



## KC&MP&ZC MINUTES

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

January 6, 2005  
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. Tom France - Ludlow  
Mr. Al Hadley - Elsmere  
Mr. Bernie Wessels - Ft. Wright  
Mr. Paul Swanson, Secretary -  
Mr. Joe Price - Vice Chairman - Crestview Hills  
Ms. Alex Weldon, Chairperson - Covington

#### LEGAL COUNSEL PRESENT:

Mr. Matthew Smith, 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. Price.

#### APPROVAL OF THE MINUTES:

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

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

W/I-4250

APPLICANT: Ms. Margaret Taggart

LOCATION: An approximate three (3) acre area located on the north side of Kensington Road, approximately 740 feet east of Green Road, unincorporated Kenton County.

REQUEST: To allow the subdivision of an approximate three (3) acre building lot and Waive the requirement for road improvements to Kensington Road, a county maintained gravel roadway.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

#### NKAPC STAFF RECOMMENDATION

To grant the requested Waiver to Section 7.3 I and allow the subdivision of the 3.32 acre tract without requiring the widening and/or hard surfacing to the portion of Kensington Road fronting the Plat.

#### Bases for Recommendation:

1. Based on the previous planning commission action to waive any improvements to Kensington Road (PP-591 Rolling Greene Estates), requiring this applicant to improve to the portion of Kensington Road fronting the subject Plat would be inconsistent and serve no public purpose.
2. Kensington Road currently serves a limited number of residences and is dead-ended. In addition to Basis #1, the very low traffic volumes along Kensington Road makes the waiver to improve the portion of Kensington Road fronting the subject Plat a reasonable action.
3. Strict compliance with the requirement to improve the portion of Kensington Road fronting the subject Plat would create an extraordinary hardship in the face of the exceptional conditions indicated in Basis #1, and Basis #2.

No one registered to speak for or against.

Mr. Wessels noted the waiver is more than warranted due to the length of the road. He further noted to require the road improvements would create a hardship. Ms. Weldon stated a letter was received from the Kenton County Public Works on the issue. The letter was then marked as an exhibit to be made a

part of the record on the matter. Mr. Wessels made the motion to grant the waiver based on Staff's recommendations. Mr. France seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. France, Ms. Carlin, Mr. Hadley, Mr. Swanson, Mr. Price and Ms. Weldon in favor. Ms. Darpel voted against. The motion carried.

W-644

APPLICANT: Mr. Doug Pinney

LOCATION: An approximate 24 acre area located on the west side of Green Road, approximately 2 miles north of S.R. 25, unincorporated Kenton County.

REQUEST: To waive the previously imposed conditions regarding (1) intersection improvements at the entrance intersection with Green Road; and (2) the requirement that all lots be accessed from the internal street only.

Staff presentations and Staff recommendations by Mr. Scott Hiles.

#### NKAPC STAFF RECOMMENDATION

To deny the requested Waivers to Section 6.1 E and previously imposed Preliminary Plat conditions for Cheval requiring (1) intersection improvements at the entrance intersection with Green Road; and (2) the requirement that all lots be accessed from the internal street only.

#### Bases for Recommendation:

1. The modifications, as requested, do not include the findings necessary to grant waivers to the regulations as set forth within Section 8.5 A, or B, or C, or D (referenced above);
2. Section 6.1 E requires reserved turn lanes where turning vehicles from collector streets will affect roadway capacity or safety. Turning vehicles to and from the proposed intersection with Green Road, having a "regulatory" speed limit of 55 MPH, will affect roadway capacity and safety.
3. The provision of a right and left turn lane at the proposed entrance intersection with Green Road minimizes the required slowing or stopping movements of through traffic, increases vehicular safety and protects the intended functionality of Green Road.
4. The existing driveway along Green Road serving Lot #19 is approximately 315 feet from the proposed entrance intersection to the subdivision in conflict with Section 6.1 E requiring a minimum distance of 400 feet.
5. Eliminating the existing driveway along Green Road serving Lot #19, further serves to minimize the required slowing or stopping movements of through traffic, increases vehicular safety and protects the intended functionality of Green Road.

Mr. Jim Wolterman, Mr. Jerry Keith and Mr. Doug Pinney registered to speak in favor of the issue. No

one registered to speak against.

Mr. Wolterman addressed the Commission and stated he joined the applicant subsequent to the previous public hearing on the matter. He stated he formally discussed the separate access with the applicant. He further noted they are withdrawing their request for the waiver for the access off Green Road for the existing residence. He then stated they cannot do what the Commission is asking them to do because they do not control all of the right of way for the intersection improvements. He noted the surveyor redesigned the plan per his request and this plan was subsequently submitted to the Kentucky Transportation Cabinet. He noted this was denied as well because it did not meet their requirements. Mr. Wolterman then had the surveyor look at the plan again with regard to the intersection improvements and curb cuts on Green Road. He stated what they do with the property is create many curb cuts which would create more of a safety issue than having one access off Green Road. He stated their original plan, which would be approved by KDOT, shows everything they can do with the property, and asked the Commission to approve this plan. He then read a letter into the record from the Kentucky Department of Transportation. Ms. Weldon marked the letter as an exhibit to be made a part of the record. He stated they can do what is spelled out on their original plan but they cannot do what the Commission is requiring them to do because they do not have control of the land in the right of way that is necessary for the improvements.

Mr. Keith had nothing to add.

Mr. Wessels clarified that KDOT noted the original plan does not warrant a left turn lane, not that the plan is inappropriate. Mr. Wolterman then noted if the property is developed as required by the Commission then KDOT will require a tapering of the road, which would require them to go into the property of other landowners and onto land they do not control. Mr. Wessels then stated the problem is that the site distance is not there and there is a curve in the road. Mr. Keith then stated they are not asking to do away with the intersection entirely and further noted they are willing to do their share. He noted they would be willing to meet somewhere in the middle and have a turn lane but to not do all the intersection improvements as currently required by the Commission. Mr. France noted it might be a good idea to check into having the speed limit reduced to allow for the site distance. Mr. Wolterman stated he did not feel Frankfort would be interested in having the speed limit reduced. He further noted his concerns with creating a safety issue. Mr. Wessels stated he understood the hardships in not having control of the property in the right of way and it was additionally stated they have a letter from KDOT basically stating no intersection improvements are required. He then noted at the very least the right of way has to be in there. He suggested a traffic study be done that was acceptable to Staff to work out what improvements could be made to the intersection. Mr. Hiles stated he felt they would be back in the same boat as far as getting approval on the intersection improvements by KDOT. Mr. Wessels then stated he felt a waiver could be granted along with a condition that the right of way be set aside to allow for the improvements at a later date. Following the discussion on the matter, Mr. France made the motion to approve the waiver with the condition that the necessary land is set aside to ensure for the intersection improvements for the second part of the waiver and also based on Staff's report and recommendations. Mr. Wessels seconded the motion. A roll call vote on the matter found Mr. France, Mr. Wessels, Ms. Carlin, Mr. Darpel, Mr. Hadley, Mr. Swanson, Mr. Price and Ms. Weldon 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.

There were no questions or comments noted. Mr. Darpel made the motion to ratify and approve. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Darpel, Mr. Price, Ms. Carlin, Mr. France, Mr. Hadley, Mr. Wessels, Mr. Swanson and Ms. Weldon in favor. The motion carried unanimously.

**OTHER COMMITTEE BUSINESS:**

Ms. Jenny Gulick from the Davey Resource Group addressed the Commission briefly regarding the findings of the Kenton County Forest Quality Assessment.

There being nothing further to come before the Commission, the meeting was recessed at 10:55 a.m. until 6:15 p.m.

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

January 6, 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. Paul Darpel - Edgewood  
Mr. Tom France - Ludlow  
Mr. Al Hadley - Elsmere  
Mr. David Hilgeford - Villa Hills  
Mr. Mark Hushabeck - Lakeside Park  
Mr. Phil Ryan - Park Hills  
Ms. Maura Snyder - Independence  
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 Cook - Kenton County  
Mr. Mike Denham - Bromley  
Mr. Chuck Eilerman - Covington  
Mr. Greg Scheper - Crescent Springs

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. Price. There were no changes noted to the meeting agenda.

APPROVAL OF THE MINUTES:

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

FINANCIAL REPORT:

Mr. Wessels questioned the \$3,600 deficit with regard to the financial report under the subheading of "insurance." Mr. Swanson noted the premium was higher than originally projected.

ACTIONS SINCE LAST MEETING:

There were no questions or conflicts noted. 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, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. France, Mr. Hadley, Mr. Hilgefurd, Ms. Snyder, Mr. Wells, Mr. Swanson Mr. Price and Ms. Weldon in favor. Mr. Hushebeck and Mr. Ryan abstained. The motion carried.

## PUBLIC HEARINGS:

1714R

APPLICANT: Eddie and Martha Kern, on behalf of James Walker and Melissa and Daniel Wright.

LOCATION: An approximate 1.3-acre area located at the northwest corner of Walnut Drive and Taylor Mill Road, Taylor Mill.

REQUEST: A proposed map amendment to the Taylor Mill Zoning Ordinance, changing the area described herein, from R-1C (a detached single-family residential zone) to NSC (a neighborhood shopping center zone).

Staff recommendations and Staff presentation by Ms. Melissa Jort-Conway.

## NKAPC STAFF RECOMMENDATION:

To disapprove the proposed map amendment.

## Comprehensive Plan Documentation:

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

## Supporting Information/Bases For Recommendation:

1. The proposed map amendment is not consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre. The proposed map amendment would allow a variety of retail and service business uses to locate in an area identified for residential development.

2. The proposed map amendment is not consistent with the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan Update which recognizes the need for appropriate timing of commercial development. The following provides excerpts from the text of the 2001 Area-Wide Comprehensive Plan Update:

Chapter II - Goals and Objectives  
Goods and Services

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 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.

The Land Use Plan Element Description, as contained within the 2001 Area-Wide Comprehensive Plan Update, recognizes the need for the area inclusive of the site in question to remain residential until such time as a coordinated plan is prepared for the larger area in the southeast quadrant of the interchange of I-275 and Kentucky State Route 16 (Taylor Mill Road). Without a coordinated plan for development of the area, the submitted map amendment and associated development plan results in a piecemeal style of development in this area, without adequate consideration given to the remaining land in the area and the need for coordinated access and the location of future development on property adjoining the site in question. The existing zoning classification is therefore appropriate and the proposed zoning classification is inappropriate until such time as a more coordinated plan of development is prepared for the area along the east side of Taylor Mill Road.

3. The proposed map amendment is consistent with previous actions taken by the NKAPC staff and the Kenton County Planning Commission.

a. On September 10, 1992, Mr. Eric Deters of the Deters Company on behalf of Charles and Arlene Truitt, James Walker, William and Alice Gall, Paul and Esther Biedenhorn, John and and Sharon Howard, Kentucky Centers Partnership-Harry Davidow, and James and Diane Wendeln, submitted an application for NKAPC and KCPC review and recommendation on a proposed map amendment to the Taylor Mill Zoning Ordinance, changing a 3-acre area inclusive of the site in question from R-1C to NC (Z-92-09-03/1063R). On September 25, 1992, the NKAPC staff recommended disapproval of the proposed map amendment. On October 1, 1992, the KCPC held the public hearing and recommended disapproval of the proposed map amendment. Pursuant to Kentucky Revised Statute 100.211, the application was denied.

4. There have been no major changes of economic, physical, or social nature that have substantially altered the basic character of the area containing the site in question.

5. The proposed map amendment meets the minimum requirements of the Taylor Mill Zoning Ordinance, except for the following:

a. Section 10.13, D (1) of the Taylor Mill Zoning Ordinance requires a minimum building site area of five (5) acres for development. The submitted development identifies a total building site area of



approximately 1.3 acres.

b. Section 10.13, E (4) identifies screening and landscaping requirements, as regulated by Section 9.17 of the Taylor Mill Zoning Ordinance. Insufficient information has been submitted to determine compliance with this requirement.

c. Section 10.13, E (1) requires that off-street parking be provided in accordance with Article XI of the Taylor Mill Zoning Ordinance. Auto service stations require one (1) parking space per each gas pump island plus one (1) person for each employee on shift of the largest employment. Insufficient information has been submitted to determine compliance with this requirement.

d. Section 11.2, F (1) requires that access points onto local streets intersecting an arterial street shall be spaced a minimum distance of one hundred (100) feet, measured from point of curb return to point of curb return, from the arterial street. The submitted development plan identifies a curb cut onto Walnut Drive approximately 30 feet from Taylor Mill Road.

Mr. Bill Erpenbeck, Mr. Kern, Mr. Daniel Wright, Mr. Paul Wright, Mr. Mel Whitaker, Mr. Charles Pruitt and Ms. Marlene Brown registered to speak on the issue.

Mr. Erpenbeck addressed the Commission and stated this request is a natural extension of the other shopping in the area. He stated the Comprehensive Plan recognizes the need for appropriate travel between the retail. He stated with the improvements to the road there will be extensive residential development in the area. He stated this is a pretty straightforward proposal and the development will work well in the area.

Mr. Kern had nothing to add.

Mr. Wright addressed the Commission and stated Mr. Erpenbeck stated pretty much what he was going to do. He stated this development will give some of the other residents an opportunity for retail. He stated this is good revenue and good for the community.

Mr. Paul Wright addressed the Commission and stated he spoke to residents in the area and they are receptive to the plan. He stated this is good for the city.

Mr. Whitaker addressed the Commission and stated he was involved in 1992 with the plan. He stated traffic is the biggest issue with the development. He stated he feels in his opinion everything should wait until the development of the highway is complete.

Mr. Pruitt addressed the Commission and noted traffic concerns. He stated Taylor Mill Road is definitely a problem.

Ms. Brown addressed the Commission and stated she has owned property for thirty-seven years. She

noted she is not against the development but she would like it developed as a whole area.

Mr. Erpenbeck then noted they would be willing to provide ingress and egress for the development at the time it becomes necessary. He then noted you can make a right turn into the Shell gas station or into the development. He stated all the left turns in this area are difficult without the light. Mr. Wessels asked about the improvements to 16. Ms. Weldon stated they should look to Ft. Wright as a model. Mr. France stated this is a pretty big jump to go from what the property is currently to what is proposed. Following the discussion, Mr. Hilgefurd motioned to deny the application based on the fact it is not in compliance with the Comprehensive Plan. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Price, Ms. Carlin, Mr. Darpel, Mr. France, Mr. Ryan, Ms. Snyder, Mr. Wells, Mr. Swanson and Ms. Weldon in favor. Mr. Bertram, Mr. Coates, Mr. Hadley, Mr. Hushebeck and Mr. Wessels voted against. The motion carried by a vote of 10-5.

1715R

APPLICANT: James L. and Helen J. Kudera and Charles W. and Traci Brandstutter

LOCATION: An approximate 10-acre area located along the north side of McMillan Drive, between Belle Drive and the right-of-way for proposed new KY 17, approximately 200 feet east of Belle Drive, Independence. Approximately 1.0-acre of the site in question is situated in Unincorporated Kenton County.

REQUEST: (1) Designation of appropriate zoning, for approximately 1.0-acre of the site in question as part of the annexation process; and (2) a proposed map amendment to the Independence Zoning Ordinance, changing the area described herein, from R-1C and R-1D (detached single-family residential zones) to R-2 (a two and multi-family residential zone).

Staff presentation and Staff recommendations by Ms. Melissa Jort-Conway.

NKAPC STAFF RECOMMENDATION:

That upon annexation, the approximate 1.0 acre of the site in question be zoned R-1D.

Recommendation B:

To disapprove the proposed map amendment.

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:

Recommendation A:

1. The designation of the approximate 1.0 acre of the site in question for R-1D 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 4.1 to 7.0 dwelling units per net acre. The recommended R-1D Zone would allow residential development at a maximum density of approximately 4.8 dwelling units per net acre.

2. The designation of the approximate 1.0 acre of the site in question for R-1D would represent a logical extension of the existing R-1D Zone located to the west of the site as well as follow the natural topography of the area currently zoned R-1D.

#### Recommendation B:

1. The proposed map amendment is not consistent with the Land Use Plan Element of the Area Wide Comprehensive Plan Update which identifies the site in question for Residential Development at a density ranging from 4.1 to 7.0 dwelling units per net acre. The submitted development plan identifies the development of 78 multi-family units within six (6), 13-unit buildings and 13 attached single-family residential dwellings with a total density of approximately ten (10) dwelling units per net acre.

2. The proposed map amendment is not consistent with the following Residential Development Concepts, as contained within the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan Update:

#### RESIDENTIAL

o The density of development for undeveloped land should be based on considerations such as: (a) the density of adjacent developed areas, of which the undeveloped land would be a logical extension; (b) access to major transportation facilities; (c) the nature of adjacent activities; and, (d) residential development in rural areas should be designed to maintain existing rural character of open space and the appearance of low density.

Such a concept would result in development which is compatible with surrounding land uses and which would not result in generating high volumes of traffic through low-density areas.

The site in question, as proposed, is to be developed at a maximum density of approximately ten (10) dwelling units per net acre. The area located to the north of the site in question is currently being developed at a density of approximately 2.3 dwelling units per acre. The area to the south of the site in question contains low-density detached single-family residential dwellings. The proposed map amendment will allow for the development of multi-family and attached single-family residential dwellings in a manner which is incompatible with the existing development to its north and south. In addition, it cannot be assured that undue traffic volumes will not be drawn through the lower density residential area along McMillan Drive.

o Multi-family residential development should occur in areas which: (a) are located near activity centers

or major access ways; and (b) are desirable for residential development, but are characterized by topographic problems, unusual shape, or otherwise unsuitable for single-family residential development. Such a concept would afford a greater number of people immediate access to activity centers and major streets, would reasonably assure that undue traffic volumes will not be drawn through lower density type development, and would provide for the utilization of "difficult to develop" parcels of land.

The site in question is not considered a site which is "difficult to develop". The area which is identified as PRDA is limited to the area along the northern boundary of the site in question. The existing R-1D Zone is therefore appropriate and the proposed R-2 Zone is not appropriate.

3. There have been no major changes of economic, physical, or social nature that have substantially altered the basic character of the area containing the site in question.

4. The submitted development plan is generally consistent with the minimum requirements of the Independence Zoning Ordinance, except for the following:

a. Section 10.10, A, of the Independence Zoning Ordinance currently permits two and multi-family dwellings in the R-2 Zone. The submitted development plan identifies the development of 13 attached single-family residential dwellings as well as a detached single-family residential dwelling to remain as part of the development. The submitted development plan is therefore not consistent with the requirements of the proposed R-2 Zone.

b. Section 10.10, D, of the Independence Zoning Ordinance requires a minimum building height of forty (40) feet. Insufficient information was submitted to determine compliance with this requirement.

c. Section 9.17 of the Independence Zoning Ordinance requires a minimum planting strip of twenty (20) feet for any multi-family residential (3 units per building or greater density) zone or land use which adjoins any single-family residential zone or land use. In addition, a vehicle use area associated with any zone or land use which adjoins a public or private street is required to have a minimum ten (10) foot perimeter screening easement plus 5% interior landscaped area. Insufficient information has been submitted to determine compliance with this requirement.

d. Section 11.2, L, of the Independence Zoning Ordinance requires multi-family dwellings to have one and one half (1-1/2) parking spaces for every one (1) bedroom dwelling unit and two (2) parking spaces for every dwelling unit with two (2) or more bedrooms. Insufficient information has been submitted to determine compliance with this requirement.

Mr. Jerry Dusing, Mr. Jim Kudera, Mr. Gil Whitaker, Ms. Stacey Heeg neutral. No one registered to speak against.

Mr. Dusing addressed the Commission and distributed a handout with regard to the application which was marked as an exhibit. He stated this is a retirement village with an entirely different theme in mind

than an apartment building.

Mr. Kudera addressed the Commission and stated this is a culmination of four years of work and research. He introduced his family and associates who have supported him and worked with him on this project. He stated he visited eleven different retirement facilities and the best amenities of those facilities were chosen. He stated they feel this is a project that will allow seniors to live in a gated community. He stated they feel this is a very positive project.

Mr. Whitaker addressed the Commission and stated briefly the land plan of the project via the overhead display. He stated because of the topography they feel this is the best type of development for the site. He further stated it is much less of a traffic generator than typical multi-family development. Mr. Whitaker noted this is the only zone that accommodates the density as there is no zone specifically for retirement facilities. He further noted this will essentially be its own community and that it will not be an assisted living facility. It was additionally noted that the building height will not be a problem and that landscaping will be addressed at a later date. He further noted with regard to parking that they are 34 parking spaces short. He further noted the city has a provision that if the use is not listed as a permitted use then the parking can be modified. Mr. Schwartz then noted that zoning does not permit detached single family. He further noted that the caretaker residence is in fact a single family residence. He stated the issue of the use itself is not listed in the zoning ordinance and therefore it is not allowed. Mr. Schwartz then added that the city should possibly submit a text amendment to add it as permitted use. He further noted from a Staff standpoint it is not a permitted use. Mr. Hilgefurd stated he totally agreed with Staff. He further noted he felt the zoning was being twisted around for expediency of the applicant and the city. He stated it should be done right and a request for a text amendment should be made to the city and the issue at hand be tabled. Mr. Hilgefurd then stated he loved the plan and thought it was a great need to have this type of development but he felt zoning was being twisted for expediency purposes. Mr. Wessels then noted he felt a tabling of the issue was probably appropriate. Mr. Darpel stated it's not only a text amendment but then the issue of density will still be a problem. Following the discussion a motion was made by Mr. Hilgefurd to approve the one-acre annex by Independence. Mr. Price seconded the motion. A roll call vote on the issue found Mr. Hilgefurd, Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. France, Mr. Hadley, Mr. Hushebeck, Mr. Ryan, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Swanson and Ms. Weldon in favor. The motion carried unanimously. A motion was then made by Mr. Hilgefurd to disapprove the map amendment as stated by Staff. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Price, Ms. Carlin, Mr. Coates, Mr. Hadley, Mr. Hushebeck, Mr. Ryan, Mr. Wells, Mr. Swanson and Ms. Weldon in favor. Mr. Bertram, Mr. Darpel, Mr. France, Mr. Snyder and Mr. Wessels voted against. The motion carried by a vote of 10-5.

1716R

APPLICANT: Fidelity Investments, per William J. Dupree, III, on behalf of Edward Lee and Thelma Riley.

LOCATION: An approximate .5 acre area located along the west side of Magellan Drive, between Crosby Parkway and Ridgeview Avenue, approximately 1,400 feet south of Crosby Parkway, Covington.

REQUEST: A proposed map amendment to the Covington Zoning Ordinance, changing the area

described herein, from R-1D (a detached single-family residential zone) to PO (a professional office building zone).

\*At this time (8:45 p.m.) 10 minute break was taken.

Staff presentation and Staff recommendations by Mr. Mike Schwartz.

#### NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from R-1D to PO.

#### 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-1D to PO is consistent with the Land Use Plan Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question as a Physically Restrictive Development Area (PRDA). The comprehensive plan states that 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. Areas located to the north, south, and west of the site in question are identified for Commercial - Office uses. The proposed PO Zone will allow for the development of banks, clinics, offices, and office parks.

2. The proposed map amendment from R-1D to PO represents a logical extension of the existing PO Zone. Areas located to the north, south, and west of the site in question are currently zoned PO. The proposed map amendment would consolidate the site in question with the larger Fidelity Campus.

Mr. Bill Dupree and Ms. Annalee Duganier registered to speak in favor of the issue. No one registered to speak against.

Mr. Dupree addressed the Commission and stated this property was a hold out back in 1994 when Fidelity originally acquired the property. He stated the property was sold to Fidelity and closed on on December 20, 2004. He stated it just makes it easier to have everything under the same zone.

Mr. Schneider acknowledged that his firm represents Fidelity but added he had no vote either way on the matter.

Mr. Hadley made the motion to approve based on Staff's report and 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. France, Mr. Hilgeford, Mr. Hushebeck, Mr. Ryan, Ms. Snyder, Mr. Wells, Mr.

Wessels, Mr. Swanson, Mr. Price and Ms. Weldon in favor. The motion carried unanimously.

\*Mr. Bertram withdrew from the following application due to a conflict with his employer.

1717R

APPLICANT: Fowler-Reese, LLC, per Timothy Reese, on behalf of Lewis W. and Barbara A. Moore, Mark, E. and La Deana Exeler, Robert E. Exeler and Ruth C. Exeler, Trustees, Martin E. Neltner, Marjorie K. Neltner, Charles Thomas Neltner, and Penelope Jo Neltner.

LOCATION: An approximate 88 acre area located along the east side of Fowler Creek Road, between Sycamore Creek Drive and Cox Road, approximately 1,400 feet south of Sycamore Creek Drive, Independence.

REQUEST: A proposed map amendment to the Independence Zoning Ordinance, changing the area described herein, from R-1A and R-1C (detached single-family residential zones) to R-1D (a detached single-family residential zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

#### NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from R-1A and R-1C to R-1D, but only subject to compliance with the following condition:

1. That the density of development of the site in question not exceed 2.7 dwelling units per net acre.

#### Comprehensive Plan Documentation:

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

#### Supporting Information/Bases For Recommendation:

1. The proposed map amendment, 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 and PRDA. The recommended condition will require the site to be developed at a lower density than is currently allowed while still being within the limits established by the comprehensive plan.

2. The proposed map amendment, as conditioned, is consistent with the residential Development Concepts as contained within the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan Update. The specific development concepts read as follows:

- Density is the major determinant of residential development.

Residential densities provide the major bases for "utilities" and "community facilities systems" planning.

- The type of development that should occur within an area should be based, in part, upon the unique characteristics of the development site and the character of adjacent development.

Such a concept would insure that the proposed development would be compatibly incorporated into the area and would enable the development to best utilize the area's existing features.

- The density of development for undeveloped land should be based on considerations such as: (a) the density of adjacent developed areas, of which the undeveloped land would be a logical extension; (b) access to major transportation facilities; (c) the nature of adjacent activities; and (d) residential development in rural areas should be designed to maintain existing rural character of open space and the appearance of low density.

Such a concept would result in development which is compatible with surrounding land uses and which would not result in generating high volumes of traffic through low density areas.

The site in question is anticipated to be interconnected to the developments to its north and south. These areas are currently being developed with detached single-family residential dwellings at a density ranging from 2.4 to 2.5 dwelling units per net acre. The development of the site in question at a maximum density of 2.7 dwelling units per net acre would provide for a consistent development pattern between these two areas.

3. The proposed map amendment, as conditioned is consistent with previous actions taken by the NKAPC staff, the KCPC, and the city of Independence.

a. On July 15, 1999, the area located to the south of the site in question was proposed to be rezoned from R-1C and R-1D to R-1C (RCD) (Z-99-07-06/1421R). The NKAPC staff recommended approval of the proposed map amendment, subject to three conditions. The KCPC held the public hearing and recommended approval of the proposed map amendment with no conditions. Independence City Council approved the proposed map amendment with the condition that the area be zoned R-1D instead of the requested R-1C (RCD) Zone.

b. On April 12, 2001, the area located to the north of the site in question was proposed to be rezoned from R-1A and R-1C to R-1D (Z-01-04-03/1502R). The NKAPC staff and the KCPC recommended approval of the proposed map amendment, subject to one condition. Independence City Council approved the proposed map amendment with the condition that the density of the site would not exceed a maximum density of 2.5 dwelling units per net acre.

#### Additional Information

Since the submitted map amendment request is for a single-family residential zone, the Independence



Zoning Ordinance does not require the submission of a Stage I Development Plan. The applicant, however, has submitted a conceptual drawing of a subdivision layout. It is recommended that consideration be given to providing a street extension to a developable ridge located on the Robert and Betty Carr property.

Mr. Don Stegman, Mr. Jerry Dusing and Mr. Tim Reis registered to speak in favor of the issue. Mr. Brett Stevenson registered to speak against the issues.

Mr. Stegman addressed the Commission and stated the utilities are interconnected and also the residents have access choices. He stated the site lays out well for this type of development. He further noted by going to the R-1D zone the ridge tops can be utilized and to get the density they won't have to go down into the tree line. He stated they have no problems with Staff's report and conditions.

All others registering for the application had nothing to add.

Mr. Stevenson addressed the Commission and questioned the density of the development. He stated his concern is mainly aesthetic as he looks out his picture window. He noted with the development he will see crackerbox homes. He stated he hates to see the neighborhood go.

Following the discussion Mr. Hadley made the 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, Ms. Carlin, Mr. Coates, Mr. France, Mr. Hilgefurd, Mr. Hushebeck, Mr. Ryan, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Swanson, Mr. Price and Ms. Weldon in favor. Mr. Bertram withdrew from any voting or consideration. The motion carried unanimously.

#### OLD AND UNFINISHED BUSINESS:

##### Reports from Committees:

##### Subdivision Regulations Review Committee:

Mr. Wessels will be presenting a number of changes at next month's meeting. The regular meeting went well. Mr. Wessels additionally stated that Mr. Gordon and Mr. Hiles have a great approach and that it will expedite a lot of things. He also noted Staff will have a lot more responsibility. Mr. Hadley stated one of the things mentioned was that waivers will still be presented at the evening meeting. Mr. Wessels then made a motion to authorize Staff to place the items noted on the agenda for next months meeting. Mr. Bertram seconded. All in favor. None opposed.

##### By-Laws:

Mr. Price made an application to make a by-laws change at the meeting. A second was made by Mr. Wessels. The next meeting date is Wednesday January 26th at noon. The location is to be announced.

Model Zoning Ordinance:

Nothing to report.

Report from Legal Counsel:

Mr. Schneider had nothing to report.

Reports/Announcements from Staff:

Mr. Gordon noted the change discussed last month regarding shifting the funds to subsidize the new conference room. A motion was made by Mr. Hilgefurd and seconded by Mr. Price to amend the budget. All in favor. None opposed.

Correspondence: None.

New Business:

Cawood Map Amendment - 1693R

Mr. Schwartz briefly reviewed the previous application and the manner in which an application can be reconsidered by the Commission to determine whether or not a substantial change in the application has taken place. Mr. Cawood then addressed the Commission briefly and stated he is requesting the map amendment to his property only and not the original properties as recommended by Staff. He kindly urged the Commission to put his request back on the agenda for next month. Mr. Darpel then made the motion to allow the reconsideration. Mr. Price seconded the motion. All in favor. None opposed.

Mr. Schwartz then noted the second request was with regard to application 1684R. He stated the original application was for 149 units and has now been reduced to 140 units. He stated the property is being annexed by Crescent Springs. Mr. Price made the motion to reconsider the issue at next month's meeting. Mr. Hushebeck seconded the motion. All in favor. None opposed.

Election of Officers:

Ms. Weldon noted the nominations were for the incumbents. Mr. France made the motion to adopt the recommended nominations. Mr. Wells seconded the motion. All in favor. None opposed. The officers would remain as they are presently.

There being no further business to come before the Commission, Mr. Wessels made the motion to adjourn. Ms. Darpel seconded the motion. The meeting was adjourned at 9:50 p.m.