



## KC&MP&ZC MINUTES

---

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

December 2, 2004  
9:00 A.M.

NKAPC Meeting Room  
2332 Royal Drive  
Fort Mitchell, Kentucky

### MINUTES

#### COMMISSION MEMBERS PRESENT:

Ms. Barbara Carlin - 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. 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. The meeting was opened with the pledge of allegiance and an invocation by Mr. Eilerman.

#### APPROVAL OF THE MINUTES:

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

Ms. Weldon noted a letter was received from Mr. Jim Berling with regard to tabling issue W-637. The letter was marked as an exhibit to be made a part of the record. Ms. Carlin noted the issue had already been tabled twice before for one month periods. That being the case the issue was tabled for a period of four months. Mr. Price made the motion to table the issue for the period stated with Mr. Darpel giving the second. A roll call vote on the matter found Mr. Price, Mr. Darpel, Ms. Carlin, Mr. Eilerman, Mr. Ryan, Mr. Wessels and Ms. Weldon in favor. The motion carried.

#### PRELIMINARY PLATS, PLANS AND RELATED ISSUES:

##### PP-645 BUTTERMILK TOWNE CENTER

APPLICANT: Civil & Environmental Consultants in behalf of Bear Creek Capital.

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

REQUEST: To approve a Preliminary Plat consisting of 12 commercial building lots, including improvements such as streets, storm drainage, sanitary sewer and water system.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

Mr. Schneider clarified Staff's condition #2 referencing the Crescent Springs Fire Department and noted that it should read the Crescent Villa Fire Authority. He further noted the two cities have a joint department.

#### NKAPC STAFF RECOMMENDATION

To approve a Preliminary Plat for Buttermilk Towne Center, but only subject to compliance with the following conditions:

1. That roadway improvements identified: (1) on the existing approved Stage I Development Plan; (2) recommended in the applicants Traffic Impact Study; and (3) approved as part of the Development Agreement be implemented as part of the construction of the proposed retail center and shown on the initial phase of Improvement Drawings and Specifications.

2. That all fire suppression issues be approved by the Crescent Springs Fire Department in writing (Section 7.2);
3. That Sight Distances right and left for vehicles for any proposed unsignalized intersection 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).

#### Bases for Recommendation:

The proposed Buttermilk Towne Center is consistent with the recommendations of the 2001 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations and the Crescent Springs Zoning Ordinance, except as noted under the above Conditions.

Mr. Jim Elliot and Mr. Steve Kelly registered to speak in favor of the issue. No one registered to speak against.

Mr. Elliot addressed the Commission and stated he was available to answer any questions. He stated Staff's conditions were pretty straightforward and they have no problems with the conditions. Mr. Wessels asked if the street was now going to be a public street. Mr. Elliot stated it is in fact still a private street. Mr. Wessels then cited his concerns with subdivision regulation items possibly being overridden by a legislative body such as city council. He stated he does not want to set a precedent and that possibly exists here.

Mr. Kelly addressed the Commission and stated they do have a Stage I and Stage II plans for the project. He stated they have a preliminary plat on the lots due to lease requirements and tenants requiring separate lots being designated. Mr. Wessels stated there are so many subdivision elements that need to be adhered to and he is worried about setting up a precedent. Mr. Darpel asked about the designation of "future bridge" as to the access as designated on the plan. Mr. Kelly then noted that they had in fact received approval from TANK for the bridge access. He stated they left it labeled it as "future bridge" vs. "potential" because approval involved a third party. Mr. Schwartz noted the bridge would have to be constructed as proposed or find an alternative means for access. Mr. Wessels then made the motion to approve based on Staff's recommendations and conditions, and also amending condition #2 to read "Crescent Villa Fire Authority." Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Ms. Carlin, Mr. Darpel, Mr. Eilerman, Mr. Hadley and Ms. Weldon in favor. Mr. Ryan abstained. The motion carried.

#### PP-633 REVISED MEADOW GLEN SUBDIVISION

APPLICANT: Cardinal Engineering in behalf of Hasekoester-Reese, L.L.C.

LOCATION: An approximate 25 acre area on the south side of Independence Station Road, approximately 1,000 feet west of Webster Road, Independence.

REQUEST: To approve a Revised Preliminary Plat for Revised Meadow Glen Subdivision (formerly Independence Station Reserves) consisting of 69 residential building lots including public improvements

such as streets, storm drainage, sanitary sewer and water systems.

Staff presentations and Staff recommendations by Mr. Scott Hiles.

#### NKAPC STAFF RECOMMENDATION

To approve a Revised Preliminary Plat for Meadow Glen.

Bases for Recommendation:

The proposed Meadow Glen is consistent with the recommendations of the 2001 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, and the Independence Zoning Ordinance.

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

Mr. Stegman addressed the Commission and stated Staff did a good job explaining the details of the proposal. He stated this came about originally because Fischer was interested in buying the lots and they wanted to join the PUD designation. He stated the housekeeping issue will benefit both parcels in the future. Mr. Wessels then made the motion to approve based on Staff's recommendations. Mr. Darpel seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Darpel, Ms. Carlin, Mr. Eilerman, Mr. Hadley, Mr. Ryan, Mr. Price and Ms. Weldon in favor. The motion carried.

#### PP-647 NEW HAVEN SUBDIVISION

APPLICANT: Bayer Becker Engineers, in behalf of Finke Homes, Inc.

LOCATION: An approximate 17 acre area on the north west corner of Far Hills Drive and Old Madison Pike, directly opposite the existing Far Hills Subdivision, Independence.

REQUEST: To approve a Preliminary Plat for New Haven Subdivision consisting of 37 residential building lots, including public improvements such as streets, storm drainage, sanitary sewer and water systems.

Staff presentations and Staff recommendations by Mr. Scott Hiles.

#### NKAPC STAFF RECOMMENDATION

To approve a Preliminary Plat for New Haven Subdivision, but only subject to compliance with the following conditions:

1. That a right-turn lane be provided along Madison Pike at the intersection of Far Hills Drive (Section 6.1);

2. That a minimum fire flow of 500 gpm at 20 psi be provided and certified by a flow test, and fire hydrant spacing be a maximum of 450 feet (Section 7.2);
3. That Sight Distance right and left for vehicles exiting the proposed intersection with Far Hills Drive 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);
4. That a public street be provided to stub at the north eastern property boundary in the vicinity of Lot #35 (Section 6.0 B / Section 7.3 J);
5. That an additional \$200 be submitted for the requested waiver of sidewalk along Madison Pike fronting the Plat.

#### Bases for Recommendation:

The proposed New Haven Subdivision is consistent with the recommendations of the 2001 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, and the Independence Zoning Ordinance, except as noted under the above Conditions and recommended waiver to Section 7.3F.

#### Subsequent Recommendation:

That a waiver to Section 7.3F be granted not requiring a sidewalk along Madison Pike fronting the Plat on the basis that sidewalks neither exist or are planned for this area and the provision for a sidewalk in this vicinity would be unnecessary and impractical.

Mr. Gil Whitaker and Mr. George Finke registered to speak in favor of the issue. No one registered to speak against.

Mr. Whitaker addressed the Commission and stated it is a pretty straightforward subdivision. He stated water and sewer are being brought up Madison Pike into the subdivision. He then stated the only condition to be discussed was the one involving the right turn lane. Prior to discussing the issue he distributed a handout with regard to the street stub. He stated they are presenting this as a design alternative relative to condition #4. He stated it would cost approximately \$40,000 to install the right turn lane. He further stated this is a lot considering there are only 37 lots. He then stated KDOT standards state when there are 100 vehicles making the turn a right turn lane is warranted. Mr. Whitaker stated after doing the numbers they would have approximately 67 right turns so they feel installing the turn lane is not warranted. Mr. Darpel asked if the applicant would be willing to amend the condition regarding the right turn lane to state the right turn lane would be installed if a traffic study warrants it. Mr. Darpel continued and stated a traffic study is cheaper than installing the right turn lane. He further noted along with Mr. Wessels that it would be easier to waive it if they had a traffic study in front of them stating it wasn't necessary. Mr. Hadley questioned the necessity of the sidewalks along Madison

Pike. He stated he felt the applicant should request a waiver because of the topo along Madison Pike. The handout was marked as an exhibit to be made a part of the record. Mr. Finke had nothing to add.

Following a brief discussion on the matter Mr. Wessels made a motion to approve based on Staff's report and to modify condition #1 to read "that a right turn lane would be provided along Madison Pike providing that a traffic study submitted by the applicant to Staff would warrant that that improvement be made"; to grant the request for a waiver for the sidewalks along Madison Pike with an additional basis that the existing topographical situation that exists in that location would make it impractical; and to revise condition #4 with regard to the preliminary plat referencing the northern section along with the improvements shown marked on exhibit #1 would be permitted. Mr. Hiles added one additional item requested by the applicant to clarify the revision to condition #4; "that a public street be provided to serve as a northeastern property boundary in the vicinity of lot #35 and no additional improvements to Far Hills Drive north of the street stub be required. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hadley, Ms. Carlin, Mr. Darpel, Mr. Eilerman, Mr. Ryan, Mr. Price and Ms. Weldon in favor. The motion carried.

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.

There were no questions or comments regarding the actions taken since the last regularly scheduled meeting. A motion was therefore made by Mr. Wessels to ratify and approve. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Ms. Carlin, Mr. Darpel, Mr. Eilerman, Mr. Hadley, Mr. Ryan, and Ms. Weldon in favor. The motion carried.

OTHER COMMITTEE BUSINESS: None.

There being nothing further to come before the Commission, the meeting was recessed at 10:34 a.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
REGULAR MEETING

December 2, 2004  
6:15 P.M.

NKAPC Meeting Room  
2332 Royal Drive  
Fort Mitchell, Kentucky

## MINUTES

### COMMISSION MEMBERS PRESENT:

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. Mark Hushabeck - Lakeside Park  
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. James Bertram - Taylor Mill  
Mr. Mike Denham - Bromley

### LEGAL COUNSEL PRESENT:

Mr. David Schneider, Esq.

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

Ms. Weldon noted a change with regard to the meeting's agenda. She stated a letter had been received from the applicant with regard to issue 1712R requesting a tabling of the issue. A motion was then made

by Mr. Price to table the matter for a period of six months. Mr. Eilerman seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Eilerman, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Hadley, Mr. Hilgefurd, Mr. Hushabeck, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Swanson and Ms. Weldon in favor. Mr. France arrived after the roll was taken.

#### APPROVAL OF THE MINUTES:

There being no questions or comments with regard to the November minutes Mr. Price then made the motion to approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Hadley, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Mr. Hushabeck, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Wessels, Swanson and Ms. Weldon in favor. The motion carried.

#### FINANCIAL REPORT:

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

#### ACTIONS SINCE LAST MEETING:

Mr. Scheper noted a conflict of interest with regard to issue PP-645. Mr. Wessels then made the motion to ratify and approve. Mr. Darpel seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Darpel, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Hushabeck, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Swanson Mr. Price and Ms. Weldon in favor. The motion carried.

#### PUBLIC HEARINGS:

1708R

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

LOCATION: An approximate .6-acre area located at the terminus of View Street, on the northeast side of its intersection with Hathaway Court, Covington.

REQUEST: A proposed map amendment to the Covington Zoning Ordinance, changing the area described herein, from R-6 (a multi-family residential zone) to R-1G (a single-family residential zone).

Staff recommendations and Staff presentation by Ms. Larisa Keith.

#### NKAPC STAFF RECOMMENDATION:

Approval of the proposed map amendment to the Covington Zoning Ordinance from R-6 (a multi-family residential zone) to R-1G (a single-family residential zone).

#### Comprehensive Plan Documentation:



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

Supporting Information/Bases For Recommendations:

1. The existing R-6 Zone is inappropriate and the proposed R-1G Zone is appropriate. The site in question is currently developed with detached single-family residential dwellings as a continuation of existing development to the south and west. The proposed R-1G Zone permits the development of detached single-family residential dwellings at a maximum density of approximately 8.7 dwelling units per net acre. The site in question has been developed with detached single-family residential dwellings as part of the surrounding area that is currently zoned R-1G. Therefore, the proposed R-1G Zone is appropriate.

2. The site in question is developed with three single-family residential dwelling units, each within a lot greater than 5,000 square feet in size. The proposed R-1G Zone would eliminate existing non-conforming uses, and permit additional and reasonable use of the property.

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

Ms. Duganier addressed the Commission and stated there are three single family homes in this zone. She stated the request came about when a resident wanted to enlarge his garage and could not because it was a non-conforming use.

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

1710R

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

LOCATION: (For Map Amendment) An approximately 630 acre area located along Madison Pike (KY 17) from the southernmost point of the city limits of Fort Wright on Old Madison Pike, northward to Howard Litzler Drive.

REQUEST: Proposed amendments to the 2001 Area-Wide Comprehensive Plan Update, 1) amending the Recommended Land Use Map from Industrial, Commercial - Retail/Service, Commercial - Office, Recreation and Open Space, Physically Restricted Development Area, Community Facilities - Other Community Facilities, and Residential Development at a density ranging from 2.1 to 7.0 dwelling units per net acre, to a Special Development Area; 2) text amendments to the Land Use Element adding recommendations for the proposed Special Development Area, specifically in reference to the Madison Pike Corridor Land Use and Economic Development Plan; 3) text amendments to the Transportation Element adding recommendations for new transportation planning concepts; and 4) text amendments to

the Implementation Element including Form District standards and riparian buffering.

Staff presentation and Staff recommendations by Ms. Larisa Keith and Mr. Keith Logsdon.

#### NKAPC STAFF RECOMMENDATION:

To approve the proposed map and text amendments to the 2001 Area-Wide Comprehensive Plan Update.

#### 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. Kentucky Revised Statute 100.187 states that the Comprehensive Plan should contain as a minimum the following elements: (1) A statement of Goals and Objectives; (2) A Land Use Plan Element; (3) A Transportation Plan Element; and (4) A Community Facilities Plan Element. KRS 100.187 (1) states: "A statement of goals and objectives, which shall serve as a guide for the physical development and economic and social well being of the planning unit".

Kentucky Revised Statute 100.193 (1) states: "The planning commission of each planning unit shall prepare and adopt the statement of goals and objectives to act as a guide for the preparation of the remaining elements and the aids to implementing the plans."

In preparation of the 2001 Area-Wide Comprehensive Plan Update, the KC&MP&ZC determined that there was no need for change to the "Statement of Goals and Objectives" previously adopted as part of the 1996 Area-Wide Comprehensive Plan Update and, therefore, readopted these "Goals and Objectives" for the 2001 Area-Wide Comprehensive Plan Update on March 2, 2000. Additionally, the NKAPC staff conducted the necessary research relative to socio-economic data, land usage, traffic flow, changes to existing facilities, etc., per the requirements of KRS 100.191. It is the opinion of the NKAPC staff that the original research is still valid and no additional research is necessary.

2. Two committees were created by the City Council to participate throughout the creation of the Madison Pike Corridor Land Use and Economic Development Plan. A Steering Committee comprised of residents, property owners within the corridor, and representatives of the city, provided input and guidance during the planning process. A Stakeholders Committee comprised wholly of the property owners within the corridor was established to provide a forum for dissemination of information on the planning process to those most directly involved in the outcome of the planning process. All elements of the plan were presented for public comment at a meeting held on October 5th, 2004. The City's plan was created, in part, as a response to the change in land use that is anticipated with the new Wal-Mart and surrounding businesses, and as an attempt to be proactive in the planning process for the development of

the remainder of the corridor, realizing that potential exists for a mix of uses that could affect elements of transportation, recreation, economic development, community facilities, and the environment. The purpose of this study is to prepare a community-based plan built on collaboration between city officials, residents, and stakeholders within the corridor. It is the desire of the City of Fort Wright to provide a tool that can be used to guide public and private decisions and to trigger new quality and sustainable development along the corridor.

3. The proposed amendments to the 2001 Area-Wide Comprehensive Plan Update including: 1) a change in the Recommended Land Use Map for properties generally located along Madison Pike (KY 17) from the southernmost point of the city limits of Fort Wright on Old Madison Pike, northward to Howard Litzler Drive to a Special Development Area designation (See attached map); 2) corresponding amendments to the text of the Land Use Element within the Specific Studies...section, summarizing the recommendations for land use and timing of development, implementation strategy for greenways, transportation recommendations, and a discussion of form and function standards (See Attachment A) along with the corresponding Recommended Land Use Map, Greenway Map and Transportation Map (See Map 5I, 5J and 5K) as contained within the Madison Pike Corridor Land Use and Economic Development Plan; and 3) text changes to the Land Use Plan Element Description section, referring to the adoption of the Madison Pike Corridor Land Use and Economic Development Plan and its incorporation into the 2001 Area-Wide Comprehensive Plan Update (See Attachment B), are consistent with previous inclusions within the Plan Update. It has been common practice to incorporate plans and studies that have been adopted by the legislative body into the Plan Update, including such things as Neighborhood Plans, Chapter 99 Plans, and Transportation Plans.

Staff feels that the Goals and Objectives of the Madison Pike Corridor Land Use and Economic Development Plan, as well as other elements, are consistent with the Goals and Objectives and Development Concepts as contained within the 2001 Area-Wide Comprehensive Plan Update. The language that is proposed to be added to the Plan Update is consistent with that contained within the Madison Pike Corridor Land Use and Economic Development Plan.

The Special Development Area designation within the 2001 Area-Wide Comprehensive Plan Update identifies locations that are appropriate for specialized activities including: entertainment and amusement-type functions, extensive commercial activities that require good access to the regional highway system, and areas with potential for mixed land uses (e.g., Commercial/Residential/Recreational and Public/Semi-Public). Since the potential exists for extensive commercial activities that require good access to the regional highway system, and areas with potential for mixed land uses, and given that the City of Fort Wright has been proactive in adopting the Madison Pike Corridor Land Use and Economic Development Plan for the area, the proposed Special Development Area designation is appropriate for the site in question.

4. The proposed amendments adding new transportation planning concepts to the Transportation Element (See Attachment C) are consistent with and help to promote the Goals and Objectives of the 2001 Area-Wide Comprehensive Plan Update, relative to Transportation. The specific Goals and Objectives are as follows:

## TRANSPORTATION

To develop a transportation system which strives to reduce energy consumption and which provides convenient access to and from residential areas, employment centers, education and health care facilities, and centers providing goods and services.

Effort should be made to shorten travel trips by planning for the location of various land use types so that they minimize distances between major points of origin and destination both for energy consumption reduction and for convenience purposes. Such factors should be considered, particularly when planning the relationship of major centers of activity and employment to residential areas. There should also be effort made to provide for the integration of transportation modes to satisfy the unique needs of various segments of the population, not only for the normal home to work, home to shopping, and home to school type trips, but also for the special needs of elderly persons, children, handicapped persons, low income level families, and others who are highly dependent upon such varied transportation modes.

To develop a transportation system capable of moving people and goods throughout and beyond the area in the safest and most convenient manner.

Effort should be made to develop a transportation system based on anticipated travel movements of people and goods throughout the region. Effort should also be made to develop a balanced total transportation system which incorporates and integrates all transportation modes (including air, water, rail, transit, roadway, and pedestrian access facilities).

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

Transportation facilities (including storage and terminal facilities) should be developed so as not to unnecessarily intrude into, or traverse through, other major areas of concentration. Such facilities should be developed so that they do not usurp a disproportionate share of critical urban land area; so that they do not encourage the escalation of urban sprawl; and so that any adverse effects on existing and proposed land use development along their corridors are minimized.

The proposed text amendments would provide for additional tools and principles, developed by the Transportation Research Board of the National Academies, and will reduce traffic congestion, thereby improving energy efficiency and providing efficient access to areas, to develop transportation systems that can manage anticipated increases in travel movements and that are appropriate to serve development.

5. Currently, the 2001 Area-Wide Comprehensive Plan Update includes language regarding zoning regulations. The proposed text amendments regarding Form District Standards (See Attachment D), would lay the foundation for these types of tools to be implemented within Zoning Ordinances

throughout Kenton County. These proposed amendments are consistent with and help to promote the Goals and Objectives of the 2001 Area-Wide Comprehensive Plan Update, relative to several topics. Some of the specific Goals and Objectives are as follows:

## TRANSPORTATION

To develop a transportation system which strives to reduce energy consumption and which provides convenient access to and from residential areas, employment centers, education and health care facilities, and centers providing goods and services.

Effort should be made to shorten travel trips by planning for the location of various land use types so that they minimize distances between major points of origin and destination both for energy consumption reduction and for convenience purposes. Such factors should be considered, particularly when planning the relationship of major centers of activity and employment to residential areas. There should also be effort made to provide for the integration of transportation modes to satisfy the unique needs of various segments of the population, not only for the normal home to work, home to shopping, and home to school type trips, but also for the special needs of elderly persons, children, handicapped persons, low income level families, and others who are highly dependent upon such varied transportation modes.

## GOODS AND SERVICES

To locate and design centers providing goods and services so as to maximize consumer safety and convenience while minimizing any adverse environmental effects.

Centers providing goods and services should be conveniently accessible to the population. Different types of centers should be provided which serve the unique needs and desires of different types of consumers -- examples are as follows: centers oriented to serving immediately surrounding residents with daily convenience needs, centers intended to serve the transient public, major commercial centers offering both convenience and comparison goods and services to customers from a large service area. In all cases, design of new or redeveloped facilities, providing goods and services, should contain adequate off-street parking facilities, reasonable control of ingress and egress, landscaping, reasonable separation of vehicular and pedestrian traffic, etc. Such centers should be located and designed so as to minimize any adverse environmental effects.

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

Effort should be made to ensure that centers providing goods and services are planned and developed as an integral part of the total area's development. Such foresight should ensure that: their existence is enhanced, rather than disrupted, by major transportation facilities; they are reasonably located in relationship to other areas providing similar goods and services; adequate markets have been reasonably assured; and that the location and design of such centers will not result in a disrupting influence on

surrounding development. Effort should also be made to ensure that areas providing goods and services are protected from the intrusion of incompatible land uses.

## RECREATION

To achieve the goals of this element without unduly 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 that 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.

## RESOURCES AND THE ENVIRONMENT

To preserve a pleasant environment for the population.

Constant effort should be made to ensure that all areas are provided with adequate light and air and pleasing surroundings. This will require adequate control and monitoring of all potential contributors to all forms of pollution (air, water, visual, noise, etc.). Provision of sufficient open space in conjunction with all types of new development and redevelopment will also be necessary if this objective is to be achieved.

Form District standards can supplement and extend use and density regulations associated with individual zoning districts and govern the design of permitted uses and land activities. These supplements also ensure compatibility with adjacent uses and activities, adequate transportation access, and the preservation of the public health, safety and welfare. This concept is additionally supported within the 2001 Area-Wide Comprehensive Plan Update within the Implementation chapter that discusses the use of specific criteria or performance standards, which can result in flexibility by right without the need of extensive oversight by the Planning Commission and legislative body. Also, through this technique, incentives for innovative design can be accomplished.

6. Chapter III, Environmental Characteristics, of the 2001 Area-Wide Comprehensive Plan Update currently identifies riparian corridors as environmentally sensitive areas. The proposed amendment to the Implementation chapter includes additional background research on potential protection tools of these riparian corridors, including appropriate riparian buffers (See Attachment E). These proposed amendments are consistent with and help to promote the Goals and Objectives of the 2001 Area-Wide Comprehensive Plan Update, relative to several topics. Some of the specific Goals and Objectives are as follows:

## PUBLIC HEALTH

To provide an effective comprehensive program to prevent sickness and disease.

Concerted effort should be made to ensure provision of an adequate, sanitary, and safe means of collecting, transporting, and disposing of solid wastes and all point and non-point source wastewater.

An ongoing effort should be made to provide an effective program of all forms of pollution control. Effort should also be made to provide an effective comprehensive program of health care and disease prevention by providing adequate facilities staffed by adequate personnel made readily available and easily accessible to the population.

## RESOURCES AND THE ENVIRONMENT

To ensure the most efficient and reasonable utilization of the area's physical resources while ensuring that any short-term uses of man's environment will be to the long-range benefit of all.

Constant effort should be made to ensure wise utilization or conservation of the area's resources to maximize advantages, simultaneously minimizing any detrimental effects such utilization may cause. Such efforts would encompass a broad range of concerns such as: identifying all environmentally sensitive areas and areas of critical concern; planning and scheduling the use or non- use of such areas; and also determining the use of, and planning for the restoration of, any land areas which might be damaged due to some resource extraction or temporary use. It should also encompass an effort to preserve, conserve, and enhance unusual man-made projects or natural features, which have some unique historical, architectural, or natural value. Effort should also be made to identify and plan for the stabilization of those areas that might be best retained in their rural-like character promoting their value as agricultural resources and/or adequate land reserves for the future.

Potential tools for conservation as proposed in this amendment increase the ability of enhancing those environmental areas of concern within Kenton County, such as the Banklick Creek, which has been officially designated an impaired waterway by the Commonwealth of Kentucky as noted in Kentucky's Report to Congress on Water Quality (305b). The Creek is also identified on the 1st Priority Listing of Section 303(d) List of impaired waters with impaired uses being aquatic life and swimming.

Mayor. Gene Weaver, Mr. Larry Klein, Mr. Dan Kreinest and Mr. Rick Wolnitzek registered to speak in favor. Mr. Vince Michaels registered to speak as a neutral party.

Mayor. Weaver addressed the Commission and stated their intention was to be proactive in developing the corridor. He stated professional help was brought in to look at the proposal. He further stated they want to work with property owners, not against them. He stated a steering committee was formed and they tried to pull as much community involvement as possible. He further stated the key thing done throughout the whole process was to keep the property owners informed from the beginning. Mayor. Weaver stated a market study was done in the area and they will make that available to anyone interested at no cost. He then recognized various members of Staff for their hard work on the proposal and stated they deserve a special thanks. He stated there were public meetings held ten times over the past year to discuss the proposal. He stated this issue was also discussed a number of times in the local

city paper as well as local newspapers and television. He further noted mailings were also sent out to the property owners with regard to the project. He then stated one of the things they feel is important is the interconnection between the properties which will reduce the traffic flowing on the highway.

Mr. Larry Klein addressed the Commission and stated this entire concept originated with the city's vision committee. He stated the city took up the task because they felt an obligation to the city and surrounding areas. He stated if development was allowed to develop haphazardly in the area, businesses would suffer. He further stated the interconnectivity could be roadway and parking lots which will keep traffic off the highway.

Mr. Kreinest addressed the Commission and stated he has been with the police department for 25 years so he is familiar with the traffic flows of the community. He stated planning for the traffic is very much a part of the plan. He then stated approximately 35,000 cars a day go through the area. Mr. Kreinest noted roundabouts are safer and they slow traffic down. He stated he would like to see traffic move effectively and safely through the area. He further stated adopting the transportation concepts are vital to the area.

Mr. Wolnitzek had nothing to add.

Mr. Michaels addressed the Commission and stated he represented Paul Michaels Distributing. He stated he is not really against but neutral to the proposal. He stated they have some concerns with the project but that they are trying to stay on board with everything. He noted he was trying to clarify the text amendments before they were incorporated into the Comprehensive Plan. He stated he thought zoning was going to be a part of it. Mr. Michaels was also asking for clarification regarding the hillside restrictions. He stated they do not want some of the rock faces as on some of the properties. He asked if there were any guidelines as to that issue. Mr. Logsdon stated that is something that will be discussed at the zoning portion of the concept plan. He stated his final concern was transportation. He stated they looked at this very hard but there are challenges to connecting the properties. He stated if they can work toward those challenges they are ready and willing to help.

Following a brief discussion Mr. Wessels made the motion to approve based on the recommendations and considerations of Staff. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hadley, Ms. Carlin, Mr. Cook, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgeford, Mr. Hushabeck, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Swanson, Mr. Price and Ms. Weldon in favor. The motion carried.

1711R

APPLICANT: Kenton County Fiscal Court, per Scott Kimmich.

LOCATION: N. A.

REQUEST: A proposed text amendment to the Kenton County Zoning Ordinance, adding "biodiesel refinement" to the list of permitted uses in the IP (Industrial Park) Zone.



Staff presentations and Staff recommendations by Mrs. Melissa Jort-Conway.

## NKAPC STAFF RECOMMENDATION

To approve the proposed text amendment adding "Biodiesel refinement" to the list of permitted uses within the IP Zone.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendations:

1. The proposed text amendment adding "Biodiesel refinement" to the list of permitted uses within the IP Zone is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203(1).
2. The proposed text amendment adding "Biodiesel refinement" to the list of permitted uses within the IP Zone is consistent with the requirements of the Performance Standards for Industrial Zones. The performance standards apply to the need for building enclosures and landscaping, while setting out restrictions on noise, odorous matter, humidity, heat or glare, exterior lighting, vibration, emissions, radiation and storage, fire and explosive hazards, waste, mining and reclamation and blasting and explosives.
3. The proposed text amendment adding "Biodiesel refinement" to the list of permitted uses within the IP Zone is consistent with the requirements of the IP Zone, which permits a variety of manufacturing, compounding, processing, packaging of materials, as well as, for example, laboratories, offices and warehousing.

Mr. Grieme and Mr. Alan Henry registered to speak in favor the issue. No one registered to speak against.

Mr. Grieme addressed the Commission and stated this will go into the building near the Tewes Farm if approved. He stated the reason this building is important is because of the proximity to the railway. He also stated this is the only property from here to Lexington that meets the requirements requested for this type of use. He stated they lucked out by finding this property that has railway access although it has been covered for 10 years. He stated the process involves bringing in the used oil from restaurants and the like and process it. He stated the fuel is then stored briefly before being piped back into the rail cars for distribution.

Mr. Henry addressed the Commission and stated the product comes in and is stored in a 30,000 gallon

tank. He stated all the major municipalities are on biodiesel. He stated it reduces emissions by 80%. He stated the haze you see in the morning is from diesel. He stated if biodiesel was being used there would be none of that. He also noted there are no odors involved in the process.

Following a brief discussion Mr. Price made the motion to approve based on Staff's recommendations and testimony given. Mr. Cook seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Cook, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgeford, Mr. Hushabeck, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Swanson and Ms. Weldon in favor. Mr. Hadley voted against. Mr. Ryan had to leave the meeting prior to the vote being taken. The motion carried.

## OLD AND UNFINISHED BUSINESS:

### Reports from Committees:

#### Subdivision Regulations Review Committee:

Mr. Gordon gave a brief synopsis of the meeting and stated they met on November 30th. He stated they are moving toward getting one set of regulations for the three counties. He stated under KRS 100 there are no requirements that require a developer to come before the Commission. He stated the subdivision process is a ministerial act. He further noted they are proposing that Staff would handle this aspect of subdivision review which would then do away with the morning meeting. He then stated the discretionary aspects would be handled by the Commission. He stated Staff would have no ability to grant waivers and those issues would be handled by the Commission at the evening meeting. He stated they would like to have this implemented in January. He also noted any decision made by Staff would be appealable to the Commission so the Staff does not have total approval. Mr. Wessels suggested the possibility of having a morning meeting if the need arises to hear a particular issue such as a waiver so that the evening meetings are not going to 2:00 a.m. Ms. Weldon agreed and stated at least initially having the morning meeting where required or necessary.

#### By-Laws:

Mr. Price noted Staff is still reviewing suggestions and he will bring back any information to the Commission.

#### Model Zoning Ordinance:

Nothing to report.

#### Report from Legal Counsel:

Mr. Schneider had nothing to report.

#### Reports/Announcements from Staff:

Mr. Schwartz stated the holiday party would be held on December 8 at 5 p.m. He further noted there would be a seminar in January on roundabouts. Melissa Jort-Conway noted continuing education training would be held December 9 at 5:15 and again in January on the 6th at 9:00 a.m., which would be worth one hour of credit.

Correspondence: None.

New Business:

Ms. Snyder stated the nominations of the Nominating Committee for the upcoming elections were as follows: Alex Weldon for Chair, Joe Price for Vice Chair and Paul Swanson for Treasurer. Mr. Schwartz then noted that elections would take place at the January meeting. Mr. Schwartz also noted the dates for all upcoming meetings for 2005. He noted the date for the September meeting and asked if the Commission would like to move it back one week to September 8. Mr. Wessels made the motion that the meeting date be changed. Mr. Swanson seconded the motion. All in favor. None opposed.

Ms. Weldon further noted that Mr. Denham's term would be expiring at the end of December and stated if the Mayor did not nominate a replacement the Commission would then be responsible for appointing someone to take his place.

Mr. Gordon additionally gave a brief presentation regarding the remodeling of the building. He stated he wanted to provide an overview of what was to come with regard to the planned remodeling. He noted the January, February and March meetings would be held at the SD1 building while the construction is being done. He further noted the agenda in January will include \$10,000 to the on-going costs of the GIS system. He stated they have been doing some restructuring of the budget and will be moving the \$10,000 allocated for the GIS system and move it to the special funds to allocate for the remodeling. He stated this will be the first of ten yearly payments which will not cost the Commission any more money a year since the GIS funds will no longer be necessary.

There being no further business to come before the Commission, Ms. Snyder made the motion to adjourn. Ms. Swanson seconded the motion. The meeting was adjourned at 9:07 p.m.