

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

**November 3, 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. David Hilgeford - Villa Hills
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
Ms. Alex Weldon, Chairperson - Covington

COMMISSION MEMBERS NOT PRESENT:

Mr. James Cook - Kenton County
Mr. Mike Denham – Bromley
Mr. Robert Logsdon – Taylor Mill
Greg Scheper – Crescent Springs

LEGAL COUNSEL PRESENT:

Mr. David Schneider, Esq.

Ms. Weldon, Chairperson, called the meeting to order. The meeting was opened with the Pledge of Allegiance and an invocation by Mr. Eilerman.

AGENDA:

A motion was made by Mr. Wessels and seconded by Mr. Eilerman to accept the agenda as submitted. There were no changes to the agenda for the evening. All in favor. None opposed.

APPROVAL OF THE MINUTES:

The minutes for October were distributed to the Commissioners in their packets. Mr. Hadley noted on page three, second line should be changed to “he” where it says “h further stated...” A

motion was then made by Mr. Hadley to accept the minutes as corrected. Mr. Eilerman seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Eilerman, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. France, Mr. Hilgefurd, Mr. Wells, Mr. Wessels, Mr. Swanson and Ms. Weldon in favor. Mr. Ryan and Ms. Snyder abstained. The motion carried.

FINANCIAL REPORT:

There were no questions or comments with regard to the report. A motion was made by Mr. Hadley and seconded by Mr. Swanson to accept. All in favor of accepting the report as submitted. None opposed.

ACTIONS SINCE LAST MEETING:

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

COMPREHENSIVE PLAN UPDATE:

Mr. Keith Logsdon stated he was available to answer any questions. There being none, Mr. Swanson made the motion to accept. Mr. France seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. France, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. Hadley, Mr. Hilgefurd, Mr. Ryan, Ms. Snyder, Mr. Wells, Mr. Wessels and Ms. Weldon in favor. The motion carried.

PUBLIC HEARINGS:

1777R

APPLICANT: City of Independence, per Patricia H. Taney
LOCATION: An approximate 25-acre area located at the northeast and southeast corner of the intersection of Madison Pike and Harris Pike, Independence.
REQUEST: A proposed map amendment to the Independence Zoning Ordinance, changing the described area from R-1C (a detached single family residential zone) to NC (a neighborhood commercial zone).

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

NKAPC STAFF RECOMMENDATION

To disapprove the proposed map amendment from R-1C to NC.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. The proposed map amendment from R-1C to NC is not consistent with the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question for Commercial–Retail/Service uses, Commercial–Office uses and Residential Development at a density ranging from 2.1 to 4.0 and 7.1 to 14.0 dwelling units per net acre. The proposed map amendment would allow the entire site in question to be developed with commercial uses, in an area recommended for a commercial, office and residential uses.
2. The proposed map amendment is not consistent with the concept of a Community Service Area, as described in the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update. The Shaw Road/Harris Pike and Madison Pike Community Service Area is anticipated to be the largest Community Service Area identified in this Plan Update, which is described as follows:

- a. CHAPTER V- LAND USE
Land Use Plan Element Description
Urban Service Area/Non Urban Service Area
Community Service Areas

Shaw Road/Harris Pike and Kentucky State Route 17 (Madison Pike) – This area is anticipated to be the largest Community Service Area identified in this Plan Update. It includes the location of the intersection of new Kentucky State Route 17 and Harris Pike. In this area, a section of Harris Pike and Shaw Road (Kentucky State Route 536) will be widened to five lanes to accommodate traffic. This Plan Update recommends that access be prohibited on Harris Pike between the new Kentucky State Route 17 to Madison Pike (Old Kentucky State Route 17). South of the intersection of Harris Pike and Kentucky State Route 17, the road will be reconstructed to follow the existing Kentucky 17 to Nicholson. Plans are underway by the Kentucky Transportation Cabinet to make improvements to the entire length of Kentucky State Route 536 from Boone County, through Kenton County, and ending at the AA Highway in Campbell County. This route will then provide an east-west corridor and connect the southern portions of Kenton and Campbell Counties to the AA Highway and Interstate 71/75.

This access and planned commercial – retail/service and office uses will make this the major commercial node in the City of Independence. The scope of services planned to be provided at this location will serve the needs of a large portion of the projected residential population of the Independence area during the next twenty years. In addition to commercial–retail/service and office uses, higher residential densities are recommended adjacent to these commercial uses, to increase the population to be served in the immediate area.

It is the intent of the Area-Wide Comprehensive Plan Update to allow for a mix of uses in the area of the site in question. The addition of office and residential uses at this location would be beneficial by being easily accessible from existing Madison Pike, the new S.R. KY 17, and Harris Pike, and also by taking advantage of their proximity to the existing goods and services and public amenities such as public transit. Higher residential densities in this area would also contribute to the economic base of such a large service

area. In addition, office uses are also beneficial along major thoroughfares as they are not affected by traffic noise and can serve as a transitional use between more intense commercial uses and less intensive residential uses further south along Madison Pike and east-west along Harris Pike.

3. The proposed map amendment from R-1C to NC is not consistent with the Development Concepts for commercial development as contained within the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan Update. Sections of the plan read as follows:

Development Concepts

Commercial

Proposed commercial uses should be located on the basis of: (a) adequate service population, according to forecasted population distribution; (b) access via good transportation facilities; and (c) relationship to surrounding development.

Such a concept would discourage over-development of commercial activities and result in commercial development which is easily accessible to the population and adequately buffered from adjacent incompatible land uses.

The proposed map amendment would result in the over-development of commercial activities at the corner of Madison Pike and Harris Pike. The proposed map amendment would allow the site in question to be developed with commercial uses, in an area recommended for a combination of commercial, office and residential uses. The proposed map amendment would not serve to adequately buffer the adjacent single-family residential development to the east and south of the site from incompatible land uses. Therefore, the existing R-1C Zone is appropriate and the proposed NC Zone is inappropriate.

4. There have not been any major changes of an economic, physical, or social nature within the vicinity of the area, that were not anticipated in the adopted comprehensive plan to warrant the proposed map amendment.

Additional Information:

1. While staff is recommending disapproval of the proposed map amendment, it is our opinion that the a portion of the area of the site in question, located at the northeast corner of Madison Pike and Harris Pike, may be appropriate for commercial-retail/service development.
2. Should the planning commission or the legislative body take action to approve the proposed map amendment, the following condition should be applied to that action:
 - a. That a provision be made for a street connection to the property to the north of the site, which is currently zoned R-2 (PUD), in the area of proposed Everett Drive, a public street, per the existing approved Stage II Development Plan.

3. The *Kenton County Bicycle Plan*, adopted in June 1999, identifies a primary bikeway along the proposed right-of-way of new S.R. KY 17 and along Harris Pike. The term bikeway is generally used to describe all transportation systems designed to accommodate bicycle travel. Plans for new S.R. KY 17 call for paved shoulders to be identified as a shoulder bikeway, until it rejoins Madison Pike. The plan also identifies a secondary bikeway along Madison Pike, north of Harris Pike. It is recommended that sufficient right-of-way of be acquired to accommodate these recommended bikeways as part of any new development in the area of the site in question.

Mayor Chris Moriconi, Mr. Mike Little, Ms. Joann Cobble, Ms. Margaret Cook, Ms. Carol Franzen, Mr. Dennis Hayes and Mr. Don Runker registered to speak on the issue.

Mayor Moriconi addressed the Commission and stated he was available to answer any questions. Mr. Wells asked about the size of property included in the zone request. Mayor Moriconi stated a developer has approached the city with a request to the whole parcel and that is the reason for the whole 25 acres. He stated when the new 17 goes through it will be about 20 acres. Mr. Hilgefurd asked about having commercial in a residential area. Mayor Moriconi stated he doesn't see how the area would be desirable for residential as it sits next to where a five lane highway will be. He stated no one would want to live next to that. He also noted with all the development in the area and the additional increase in high density of the area the people are asking for more services and more places to shop and eat to keep the citizens in the city versus going to surrounding cities. He also noted when this is looked at from an aerial map it is chopped up with the new highway consisting of three areas. He reiterated they do not feel this area would be desirable for residential. He further noted the city needs more commercial development to provide for more income than just property taxes.

Ms. Cobble addressed the Commission and stated she just wanted to reiterate what the mayor stated. She stated this is the intersection of what will be a five lane highway and it could be a commercial mecca.

Ms. Franzen addressed the Commission and stated the build out rate for Independence is 100,000. She stated the previous owner of the property has her mother living directly within the property in question and the land will be essentially landlocked in that she would be surrounded by commercial.

Mr. Runker addressed the Commission and stated he is the chairman of the St. Agnes Parish Council and wanted to note that ownership of a portion of the property at issue is being questioned in the courts presently and he thought the Commission should be aware of that.

All others registered to speak passed. There was no rebuttal by the applicant.

Mr. Hadley then made the motion to approve based on the testimony and discussion and also the provisions that a street connection be made to the north side of the site, and that a bike trail be constructed. An additional basis noted was that the rezoning of the area to the north was a substantial change. Ms Snyder seconded the motion. A roll call vote on the matter found Mr. Hadley, Ms. Snyder, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Ryan, Mr. Wells, Mr. Wessels and Mr. Swanson in favor. Mr. Hilgefurd and Ms. Weldon voted against. The motion carried.

1778R

APPLICANT: William C. Vocke
LOCATION: An approximate 1.1 acre area located along the west side of Sleepy Hollow Road between Dixie Highway and Amsterdam Road, approximately 900 feet north of Dixie Highway, Fort Wright.
REQUEST: A proposed map amendment to the Fort Wright Zoning Ordinance, changing the area described herein, from R-2 (a two-family and multi-family zone) to R-1EE (a single-family and two-family residential zone).

Staff presentation and Staff recommendations by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from R-2 to R-1EE.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. The proposed map amendment from R-2 to R-1EE is generally consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update. The northern half of the proposed map amendment from R-2 to R-1EE is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies that portion of the site in question for Residential Development at a density ranging from 4.1 to 7.0 dwelling units per net acre. The proposed R-1EE Zone will permit detached single-family and two-family dwellings on a minimum lot area of seven thousand five hundred (7,500) square feet for single-family dwellings and eleven thousand five hundred (11,500) square feet two-family dwellings (approximately 5.8 to 7.6 dwelling units per net acre).

The proposed map amendment will be a logical extension of the R-1EE Zone along Sleepy Hollow Road by allowing the site in question to develop in a logical pattern consistent with the surrounding uses. Areas to the west and north of this site are developed at lower densities than what would be permitted in the existing R-2 Zone.

2. The proposed map amendment from R-2 to R-1EE is consistent with the current use of the site in question and is consistent with other properties in the general vicinity.
3. The proposed map amendment from R-2 to R-1EE is consistent with the following Goals and Objectives and Development Concepts, as contained within the 2001 Area Wide Comprehensive Plan Update:

To provide safe and sanitary housing to all residents.

Effort should be made to eliminate dilapidated and unfit housing, rehabilitate declining housing, conserve the existing supply of sound housing, and add new housing, as necessary.

To provide a variety of housing types and residential development to accommodate different needs and desires of the population.

Effort should be made to encourage a variety of residential densities and housing types to meet the needs and desires of a range of family sizes, age groups, and income levels and to ensure that equal opportunity in choice of housing by all elements of the population is provided throughout the region.

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

Effort should be made to ensure that areas which are proposed to be developed for purely residential purposes are protected from the intrusion of incompatible land uses. Development of new urban residential areas should be promoted only where they can be reasonably and economically served with essential public services.

The preservation and restoration of housing should be encouraged in selected areas.

Such a concept would provide quality housing for the existing and future population, and would preserve structures that have architectural and/or historical significance.

The proposed map amendment from R-2 to R-1EE will provide for the development of single-family or two-family residential dwellings, thus providing new housing opportunities in the City of Fort Wright.

4. The proposed map amendment from R-2 to R-1EE provides the opportunity for the site in question to be developed consistent with the requirements of the R-1EE Zone, which is consistent with the zoning of the area to the north of the site along the west side of Sleepy Hollow Road.

Mr. Klein and Mr. Vocke registered to speak on the issue.

Mr. Vocke addressed the Commission and stated the duplex adjacent to the property is his home and he wants to put in a simple residential home. He stated he no longer wants to live in a duplex.

Mr. Klein addressed the Commission and stated current zoning does not permit the applicant to put up a single residential home. He stated the recommended zoning is in compliance and the city is in favor of the application.

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

1779R

APPLICANT: Troy Miles
LOCATION: An approximate 0.2 acre area located along the west side of Decoursey Avenue between East 40th Street and East 41st Street, approximately 130 feet south of 40th Street, Covington.
REQUEST: A proposed map amendment to the Covington Zoning Ordinance, changing the area described herein, from NC-2 (a neighborhood commercial two zone) to R-1G (a single-family residential zone).

Staff presentations and Staff recommendations by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from NC-2 to R-1G.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. The proposed map amendment from NC-2 to R-1G 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 7.1 to 14.0 dwelling units per net acre. The proposed R-1G Zone permits detached single-family residential dwellings on a minimum lot area of 5,000 square feet (approximately 8.7 dwelling units per net acre) and zero lot line in-fill housing.

2. The proposed map amendment is consistent with a previous staff recommendation:

On April 2, 2004, the City of Covington, per Annalee Duganier, submitted an application for review and recommendation on a proposed map amendment changing an approximate 1.5 acre area located at the intersection of Decoursey Avenue with East 40th Street (including the site in question) from R-1G (a single-family residential zone) to NC-2 (a neighborhood commercial two zone) (Z-04-04-01/1670R). On April 30, 2004, the NKAPC staff recommended disapproval of the proposed map amendment. On May 6, 2004, following the public hearing, the Kenton County Planning Commission recommended approval of the proposed map amendment. On June 22, 2004, the Covington City Commission approved Ordinance Number O-42-04, approving the map amendment.

3. The proposed map amendment from NC-2 to R-1G is consistent with the following Goals and Objectives and Development Concepts, as contained within the 2001 Area Wide Comprehensive Plan Update:

To provide safe and sanitary housing to all residents.

Effort should be made to eliminate dilapidated and unfit housing, rehabilitate declining housing, conserve the existing supply of sound housing, and add new housing, as necessary.

To provide a variety of housing types and residential development to accommodate different needs and desires of the population.

Effort should be made to encourage a variety of residential densities and housing types to meet the needs and desires of a range of family sizes, age groups, and income levels and to ensure that equal opportunity in choice of housing by all elements of the population is provided throughout the region.

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

Effort should be made to ensure that areas which are proposed to be developed for purely residential purposes are protected from the intrusion of incompatible land uses. Development of new urban residential areas should be promoted only where they can be reasonably and economically served with essential public services.

The preservation and restoration of housing should be encouraged in selected areas.

Such a concept would provide quality housing for the existing and future population, and would preserve structures that have architectural and/or historical significance.

Revitalization of central city core areas, by planned redevelopment and rehabilitation of residential uses, should be encouraged.

Such a concept would aid in preserving a valuable resource, provide much needed variation in residential types and densities, and maintain and enhance the viability of such urban areas.

The proposed map amendment from R-2 to R-1EE will provide for the development of single-family residential dwellings, thus providing new housing opportunities in the City of Fort Wright.

4. The proposed map amendment from NC-2 to R-1G provides the opportunity for the site in question to be developed consistent with the requirements of the R-1G Zone, which is consistent with the zoning of the area to the south, east, and west of the site in question.

Mr. Miles registered to speak in favor of the issue. No one registered to speak against or neutral.

Mr. Miles addressed the Commission and stated the reason he's requesting the zone change is because he needs to sell the property and he cannot as it is currently zoned. He also stated when the hair salon was open the tenants complained of the salon being open at 7 a.m. and the parking was insufficient. He stated he would like to have it strictly residential.

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

1780R

- APPLICANT:** Shoppes of Edgewood LLC, per Doug Armbruster.
- LOCATION:** An approximate 3-acre area located within the corporate boundaries of the cities of Edgewood and Fort Wright and described as follows. In Edgewood: Area A is an approximate 2-acre area located along the west side of S.R. KY 17 and on the east side of Sperti Drive, approximately 150 feet south of Dudley Pike. In Fort Wright: Area B is an approximate 1-acre area located along the west side of S.R. KY 17, approximately 500 feet south of Dudley Pike.
- REQUEST:** A proposed map amendment to the Edgewood Zoning Ordinance changing the described Area A from IP (an industrial park zone) to HC (a highway commercial zone). A proposed map amendment to the Fort Wright Zoning Ordinance changing the described Area B from IP (an industrial park zone) to HC (a highway commercial zone).

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

NKAPC STAFF RECOMMENDATION

To disapprove the proposed map amendments from IP to HC.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. The proposed map amendment from IP to HC is not consistent with the Land Use recommendations within in the 2001 Area-Wide Comprehensive Plan Update, which describe the site in question as Area 16. Those recommendations are to design and develop the site in conjunction with Areas 17 and 18 for retail and service uses. While the proposed map amendment will allow the site in question to be developed with retail and service uses, the proposed map amendment does not provide for a coordinated design of development in conjunction with Area 17 and 18, located to the south of the site in question.
2. The proposed map amendment is not consistent with the Transportation recommendations within the 2001 Area-Wide Comprehensive Plan Update, which states the following in regards to the site in question and the area to the south of the site:

Access should be provided by cross access/frontage roads, which should be connected to existing Sperti Drive. Using Sperti Drive will provide access to the signalized intersection at Dudley Pike and Madison Pike. Full access, via right and left turns, will be provided by a shared intersection/roundabout. It is also desirable for this intersection/roundabout to be located for use by Area 19. In conjunction with a single full intersection/roundabout serving these areas, it

should be feasible to allow a ¾ intersection, restricting outbound traffic to right-in and right-out only.

A number of transportation recommendations are proposed in the corridor to enhance mobility and maximize the capacity of the existing roadway for the benefit of all users. These recommendations include the access management, cross access/frontage roads, a non-traversable median and roundabouts. Maximizing the capacity of Madison Pike entails maintenance of traffic flow even while traffic volumes increase, a situation that is anticipated to occur in the corridor. The proposed map amendment would allow full access onto Madison Pike, rather than utilizing Sperti Drive, a public street, as access for Areas 16 and 17 to the proposed shared intersection/roundabout further south of the site in question. The proposed map amendment is not consistent with the Transportation recommendations for maximizing traffic flow along Madison Pike.

3. The proposed map amendment is not consistent with the Transportation recommendations within the 2001 Area-Wide Comprehensive Plan Update for use of cross access/frontage roads.

Cross Access Drives/Frontage Roads

Interconnectivity of land uses that minimize the need to traverse between land uses using the arterial street system is a key component of these access control recommendations. Map 5J identifies general locations where these facilities are to be located. It is important to note that this plan does not stipulate whether interconnectivity is accomplished via cross-access drives or frontage roads. That decision should be based upon site design parameters during the land development process. The important element of this recommendation is that all property developed within the corridor be connected to adjoining properties within the corridor. Cross access/frontage interconnectivity must also accommodate pedestrian transportation, either along the roadway or via separate pedestrian/multi-use paths.

The proposed map amendment identifies access to the site via existing and proposed curb cuts onto Madison Pike and Sperti Drive. While the submitted development plan notes the possible future connection of Sperti Drive to Madison Pike by others, the proposed access to the site is not consistent with the recommendations for Sperti Drive to be extended southward as part of a larger coordinated design of development for the area including the site in question. Lastly, the submitted development plan does not show any provisions for pedestrian transportation along Sperti Drive.

4. Section 17.0, F., of the Edgewood and Fort Wright Zoning Ordinances states that “the zoning map shall not be amended, changed, or modified in such manner as to create a free standing zone of less than five (5) acres, except where specific area restrictions are stipulated in this ordinance, or as outlined in the adopted comprehensive plan by the planning commission. For the purpose of computing the total size of an area to be rezoned, there shall be added to such area...one-half the area of public rights of way abutting the area being changed...” The site in question contains approximately 3.6 acres. The inclusion of the right-of-way of Sperti Drive and Madison Pike adds approximately

1.4 acres, resulting in a free standing zone of approximately 5 acres. The intent of this regulation is to provide for sufficient land area capable of sustaining development, thereby prohibiting spot zoning. With twenty-eight percent (28%) of the area within the proposed free standing zone as right-of-way, the submitted request is not consistent with the intent of the regulation. Therefore the proposed HC Zone is inappropriate.

5. Although the proposed HC Zone is recommended as a potential zoning designation that can assist with the implementation of the land use recommendations within the Madison Pike corridor, the proposed map amendment is not consistent with the recommended timing and priority for potential zoning amendments of the site in question, which is no change/long term priority. Specifically, the recommendations state that areas with long-term priority “are not likely to redevelop in the near future. Amendments are not appropriate immediately because of existing businesses, or because market conditions identify that more than one zone may be appropriate for the area”. The existing zoning is therefore appropriate and the proposed zoning is inappropriate/premature until the issues with coordinating land uses and access to the site (Area 16) and the areas to the south (Area 17 and 18) are addressed.
6. There have not been any major changes of an economic, physical, or social nature within the vicinity of the area, that were not anticipated in the adopted comprehensive plan, as amended, to warrant the proposed map amendment.
7. The proposed map amendment from IP to HC meets the minimum requirements of the Edgewood and Fort Wright Zoning Ordinances, except for the following:
 - a. Section 9.17 of the Edgewood and Fort Wright Zoning Ordinances require landscape screening to be provided in areas adjoining the public right-of-way, public or private street and within vehicular use areas. Insufficient information has been submitted to determine compliance with these requirements.
 - b. Section 10.9, E., 3., of the Edgewood Zoning Ordinance and Section 10.9, D., 3., of the Fort Wright Zoning Ordinance state that no lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property. Insufficient information has been submitted to determine compliance with these requirements.
 - c. Section 11.1, A, of the Edgewood Zoning Ordinance requires one (1) parking space to be a minimum of two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be a minimum of ten (10) feet in width and twenty (20) feet in length. Section 11.1, A, of the Fort Wright Zoning Ordinance requires one (1) parking space to be a minimum of nine (9) feet in width and eighteen (18) feet in length, exclusive of access drives or aisles. Insufficient information has been provided to determine compliance with these requirements.
 - d. Section 11.2, M., of the Edgewood Zoning Ordinance and Section 11.2, C., of the Fort Wright Zoning Ordinance require 1 parking space for each two (2) employees, plus two (2) off-street parking spaces per 65 square feet of gross floor area for combination restaurants. A minimum of 180 off-street parking spaces is

required for such uses within the development. The submitted development plan identifies a total of only 97 off-street parking spaces for such uses.

- e. Section 11.3, C., of the Edgewood and Fort Wright Zoning Ordinances require that in order to maximize the efficient utilization of access points, access drives shall be designed, located, and constructed in a manner to provide and make possible the coordination of access with, and between, adjacent properties developed (present and future) for similar uses. The submitted development plan does not demonstrate coordination of access points along Sperti Drive, nor to the adjacent properties to the north and south.
- f. Section 14.7 of the Edgewood Zoning Ordinance and Section 14.6, F., of the Fort Wright Zoning Ordinance identify the types of signs permitted within the HC Zone. Insufficient information has been submitted to determine compliance with these requirements.

Additional Information:

- 1. While the NKAPC staff has recommended disapproval of the proposed map amendments, should the planning commission or the legislative body take action to approve the proposed map amendments, the following conditions should be applied to that action:
 - a. That the proposed map amendments in Edgewood be conditioned on the approval of the proposed map amendments in Fort Wright and that the proposed map amendments in Fort Wright be conditioned on the approval of the proposed map amendments in Edgewood.
 - b. That the existing access onto Madison Pike be limited to right-in/right-out access.
 - c. That access to the site from Sperti Drive be limited to a single centralized curb cut.
 - d. That provisions be made for pedestrian connections along Sperti Drive.
 - e. That provisions be made for a future connection from the proposed development to the property north and south of the site in question.
 - f. That landscaping, signage, lighting and off-street parking within the proposed HC Zone meet the minimum requirements of the Edgewood and Fort Wright Zoning Ordinances.

Mr. Richard Soper, Mr. Mike Hartman and Mr. Doug Armbruster registered to speak in favor of the issue. Mr. Klein, Mr. Tom Messmer, Mr. Joe Messmer and Mr. Bill Grady registered to speak against. Mr. Roger Rolfus registered to speak as a neutral party.

Mr. Soper addressed the Commission and stated he is working with the partners for the development. He stated they have been meeting on an ongoing basis over the past three months with regard to the issue. He stated they have two plans or two documents that were submitted as

part of the application. He stated he wanted to submit this as a part of the record. He also noted this plan is the plan they are recommending and they did not intend to have the previous plans submitted and further stated they were just for example only. He then stated they feel this redevelopment had to fit into the area framework. He stated they believe they are acting in the spirit of what the corridor study is. He stated from the plan they have an existing curb cut which allows for movement and is the only curb cut along 17 for the development. He also stated they are concerned too with the health and welfare of the area. He stated they are not suggesting eliminating the curb cut but using the curb cut to take some traffic off of Dudley Drive. He stated there are some existing concerns with the age of the utilities on the site. He also noted in this case it may not be safe to have one access off Sperti Drive to have everyone driving through the parking lot. He further stated this is a conceptual plan and not necessarily what the development would end up with as far as uses.

Mr. Armbruster addressed the Commission and stated they have been working with the city and are trying to work together to find a much better use for the residents. Mr. Wessels then stated a great amount of money was expended to study this corridor and he questioned whether that was known. Mr. Armbruster then stated they are somewhat caught in the middle of the study because Edgewood has not yet adopted the land use but Ft. Wright has.

Mr. Klein addressed the Commission and stated he was present to ask the Commission to concur with Staff on the matter. He stated he met with the applicant on two occasions and did not spend a great deal of time on the issue. He stated he wanted to clarify the portion of the application pertaining to Ft. Wright. He then stated this application is in great conflict with the special designation on the Comprehensive Plan. He stated more importantly it is not at all consistent with the transportation element of the area. He further noted it is very close to the minimum requirement of a 5 acre minimum and stated 28% of the project is right of way. He stated he feels the applicant is committed to working with the city and feels if it is disapproved they can come back with a plan that is consistent with the city. He further stated they feel the development of this corridor is absolutely critical to the area as to the safety of citizens in the area.

Mr. Tom Messmer addressed the Commission and stated his biggest concern is the traffic that would be on Sperti Drive. He stated it is just not conducive to the handling of a lot of traffic and feels that should be looked into. He stated another problem he has is the road wasn't put in in the correct spot back in '67. He further noted it should be 25 feet towards Madison Pike.

Mr. Joe Messmer addressed the Commission and stated all three businesses on Sperti Drive have 130 foot tractor trailers that use loading docks. He stated if Sperti Drive becomes a through street there will be problems. He also noted he likes the plan, just not the traffic problems.

Mr. Rolfus addressed the Commission and stated City Council has not taken any action on this and therefore he is neutral on the plan. He stated he just wanted to make that known. Mr. Wessels then made the motion to disapprove based on Staff's recommendations and report. He stated he feels there is great potential for the city and the applicant to get together to try to clear up any deficiencies with the application. Ms. Snyder then seconded the motion. A roll call vote on the matter found Mr. Wessels, Ms. Snyder, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Ryan, Mr. Wells, Mr. Swanson and Ms. Weldon in favor. The motion carried.

1781R

APPLICANT: City of Villa Hills, per Mayor Michael Sadouskas.
REQUEST: Proposed text amendments to the Villa Hills Zoning Ordinance pertaining to the parking or storing of trailers, mobile homes, campers, inoperable vehicles and other such type equipment.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

RECOMMENDATION A: To approve the proposed text amendment requiring abandoned vehicles, non-functional vehicles, vehicles in a state of disrepair, and vehicles lacking a valid license to be stored in a completely enclosed building.

RECOMMENDATION B: To approve the proposed text amendments: (1) requiring such vehicles to be parked on a paved surface in the rear yard; (2) allowing such vehicles to be parked on a paved surface in other than the rear yard by permit only; (3) authorizing the board of adjustment to impose requirements for the proper screening of such vehicles; and (4) allowing the temporary parking of such vehicles, subject to certain restrictions.

RECOMMENDATION C: To approve the proposed text amendment prohibiting commercial trucks, along with non commercial trucks in excess of 6,000 pounds, from parking within residential zones, except within a completely enclosed building.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendations:

RECOMMENDATION A:

1. The proposed text amendment requiring abandoned vehicles, non-functional vehicles, vehicles in a state of disrepair, and vehicles lacking a valid license to be stored in a completely enclosed building (see Attachment A) 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 requiring abandoned vehicles, non-functional vehicles, vehicles in a state of disrepair, and vehicles lacking a valid license to be stored in a completely enclosed building (see Attachment A) provides for a reasonable regulation to promote the health, safety, and welfare within the city.

RECOMMENDATION B:

1. The proposed text amendments: (1) requiring such vehicles to be parked on a paved surface in the rear yard; (2) allowing such vehicles to be parked on a paved surface in

other than the rear yard by permit only; (3) authorizing the board of adjustment to impose requirements for the proper screening of such vehicles; and (4) allowing the temporary parking of such vehicles, subject to certain restrictions (see Attachment A) are 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 requiring such vehicles to be parked on a paved surface in the rear yard (see Attachment A) is reasonable in that it treats the parking or storing of such vehicles in the same manner as the parking or storing of cars and trucks.
3. The recommendation of approval of the proposed text amendment requiring such vehicles to be parked on a paved surface in the rear yard (see Attachment A) is consistent with previous recommendations made by the NKAPC staff and the KCPC.

In May 2001, the city of Edgewood, per Roger Rolfes, submitted a proposed text amendment to the Edgewood Zoning Ordinance requiring such vehicles to be parked on a paved surface (Z-01-05-03/1507R). On June 1, 2001, the NKAPC staff recommended approval of the proposed text amendment, subject to one condition. On June 7, 2001, following the public hearing, the KCPC recommended approval of the proposed text amendment, subject to one condition.

In December 2001, the city of Fort Mitchell, per William Goetz, submitted a proposed text amendment to the Fort Mitchell Zoning Ordinance requiring such vehicles to be parked on a paved surface (Z-01-12-01/1539R). On December 28, 2001, the NKAPC staff recommended approval of the proposed text amendment. On January 7, 2002, following the public hearing, the KCPC recommended approval of the proposed text amendment.

4. The proposed text amendments allowing such vehicles to be parked on a paved surface in other than the rear yard by permit only and authorizing the board of adjustment to impose requirements for the proper screening of such vehicles (see Attachment A) provides for a reasonable solution to those circumstances where the rear yard is not accessible or appropriate for the parking or storing of such vehicles.
5. The proposed text amendment allowing the temporary parking of such vehicles, subject to certain restrictions (see Attachment A) is reasonable in that it permits the temporary parking of these vehicles within a twenty-four (24) hour period, which is adequate time for the purpose of loading, unloading, and/or maintenance of said vehicles.
6. The recommendation of approval of the proposed text amendment allowing the temporary parking of such vehicles, subject to certain restrictions (see Attachment A) is consistent with previous recommendations made by the NKAPC staff and the KCPC.

In August 1997, the city of Edgewood, per Louis A. Noll, submitted a proposed text amendment to the Edgewood Zoning Ordinance reducing the time period that such vehicles may be parked in a driveway to twenty-four (24) hours (Z-97-08-01/1315R). On August 29, 1997, the NKAPC staff recommended approval of the proposed text

amendment. On September 4, 1997, following the public hearing, the KCPC recommended approval of the proposed text amendment.

In December 2001, the city of Fort Mitchell, per William Goetz, submitted a proposed text amendment to the Fort Mitchell Zoning Ordinance limiting the time period that such vehicles may be parked in a driveway to twenty-four (24) hours (Z-01-12-01/1539R). On December 28, 2001, the NKAPC staff recommended approval of the proposed text amendment, subject to one condition. On January 7, 2002, following the public hearing, the KCPC recommended approval of the proposed text amendment, subject to one condition.

RECOMMENDATION C:

1. The proposed text amendment prohibiting commercial trucks, along with non commercial trucks in excess of 6,000 pounds, from parking within residential zones, except within a completely enclosed building (see Attachment A) 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 prohibiting commercial trucks, along with non commercial trucks in excess of 6,000 pounds, from parking within residential zones, except within a completely enclosed building (see Attachment A) is appropriate in that it provides reasonable regulations for the protection of residential areas.
3. The recommendation of approval of the proposed text amendment prohibiting commercial trucks, along with non commercial trucks in excess of 6,000 pounds, from parking within residential zones, except within a completely enclosed building (see Attachment A) is consistent with previous recommendations made by the NKAPC staff and the KCPC.

In December 1999, the city of Fort Mitchell, per William Goetz, submitted a proposed text amendment to the Fort Mitchell Zoning Ordinance prohibiting commercial trucks from parking outside of a completely enclosed building (Z-99-12-03/1450R). On December 30, 1999, the NKAPC staff recommended approval of the proposed text amendment. On January 6, 2000, following the public hearing, the KCPC recommended approval of the proposed text amendment.

In March 2003, the city of Lakeside Park, per Mayor Karen Gamel, submitted a proposed text amendment to the Lakeside Park Zoning Ordinance prohibiting commercial trucks from parking outside of a completely enclosed building (Z-03-02-02/1610R). On March 28, 2004, the NKAPC staff recommended approval of the proposed text amendment. On April 3, 2003, following the public hearing, the KCPC recommended approval of the proposed text amendment.

There was no one present to speak for or against the issue. Mr. Hilgefurd made the motion to approve based on Staff's recommendations and report. Mr. Wells seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Wells, Ms. Carlin, Mr. Coates, Mr. Eilerman,

Mr. Hadley, Mr. Ryan, Ms. Snyder, Mr. Wessels, Mr. Swanson and Ms. Weldon in favor. Mr. Darpel and Mr. France voted against. The motion carried.

Ms. Weldon then suggested discussing item #11 on the agenda prior to #10 since the contract is what held up approval of the budget. Mr. Hadley made the motion to send the contract back to the executive committee and have the executive committee fully explain it. Mr. Wessels seconded the motion. All in favor. None opposed. In light of that motion, a motion was then made to table the approval of the budget by Mr. Darpel. Mr. Ryan seconded the motion. All in favor. None opposed.

OLD AND UNFINISHED BUSINESS:

Reports from Committees:

By-Laws

No report/no meeting held.

Subdivision Regulations

No report/no meeting held.

Model Zoning

November 15th to be held from 8:30 – 10:00. Melissa Jort-Conway will be presenting a scope of work to be discussed.

Executive Committee

No opportunity to meet over the last month. Nothing to report.

Report from Legal Counsel:

None.

Reports/Announcements from Staff:

It was noted that Scott Hiles has been working on getting together with surrounding counties to come up with one set of regulations. Mr. Gordon stated to his knowledge Alexandria is the only city that has not formally committed but he feels confident they will join the other cities.

Mr. Gordon distributed a handout consisting of a list of NKAPC council per the request of Mr. Eilerman. Mr. Schwartz noted an upcoming continuing education opportunity to be held for those Commissioners interested in attending. Mr. Schwartz also noted the City of Ft. Mitchell has a vacancy on the Board of Adjustment. He stated as the city did not fill the vacancy they were now asking the Commission to fill that position. A motion was made by Mr. Wessels and seconded by Mr. Wells to take care of filling the vacant seat. All in favor. None opposed. Mr. Schwartz then asked for authorization for the chair to make an application on behalf of all the cities when it is completed. He stated it may be at next month's meeting or in January. Mr. Wessels made the motion authorizing the Chairperson to make the application. Mr. France seconded the motion. All in favor. None opposed.

Correspondence:

None.

New Business:

Ms. Weldon stated that Mr. Price had resigned from his position with the Commission and therefore there is a position to fill for the next two months. Mr. Eilerman nominated Mr. Wells to fill the interim position. Mr. Wessels seconded the nomination. All in favor. None opposed. Ms. Weldon further noted an appointment would need to be made for the nominating committee for new officers. Ms. Snyder and Mr. Hadley agreed to serve on the nominating committee and have nominations for next month's meeting.

There being no further business to come before the Commission, a motion was made by Mr. Darpel to adjourn. Mr. France seconded the motion. All in favor. None opposed. The meeting was declared adjourned at 9:10 p.m.

APPROVED:

Ms. Alex Weldon, Chairperson

Date_____