



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION

REGULAR MEETING

August 4, 2005

6:15 P.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. Barry Coates – Covington

Mr. Paul Darpel – Edgewood

Mr. Chuck Eilerman - Covington

Mr. Tom France - Ludlow

Mr. Al Hadley – Elsmere

Mr. David Hilgeford - Villa Hills

*Mr. Mark Hushebeck – Lakeside Park

Mr. Phil Ryan – Park Hills Mr.

Ms. Maura Snyder – Independence

Mr. John Wells – Ft. Mitchell

Mr. Bernie Wessels – Ft. Wright

Mr. Joseph Price, Vice Chairman - Crestview Hills

*arrived after roll was taken

COMMISSION MEMBERS NOT PRESENT :

Mr. Mike Denham – Bromley

Mr. Robert Logsdon – Taylor Mill

Greg Scheper – Crescent Springs

Mr. Paul Swanson, Secretary/Treasurer – Erlanger

Ms. Alex Weldon, Chairperson - Covington

LEGAL COUNSEL PRESENT:

Mr. Matt Smith, Esq.

*Mr. David Schneider, Esq.

Mr. Price, Vice Chair, 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.

AGENDA:

It was noted that item #13 would be discussed after item #6. Mr. Schwartz noted a letter was received with regard to TF-2005-33 as to a tabling of the matter. Mr. Wessels then made the motion to table the matter for no later than September 8, 2005. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Ryan, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Hushebeck, Mr. Ryan, Ms. Snyder, Mr. Wells and Mr. Price in favor.

APPROVAL OF THE MINUTES:

Mr. Price noted on page two of the minutes where it reads "insurance premiums" it should instead read "staff services." There being no further comments or changes, Mr. Hadley then made the motion to approve the minutes from July. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Ryan, Ms. Carlin, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Wessels and Mr. Price in favor. Mr. Coates, Mr. Hilgefurd, Mr. Hushebeck, Ms. Snyder and Mr. Wells abstained. The motion carried.

FINANCIAL REPORT:

Mr. Gordon stated the reason for the debit on the report is there have been more applications to review than were budgeted for. He stated the executive committee met briefly and they are proposing that the Commission adopt the '06 budget. He noted the insurance premium was greatly reduced from last year. Mr. Price spoke to the \$10,000 contribution to the GIS budget. He stated the finances became complicated when the new facility was constructed. He noted the Commission suggested transferring the ten thousand dollars from the GIS contribution to contribute to the use of the facility here. Mr. Wessels then stated he was the one to bring up the issue last month. He noted he didn't feel comfortable approving the budget when he felt the ten thousand being paid for the use of the room was in violation of the contract between the Commission and the NKAPC. Mr. Gordon explained that the needs by the Commission is what prompted the additional expenditure of \$100,000 to provide for the space necessitated by the Commission. He further stated it could have been something that was asked for up front, over 20 years, 50 years, etc., but the easiest way to cover the cost of the improvements was to transfer the ten thousand used for the GIS previously and now would be used to go towards the \$100,000 cost of improvements. Mr. Gordon stated this cost is not for rent, it is for contribution to the cost of making the improvements. Mr. Wessels stated maybe the contract should be amended to allow the Commission to approve the budget. Mr. Ryan asked if it would be a problem to put off approval of the budget one more month. Mr. Gordon stated the budget was completed in June and is just waiting for approval by the Commission and needed to get on the agenda. Mr. Wessels stated he still felt some recommendation needed to be made with regard to amending the contract. Mr. Cook asked if it could be worded as a grant such as ten year grant by the Commission. Mr. Ryan suggested that since there was no problem in waiting the 30 days then put off the decision to allow time for the issue to be looked at.

ACTIONS SINCE LAST MEETING:

The memorandum regarding the actions taken by Staff over the past month was distributed. There were no questions or comments.

PUBLIC HEARINGS:

TF-2005-34

APPLICANT: Cincinnati Bell Wireless.

LOCATION: An approximate 3,700 square foot area located at the northwest corner of the intersection of Greenup Street with Bush Street, Covington. The site in question is located on property at 101-25 East 11 th Street, Covington.

REQUEST: Location and extent of a Wireless Communications Facility, including a 125 foot monopole, including associated ground structures.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the location and extent of a Wireless Communications Facility, including a 125 foot high monopole and associated ground structures, but only subject to compliance with the following conditions:

1. Unless required by state and/or federal regulations, the proposed monopole shall be a uniform gray color.
2. Unless required by state and/or federal regulations, the proposed monopole shall not have any lighting.
3. That landscaping be provided along the south and east sides of the proposed lease area.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendation:

1. The proposed Wireless Communications Facility, in general proximity to the proposed location, is necessary to provide for the ongoing reasonable coverage of the applicants service area.

2. The location and extent of the proposed Wireless Communications Facility, except as noted under conditions, is in conformity with the 2001 Area-Wide Comprehensive Plan Update and the KCPC's Administrative Policy No. 6.

The applicant has demonstrated that alternative sites to the west of the proposed location will create a shadowing effect. This will ultimately require the development of additional tower(s) to the east of Greenup Street. The use of stealth technology, having the proposed monopole camouflaged as a flag pole, with internal antennas, will be less intrusive and help to minimize negative visual impacts on adjoining properties.

3. To soften the visual impact of the ground structures, it is recommended that landscaping be provided along the south and east sides of the proposed lease area.

4. The waiver pertaining to the requirement that all structures be located a minimum distance from the property line of any adjoining property that is equal to one-half the height of the tower, but not less than fifty (50) feet. The dimensions of the property, coupled with the dense character of development within the urban core, does not allow for greater setbacks to be provided.

5. The waiver pertaining to the size of the proposed lease area should be granted. The design of the compound, as submitted, provides reasonable space for future ground mounted equipment. Additionally, the size of the lease area is appropriate due to the seamless relationship between Cincinnati Bell Wireless and the property owner.

Mr. Steve Carr, Mr. Nick Stevens and Mr. John Scola registered to speak in favor of the issue. Mr. Fred Hollis registered to speak against.

Mr. Carr addressed the Commission and stated it would be a 125 foot flag pole facility. He stated everything they need would be contained in the pole. He noted that Cincinnati Bell Wireless currently has antennae atop the Golden Tower building that is 184 feet high. He stated the operation there would not interfere with surrounding functions. He then stated when they first started the network the Golden Tower site was suitable, however, as the network has grown the signal is now carrying too far and is interfering with other services. He then stated this is the reason for the change. He also noted they feel this is a more aesthetically attractive facility than others. He additionally noted they are in agreement with all conditions.

Mr. Hollis addressed the Commission and stated he is a citizen and member of the Eastside Neighborhood Association. He stated they do not want this type of facility in the area. He stated the chain link fencing detracts from the beautification of the area. He additionally noted none of the people want the tower in the area and stated the fencing gives a prison look to the area. He then recommended that the Commission not approve the application as there would be protests from the area neighborhood if it is approved.

Mr. Carr noted in rebuttal that the current fencing at the facility has been in place for years and provides security for the telephone exchange site. Mr. Wessels then noted the Internal Revenue Service requires security as a government entity and they have installed iron fencing at their facility. He then asked if Cincinnati Bell could not provide the same type of fencing. Mr. Scola then noted he didn't think Cincinnati Bell would be against looking at alternative fencing, however, the type of fencing is for security reasons.

Mr. Price then read a letter into the record from the Covington Board of Education. The letter was marked as an exhibit to be made a part of the record on the matter. Mr. Eilerman stated the existing fencing is rusted and has barbed wire on it. He additionally stated he wasn't sure if the facility needed this degree of enclosure. Mr. Hilgeford asked if the Commission could condition the approval to provide for adequate fencing to comply with other fencing in the area. Mr. Schwartz then noted the Commission could condition approval in such a way. He also stated Cincinnati Bell needs to have a lower tower and there are no other cell providers they could co-locate with. Mr. Eilerman then moved for approval based on Staff's findings but with a condition that the landscaping and enclosure system be designed to be compatible with others in the area. Mr. France suggested making it a condition and not a comment. Mr. Eilerman agreed. Mr. France then seconded the motion with the condition. A roll call vote on the matter found Mr. Eilerman, Mr. France, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Hilgeford, Mr. Hushebeck, Mr. Ryan, Ms. Snyder, Mr. Wells, Mr. Wessels and Mr. Price in favor. The motion carried unanimously.

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

1750R

APPLICANT: City of Covington, per Ella Frye.

LOCATION: N. A.

REQUEST: A proposed text amendment to the Covington Zoning Ordinance adding a new zoning designation – the ART (Arts and Technology) Zone.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the proposed text amendment adding a new zoning designation – the ART (Arts and Technology) Zone, along with the necessary cross references.

Comprehensive Plan Documentation:

- 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 a new zoning designation – the ART (Arts and Technology) Zone, along with the necessary cross references (see Attachments A, B, and C) 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 a new zoning designation – the ART (Arts and Technology) Zone, along with the necessary cross references (see Attachments A, B, and C) provides for the placement of art and technology related services and uses while providing sufficient and reasonable controls.

1751R

APPLICANT: City of Covington, per Ella Frye.

LOCATION: An approximate 18 acre area located along the north and south sides of Pike Street, generally extending between Washington Street and Main Street, Covington.

REQUEST: A proposed map amendment to the Covington Zoning Ordinance, changing the area described herein, from CBD (HP) (a central business district zone with an historic preservation overlay zone), GC (HP) (a general commercial zone with an historic preservation overlay zone), GC (a general commercial zone), and R-3 (HP) (a residential three zone with an historic preservation overlay zone), to ART (HP) (an arts and technology zone with an historic preservation overlay zone).

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from CBD (HP), GC (HP), GC, and R-3 (HP) to ART (HP), but only subject to the following condition:

1. That the proposed text amendment adding the ART Zone (application Z-05-07-01/1750R) be adopted prior to, or simultaneous with, the adoption of this proposed map amendment.

Comprehensive Plan Documentation:

- 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 CBD (HP), GC (HP), GC, and R-3 (HP) to ART (HP), except as noted under condition, is consistent with the Land Use Plan map of the 2001 Area-Wide Comprehensive Plan Update. The comprehensive plan identifies the majority of the site in question as a Special Development Area. This designation is intended to identify locations for specialized activities such as: entertainment and amusement-type functions; extensive commercial activities which require good access to the regional highway system; and riverfront commercial development, which relates to the special advantages of the Cincinnati/Northern Kentucky riverfront. This category is also used to identify areas with potential for mixed land uses (e.g., Commercial/Residential/ Recreational and Public/Semi-Public). The proposed ART Zone will provide a zoning district accommodating and promoting specialized uses related to arts and technology.

2. The Covington Zoning Ordinance currently does not contain an ART Zone. The city of Covington has submitted an application for NKAPC and KCPC review and recommendation on a proposed text amendment to the Covington Zoning Ordinance adding the ART (Arts and Technology) Zone, along with various cross references (Z-05-07-01/1750R). It is recommended that the proposed text amendment adding the ART Zone (application Z-05-07-01/1750R) be adopted prior to, or simultaneous with, the adoption of this proposed map amendment.

Ms. Ella Frye registered to speak in favor of the issue. Ms. Sharon Pitts, Ms. Linda Young and Mr. Sam Drogan registered to speak against. Ms. Patty Anderson registered to speak as a neutral party.

Ms. Frye addressed the Commission and stated the city is proposing a new zone to revitalize this particular area of Covington. She stated the intent is to attract development in the arts. She noted that residential will be allowed so they are not displacing any residential uses that are allowed. She noted that many of the uses in the Pike Street Corridor are non-conforming today but were grandfathered in. She also noted the city distributed flyers to ninety (90) homeowners and held a public meeting on the matter and further noted they do have the support of the majority of the property owners in the area. Mr. Wessels noted a concern with a lot of the businesses that would become non-conforming should the zone change. He stated as a non-conforming use they would not be able to expand their businesses because a lender would not touch them. Ms. Frye stated many businesses are encompassing the entire lot so there is no room for expansion. She did note that they would be able to rebuild if their property burned to the ground when questioned by Mr. Wessels. Mr. Smith then stated that non-conforming uses get complicated but typically you cannot expand a non-conforming use.

Ms. Pitts addressed the Commission and stated she is a resident of the 300 block of W. Robins. She stated her concern is that by changing the zone how would that affect the residential aspect of the area. She asked why not just add the arts and technology to the existing zone rather than make one on its own. She also noted this was her first notice of the hearing.

Ms. Young addressed the Commission and asked why the arts and technology aspect was not allowed now. She stated she is a bit skeptical about what the city was trying to get out of this.

Mr. Sam Drogan addressed the Commission and stated this zone is totally screwed up. He stated it totally restricts the property owners from enjoying their property as they see fit. He stated he feels it is unfair to restrict a property owner this way.

Ms. Anderson addressed the Commission and stated they are not really for or against the arts district but they want to make sure they can continue operating as they are. She stated they are a bank and as such they need certain security and being in an historical overlay, they cannot always wait for the city so that is sometimes a problem for them.

Ms. Frye noted in rebuttal that they are not trying to force out existing businesses in that corridor but add to the area. She noted there are many vacant buildings in the area and the city needs to act quickly before they deteriorate further. She also noted the list of uses can be amended and can be added to.

Mr. France then made the motion to approve the text amendment based on Staff's recommendations and the city's flexibility with existing uses that would be non-conforming. Mr. Eilerman seconded the motion. A roll call vote on the matter found Mr. France, Mr. Eilerman, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Hilgeford, Mr. Hushebeck, Mr. Ryan, Ms. Snyder, Mr. Wells, Mr. Wessels and Mr. Price in favor. The motion carried unanimously.

With regard to the map amendment Mr. France made the motion to approve based on Staff's recommendations and subject to the city's comments to give special consideration to non-conforming uses in the zone. Mr. Eilerman seconded the motion. A roll call vote on the matter found Mr. France, Mr. Eilerman, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Hilgeford, Ms. Snyder, Mr. Wells, and Mr. Price in favor. Mr. Hushebeck, Mr. Ryan and Mr. Wessels voted against. The motion carried.

1755R

APPLICANT: Kenton County Fiscal Court, per Mr. R. Scott Kimmich.

LOCATION: N.A.

REQUEST: A proposed text amendment to the Kenton County Zoning Ordinance adding cement manufacturing facilities to the list of permitted uses within the I-6 (Rural Industrial) Zone.

Staff presentation and Staff recommendations by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATION

To approve the proposed text amendment adding cement manufacturing facilities to the list of permitted uses within the I-6 (Rural Industrial) Zone.

Comprehensive Plan Documentation:

- 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 modifying the list of permitted uses within the I-6 (Rural Industrial) 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 intent of the I-6 Zone is to provide for light industrial uses which do not require extensive urban services, in the non-urban service area. The proposed text amendment is appropriate because the proposed use is consistent with the intent and purpose of the I-6 Zone.
3. The I-6 Zone permits automobile junk yards, bulk storage, contractors offices, farm equipment sales and service, freight terminals, highway maintenance garages, lumber yards, saw mills, slaughter and packing houses, stock yards, towing and recovery facilities, transportation facilities, and warehouses. The proposed use is consistent with other uses permitted within the zone.
4. Along with the standards for landscaping and screening, developments within the I-6 Zone are also regulated by Article XV, Performance Standards for Industrial Zones. The proposed text amendment is reasonable in that the development standards within the I-6 Zone and Article XV of the Kenton County Zoning Ordinance should reduce the impact any such use will have on adjacent residential uses.

No one registered to speak on the issue. A motion was made by Mr. Wessels to approve based on Staff's report and recommendations. Mr. Hilgefurd seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hilgefurd, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hushebeck, Mr. Ryan, Ms. Snyder, Mr. Wells, and Mr. Price in favor. The motion carried unanimously.

*Mr. Schneider replaced Mr. Smith at this time as counsel of record.

1756R

APPLICANT: City of Fort Wright, per Larry Klein.

LOCATION: N.A.

REQUEST: A proposed text amendment to the Fort Wright Zoning Ordinance adding kennels to the list of permitted uses within the IP (Industrial Park) Zone.

Staff presentation and Staff recommendations by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATION

To approve the proposed text amendment adding Kennels as permitted uses within the IP (Industrial Park) Zone.

Comprehensive Plan Documentation:

- 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 modifying the list of permitted uses within the IP (Industrial Park) Zone, is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. Currently, there is no other zone in the Fort Wright Zoning Ordinance that allows kennels as either a permitted use or as a conditional use. The proposed text amendment is appropriate because it will add a use that is currently not identified elsewhere in the Fort Wright Zoning Ordinance.
3. The IP Zone permits the manufacturing, compounding, processing, packaging, or assembling of numerous materials, athletic and recreational facilities, bus line maintenance and operation facilities, crating services, fire stations, animal hospitals, industrial engineering consultant offices, laboratories, offices, and other facilities for research, machine shops, offices, police stations, printing or engraving, publishing, schools for industrial or business training, shops of special trade, warehousing and wholesaling, and wholesale and retail hardware. The IP Zone also permits offices, laboratories, and animal hospitals. Therefore, the proposed text amendment is reasonable because it will allow a use that is similar to other permitted uses.
 1. The development of kennels in the IP Zone will have to meet the development standards for landscaping and screening within the IP Zone, as well as the additional standards contained in Article XV, Performance Standards for Industrial Zones. Therefore, the proposed text amendment is reasonable since new developments should have a minimal impact on adjacent residential uses.

Mr. Price read a letter into the record from Mr. Larry Klein. The letter was then marked as an exhibit and made a part of the record on the matter.

Mr. Brent Daghinart registered to speak in favor. No one registered to speak against.

Mr. Daghart addressed the Commission and stated the proposal comes from a business proposal within the city. He stated he was present to answer any questions. Mr. France asked if there would be any breeding at the facility. Mr. Daghart indicated there would not. Mr. Hadley then made the motion to approve based on Staff's recommendations. Mr. Wessels asked if the motion would include the modifications as submitted by the city which was read into the record. Mr. Wessels then seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Wessels, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgefard, Mr. Hushebeck, Mr. Ryan, Ms. Snyder, Mr. Wells, and Mr. Price in favor. The motion carried unanimously.

* At this time (8:35 p.m.) a five minute break was taken.

1757R

APPLICANT: City of Park Hills, per Mayor Michael Hellmann.

LOCATION: An approximate 0.6-acre area located along the west side of Dixie Highway, between St. Josephs Lane and Arlington Road, approximately 200 feet north of St. Josephs Lane, Park Hills.

REQUEST: A proposed map amendment to the Park Hills Zoning Ordinance, changing the area described herein, from R-1FF (a single and two-family residential zone) to NC (a neighborhood commercial zone).

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

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from R-1FF to NC.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendations:

1. Although the proposed map amendment from R-1FF to NC is not consistent with the Land Use Plan Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question for Residential Development at a density ranging from 7.1 to 14.0 dwelling units per net acre, the proposed NC Zone is appropriate to allow the site in question to have zoning consistent with the remainder of the property, which is currently zoned NC.

2. The proposed map amendment from R-1FF to NC represents a logical extension of the existing NC Zone. It is reasonable and logical that the NC Zone be extended to allow the site and remainder of the property to be developed with uniform land use regulations. The existing R-1FF Zone is therefore inappropriate and the proposed NC Zone is appropriate.

Mayor Hellmann and Mr. Gil Whitaker registered to speak in favor. No one registered to speak against.

As there was no one to speak against the issue, those registered to speak in favor declined to speak.

A motion was made by Mr. Cook to approved based on Staff's recommendations. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Cook, Mr. Ryan, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Hushebeck, Ms. Snyder, Mr. Wells, Mr. Wessels and Mr. Price in favor. The motion carried unanimously.

1758R

APPLICANT: City of Covington, per Ella Frye.

LOCATION: N. A.

REQUEST: A proposed text amendment to the Covington Zoning Ordinance adding fraternal organizations, union halls and private clubs as either a permitted use or a conditional use within the IP (Industrial Park) Zone.

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

NKAPC STAFF RECOMMENDATION

To disapprove the proposed text amendment adding fraternal organizations, union halls and private clubs as either a permitted use or a conditional use within the IP (Industrial Park) Zone.

Comprehensive Plan Documentation:

- 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 is not consistent with the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan, which addresses the scarcity of industrial land in Kenton County. The plan outlines the importance of industrial development and employment to the economic base of the

county and the need to retain industrial land for industrial uses. As there are only two (2) areas in the city zoned IP, the proposed text amendment is inappropriate.

2. The proposed text amendment proposes to place a non-industrial use in an industrial zone. Fraternal organizations, union halls and private clubs are incompatible with the uses currently permitted within the IP (Industrial Park) Zone. The IP Zone permits a variety of light industrial uses such as warehouses, machine shops, and animal shelters, and various manufacturing or assembling uses. The proposed text amendment would allow an incompatible use to intrude within an area intended for industrial activities. For instance, allowing fraternal organizations, union halls and private clubs in the IP Zone could generate increased traffic and interfere with industrial operations.

Ms. Ella Frye registered to speak on the issue. No one registered to speak against.

Ms. Frye addressed the Commission and stated the city admits this is an unusual request for the

IP zone. She stated it came from a letter from the FOP looking for a site. She stated the city feels by allowing this as a permitted or conditional use will not detract from current uses. She stated there are not too many fraternal organizations or private clubs wanting to move into the industrial zone.

Mr. Eilerman made the motion to approve based on the testimony given by the city and its compliance with the Comprehensive Plan as a conditional use. Mr. Hushebeck seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Hushebeck, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Ryan, Ms. Snyder, Mr. Wells, Mr. Wessels and Mr. Price in favor. The motion carried unanimously.

W-568 Saylor Woods Addition

Staff presentation and Staff recommendations by Mr. Scott Hiles. Mr. Hushebeck withdrew due to a conflict of interest with his employer.

NKAPC STAFF RECOMMENDATION

3. Planning Commission approval of PP-568 Saylor's Meadow, April 6, 2000 included waiver of Sight Distance requirements subject to the condition that the development be limited to no more than four (4) lots. The proposed 81 lot addition to the existing Saylor's Meadow is not in compliance with the conditionally granted Waivers that PP-568 Saylor's Meadow be limited to no more than four (4) lots.

4. Adequate sight distance for vehicles is a critical safety element for any uncontrolled intersection. As such, all other methods of complying with the minimum sight distance standards should be explored before a waiver of the regulations is contemplated. The applicant has submitted information that indicates that the sight distance requirement can be complied with provided hillside grading occurs along Klette Road. Insufficient information has been submitted to determine that the detriment that may

occur to the hillside from grading necessary to remedy the sight distance issue would outweigh the detriment that may occur to vehicles at the existing intersection that do not have a sight distance in accord with minimum subdivision regulation standards.

Mr. Adam Cheney, Mr. Phil Drees and Mr. Don Saylor registered to speak in favor. No one registered to speak against.

Mr. Cheney addressed the Commission and stated this road is not practical for the 55 mph speed limit. He stated they are able to meet the site distance requirements for a 45 mph road. He distributed a handout depicting what grading would need to be done. He stated to take the hillside back would only require 2-3 feet but to do that they would need to take off 100 feet of vegetation. He stated they are probably willing to make a compromise that the speed limit be reduced. He stated they are going to take additional steps with the DOT to see what they can do about getting the speed limit reduced. He noted they would like to allow the waiver to do the minimal amount of vegetation clearing to get the site distance closer. He noted they would rather not remove the vegetation. He further stated they are asking for the permit to begin the work. He also noted they want to comply to the best of their ability but they also don't want to hold up the development. It was further noted the mayor of Latonia Lakes wanted to be present to give support but he had another engagement.

Mr. Saylor addressed the Commission and stated he originally owned all the property. He noted just a couple months ago the DOT put curve signs stating that 20 mph is the safe speed to get through the curves before and after Saylor Woods. He stated one of their requests in the development is that the vegetation not be removed. He stated they would like to see as much vegetation stay as possible.

Mr. Drees addressed the Commission and stated he is a partner on the project. He stated this road is not practical for a speed of 55 mph as stated previously. He stated they want to do what is as safe as possible for the site. Mr. Wessels then asked if the issue could be tabled in order for them to try to get the issue resolved with KDOT. He stated by denying the waiver just might give the state the extra shove they need to reduce the speed limit.

Mr. Cheney stated in rebuttal that a compromise was to take back the vegetation to get it to the 50 mph site distance, but noted it's just not practical. He stated they don't need to take back all the vegetation if it doesn't need to be done. He then noted a denial is not good for anybody because the hillside goes away, the DOT issue is probably dropped, etc. Mr. Hilgefurd asked if the applicant were to reposition the opening of the road a couple feet would that then create the site distance. Mr. Cheney stated it would not because the hillside would still be there.

Mr. Hiles then noted the waiver either needs to be granted or denied and then the applicant either needs to get the reduction in speed or cut the hill. Mr. Eilerman stated he's not persuaded that this is undue hardship. Mr. France stated he feels the decision is with the applicant. He stated they need to decide if they want to spend the money to remove the vegetation. He also stated he doesn't feel three months is that long to work with KDOT to try to get the speed reduced. Mr. France additionally pointed out that a

traffic study has not been done yet that would bear out the speed being reduced. Mr. Eilerman stated he feels the applicant needs to take responsibility to follow through and do what needs to be done in obtaining the speed reduction. Mr. Hilgefurd noted he felt the hillside is worth a year in order to obtain the speed reduction. Mr. Hilgefurd then made the motion to grant the waiver and give the applicant 1 year or the sale of four lots to accomplish the task of reducing the speed limit. Mr. Hadley seconded the motion. Mr. Schneider then stated the waiver is already granted but a condition can be added to the waiver instead of making a new waiver. A roll call vote on the matter found Mr. Hilgefurd, Mr. Hadley, Mr. Cook, Mr. Wessels and Mr. Price in favor. Ms. Carlin, Mr. Eilerman, Mr. France, Mr. Ryan, Ms. Snyder and Mr. Wells voted against. Mr. Coates abstained. Mr. Hushebeck withdrew. The motion failed by a vote of 5-6 with one abstention. Mr. France then made a motion to deny the application per Staff's recommendation. Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. France, Ms. Carlin, Mr. Eilerman, Mr. Ryan, Ms. Snyder and Mr. Wells in favor. Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Hilgefurd, Mr. Wessels and Mr. Price voted against. Mr. Hushebeck withdrew due to a conflict. The motion failed due a lack of a passing vote (6-6-1). Mr. Ryan then made a motion to reconsider. Mr. Hilgefurd then made the motion to approve the waiver for up to one year with no additional lots. Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Ms. Carlin, Mr. Eilerman, Mr. France, Mr. Hadley and Mr. Price in favor. Mr. Coates, Mr. Cook, Mr. Ryan, Ms. Snyder, Mr. Wells and Mr. Wessels voted against. Mr. Hushebeck withdrew due to a conflict. The motion tied at 6-6-1.

Mr. Eilerman stated he felt it was a bad policy to waive it at any time frame at any number of lots. He stated it is a safety issue and everyone agrees on that, even the applicant. Ms. Carlin stated she lives in this area and the hill will grow back. She noted it's not worth losing a life over a hillside. Mr. Wells stated what is being negotiated is safety. He asked how many times does a builder negotiate a two-hour firewall vs. a 1-hour firewall. The matter was then declared a dead issue with everyone agreeing that it is a safety issue. It was further noted there would be no 1-foot widening to Klette Road by a miscommunication of the motion and the original waiver limiting to four lots. Mr. Hiles stated they now wanted to do 80 lots so he needed clarification on what would be done with the 1-foot widening. In lieu of taking another motion and roll, Mr. Hiles stated the Commission required no 1-foot widening to Klette Road. All in favor. None opposed.

W-572 Manor Hill

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION

Mr. Whitaker and Mr. Keeney registered to speak in favor. No one registered to speak against.

Mr. Whitaker addressed the Commission and stated the traffic study supports their request for a waiver. He briefly touched on points of relevance in the traffic study as those results related to the issue at hand. He stated they spoke with KDOT and they agree that the turn lane does not need to be put in. With that,

Mr. Whitaker stated they agree with Staff on the waiver issue.

Mr. Keeney did not speak.

Mr. Hadley then made the motion to grant the waiver based on Staff's recommendations and the traffic study. Mr. France seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. France, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. Hilgefurd, Mr. Hushebeck, Mr. Ryan, Ms. Snyder, Mr. Wells, Mr. Wessels and Mr. Price in favor. The motion carried unanimously.

1752R

APPLICANT: Kenton County Planning Commission (per Ms. Alex Weldon, Chair)

LOCATION: Incorporated and Unincorporated Kenton County

REQUEST: Amendments to the Kenton County Subdivision Regulations as follows : (1) Article V, Infrastructure Improvements; (2) Article III, Procedure for Subdivision Approval; (3) Appendix A, Cement Concrete For Street, Curb And Gutter, Sidewalk, And Driveway Construction; (4) Appendix B, Asphalt Concrete Pavement For Street And Driveway Construction; and (5) Appendix C, Standard Construction Details .

Staff presentations and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION

Adopt Attachments "A through Q" regarding : (1) Article V, Infrastructure Improvements; (2) Article III, Procedure for Subdivision Approval; (3) Appendix A, Cement Concrete For Street, Curb And Gutter, Sidewalk, And Driveway Construction; (4) Appendix B, Asphalt Concrete Pavement For Street And Driveway Construction; and (5) Appendix C, Standard Construction Details .

Comprehensive Plan Documentation:

Date of adoption by the Kenton County Planning Commission: December 18, 2001.

Bases For Recommendation:

1. The proposed amendments are consistent with the goals and objectives contained within the 2001 Area-Wide Comprehensive Plan;
2. The proposed amendments are consistent with the Kentucky Revised Statutes 100.281 which states: "Subdivision regulations shall be based on the comprehensive plan, in those counties which have

adopted a comprehensive plan, and all subdivision regulations shall contain: ...

"(1) The procedure for the submission and approval of preliminary and final plat and the recordation of final plats.";

"(3) Requirements for the design of streets, blocks, lots, utilities, recreation areas, other facilities, hazardous areas, and areas subject to flooding..."

"(4) Specifications for the physical improvements of streets, utilities, and other facilities, and the extent to which they shall be installed or dedicated as conditions precedent to approval of any plat..."

3. The proposed amendments address specific Subdivision Regulation text and details that are currently unclear and/or inaccurate, obsolete, and inconsistent with commonly accepted construction standards; and

4. The proposed amendments upgrade existing Subdivision Regulation text and details to comply with other applicable regulatory authorities.

Mr. Price briefly outlined the request. Mr. Wessels stated the committee has been working on 30+ items and this is the first section. He stated these are mainly housekeeping items and the next batch will be more detailed. He further noted they received input from area mayors, the home builders association, etc. on the changes.

A motion was then made by Mr. Wessels to approve. Mr. Hushebeck seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hushebeck, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Ryan, Ms. Snyder, Mr. Wells and Mr. Price in favor. The motion carried unanimously.

OLD AND UNFINISHED BUSINESS:

Reports from Committees:

By-Laws

Nothing to report.

Subdivision Regulations

Mr. Wessels stated he was asked to meet with mayors to get input on the 9 month waiting period and recording of new city streets after the waiting period. He stated they met with various individuals and decided to draft a sample ordinance for the cities to adopt for maintenance of the street during the 9

month period. He stated they will be getting that draft out to whoever may be interested. He noted the City of Independence has four issues for them to look at as well.

Model Zoning

Nothing to report.

Report from Legal Counsel:

Mr. Schneider commented again on the amount of text amendments on the agenda and stated that the executive committee could address the issue at their discretion.

Reports/Announcements from Staff:

Mr. Schwartz noted the next meeting would be on September 8 th due to the holiday.

Correspondence:

None.

New Business: None.

There being no further business to come before the Commission, the meeting was declared adjourned by Mr. Price at 10:35 p.m.

APPROVED:

Ms. Alex Weldon, Chairperson

Date_____