rear yard depth from fifty (50) feet to thirty (30) feet.

1679R

APPLICANT: City of Crestview Hills, per Dan Groth.

LOCATION: An approximate 8 acre area located along the north and south sides of College Park Drive, east of Turkeyfoot Road, Crestview Hills.

REQUEST: A proposed map amendment to the Crestview Hills Zoning Ordinance, changing the area described herein, from R-1Bc (a detached single-family residential zone) to R-1Bd (a detached single-family residential zone).

Staff presentation and Staff recommendations by Mr. Mike Schwartz.

NKAPC STAFF RECOMMENDATION:

To disapprove the proposed the map amendment from R-1Bc to R-1Bd.

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. While the proposed R-1Bd Zone is consistent with the Recommended Land Use Plan Map of the 2001 Area Wide Comprehensive Plan Update which identifies the site for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre, the existing R-1Bc Zone is also consistent with the comprehensive plan. Both the existing R-1Bc Zone and the proposed R-1Bd Zone permits detached single-family residential dwellings on a minimum lot area of 15,000 square feet (approximately 2.9 dwelling units per net acre).

2. The existing R-1Bc Zone is appropriate for the site in question. As previously stated, the R-1Bc Zone permits detached single-family residential dwellings on a minimum lot area of 15,000 square feet (approximately 2.9 dwelling units per net acre). The site in question has been developed with fifteen detached single-family residential dwellings at a density of 2.6 dwelling units per net acre.

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

4. The only difference between the existing R-1Bc Zone and the proposed R-1Bd Zone is that the existing R-1Bc Zone provides for a rear yard setback of fifty (50) feet while the proposed R-1Bd Zone provides for a rear yard setback of thirty (30) feet. The existing R-1Bc Zone provides for reasonable expansions to existing homes and the reasonable use of rear yards within the site in question.

a. Based on GIS data, partially maintained by the NKAPC staff, ten (10) of the fifteen (15) existing homes can be expanded and continue to meet the minimum rear yard setback of fifty (50) feet, as required by the existing R-1Bc Zone.

b. Regardless of the zoning district, Section 9.10, F. of the Crestview Hills Zoning Ordinance permits accessory structures to be located within the rear yard, provided they are set back a minimum of ten (10) feet from the rear property line.

Mayor Paul Meier, Mr. Walter Blair and Mr. Bob Edwards registered to speak in favor of the issue. No one registered to speak against.

Mayor Meier addressed the Commission and stated the reason the application was submitted was because the economics of the area have changed. He stated they want to change the zone because of the setbacks and because of the request of a resident to add onto his property. He stated they are making the new zone in compliance with the R-2b zone.

Mr. Blair addressed the Commission and stated the application is in compliance with the Comprehensive Plan. He stated the application was before the Board of Adjustment. He further noted a third of the homes would be affected in the area specified for the zone change.

Mr. Edwards addressed the Commission and submitted a copy of a petition presented to the economic development committee. He stated they are requesting a change or an amendment to the zone and what they are asking for is to match the R-2B zone. The petition was then marked as an exhibit to be made a part of the record.

Mr. Wessels stated the city made the application on behalf of the fifteen homeowners on the street. He further noted he doesn't see why it's being debated. He stated it is a difference of twenty feet. Mr. Wessels then made the motion to approve 1678R based on the evidence submitted. Mr. Scheper seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Scheper, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hushebeck, Mr. Ryan, Mr. Swanson and Mr. Price in favor. Mr. Hilgefurd and Mr. Wells voted against. The motion carried.

Mr. Wessels then made the motion to approve 1679R based on the evidence presented and that the application is in compliance with the Comprehensive Plan. Mr. Scheper seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Scheper, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hushebeck, Mr. Ryan, Mr. Swanson and Mr. Price in favor. Mr. Hilgefurd and Mr. Wells voted against. The motion carried.

1685R

APPLICANT: City of Covington, per Ms. Annalee Duganier

LOCATION: An area along 12th Street, bounded by I-71/75 to the west, Watkins Street to the south, 11th Street to the north, and Scott Street to the east, Covington.

REQUEST: Review of the proposed 12th Street Corridor Redevelopment Plan, a Chapter 99(KRS 99.020).

Staff presentation and Staff recommendations by Larisa Keith.

NKAPC STAFF RECOMMENDATION

To approve the proposed 12th Street Corridor Redevelopment Plan, but only subject to compliance with the following conditions:

1. That alternatives based on traffic analyses and future development be examined to determine the appropriateness of one-way versus two-way access to redeveloped properties;
2. That a fully improved intersection on 12th Street be identified to serve the proposed office development as identified in the "Pike and Twelfth Streets Interchange Development Plan", approved in 1990.

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 long-standing plan of the State of Kentucky to widen the 12th Street corridor has created the perception of blight in the area. The length of time taken for this transportation improvement to be implemented has added to the substandard conditions of the area. Additionally, several remnant properties are anticipated to remain at the conclusion of the transportation project. Therefore, the redevelopment of the development area as proposed within the 12th Street Corridor Redevelopment Plan is necessary to effectuate the public purposes declared in KRS 99.020.

2. The 12th Street Corridor Redevelopment Plan is generally consistent with the 2001 Area-wide Comprehensive Plan Update, which identifies the majority of the 12th Street Corridor Redevelopment Plan for residential development at densities ranging from 7.1 to 14.0 and 14.1 to 30.0 dwelling units per net acre. The western most portion of the corridor, at the Bavarian Brewery site, is identified as a Special Development Area. Areas located along the eastern portion of the corridor are identified for Recreation and Open Space, Industrial, Railroad, Commercial - Retail/Service, and Other Community Facilities. The Redevelopment Plan identifies that amendments to the 2001 Area-Wide Comprehensive Plan Update will be made at the time of the 2005 update that will include changes to reflect the Redevelopment Plan's proposed land uses, which are anticipated to include a mix of uses. Specific discussions within the Plan include the possibilities of utilizing the R-U Zone in the Corridor, which permits single and two family dwellings, at a maximum density of 21.8 dwelling units per net acre, as well as special neighborhood retail and service uses with certain restrictions, and the INST (Institutional) Zone in the area of the Cathedral Basilica and surrounding areas. These zones are generally consistent with the 2001 Area-Wide Comprehensive Plan Update.

The general goals of the 12th Street Corridor Redevelopment Plan are (a) To promote new development in areas made available by the State highway improvement project; (b) To increase the potential for investment in the area; (c) To assist in the rehabilitation of eligible historic buildings; (d) To create open spaces such as parks, plazas and courtyards along the Corridor; (e) To provide a strong infrastructure for the above enhancements; and (f) To allow an opportunity for community participation. These objectives are consistent with the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan Update.

3. The 12th Street Corridor Redevelopment Plan area is comprised of over fifty (50) acres. The plan takes into account areas to be directly effected by the widening of 12th Street by the Kentucky Transportation Cabinet, as well as surrounding areas that may be impacted. Therefore, the development area is of sufficient size to allow its redevelopment in an efficient and economically satisfactory manner.

4. The 12th Street Corridor Redevelopment Plan identifies a long-range projected implementation time of 15 years. Stages within that 15-year period include prioritization of projects based on supporting private development that is consistent with the vision and economic development goals of the Corridor

Plan and the complexity of work. Therefore, the various stages by which the development is proposed to be constructed or undertaken, as stated in the development plan, are practicable and appear to be in the public interest.

5. Public facilities, including, but not limited to school, fire, police, transportation, park, playground and recreation, are presently adequate, or will be adequate, at the time that the development is ready for use, to service the development area. The area included within the 12th Street Corridor Redevelopment Plan is within the Urban Service Area as identified within the 2001 Area-wide Comprehensive Plan Update.

6. The map included within the 12th Street Corridor Redevelopment Plan identifies several new buildings, renovated and relocated buildings, as well as buildings to remain. The plan also discusses current zoning of the area, recognizing that the City is currently going through the process of a zoning ordinance update and that appropriate zoning map and text amendments will follow when appropriate. Changes will likely occur to permit a mix of uses, to include commercial, residential and public institutions. Additionally, the plan recognizes that the historical setting of the area is important and that design guidelines should be applied to assure compatibility with the old and the new. These potential changes will be desirable for the development of the area and for protection against blighting influences.

Access to the properties is identified on the submitted map with a series of arrows outlining one way and two-way circulation to new and existing development and new parking areas. Also included within the plan are streetscape and roadway changes including closing Fisk Street at its intersection with Watkins Street to allow for infill development. The widening and intersection improvements plan of the Kentucky Transportation Cabinet are also illustrated. Several of the areas identified for one-way circulation may be best served through two-way circulation, or some other combination. Additional alternatives are included within the appendix of the plan and should be reevaluated based on traffic analyses and future development to determine the appropriateness of one-way versus two-way access to redeveloped properties, especially taking into account the intersection improvements set forth by the State in their widening process that will result in the closure of intersections. This will ensure that any changes in streets or street levels or street closings are necessary for the development and the protection again blighting influences.

7. 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 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, 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, and access road and parking. The development plan identifies additional areas to the north to be redeveloped to professional office, along with sole access to the site from 12th Street, and heavily landscaped buffers separating the residential uses from the office uses.

On July 1, 2004, following a public hearing, the Kenton County Planning Commission recommended

approval of a zone change for 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 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, with the condition that the site in question be accessed only via a single curb cut onto 12th Street, as identified in the "Pike and Twelfth Streets Interchange Development Plan", approved in 1990. No such access is identified within the 12th Street Corridor Redevelopment Plan. Therefore the condition that a fully improved intersection on 12th Street be identified to serve the proposed office development as identified in the "Pike and Twelfth Streets Interchange Development Plan", approved in 1990.

8. Considering all of the aforementioned factors, the carrying into effect of the 12th Street Corridor Redevelopment Plan will not cause undue hardship to those occupying dwelling accommodations in the development area to such a degree as to outweigh the public purpose defined in KRS 99.020.

9. The 12th Street Corridor Redevelopment Plan appears to meet the requirements as set forth in Kentucky Revised Statute Chapter 99.

Ms. Duganier, Mr. Gary Uberjohn, Mr. Bill Park and Mr. Joe Meyer registered to speak in favor of the issue. No one registered to speak against.

Ms. Duganier addressed the Commission and stated the city is taking advantage of a wonderful opportunity given to them by the state. She stated the plan proposes to keep the existing character while introducing redevelopment to the area. She further noted the city is anxious to get the project moving. She then stated due to the delay, area properties have deteriorated further. She stated the access road is not an issue. Ms. Duganier further stated there would be a 20-foot wide median where the intersections will be blocked. She then noted the Transportation Cabinet stated there would be two bridges, one going east and one going west.

Mr. Uberjohn addressed the Commission and stated his property would probably be the largest taken under eminent domain. He stated he has been involved with the development for a long time and is aware that this is a main area for redevelopment because it is what is seen first when coming into the city. He stated he is willing to offer his property without eminent domain because they realize they are in an area of redevelopment for the city.

Mr. Clark addressed the Commission and stated he has been fighting this for twenty years. He stated the state is getting ready to start taking properties. He noted the state is the one who has stopped the redevelopment at Scott Street and they have been fighting it. He stated the two blocked intersections are Banklick and Lee. He noted that Banklick is a moot point. He further noted the residents have no problem with the blocked intersections.

Mr. Meyer addressed the Commission and stated he supports the city's request for redevelopment. He

stated for about three years the 12th Street plan has been looked at. He stated this project has been in the 6-year plan for twenty years. He noted the characteristics of the Eastside neighborhood are very different from the area proposed. He further stated he does support the plan and asked the Commission for approval so it can move forward. He also noted the Latin School supports the redevelopment and welcomes the designated zoning of institutional because the designation did not exist before.

Mr. Price noted the city is to be commended for going about the whole process. Mr. Hilgefurd then motioned to approve on the basis of Staff's report and the testimony presented with the conditions as submitted by Staff. Mr. Wessels seconded the motion. A roll call vote on the motion found Mr. Hilgefurd, Mr. Wessels, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hadley, Mr. Hushebeck, Mr. Scheper, Mr. Wells, Mr. Swanson and Mr. Price in favor. Mr. Eilerman and Mr. Ryan abstained. The motion carried.

1686R

APPLICANT: Fidelity Real Estate Company, LLC, per Peter Schmuck, on behalf of the Morrow Gravel Company.

LOCATION: An approximate 0.1-acre area located 400 feet west of Magellan Drive, approximately 600 feet southwest of the terminus of Magellan Drive, Covington.

REQUEST: A proposed map amendment to the Covington Zoning Ordinance, changing the area described herein, from R-2b (a residential zone) to PO (a professional office zone).

Staff presentation and Staff recommendations by Ms. Melissa Jort.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment for the area described herein, from R-2b to PO, but only subject to compliance with the following conditions:

1. That the proposed map amendment meet the minimum requirements of the Covington Zoning Ordinance; and
2. That the development plan be revised to meet the rear yard setback requirements for the PO Zone as set forth in the Covington Zoning Ordinance, or that a variance be applied for and granted by the Covington Board of Adjustment.

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-2b to PO is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question for Commercial-Office uses. The proposed PO Zone will allow for the development a new off-street parking garage totaling 159 spaces, as an expansion to an existing off-street parking garage containing 227 spaces.

2. The proposed development plan meets the minimum requirements of the Covington Zoning Ordinance with the exception of the following:

a. Section 158.108 (E) (5) - Where any office park development permitted in this zone abuts a residential zone, a minimum yard requirement of 100 feet for all yards which abut said zone shall be provided, 20 feet of which shall be maintained by a screening area as regulated by 158.042. The submitted development plan identifies a rear yard setback of sixty (60) feet. It is therefore recommended that the development plan be revised or that a variance be applied for and granted by the Covington Board of Adjustment.

b. Section 158.117 (E) of the Covington Zoning Ordinance sets forth the regulations for the design and layout of parking areas. All off-street parking areas of three or more spaces shall be landscaped along the perimeter of the off-street parking area as well as with internal landscaping. Insufficient information has been submitted to determine compliance with this regulation.

c. Section 158.117 (G) of the Covington Zoning Ordinance set forth regulations for paving off-street parking areas. All off-street parking areas shall be paved with asphalt concrete or Portland cement concrete and all new off-street parking areas shall be designed and constructed in accordance with Appendix A. Insufficient information has been submitted to determine compliance with these regulations.

d. Section 158.118 (K) and (W) of the Covington Zoning Ordinance set forth regulations for off-street parking requirements. Offices for professional, business and financial, real estate and business purposes, other than medical offices and clinics, are required to have one parking space for each 250 square feet of gross floor area. Insufficient information has been submitted to determine compliance with this requirement.

Mr. Hadley asked about the watershed for the area. Mr. Wessels asked if the applicant owned the property. Mr. Schneider addressed the Commission and stated his firm represents Fidelity and that he has no interest in the matter.

Ms. Duganier, Mr. Rob Ziegler and Mr. Peter Schmuck registered to speak in favor of the issue. No one registered to speak against.

Ms. Duganier addressed the Commission and stated the reason they are purchasing the small site was to go along with the minimum setback requirement. He stated they would need to have a variance because

they still do not meet the setbacks. She noted a purchase agreement exists on the area in question.

Mr. Ziegler addressed the Commission and stated they concur with Staff and reiterate the map amendment is in agreement with Comprehensive Plan. He stated the area in question is not visible by any public streets. He further stated that no trees would be disturbed in the process. He noted they want to be in compliance with the setback limits and will either obtain a variance or try to obtain the additional forty feet.

Mr. Schmuck had nothing to add.

A motion was made by Mr. Hadley to approve based on Staff's recommendations and considerations. Mr. Wells seconded the motion. A roll call vote on the motion found Mr. Hadley, Mr. Wells, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Mr. Ryan, Mr. Scheper, Mr. Wessels, Mr. Swanson and Mr. Price in favor. Mr. Bertram and Mr. Hushebeck abstained. The motion carried.

OLD AND UNFINISHED BUSINESS:

Reports from Committees:

Subdivision Regulations Review Committee:

Mr. Swanson stated there was nothing new to report. He did note that they were currently reviewing existing subdivision regulations to make them easier to administer. He noted the 3-countywide regulations are not going forward because the various counties like what they have. He stated they are scheduled to meet to decide further steps as the subdivision review committee.

By-Laws:

Mr. Price had nothing to report.

Model Zoning Ordinance:

Mr. Wessels stated they met yesterday. He noted they would like more participation from the Commission members. He then asked for the chairman to make an application for flood protection areas of the city and for latches for swimming pools. Mr. Schwartz stated the request is for items that were lacking in certain areas. The next meeting will be held August 11th at noon. There was a motion by Mr. France to place the items on the agenda for next month's meeting. Mr. Wessels seconded the motion. All in favor. None opposed.

Report from Legal Counsel:

Mr. Schneider addressed the Kentucky Open Meeting laws as it pertains to discussions, conversations and correspondence between members of a public body. He cautioned the Commission members to be very careful with discussions of issues with email correspondence. He noted the best advice is to not have email correspondence on how you may vote on an issue because it may violate the law.

Mr. Hadley brought up the matter of forming an executive committee. Mr. Price stated there has been issues brought up where it was suggested an executive committee be formed to address certain issues. Mr. Hadley noted executive sessions would be separate from an executive committee. Mr. Schneider clarified the difference between the two.

Mr. Price noted receipt of two letters addressing the elimination of prayer at the start of Commission meetings. He then distributed those for Commission members to review.

Reports/Announcements from Staff:

Nothing to report.

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 8:40 p.m.