



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION

REGULAR MEETING

September 8, 2005

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. Paul Darpel – Edgewood

Mr. Chuck Eilerman - Covington

Mr. Tom France - Ludlow

Mr. Al Hadley – Elsmere

*Mr. Mark Hushebeck – Lakeside Park

Mr. Phil Ryan – Park Hills Mr.

Greg Scheper – Crescent Springs

Mr. John Wells – Ft. Mitchell

Mr. Bernie Wessels – Ft. Wright

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. David Hilgefurd - Villa Hills

Mr. Robert Logsdon – Taylor Mill

Ms. Maura Snyder – Independence

Mr. Paul Swanson, Secretary/Treasurer – Erlanger

LEGAL COUNSEL PRESENT:

Mr. David Schneider, Esq.

Ms. Weldon, Chairperson, 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:

Ms. Weldon noted the commission needed to go into executive session to discuss legal matters. Mr. Wessels made the motion to go into executive session with Mr. Price giving the second. All in favor. None opposed. Mr. Wessels then made the motion to come out of executive session. Mr. Price seconded

the motion. All in favor. None opposed. After coming out of executive session, Mr. Wessels made the motion to accept the settlement offer. Mr. Hadley seconded the motion. All in favor. None opposed.

Ms. Weldon suggesting discussing the budget at the beginning of the meeting versus waiting until the end of the meeting. Mr. Darpel stated since the audience was already kept waiting while in executive session he felt they should keep the budget discussion at the end of the meeting.

It was noted that item #13 would be discussed after item #6.

APPROVAL OF THE MINUTES:

The minutes for August were distributed to the Commissioners in their packets. Mr. Darpel noted he was not present at the meeting as was indicated in the minutes. There being no further changes to be made to the minutes, Mr. Hadley made the motion to approve. Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. Hadley, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hushebeck, Mr. Ryan, Mr. Wells and Mr. Wessels in favor. Mr. Darpel, Mr. Scheper and Ms. Weldon abstained. The motion carried.

FINANCIAL REPORT:

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

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-2005-33

APPLICANT: Cincinnati Bell Wireless.

LOCATION: An approximate 760 square foot area located approximately 400 feet west of Eastern Avenue and approximately 400 feet north of Levassor Avenue, Covington. The site in question is located on property at 2526 Madison Avenue, Covington.

REQUEST: Location and extent of a Wireless Communications Facility, including a 130 foot monopole, including associated ground structures.

Staff presentation and NKAPC recommendations by Mr. Michael Schwartz.

NKAPC RECOMMENDATION

To approve the location and extent of a Wireless Communications Facility, including a 130 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 warning or identification lighting.
3. That the fencing around the proposed lease area be wrought iron or similar, so as to match existing fencing in the vicinity of the ballfields.
4. The proposed Cincinnati Bell Wireless antennas shall be slick mounted, with mountings projecting not more than approximately eighteen (17) inches from the monopole.
5. All future antennas shall be slick mounted, with mountings projecting not more than approximately eighteen (17) inches from the monopole.

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.

Chapter IX of the 2001 Area-Wide Comprehensive Plan Update, and the KCPC's Administrative Policy No. 6 contain criteria which are to be used when evaluating such facilities. The proposed facility, as conditioned, is consistent with the following criteria items:

- Such facilities should be heavily screened from view and towers should be camouflaged or designed in such a manner to blend into the surrounding area when located in residential areas. Changes in

topography of the land can be used effectively to separate such facilities from adjacent residential uses.

- To provide for proper separation, adequate setbacks should be provided based upon adjacent land uses.
- The type of tower (e.g., monopole, carillon, etc.) should be evaluated based upon adjacent land uses and the character of affected areas.
- Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc).
- Extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact.
- Extent to which the proposed cellular antenna tower is camouflaged (i.e., use of "stealth technology").
- Extent to which the proposed facility is integrated with existing structures (i.e., buildings, signs).

As proposed, the proposed tower would be located a minimum distance of four hundred (400) feet from any residential dwelling, providing for a reasonable setback, given the character of development that has occurred within the neighborhood. Additionally, the proposed tower is located more centrally to the athletic fields on the Holmes High School campus. A monopole structure, combined with field lighting and antennas mounted parallel to the pole, will be less intrusive than a self supporting lattice tower or a guyed structure. A monopole structure, combined with field lighting and antennas mounted parallel to the pole, would also be compatible with the large athletic fields.

3. The location and extent of the proposed Wireless Communications Facility is in conformity with the KCPC's Administrative Policy No. 6.

The applicant has provided sufficient evidence: (1) that there is no tower within two (2) miles of the proposed location that would meet the applicant's radio frequency coverage objectives; and (2) that there is no alternative site which is better than the one proposed.

4. The waiver pertaining to screening should be granted. The proposed tower is to be located in an area between two athletic fields. Additionally, the proposed tower, as recommended, is to be located more than four hundred (400) feet from the nearest residential structure. The combination of its location and the setback should provide sufficient screening around the proposed lease area.

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 location of the proposed lease area, as recommended, could have a negative impact on the existing

athletic fields if the lease area were required to be enlarged.

Mr. Steve Carr, Mr. Tom Wassey, Mr. John Scola and Mr. Jim Wagner registered to speak on the issue.

Mr. Wagner, RF Consultant for the NKAPC, addressed the Commission and stated he was available to answer any questions.

Mr. Carr addressed the Commission and stated Cincinnati Bell Wireless has agreed with all recommendations. He further noted the lighting will not be strobe lighting. It was additionally noted that they are agreeable to the comments by Staff with regard to the waiver. Mr. Carr then requested favorable approval by the Commission.

All others registered to speak had nothing additional to add.

Mr. Schwartz then added that Marshall Slagle, president of the Wallace Woods Neighborhood Association, had tried to get out an email with regard to the issue but due to technical difficulties he could not. Mr. Schwartz stated Mr. Slagle wanted to state that he supported the location and the recommendations made by NKAPC.

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

1759R

APPLICANT: City of Covington, per Ms. Ella Frye.

LOCATION: The area along the east and west sides of Madison Avenue, between 12 th Street to the north and 26 th Avenue to the south, Covington.

REQUEST: Review of the proposed Madison Avenue Corridor Redevelopment Plan, a Chapter 99 Plan (KRS 99.020).

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

NKAPC STAFF RECOMMENDATION

The Madison Pike Redevelopment Plan is generally consistent with the 2001 Area-Wide Comprehensive Plan Update.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendation:

- A number of issues were identified within the Madison Avenue Corridor Redevelopment Plan, including socio-economic, transportation, building and structural issues. Therefore, in light of these issues, the redevelopment of the development area as proposed is necessary to effectuate the public purposes declared in KRS 99.020.
- The general goals of the submitted Madison Avenue Corridor Redevelopment Plan are to: (a) Integrate/coordinate with other proximate planning/design initiatives; (b) Preserve/celebrate historic character of area; (c) Maximize existing landmarks as centers of energy; (d) Maintain commercial emphasis of corridor; (e) Create new destinations/amenities to attract residents and customers; (f) Improve vehicular and pedestrian circulation; (g) Provide adequate and accessible parking for businesses, institutions and residents; (h) Highlight new development opportunities and guidelines to insure that they fit the character and scale of the area; (i) Provide incentives/support to new and existing businesses; (j) Implement streetscape components such as lighting, paving, furnishings, plantings, and wayfinding that is consistent with the proposed North Madison improvements, but also has a special flair that is unique to this area of the city. These goals are consistent with the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan Update.
- The Madison Avenue Corridor Redevelopment Plan is generally consistent with the Recommended Land Use Map of the Area-Wide Comprehensive Plan Update, which recommends the area of the corridor for a mix of industrial, commercial, residential and other uses. Likewise, the area of the corridor contains a mix of industrial, residential and commercial zoning districts. The Madison Avenue Corridor Redevelopment Plan does not recommend any zone changes for the corridor. However, the plan does recommend that a design overlay district be prepared to guide all future development of the corridor.
- The Madison Avenue Corridor Redevelopment Plan recommends the development of a greenway along or within the easement of the Licking River Greenway in order to draw more people to invest in the neighborhoods adjacent to Madison Avenue. These people will be part of the residential influx that will support the types of businesses and uses that are generated on the street. The greenway as envisioned would extend from the Holmes Campus near the KY 16/17 split to the Austinburg Park near the CSX rail line. From the park sidewalks and new connections would be used to follow the rail line back to Madison Avenue. The Recommended Land Use Plan of the Area Wide Comprehensive Plan Update identifies this area as Recreation and Open Space uses and is part of the “park-link system”, the purpose of which is to connect existing and

proposed parks, historic sites and districts, and scenic areas, with hiking trails, bike paths, and pedestrian walkways along streams and rivers. This concept is consistent with the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update.

- The Madison Avenue Corridor Redevelopment Plan examines a section of approximately 1.3 miles along Madison Avenue as well as taking into account the importance of connecting the corridor to open space and existing and future public amenities along the Licking River. This stretch of Madison Avenue represents a significant entry and exit point for downtown Covington and contains a number of prominent structures for residents and businesses. The Madison Avenue Corridor also passes through and/or is adjacent to a number of Covington neighborhoods and National Register Historic Districts. Therefore, the development area is of sufficient size to allow its redevelopment in an efficient and economically satisfactory manner.
- The Madison Avenue Corridor Redevelopment Plan identifies implementation steps for the first five years of redevelopment activities. As projects proceed, it is recommended that they be consistent with guidelines and specifications in plans such as the Covington Streetscape Plan, the Area Wide Comprehensive Plan, and complement development concepts and activities associated with the 12 th Street Corridor Redevelopment Plan. Therefore, the steps by which the development is proposed to be undertaken are practical and appear to be in the public interest.
- Public facilities, including, but not limited to school, fire, police, transportation, park, playground and recreation, are presently adequate to service the redevelopment of the corridor. The area included within the Madison Avenue Corridor Redevelopment Plan is within the Urban Service Area as identified within the 2001 Area-Wide Comprehensive Plan Update.
- The proposed realignment of 15 th Street into one intersection and the connection of 19 th Street to improve intersection safety and increase east-west connectivity, as well as the closing of 17 th Street to improve traffic visibility and be part of East Licking River Greenway Loop, are desirable transportation improvements for redevelopment, and will protect against blighting influences and benefit the city as a whole.
- Considering all of the aforementioned factors, the carrying into effect of the Madison Avenue Corridor Redevelopment Plan will not cause undue hardship to those occupying dwelling accommodations in the development area to such a degree as to outweigh the public purpose defined in KRS 99.020.
- The Madison Avenue Corridor Redevelopment Plan appears to meet the requirements as set forth in Kentucky Revised Statute Chapter 99.

Additional Information:

1. The northern portion of the corridor, specifically the area at the intersection of 12 th Street and

Madison Avenue is also addressed within the 12 th Street Corridor Redevelopment Plan, which was adopted by the Mayor and Board of Commissioners in June 2004. Similarly, the Austinburg Special Redevelopment Area Development Plan, which was adopted by the Mayor and Board of Commissioners in May 2004, contains recommendations for the area along the floodwall, from the CSX Line north of East 15 th Street. It is therefore recommended that the redevelopment projects for the Madison Avenue corridor be consistent with the recommendations contained within these two (2) existing approved redevelopment plans.

2. The Madison Avenue Corridor Redevelopment Plan proposes the development of a greenway along or within the easement of the Licking River Greenway. It is unclear whether an easement for the proposed greenway currently exists. It is therefore recommended that additional information be provided to clarify the location of the proposed greenway easement.

Mr. Jay Fossett registered to speak on the issue. No one registered to speak against.

Mr. Fossett addressed the Commission and stated one of the issues is getting parking off Madison because of the traffic concerns. He stated the plan is to create three lanes with parking on one side. He further stated the city does not like to condemn properties but they sometimes need to. He noted the city actually bought two of the properties in the area. Mr. Fossett stated this plan is being used for public parking and park space.

Ms. Weldon then commented that this plan involved a year and-a-half of public meetings. She stated she attended many of those meetings and by the end no one came because they did not have any problems with it. She also noted the fact that no one was present in opposition is a good indicator that there are no problems with it. Mr. Darpel stated by indicating the area is substandard and unsanitary he feels it is basically handcuffing the Commission. He stated he didn't feel the whole was substandard and unsanitary. Mr. Schneider then indicated the wording could read that *some* areas are substandard and unsanitary. Mr. France then suggested adding "portions of" to clarify the language. Mr. Darpel then made the finding that the application is in conformance with the Comprehensive Plan but in no way were there any findings that all areas are necessarily substandard or unsanitary. Mr. Eilerman then seconded the motion. A roll call vote on the matter found Mr. Darpel, Mr. Eilerman, Ms. Carlin, Mr. Coates, Mr. France, Mr. Hadley, Mr. Hushebeck, Mr. Scheper, Mr. Wells and Mr. Price in favor. Mr. Ryan and Mr. Wessels and Ms. Weldon abstained. The motion carried.

1760R

APPLICANT: City of Covington, per Mildred Rains.

LOCATION: N. A.

REQUEST: A proposed text amendment to the Covington Zoning Ordinance adding motor vehicle rental and/or sales facilities to the list of permitted uses within the GC (General Commercial) Zone.

Staff presentations and Staff recommendations by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATION

To approve the proposed text amendment to add motor vehicle rental and/or sales facilities to the list of permitted uses within the GC Zone, but only subject to the following conditions:

1. That motor vehicle rental and/or sales facilities be added as a conditional use; and,
2. That the current regulations for auto sales as conditional uses in the GC Zone be deleted.

COMPREHENSIVE PLAN DOCUMENTATION:

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

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed text amendment modifying the list of permitted uses within the GC (General Commercial) Zone, except as noted under conditions, is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. Adding motor vehicle sales and/or rental facilities to the list of permitted uses within the GC Zone is unnecessary because the use is already allowed as a conditional use, under automobile sales or service (new and used) including minor and major automobile repair, and tire recapping.

Modifying the current conditional use regulations to the proposed regulations is consistent and reasonable with the current conditional uses within the GC Zone. The proposed text amendment is essentially the same as the current conditional use for automobile sales or service (new and used) including minor and major automobile repair, and tire recapping, provided all operations other than display or sale shall be conducted wholly within a completely enclosed building, but it will also be adding motor vehicle rentals.

3. Including the proposed use within the list of permitted uses within the GC Zone is inappropriate. Under the current regulations, the proposed use will have to obtain a conditional use permit from the Board of Adjustments after a public hearing. Allowing this use as a permitted use will eliminate the Board of Adjustment process and the requirement for a public hearing, in effect disenfranchising property owners who may be negatively affected by such a use.

Adding motor vehicle sales and/or rental facilities as a conditional use within the GC Zone is appropriate because it will ensure that future developments continue to have a public process for

approval.

4. While most areas within the City of Covington that are zoned GC are designated for Commercial Retail/Service in the Comprehensive Plan, there are areas along the Ohio River and Pike Street zoned GC that are designated for Special Development Areas or for Commercial Office. Therefore, the proposed text amendment is inappropriate because it is inconsistent with the Comprehensive Plan.

Adding motor vehicles rental and/or sales as a conditional use within the GC Zone is consistent with the comprehensive plan, and would allow the public and the City to have more control over where such uses are appropriate or inappropriate.

ADDITIONAL INFORMATION

1. Although the staff is recommending approval subject to making motor vehicle rental and/or sales facilities a conditional use, if the Planning Commission or legislative body approves the text amendment as submitted, the staff recommends that the current conditional use for auto sales be deleted so the permitted uses and conditional uses do not contradict one another.

Mr. Patrick Hughes registered to speak on behalf of the owner.

Mr. Hughes addressed the Commission and stated they are hopeful the Commission will approve with the one exception. He stated Staff is recommending auto sales and rentals as a conditional use. Mr. Eilerman then made the motion to approve based on Staff's recommendations. Mr. Price seconded the motion. Ms. Weldon then clarified the motion to include motor vehicle sales and rentals as a conditional use but to remove the current auto sales as a conditional use. A roll call vote on the matter found Mr. Eilerman, Mr. Price, Ms. Carlin, Mr. Coates, Mr. France, Mr. Hadley, Mr. Hushebeck, Mr. Wells, Mr. Wessels and Ms. Weldon in favor. Mr. Darpel, Mr. Ryan and Mr. Scheper voted against. The motion carried by a vote of 10-3.

1761R

APPLICANT: Daniel W. Schlipf

LOCATION: An approximate 1.2-acre area located at the northeast corner of the intersection of Kyles Lane and Madison Pike, Covington.

REQUEST: A proposed map amendment to the Covington Zoning Ordinance, changing the area as described herein, from NC-2 (a neighborhood commercial-two zone) and R-1C (a residential one zone) to GC (a general commercial zone).

Staff presentation and Staff recommendations by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from NC-2 and R-1C to GC, but only subject to compliance with the following conditions:

1. That the proposed text amendment adding motor vehicle rental and/or sales facilities to the list of conditional uses be adopted by the City of Covington (Z-05-08-01/1760R).
2. That the applicant obtains a conditional use permit for the proposed use.
3. That the development plan be revised to meet the minimum requirements of the Covington Zoning Ordinance:

COMPREHENSIVE PLAN DOCUMENTATION:

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

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed map amendment is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question for Commercial Retail/Service uses. The proposed GC Zone will allow the development of a variety of retail and service uses.
2. The proposed use will be a conditional use if the staff recommendation is followed on the text amendment adding motor vehicle rental and/or sales facilities to the list of conditional uses (Z-05-08-01/1760R). If the text amendment is not adopted by the City of Covington, then motor vehicle rentals will not be a permitted or conditional use in the GC Zone, only motor vehicle sales.
3. The submitted Stage I Development Plan, except as noted under conditions, meets the minimum requirements of the Covington Zoning Ordinance, except for the following:
 - a. The following Sections of the Covington Zoning Ordinance regulate landscaping and screening:
 1. Section 158.042, A., 5., states that in the case where a zoning map change occurs resulting in adjacency to a different zoning district than was previously the case, and where development has already occurred on property in the unchanged district, required additional setbacks and screening requirements (as required in each district regulation) shall be provided for the property in the district where the zone change occurred.
 2. Section 158.117, D., states that all parking shall be effectively screened on each side adjoining or

fronting on any property situated in a zone permitting single-family residential development by a solid wall, fence, or densely planted compact hedge as regulated by Section 158.042.

3. Section 158.117, E., states that all off-street parking areas of three or more spaces shall be landscaped in accordance with the following requirements. All landscaping shall utilize living plant materials (not artificial), and shall be planted in-ground (not in above-ground planters).

(1) Perimeter landscaping: parking lots of three or more spaces shall be landscaped with 3 feet landscaped strip and trees planted every 35 feet on all street right-of-way frontage.

(2) Internal landscaping: 3% landscaping required with ends of aisles and corner areas being landscaped, including one tree planted for each 300 square feet of landscaped area.

Insufficient information has been provided to determine compliance with the landscaping and screening regulations.

b. Section 158.105, D., regulates the height and setback requirements in the GC Zone. Insufficient information has been provided to determine compliance with these regulations.

c. Sections 158.115 through 158.118, set forth regulations for the number of required off-street parking spaces. Insufficient information has been submitted to determine the number of parking spaces provided.

d. Sections 158.125 through 158.127, set forth regulations for off-street loading and unloading facilities. Insufficient information has been provided to determine compliance with these regulations.

e. Sections 158.135 through 158.145, regulates walls and fences. Insufficient information has been provided to determine compliance with these regulations.

f. Sections 158.150 through 158.157, regulates signs on commercial properties. Insufficient information has been provided to determine compliance with these regulations.

ADDITIONAL INFORMATION

1. A portion of the current use encroaches into the right-of-way along Madison Pike. The use and status of this area should be clarified prior to final approval.

2. If this map amendment is approved, there will be an isolated area not owned by the applicant that will remain zoned NC-2. The staff recommends that the City of Covington initiate a map amendment to rezone this area to R-1C to be consistent with the current single-family residential land use and comprehensive plan recommendation of residential at a density ranging from 2.1 to 4.0 dwelling units per net acre.

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

Mr. Hughes addressed the Commission and stated the owner operates an auto repair business with occasional sales. He stated they do not do any impounding. He also indicated the goal is to bring in a high end company to dress up the existing building that is currently not being used. Mr. Hughes also noted they are working on a deal with Enterprise Rental to service and store their vehicles. He noted this is the reason they are asking for the zone change.

Mr. Franc then made the motion to approve the application based on Staff's recommendations and to include their condition and additional information comments. Mr. Price seconded the motion. A roll call vote on the matter found Mr. France, Mr. Price, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. Hadley, Mr. Hushebeck, Mr. Ryan, Mr. Scheper, Mr. Wells, Mr. Wessels and Ms. Weldon in favor. The motion carried unanimously.

1765R

APPLICANT: City of Elsmere, per Raymond Erpenbeck.

LOCATION: Area A: An approximate 28 acre area located at the terminus of Vulcan Drive; and Area B: An approximate 31 acre area located along the south side of New Buffington Road, at the Kenton/Boone County border, Elsmere.

REQUEST: Proposed map amendments to the Elsmere Zoning Ordinance, changing Area A and Area B, as described herein, from IP* (an industrial park zone as regulated by the Kenton County Zoning Ordinance) to IP-3 (an industrial park three zone as regulated by the Elsmere Zoning Ordinance).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendments from IP* to IP-3.

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 amendments for Area A and Area B, from IP* to IP-3 are consistent with the recommended Land Use Plan Map of the 2001 Area-Wide Comprehensive Plan Update which identifies

the majority of the sites for Industrial uses. The proposed IP-3 Zone will allow the development of a variety of manufacturing, compounding, processing, packaging, and assembly uses, a variety of industrial and related uses, and a limited amount of retail, service, and office uses on a minimum lot area of one (1) acre.

2. The proposed IP-3 Zone is appropriate and reasonable. The Elsmere Zoning Ordinance does not contain an IP Zone. Areas adjacent to the sites, within the city of Elsmere, are currently zoned IP-3. Therefore, the use of the IP-3 Zone, for the sites in question, would represent logical extensions of the existing zoning found within the city.

Mr. Ray Erpenbeck registered to speak on the issue. No one registered to speak against.

Mr. Erpenbeck addressed the Commission and stated Staff covered the issue pretty well regarding all the details. He noted he would be happy to answer any questions.

Mr. Wessels then made the motion to approve based on Staff recommendations. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Ryan, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hushebeck, Mr. Scheper, Mr. Wells, Mr. Price and Ms. Weldon in favor. The motion carried unanimously.

1766R

APPLICANT: Tim Reese.

LOCATION: An approximate 33 acre area located along the west side of Bromley Crescent Springs Road, between Amsterdam Road and Pleasant Valley Circle, approximately 500 feet north of Amsterdam Road, Crescent Springs.

REQUEST: A proposed map amendment to the Crescent Springs Zoning Ordinance, changing the area described herein, from R-1A* (a single-family residential zone with a maximum density of one dwelling unit per net acre, as regulated by the Kenton County Zoning Ordinance), R-1C* (a single-family residential zone with a maximum density of approximately 3.5 dwelling units per net acre, as regulated by the Kenton County Zoning Ordinance), and R-1F (MHP)* (a mobile home park overlay zone with a maximum density of approximately 7.3 dwelling units per net acre, as regulated by the Kenton County Zoning Ordinance) to R-1D (PUD) (a single, two, and multi-family residential zone with a maximum density of approximately 4.8 dwelling units per net acre).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from R-1A*, R-1C*, and MHP-R-1F* to R-1D (PUD), but

only subject to compliance with the following conditions:

- That the proposed zone change be to the R-1C (PUD) Zone rather than the requested R-1D (PUD) Zone.
- That the area proposed to be a public access easement be enlarged to consist of the entire area identified as Recreation and Open Space, which includes flood prone areas, as identified within the 2001 Area-Wide Comprehensive Plan Update, so as to remain publicly accessible as part of the “park-link” system.
- That the area identified for public access and other common area of the proposed development be dedicated to a public and/or private entity for operation and maintenance.
- That the development plan be revised to meet the minimum requirements of the Crescent Springs Zoning Ordinance and Subdivision Regulations.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendations:

2. The recommended R-1C (PUD) Zone is more appropriate than the requested R-1D (PUD) Zone. The recommended R-1C (PUD) Zone would permit a density that is more consistent with that of the surrounding development. The proposed development plan identifies the development of 140 dwellings, yielding a density of approximately 4.7 dwelling units per net acre. The recommended R-1C (PUD) Zone will allow the development of approximately 110 dwelling units at a maximum density of approximately 3.5 dwelling units per net acre. Surrounding areas to the north are zoned R-1C and MHP-R-1F. However, the adjacent property within the MHP- R-1F Zone is developed at approximately 1.7 dwelling units per acre. Areas to the south are currently zoned R-1D, which permits a maximum density of 4.8 dwelling units per net acre. Areas to the west are zoned R-1C and R-1D, and areas to the east of the site in question are zoned R-1A, which permits a maximum density of one (1) dwelling unit per net acre. The 2001 Area-Wide Comprehensive Plan Update 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. The recommended R-1C (PUD) Zone is more consistent with that of the surrounding areas.

The Planned Unit Development (PUD) Overlay Zone will also provide flexibility in the design and, to the greatest extent possible, allow for the preservation of the open space adjacent to the Banklick Creek as well as existing hillside areas in the area of the proposed ponds while providing suitably located recreation and other public and common facilities. The recommended R-1C (PUD) Zone allows for the

clustering of dwelling units that will allow the preservation of hillside and floodplain areas.

3. The Land Use Map of the 2001 Area-Wide Comprehensive Update identifies the eastern portion of the site, along the creek and encompassing the floodplain areas and additional areas for Recreation and Open Space uses. The provision for passive recreation opportunities in the area of the proposed public access easement is consistent with the Goals and Objectives section of the Area-Wide Comprehensive Plan Update. A section of the Plan reads as follows:

RECREATION AND OPEN SPACE

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

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

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

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

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

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

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

Additionally, the Land Use Map identifies the portion of the site along the creek as flood plain or flood prone areas. These areas are those that are susceptible to being inundated by water from any source and are important to preserve as part of the overall water quality and water quantity management. The Environmental Characteristics Chapter within the 2001 Area-Wide Comprehensive Plan Update states

that areas subject to periodic flooding is so significant that all new development is discouraged or should be stringently controlled where flood prone areas exist. Furthermore, the identification of such characteristics is important in order to preserve noteworthy features of the land in conjunction with reasonable amounts of development.

The easternmost and westernmost portions of the site in question contain many natural environment characteristics that should be conserved and preserved. In addition, the site provides opportunities for the provision of passive recreational and pedestrian uses to the surrounding community. However, enough consideration has not been given to the area along the eastern portion of the site in question. Retaining the entire area identified as Recreation and Open Space, which includes the floodplain and floodway, as part of the park-link system and allowing for public access, as conditioned, would be consistent with the Comprehensive Plan. Therefore, it is conditioned that the area identified as a public access easement be enlarged to consist of the entire area identified as Recreation and Open Space, which includes flood prone areas, within the 2001 Area-Wide Comprehensive Plan Update, so as to remain publicly accessible as part of the "park-link" system.

Mr. Bill Viox, Mr. Jonathan, Mr. Jim Wolterman and Mr. Mr. Tim Reese registered to speak in favor. Ms. Meg Bailey and Ms. Teresa Snyder Eubank registered to speak as a neutral parties.

Mr. Viox addressed the Commission and stated they have been retained to design the development. He stated the streets will be private streets maintained by a home owners' association. He stated the development will allow the development to blend into the natural element of the area. Mr. Viox stated the treed area as depicted in Staff's pictures will remain undisturbed. He noted they are asking for a R1D-PUD. He noted it gives them the flexibility to design the community as it is. He noted some concern with condition #2. He stated the Comprehensive Plan line would come right along the edge of the buildings. He stated they are more than willing to expand that area. He then noted they are fine with all other conditions by Staff. Mr. France questioned how they would go about reducing the number of buildings. Mr. Erpenbeck then noted it would be an economic issues if they had to reduce the number of units.

Mr. Wolterman addressed the Commission and stated they have been working with the City of Crescent Springs regarding the development. He indicated they believe the city is on the same page they are with the development and how it is going to proceed. He then stated he was available to answer any questions. He further indicated the city is concerned with the trees on the hillside so they have agreed to transfer that area to a conservancy to they would remain.

Mr. Reese addressed the Commission and stated they originally started with 180 units and their goal was at the time a minimum of 150 units. He noted after meetings they decided to reduce it to 140 from 149 after those discussions. He then stated the minimum with the builder is to have 150 but they did drop it to 149 after discussions with area planning.

Ms. Bailey addressed the Commission and stated she just had a supplement for the record. The

document was submitted and marked as an exhibit to be made a part of the record on the matter. She stated her concerns with the hillside.

Ms. Snyder Eubank addressed the Commission and stated she is representing her mother. She stated there are no problems with the way it is laid out. She noted her concerns were with traffic on the road and road widening. She asked if the road is to be widened, where the widening would be done as to which side of the road.

Mr. Erpenbeck stated that the road widening would occur at the entrance to the development. He stated they are not making any other improvements to the road. He stated the widening will not affect the creek bed. He further indicated the peak times are different for condos. He further indicated there will be a greater mix of people than that of a standard residential area.

Mr. Reese stated they have enough room to put the deceleration lane on their property. Mr. Wessels then made the motion to approve along with the three conditions, eliminating Staff's condition #1 and going with conditions 2,3 and 4 as listed with the enlargement to follow the recreation line and open space. Mr. Darpel seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Darpel, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hushebeck, Mr. Ryan, Mr. Scheper, Mr. Wells, Mr. Price and Ms. Weldon in favor. The motion carried unanimously. After a brief discussion, Mr. Wessels then modified his motion to also eliminate Staff's condition #2 so that would leave conditions 3 and 4 to become the new conditions 1 and 2. Mr. Darpel indicated he was fine with the change in the motion. The motion found all in favor.

OLD AND UNFINISHED BUSINESS:

Reports from Committees:

By-Laws

Nothing to report.

Subdivision Regulations

Mr. Wessels stated he spoke to Mr. Hiles. He noted there was no official report as there was no meeting held.

Model Zoning

Nothing to report.

Executive Committee

Ms. Weldon stated they did meet and apologized for not having her official report. She noted she will get it in writing.

Mr. Wessels noted with regard to the budget that he is very uncomfortable with the dollar amount as to the education and training budget. He stated the By-laws Committee agreed to look into that. He stated he has a problem budgeting \$21,000 for travel expenses with no guidelines. He stated he personally will probably not be voting on the issues. He also stated the budget for the travel and the remodeling of the meeting space is approximately 20% of the budget. He stated he would never do that in a personal budget or a business budget and did not feel comfortable spending that kind of money. Ms. Weldon stated there was discussion about tying the amount spent to attendance. Mr. Hadley stated there should be some guidelines as to spending with regard to expenses. Mr. Darpel stated he would like to see a memo on how funds are spent and how things are paid between the Commission and the NKAPC and other commissions. Mr. Wessels questioned the amount in reserves last year and the amount that ended up going over budget. Ms. Weldon then noted there wasn't really a \$40,000 reserve last year because of the staff services. Mr. Wessels then questioned the amounts taken in. Mr. Schneider then read the contract Appendix A to clarify how funds are brought in and dispensed. Mr. Wessels stated at some point he hopes the guidelines get adopted and the contract is resolved. Ms. Weldon stated a lot of what comes in is out flow. She then stated a draft of the contract was supposed to be started by October. Mr. Schneider stated he has not seen the contract. Mr. Wessels then noted the contract is a pretty solid contract with the exception of the \$10,000 payment. Ms. Weldon then noted there seems to be more dissension at the meeting here than at the Executive Committee meeting. Ms. Weldon then added that everyone agreed unanimously on the fee was approved, to simply transfer the money used for the GIS system to help pay for the new room. Mr. Schneider stated you have to go back to what was agreed upon back in December. He then read the minutes from the meeting to further clarify what transpired. He additionally noted there has never been an approval of a ten year budget. Mr. Wessels stated he has a problem agreeing to a budget that he feels contains items that are in violation of the contract. He stated his point is that the contract and the guidelines need to be established.

After much discussion it was decided that these are all things that should be looked at. Ms. Weldon further noted that most of what is done is following what has been done for years, whether right or wrong. She stated if everyone wants a different accounting method then that can be looked into. Ms. Carlin asked who instructed Mr. Gordon to restructure the budget and allocated the \$10,000 from the GIS budget to help pay for the remodeling expenses of the room. Mr. Schwartz then explained where the shift came in and when the monies were transferred from the GIS to paying of the renovation of the room. Mr. Price then suggested tabling the motion until the issues were resolved. Mr. Ryan seconded the motion. All in favor. None opposed.

Report from Legal Counsel:

None.

Reports/Announcements from Staff:

None.

Correspondence:

None.

New Business:

None.

There being no further business to come before the Commission, the meeting was declared adjourned by Mr. Price at 10:12 p.m.

APPROVED:

Ms. Alex Weldon, Chairperson

Date _____