

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. Wells, Vice Chairman, called the meeting to order at 6:15 PM on Thursday, April 6, 2006, and opened the proceedings with the Pledge of Allegiance and an invocation by Mr. Eilerman. The meeting was held in the Commission Chambers of the NKAPC Building in Fort Mitchell. Attendance of members (for this meeting as well as those during the year to date) was as follows.

Member	Jurisdiction	2006											
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mark Barnett	Taylor Mill	x	x	x	x								
Barbara Carlin	Kenton Co	x	x	x	x								
Barry Coates	Covington	x	x	x	x								
James Cook	Kenton Co	x	x	x	x								
Paul Darpel	Edgewood	x	x	x	x								
Chuck Eilerman	Covington	x	x	x	x								
Tom France	Ludlow	x	x	x	x								
Al Hadley	Elsmere	x	x	x	x								
David Hilgeford	Villa Hills	x	x	x									
Phil Ryan	Park Hills	x	x	x	x								
Maura Snyder	Independence	x	x	x	x								
Paul Swanson, Treas	Erlanger	x		x									
Joe Tewes	Bromley	x	x	x	x								
John Wells, Vice Chair	Fort Mitchell		x	x	x								
Bernie Wessels	Crescent Spgs	x	x	x	x								
Gil Whitacre	Lakeside Park	x	x	x	x								
Alex Weldon, Chair	Covington	x	x	x									
Lynn Hood	Crstvw Hills		x	x	x								
Rick Wolnitzek	Fort Wright			x									

Also present were David Schneider, Legal Counsel, and the following NKAPC staff: Michael Schwartz, AICP, Deputy Director for Current Planning; Melissa Jort-Conway, AICP, Senior Planner; and Andy Videkovich, Associate Planner.

AGENDA:

There were no changes made to the agenda for the evening. A motion was made by Ms. Snyder to approve the agenda. Mr. Wessels seconded the motion. Mr. Ryan then noted the first issue on the agenda was misnumbered and should read 1798R and not 1789R. The motion was amended to reflect the noted change to the first issue. Mr. Wessels seconded the amended motion. All in favor; none opposed.

APPROVAL OF THE MINUTES:

The minutes for March were distributed in the Commissioner's packets. There were no changes or corrections noted. A motion was made by Mr. Hadley to approve the minutes from March.

Ms. Snyder seconded the motion. A roll call vote on the motion found Mr. Hadley, Ms. Snyder, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France. Ms. Hood, Mr. Ryan, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Wolnitzek and Mr. Wells in favor. The motion carried.

FINANCIAL REPORT:

There were no questions or comments with regard to the report. A motion was made by Ms. Snyder and seconded by Mr. Wessels to accept the report as submitted. All in favor; 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.

PUBLIC HEARINGS:

*Mr. Gil Whitacre recused himself from the following issue due to a conflict of interest with his employer.

1798R

APPLICANT: Vicky Smock, Gary Haynes, David Haynes, Linda Haynes, Diamond Properties II, LLC, and Gailen Bridges.
LOCATION: An approximate 2.4-acre area located along the east side of Madison Pike (KY 17) between Harris Pike and Sidney Drive, approximately 500 feet south of Harris Pike, Independence.
REQUEST: A proposed map amendment to the Independence Zoning Ordinance changing the described area from R-1C (a single family residential zone) to NC (a neighborhood commercial zone) (this issue was tabled at the commission's March 2, 2006 meeting).

Staff presentation and recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

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

1. That signage be prohibited from being installed on the southern property, identified as 11119 Madison Pike.

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 consistent with the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question for Commercial – Office uses. The proposed map amendment would allow the site in question to be developed with office uses.
2. The proposed map amendment is 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 was described as follows:

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 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 existing goods and services and public amenities such as public transit.

3. The proposed map amendment from R-1C to NC is consistent with the recommendations for commercial - office development as contained within the Land Use Element of the 2001 Area-Wide Comprehensive Plan Update. Sections of the plan read as follows:

Commercial
Office

Land so classified reflects existing or recommended areas for concentration of office and related uses. These areas are designated on the basis of locations which are easily accessible from the major corridors of transportation and which might also take advantage of proximity to other related uses (e.g. major public office buildings, hospitals, etc.) It is recognized that office-type development is little affected by noise associated with major thoroughfares, often has the potential for interesting architectural treatment, and can provide a transition between more intense and less intense land use activities.

The proposed map amendment will allow the site in question to be developed with commercial - office uses while adequately buffering the adjacent single-family residential development to the east of the site from incompatible land uses.

4. The proposed map amendment from R-1C to NC represents a logical extension of the NC Zone immediately north of the site in question. It is reasonable and appropriate that the area between existing Madison Pike and the right-of-way of new S.R. KY 17 be occupied with office type commercial development.
5. Except for the items that have been waived for the map amendment process, the submitted Stage I Development Plan meets the minimum requirements of the Independence Zoning Ordinance, except for the following:
 - a. Section 14.7 allows class 7 signs to be utilized for a shopping complex (3 or more businesses located in a unified building or attached group of buildings) within a NC Zone. Section 14.6, G. identifies a class 7 sign as a business and identification ground sign. Since the site in question will only have two businesses, a class 7 sign cannot be utilized. Additionally, a business or identification sign must be located on the same premises as the business. The submitted development plan indicates that any free standing signage will be placed on separate parcel, separate from the location of the proposed offices. Therefore, it is recommended that signage be prohibited from being installed on the southern property, identified as 11119 Madison Pike.

Mr. Wells read a letter into the record from Susan Cook in opposition to the issue. The letter was then marked as an exhibit and made a part of the record on the matter.

Mr. Gailen Bridges, Ms. Vicky Smock and Mr. Gary Haynes registered to speak in favor of the issue. Mr. Jeremy Deters registered to speak against.

Mr. Bridges addressed the Commission and stated the proposal is in accordance with the plan and Staff's report. He stated the property will be surrounded by a 5 lane highway and other commercial property as well as a school. Mr. Bridges stated the area in question would not be

desirable for residential and is no longer feasible for residential. He further noted they are not out to upset the neighborhood and also noted that no one from the neighborhood was present to speak. In addition, Mr. Bridges noted the existing properties would be used for 9-5 type uses. It was further noted the same buildings and curb cuts would be utilized in the proposal. He additionally noted it is a nice transition to the end of the zone. The others registered to speak in favor had nothing to add.

Mr. Deters addressed the Commission on behalf of the Kenton County Board of Education. Mr. Deters stated condemnation proceedings have been started against three of the parcels indicated in Staff's report. He noted the long term plan of the Board of Education is for parking for the nearby school. He noted that Staff in its presentation indicated the land area was 2.4 acres but added the state actually owns the middle portion of the property making the land area actually 1.9 acres. He stated the Haynes property has not been filed on as far as the condemnation proceedings.

Mr. Schwartz clarified that if the school acquires any of the properties they are exempt from zoning requirements. He further indicated Staff's report did not reflect a parcel of 2.4 acres but an area of that amount.

Mr. Bridges addressed the Commission in rebuttal and stated old Kentucky 17 is not going to be much of a thoroughfare except to get to what is existing there. He stated it would not be a cut through.

Mr. Deters addressed the Commission in rebuttal and stated the Board cannot steal anyone's property. He then stated from a condemnation standpoint property can be acquired and judged by a jury of peers as to possession. He then noted he takes exception to the statement that the Board is stealing anything.

Following a brief discussion on the matter Mr. Cook made the motion to approve. Mr. Wolnitzek seconded the motion. A roll call vote on the matter found Mr. Cook, Mr. Wolnitzek, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. France, Mr. Hadley, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels and Mr. Wells in favor. Mr. Eilerman voted against. Mr. Whitacre withdrew. The motion carried.

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

1803R

APPLICANT: City of Fort Wright per Larry Klein, City Administrator
LOCATION: N.A.
REQUEST: Proposed text amendments to the Fort Wright Zoning Ordinance adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the City's Zoning Ordinance.

Staff presentation and recommendations by Mrs. Melissa Jort-Conway, Mr. Keith Logsdon and Ms. Sharmili Sampath.

NKAPC STAFF RECOMMENDATION

To approve the proposed text amendments adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the City's Zoning Ordinance, but only subject to compliance with the following conditions:

1. That the definition of Open Space within Section 10.31., I., 2., be consistent with Section 10.31., F (Definitions).
2. That Section 10.31., I., 2., e., (2), be revised to read as follows:

When an area is to be preserved as private or common open space, prior to the recording of a plat or the issuance of a grading/zoning/building permit, whichever occurs first, the developer and recipient entity **may** apply a recorded conservation easement to the area of the proposed open space, and submit documentation assuring its permanent protection, preservation and maintenance by the city or other responsible entity as approved by the city.

3. That the term "Recreational Corridor" within Section 10.31., J., 3., e, be replaced with "Riparian Buffer".

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 text amendments adding a Town Center Form District Zone (TCFD), along with the necessary cross references (see Attachments A, C and D) is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statutes (KRS) 100.203 (1).

Essential nexus is established within the proposed Form District regulations in regard to the conditions as set forth under KRS 100.203 (1). In response to this, the language of the Form District regulations specifically include the purpose of protecting watercourses and areas subject to flooding, specifying what areas are to be left unoccupied as open spaces, the intensity of uses including setbacks and impervious surface area ratios, as well as requirements that will directly impact major thoroughfares, intersections, and transportation arteries. Other elements include multi-modal connectivity, the creation of usable public spaces by creating recreational opportunities, outdoor amenities and streetscapes, interesting architectural design and access management.

2. The proposed Town Center Form District regulations have been tailored to meet the specific land use recommendations for a portion of Madison Pike (KY 17) as identified within the amended 2001 Area Wide Comprehensive Plan Update. The Town Center Form District regulations were prepared in response to the potential for an identifiable "core" within the area of the intersection of Madison Pike and Highland Avenue. In addition, the proposed Town Center Form District Zone is consistent with the Greenway, Transportation and Implementation recommendations as contained within the amended 2001 Area Wide Comprehensive Plan Update.

3. The proposed text amendments are reasonable and efficient by providing for a streamlined permitting process, enabling applicants to develop “by-right” under the proposed regulations. In addition, the proposed text amendment provides for all land uses, which are existing and in conformance with the Fort Wright Zoning Ordinance at the time of the adoption of the TCFD regulations to be considered permitted uses under the proposed regulations.
4. The proposed text amendments are appropriate by utilizing a prescriptive approach which outlines the design of development visually. The specificity of the regulations is intended to provide clear and concise standards while providing flexibility in the design of development. The proposed regulations are also presented graphically so they may be more readily understood by public, public officials and design professionals.
5. Section 10.31, F., of the proposed text amendments provide a definition of Open Space. Section 10.31., I, 2., provides a slightly different definition which is to be applied to that section of the zoning ordinance. It is therefore recommended that the definition of Open Space within Section 10.31., I, 2., be consistent with Section 10.31., F (Definitions).
6. The proposed text amendments, as submitted, require fifteen (15%) of the buildable area of a development within the TCFD be retained as open space. The proposed regulations provide a number of features that can be classified as open space (i.e. Riparian buffers, landscaped roadway medians, undisturbed hillsides, etc). The regulations also state that where an area is to be preserved as private or common open space, a conservation easement shall be submitted ensuring its permanent protection, preservation and maintenance as a condition for obtaining credit towards the required open space. In response to a legal opinion provided to staff by Mr. Dave Schneider Sr. on February 23, 2006, it was recommended that the dedication of easements for open space be made voluntary defensible by Kentucky Revised Statutes Chapter 100. It is therefore recommended that Section 10.31., I, 2., e., (2), be revised to read as follows:

When an area is to be preserved as private or common open space, prior to the recording of a plat or the issuance of a grading/zoning/building permit, whichever occurs first, the developer and recipient entity **may** apply a recorded conservation easement to the area of the proposed open space, and submit documentation assuring its permanent protection, preservation and maintenance by the city or other responsible entity as approved by the city.
7. The proposed text amendments specify requirements for development alongside Riparian Buffer areas. However, in one section of the proposed text, the proposed regulations refer to the Recreational Corridor. This is an error in terminology, the regulation was intended to refer to the Riparian Buffer areas. It is therefore recommended that the term “Recreational Corridor” within Section 10.31., J., 3., e, be replaced with “Riparian Buffer”.

1804R

APPLICANT: City of Fort Wright per Larry Klein, City Administrator

- LOCATION:** An approximate 238-acre area located along both sides of Madison Pike (KY 17) between Kyles Lane and I-275 in Fort Wright.
- REQUEST:** Proposed map amendments to the Fort Wright Zoning Ordinance changing the described area from IP and I-1 (industrial zones), HOC, CC, NC (commercial zones), OP (an office park zone), R-RE (a residential rural estate zone), and R-1C (P) NC, R-1D (P) OP, R-1D (P) IP (single family residential zones with phased commercial, office, and industrial zones) to TCFD (Town Center Form District) Zone.

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

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment, but only subject to compliance with the following condition:

1. That the proposed text amendments adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the city’s Zoning Ordinance (Application #Z-06-03-01/1803R) be adopted prior to, or simultaneously with, the adoption of this proposed map amendment.

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 is consistent with the Implementation recommendations as contained within the 2001 Area-Wide Comprehensive Plan Update, as amended, which recommends the use of Form District Standards as an alternative land use regulation to conventional zoning regulations. Form District regulations differ from conventional zoning regulations by focusing on the design or “form” of development and not necessarily on use. Form districts promote compatibility of adjacent uses and preservation of desirable elements such as stream corridors and steep slopes. They also address various aspects such as: establishing an identifiable “core” or “town center” that would provide a mixture of uses including shopping, offices and residences as a focal point for several neighborhoods with a high level of roadway, transit, bicycle and pedestrian access and special attention to compatibility of infill and redevelopment of individual and integrated sites.
2. The proposed map amendment is consistent with the Land Use recommendations within the 2001 Area-Wide Comprehensive Plan Update, as amended, which identify the site in question as a Special Development Area. Specific land use recommendations for the area of the site in question are as follows:

Area	Land Use recommendations
7	Retail, office, and residential mixed use to be designed in coordination with

	Areas 8 and 9. This site is a prime retail node location and is to be comprised primarily of small retail and service neighborhood type establishments. This is the best location for additional specialty shops.
8	Part of the “Town Center” in coordination with Areas 7 and 9. This area is recommended to incorporate a mix of uses including retail, office and residential development. However, this area is prime for the location of higher density residential, possibly senior housing, to be designed in conjunction with adjacent areas to provide and permit retail services.
9	This area should be designed in conjunction with Area 8; to include small scale retail, office and residential use mixes. Given the attractiveness of Area 7 for retail development, this area will be more appealing for development if it is coordinated with both Area 7 and 8.
10	This corridor study does not recommend a change for this area at this time but rather recommends that the entire area be identified to be phased and marketed as one site due to its high potential for redevelopment for larger retail and service type facilities such as a sports complex or a movie theatre, with orientation to open space uses identified for Area 4. Topography, access to fiber optic and relatively large size of the site if properties are consolidated, also make this a potential site for high tech business and industrial office, with ancillary retail and service uses.
11	Transit Authority of Northern Kentucky (TANK) facility should be broadened as a regional hub for transit service. Ancillary to this, other compatible and supporting retail and office uses are recommended.
13	This site is prime for retail uses, primarily restaurants, with some potential for “store front” office style development.

The proposed map amendment will allow the area of the site in question to support mixed use development, including a combination of retail and service type facilities, offices, and higher density residential development supported by public transit service. The proposed Town Center Form District (TCFD) Zone will allow such uses to occur as part of a unified development that will serve both nearby residents and visitors to the area.

3. The proposed map amendment is consistent with the Greenway recommendations within the 2001 Area-Wide Comprehensive Plan Update, as amended, which identifies Areas #7, 8 and 9 for hillside protection Areas # 10 and 11 for riparian protection. Areas containing slopes equal to or greater than fifteen percent (15%) are identified as Hillside Protection Areas on the Greenway Map. The proposed map amendment is reasonable and logical by requiring that grading for structures within the site in question be restricted to slopes thirty five percent (35%) or less in order to protect steep slopes during development and protect public health and safety. Areas for riparian protection are identified along the main stem of Banklick Creek within the site in question. The Banklick Creek is the principal watershed in Kenton County and has been officially designated as an impaired waterway by the Commonwealth of Kentucky, with impaired uses being aquatic life and swimming. The proposed map amendment represents a logical attempt to conserve the Banklick Creek by protecting both water quality and quantity with Riparian Buffers, while providing an opportunity for public amenities such as multi-use recreational trails, additional tree plantings, and stream restoration efforts as part of any future development.

4. The proposed map amendment is consistent with the Transportation recommendations within the 2001 Area-Wide Comprehensive Plan Update, as amended, which recommends the following within the site in question:

Non-Traversable Median: The plan recommends that a non-traversable median (also known as a non-mountable median) be constructed along the entire length of Madison Pike within the corridor. The median would extend from the existing median on the bridge over Banklick Creek northward to Howard Litzler Drive. The purpose of this median is to eliminate left-turn movements onto the roadway, except at designated controlled locations.

Cross Access Drives/Frontage Roads: The plan recommends the interconnectivity of land uses that minimize the need to traverse between land uses using the arterial street system. Cross access/frontage interconnectivity must also accommodate pedestrian transportation, either along the roadway or via separate pedestrian/multi-use paths.

Roundabouts: The plan recommends the minimization and/or elimination of signalized intersections. The recommendation to use a non-traversable median throughout the corridor means that several properties will have access to signalized intersections for exiting left-turn movements only via cross-access drives/frontage roads across adjoining properties. To resolve these access issues, this plan is recommending the use of two (2) modern roundabouts within the corridor. One is proposed to be located north of Highland Pike to serve TANK, Lakeview Drive and other properties in the vicinity. The second roundabout is proposed to be located south of Dudley Pike.

The proposed map amendment is reasonable to allow the site in question to be developed while ensuring appropriate access management controls are in place to handle the anticipated increase in both pass-through and traffic seeking destinations from projected new development within the Madison Pike corridor. The proposed map amendment will respond to these identified needs by creating a travel environment that enhances mobility through the corridor for all modes and that will efficiently provide access to all properties within the corridor.

5. The proposed map amendment is consistent with the recommended Form and Function and Implementation Strategy outlining the timing and priority for the area of the site in question. The specific recommendations for the area of the site in question are as follows:

<i>Area</i>	Form and Function	Implementation Strategy
7	These areas are recommended to be the “Town Center” for the corridor. Areas 7, 8, and 9 have potential to be the center of mixed-use lifestyle activity. Basic elements of that include: coordinated access, connectivity, pedestrian oriented environments, shared parking, mixed uses, open space and	Immediate

	outdoor amenities that compliment development, more traditional type buildings that are 2-4 stories in height with interesting facades and that are set closer to the roadway, identifiable landscaping and signage and lighting that are similar in character.	
8	Same as Area 7	Immediate
9	Same as Area 7	Immediate
10	This area is recommended to function in relation to the existing transit center and to benefit from the environmental characteristics. This area is prime for a transit oriented type development that will connect with and compliment the town center. Larger scale development with coordinated access, oriented toward and connected to the Banklick Creek is recommended. Redevelopment should only occur in this area with a well thought out and coordinated plan due to the number of properties involved.	Long term
11	Same as Area 10	Immediate
13	This area is currently mostly developed. Uses in this area affect the overall traffic flow and customer attraction to the corridor and should be incorporated and considered as part of other development	Long term

The proposed map amendment adding the Town Center Form District Zone and associated regulations is a reasonable and appropriate mechanism for achieving the intended form and function of development with the site in question. The proposed map amendment will effectuate these recommended and optimum operations that are expected from implementation and generally meet the timing and priority for each site.

6. The Fort Wright Zoning Ordinance currently does not contain a TCFD Zone. The City of Fort Wright has submitted an application for NKAPC and KCPC review and recommendation on a proposed text amendment to the Fort Wright Zoning Ordinance adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the city's Zoning Ordinance. It is recommended that the proposed text amendment adding a Town Center Form District (TCFD) Zone (Z-06-03-01/1803R) be adopted prior to, or simultaneously with, the adoption of this proposed map amendment.

Following Staff's presentation Mr. Darpel suggested recessing the decision due to the length and complexity of the issue. It was tentatively discussed that a special meeting would be held two weeks from the date of the meeting to ask additional questions and to devote the time necessary to the issue.

Mr. Gene Weaver and Mr. Larry Klein registered to speak in favor of the issue. Mr. Dennis Williams registered to speak against. Mr. Charles Buckloo and Mr. Kent Marcum registered to speak as neutral parties on the issue.

Mr. Weaver addressed the Commission and gave a brief history of the proposal starting back two

years. He stated a lot of work and effort had gone into the project He stated this project came about from the Ft. Wright Vision Committee. He noted this is an opportunity to do something different and unique to Northern Kentucky. He noted there was a market study done as a part of the project which was a vital portion of the project. He stated it is not their intent to hinder any property owner or development but to mesh along with area development. Mr. Weaver stated the issue has been studied to death and feels the Commission received their information on the subject in plenty of time to review all the information. He stated to delay it would not accomplish anything. Mr. Weaver noted they want businesses that will be around a long time in the development. He noted it is a lot of change but stated they have to start somewhere. He further noted they would like to see quality development along Madison Pike similar to the Crestview Town Center. He stated people in the area were invited to the various meetings and focus groups on the matter. He additionally stated this is probably one of the hottest areas for development in Kenton County if not in all of Northern Kentucky. He stated the City of Ft. Wright is the first city to come before the Commission with a form district but de does not feel they will be the last. He then asked the Commission to be open-minded and progressive in their thinking on the matter.

Mr. Klein addressed the Commission and stated this is not an overnight plan for the city and noted it actually started in 2002. He stated there have been 15-20 meeting with regard to the issue. He stated they are trying to raise the bar on development in Kenton County as well and Northern Kentucky. He further stated they feel the proposal is in agreement with the Comprehensive Plan. He noted the city conducted a market study to examine what types of businesses would flourish in the corridor. He then stated they realize there are a lot of requirements in the document but also feel the city has put its money where its mouth is. He then noted they have reduced the amount of parking spaces required and reduced the amount of setback required. Mr. Klein stated they went to great effort to have the businesses existing in the area to be special permitted uses versus non-conforming uses.

Mr. Williams addressed the Commission on behalf of BFW Ltd. He stated he knows the city has spent a great deal of time on the process but he is concerned that he would have to find an additional three acres to go along with his 2+ acres to meet the requirements under the new zone in order to develop it. He noted this would be a practical impossibility. He stated it would require them to provide sidewalks and stated the terrain does not lend itself to this so it would also be a practical impossibility. He further noted to ask the public to address a comprehensive presentation in a 30 minute presentation is questionable due process. He then noted this is probably something that requires more than 30 minutes due to the complexity of the issue.

Mr. Charles Buckloo had nothing to add.

Mr. Marcum addressed the Commission and stated the city has done a marvelous job in looking out for their citizens and this is something the city needs. He stated he has a question as to the 35% grade. He stated he does not want any more development that would jeopardize the existing cut hillsides. He further stated he does not want to see blasting as was done previously because it is not a hillside, it's a small mountain. He noted these were his only concerns.

There was no rebuttal by the city.

There was no rebuttal by Mr. Williams.

Mr. Darpel asked again for additional time to discuss the matter if a quorum is available in two

weeks time. He asked Staff how much time they had to as far as the map amendment is required. Mr. Schwartz indicated they had until 4/27 but would have to meet prior to that date. Mr. Schwartz then questioned whether or not it would be required to notify effected property owners 30 days in advance. Mr. Schneider stated if the matter was tabled you would be required to notify existing property owners. He then stated you could continue that portion of the public hearing and it would be considered a special meeting. A date of 4/19 was discussed to possibly hold the special meeting if a quorum was available. A motion was then made by Mr. Darpel then made the motion to recess the discussion portion of the issue to 6:15 on Wednesday, April 19. Mr. Wessels seconded the motion. The motion was then amended to allowing those who spoke to summarize their statements at the special meeting. A roll call vote on the matter found Mr. Darpel, Mr. Wessels, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wolnitzek and Mr. Wells in favor. The motion carried unanimously.

* At this time (9:00) a ten minute break was taken.

1805R

APPLICANT: The City of Covington per William Moller, Assistant City Manager.
LOCATION: An area within the City of Covington consisting of the following two tracts: an approximate 4,300 square foot area located on the west side of Chesapeake Street between West 12th and 13th Streets, approximately 100 feet south of West 12th Street; and, an approximate 0.5 acre area located at the northwest corner of the intersection of Chesapeake Street and West 13th Street.
REQUEST: A proposed map amendment to the Covington Zoning Ordinance changing the described areas from R-1G (P) (a single-family residential zone with a phased overlay zone) to I-1 (an industrial zone); and, variances reducing the minimum required setbacks.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

Recommendation A:

To approve the proposed map amendment from R-1G (P) to I-1.

Recommendation B:

To approve the requested variances.

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 map amendment from R-1G (P) to I-1 is consistent with the Recommended Land Use Map of the 2001 Area Wide Comprehensive Plan Update which identifies the site in question, as being part of a larger area extending to the north, south, and west, for Industrial uses. The proposed I-1 Zone will allow the development of a variety of manufacturing, compounding, processing, packaging, and assembling uses, along with various other industrial uses.
2. The proposed map amendment from R-1G (P) to I-1 is reasonable and appropriate in that it is consistent with the intent and purpose of the Phased (P) Overlay Zone. The Phased Overlay Zone is used in cases where the time or phasing of the zoning of an area is critical to the implementation of the comprehensive plan. The intent of the phased zoning regulations is to encourage redevelopment of a specified area for the use or density designated on the comprehensive plan when the necessary conditions for such development are realized. The sites in question are currently occupied by commercial and industrial buildings and activities. The proposed map amendment would change the zoning to reflect its current use.

Recommendation B:

1. KRS Chapter 100.203 (5) and Section 158.190 (G) of the Covington Zoning Ordinance empowers the planning commission, when requested by the applicant, to hear and finally decide on applications for variances when a proposed development plan requires a map amendment and one (1) or more variances.

Before any variance(s) is granted, the planning commission, per Section 158.206 (4) of the Covington Zoning Ordinance, must find that the granting of the variances will not adversely affect the public health, safety, or welfare, will not alter the essential character of the area, will not cause a hazard or nuisance, and will not allow an unreasonable circumvention of the zoning regulations. In making these findings the planning commission shall consider the following:

- a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.
 - b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. The sites in question are currently occupied by commercial/industrial structures. Properties located to the north, south, and east of the sites in question are occupied by commercial and industrial uses. While the properties located to the west of the sites in question are currently occupied by residential dwellings, they are anticipated to be redeveloped with industrial uses. As such, the proposed variances: (1) will not adversely affect the public health, safety, or welfare; (2) will not alter the essential character of the

area; (3) will not cause a hazard or nuisance; and (4) will not allow an unreasonable circumvention of the zoning regulations.

3. The I-1 Zone will require a front yard setback of fifty (50) feet and a rear yard setback of seventy-five (75) feet. The lots in question have a depth ranging from approximately ninety-five (95) feet to one hundred five (105) feet. The required setbacks will not provide for a buildable area on the sites in question. Therefore, the proposed variances for building construction are reasonable and appropriate.
4. The proposed variances for off-street parking facilities will be consistent with existing off-street parking facilities in the vicinity of the sites in question. Properties located to the east and south of the sites in question have their off-street parking areas built to the right-of-way line. Therefore, the proposed variances for off-street parking facilities are reasonable and appropriate.

Mr. George Hammond, Mr. Ralph Hopper, Ms. Connie Hammond and Mr. Gary Flannery registered to speak in favor of the issue. No one registered to speak against or neutral on the issue.

Mr. Hopper addressed the Commission speaking for Mr. Hammond. He stated due to the expansion of 12th Street and portions of Mr. Hammond's and Mr. Flannery's businesses being impacted by the expansion they were requesting the map amendment.

All others registered to speak had nothing additional to add.

A motion was then made by Mr. Eilerman to approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Hadley, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Wolnitzek and Mr. Wells in favor.

A motion was then made on the text amendment portion of the issue with regard to the variances. Mr. Eilerman made the motion to approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Hadley, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Wolnitzek and Mr. Wells in favor.

1806R

APPLICANT: Kenton County Planning Commission, per Alexandra K. Weldon
REQUEST: Proposed review and adoption of the Goals and Objectives of the Comprehensive Plan.

Staff presentations and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the proposed goals and objectives (See Attachment A)

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendation:

1. Kentucky Revised Statute 100.187 requires that a comprehensive plan contain a statement of goals and objectives element to serve as a guide for the physical development and economic well-being of the planning unit.
2. Kentucky Revised Statute 100.193 requires that the planning commission prepare and adopt the goals and objectives element to act as a guide for the preparation of the remaining elements of the plan.
3. The goals and objectives are intended to be broad, long-range, and all encompassing in composition. The Comprehensive Plan likens the Goals and Objectives to a "Constitution" - a document which should experience little change over the years, and within which all subsequent lesser laws (in this case, plan elements) should be based and kept current.
4. It is the intent of the proposed goals and objectives to cover those fundamental issues pertaining to the physical development and the economic well-being of both the Incorporated and Unincorporated areas of Kenton County. The area-wide approach of the Comprehensive Plan recognizes that each individual legislative jurisdiction is not responsible for accomplishing each goal and objective statement. However, working collectively through the Kenton County Planning Commission, the Northern Kentucky Area Planning Commission and other cooperative ventures, all legislative jurisdictions within the planning unit will work toward accomplishing these proposed goals and objectives during the planning period.
5. At their March 22, 2006 meeting the Northern Kentucky Area Planning Commission determined that the goals and objectives used in the 2001 Area-Wide Comprehensive Plan Update were still valid and adopted Resolution 803, readopting the Goals and Objectives Element for the 2006 Area-Wide Comprehensive Plan Update.

Additional Information

Pursuant to Kentucky Revised Statute 100.197, "... if the goals and objective statement is not proposed to be amended, it shall not be necessary to submit it to the legislative bodies and fiscal courts for action ...".

There was no one present that registered to speak for, against or neutral on the issue. Mr. Wessels made the motion to approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hadley, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wolnitzek and Mr. Wells in favor. The motion carried.

*Mr. Whitacre recused himself from any consideration and voting due a conflict with his employer with the following issue.

1807R

APPLICANT: City of Independence, per Patricia H. Taney
REQUEST: A proposed text amendment to the Independence Zoning Ordinance adding regulations for retirement communities.

Staff presentations and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the proposed text amendment, but only subject to compliance with the following conditions:

1. That the following be deleted from subsection G.: ‘This 20% common open space shall not be included in the acreage of the proposed community development in calculating the density requirements of the applicable zoning districts.’
2. That the phrase ‘as deemed appropriate by the city zoning administrator’ in subsection H., 3. be deleted.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendation:

1. The proposed text amendment adding regulations for retirement communities is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1).
2. The proposed text amendment adding regulations for retirement communities, except as noted under conditions, is reasonable and appropriate.
3. As proposed, subsection G. requires a minimum of twenty (20) percent of a site be retained as open space. This is similar to other flexible zoning districts, namely the Planned Unit Development (PUD) Overlay Zone. Subsection G. also states that this twenty (20) percent open space shall not be allowed to be counted towards the maximum density of the site. This is different than the other flexible zoning districts. The PUD Zone allows the area of the open space to be used in calculating the maximum density of a site. Additionally, traffic generation for senior housing is lower than that of other residential dwelling types. The following provides a comparison of dwelling types and trip generation.

Dwelling Type	Trip Generation (trips per dwelling unit)
Detached single-family	9.57
Apartments	6.72
Townhouses/Condominiums	5.86
Senior Housing	3.71

Given the existing use of open space for calculating maximum density within the PUD Zone, along with the lower trip generation for senior housing, it appears reasonable to

allow the open space within a retirement community to be counted towards calculating maximum density.

4. As proposed, subsection H., 3. states that screening shall be provided, as deemed appropriate by the city zoning administrator. In subsection D., the Stage II Development Plan is approved by the planning commission's duly authorized representative. All screening and landscaping will be required to be shown on the Stage II Development Plan. The zoning administrator does not have the authority to override the decision of the planning commission's duly authorized representative. Therefore, it is recommended that the phrase 'as deemed appropriate by the city zoning administrator' in subsection H., 3. be deleted.

Additional Information:

1. It must be noted that the proposed text amendment would allow the development of a retirement community within any of the Residential (R) Zones, provided that it is listed as a permitted use. The submitted text amendment only adds the regulations for retirement communities and does not include their provision within any specific zoning district. The city will have to submit another text amendment application adding retirement community to the list of permitted uses within a specific residential zoning district.

Mr. Jay Bayer registered to speak in favor of the issue. No one registered to speak against or neutral on the issue.

Mr. Bayer addressed the Commission and distributed a handout with regard to the issue which. The handout was then marked as an exhibit and made a part of the record on the matter. Mr. Bayer stated the only recommendation they would like to add was under parking regulations. He then noted they were recommending one parking space per two employees.

After a brief discussion on the matter Ms. Snyder made a motion to approve along with the additional request as to parking as per the handout distributed. Mr. Ryan seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. Ryan, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Ms. Hood, Mr. Tewes, Mr. Wessels, Mr. Wolnitzek and Mr. Wells in favor. Mr. Whitacre recused himself prior to any vote being taken. The motion carried.

1808R

APPLICANT: City of Covington, per Aaron Wolfe-Bertling
LOCATION: The area bounded by West 12th Street, Main Street, Pike Street, Lee Street, West Robbins Street, and the alley between Banklick Street and Russell Street, Covington
REQUEST: Review of the proposed Covington CARD Zone South Redevelopment Plan, a Chapter 99 Plan (KRS 99.020)

Staff presentations and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

The Covington CARD Zone South Redevelopment Plan is generally consistent with the 2001

Area Wide Comprehensive Plan Update.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendation:

1. A number of issues were identified in the Covington CARD Zone South Redevelopment Plan, including socio-economic and building and structural deficiencies. In light of these issues, the redevelopment of the development area is necessary to effectuate the public purposes declared in KRS 99.020.
2. The general purpose of the Covington CARD Zone South Redevelopment Plan is to: (1) improve residential opportunities in the corridor to attract people to an urban environment who will own and maintain homes; (2) build upon the natural strengths of the historic housing stock; (3) provide a basis of support to the ongoing redevelopment of Pike Street and Seminary Square; and (4) allow for continued public participation in the development of the corridor. The purpose of the plan is consistent with the Goals and Objectives Element of the 2001 Area Wide Comprehensive Plan Update.
3. The Covington CARD Zone South Redevelopment Plan is generally consistent with the Recommended Land Use Map of the 2001 Area Wide Comprehensive Plan Update.
4. The Covington CARD Zone South Redevelopment Plan identifies implementation steps for the first five years of redevelopment activities. The steps by which the development is proposed to be undertaken are practical and appear to be in the public interest.
5. The Covington CARD Zone South Redevelopment Plan appears to meet the requirements set forth in KRS Chapter 99.
6. Considering all of the aforementioned factors, the carrying into effect of The Covington CARD Zone South 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.

Mr. Aaron Wolfe-Bertling registered to speak in favor of the issue. No one registered to speak against or neutral on the issue.

Mr. Wolfe-Bertling addressed the Commission and stated Staff did an excellent job regarding the issue. He stated they are hoping to build new units and attract owner occupants back to the neighborhood. He stated with the 12th Street project finally moving forward they city is seeing renewed activity and interest in the area. Mr. Wolfe-Bertling stated all property owners had been notified as part of KRS requirements. He further noted a notice was additionally posted in the paper as well as on the web.

Following a brief discussion on the matter Mr. Eilerman made the motion that the proposal is generally consistent with the Comprehensive Plan. Mr. France seconded the motion. A roll call

vote on the matter found Mr. Eilerman, Mr. France, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Hadley, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wolnitzek and Mr. Wells in favor. Mr. Wessels voted against. The motion carried.

*Mr. Whitacre recused himself from any consideration and voting due to a conflict with his employer.

1809R

- APPLICANT:** Kyles Lane Development, LLC, per Chris Montello, on behalf of Robert B. Kennedy, III.
- LOCATION:** An approximate 3.3-acre area located along the northeast side of Kyles Lane, between Madison Pike and Valley Drive, approximately 700 feet northwest of Madison Pike, in Covington.
- REQUEST:** A proposed map amendment to the Covington Zoning Ordinance changing approximately 1.4 acres of the described area from R-1C (a single family residential zone) to R-2b (a two and multi-family residential zone).

Staff presentations and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from R-2b.

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 R-2b is consistent with the Goals and Objective Element of the 2001 Area-Wide Comprehensive Plan Update, as it pertains to residential development. The specific goals and objectives are as follows:

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.

The proposed R-2b Zone will allow the development of two and multi-family residential dwellings within an area characterized by scattered single-family residential dwellings.

2. The proposed map amendment from R-1C to R-2b is consistent with the Residential Development Concepts, as contained within the 2001 Area-Wide Comprehensive Plan Update. The specific development concepts are as follows:

A variety of residential densities is desirable.

Various densities would accommodate a variety of housing types to serve a variety of economic and social desires and capabilities.

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

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

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

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

Multi-family residential development should occur in areas which: (a) are located near activity centers or major access ways; and (b) are desirable for residential development, but are characterized by topographic problems, unusual shape, or otherwise unsuitable for single-family residential development.

Such a concept would afford a greater number of people immediate access to activity centers and major streets, would reasonably assure that undue traffic volumes will not be drawn through lower density type development, and would provide for the utilization of "difficult to develop" parcels of land.

The site in question is proposed to be developed with 30 townhome style condominiums at a density of approximately 9.1 dwelling units per net acre. This density would provide a variety not found in the general vicinity of the site in question.

The northeast portion of the site in question, along with areas located to the north and east of the site, is currently zoned R-2b. The proposed map amendment for the southwest portion of the site will allow the entire site to be developed under a single unified zoning district.

The site in question is located approximately 700 feet northwest of Madison Pike, a major north/south arterial roadway, and is characterized by hillsides with slopes ranging from 20 to 30 percent. Typical detached single-family residential development would necessitate massive grading of the site. Development under the proposed R-2b Zone will allow larger pads to be graded for buildings, thus reducing the overall grading of the site.

Mr. Chris Montello, Mr. Stephen Mecherle, Mr. Rod Sabo and Mr. Steve Smith registered to speak for the issue. Mr. Jesse Bramble, Ms. Rosemary Kerr, Mr. Gary Schnell and Mr. Tom Kerr registered to speak against. Ms. Sandy Mineman registered to speak as a neutral party.

Mr. Montello addressed the Commission representing Kyles Lane Development. He noted they are small development firm in Covington. He stated this is a project they are excited about for a number of reasons but mainly to preserve the area and enhance the area around it. He stated they are trying to create a nice environment for all neighbors as well as increase home ownership in the area.

Mr. Mecherle addressed the Commission and stated he was available to answer any questions.

Mr. Sabo addressed the Commission and stated he was the designer on the project. He noted he would like to reserve any questions or comments for rebuttal.

Mr. Smith addressed the Commission and noted he had nothing to add except under rebuttal.

Mr. Bramble addressed the Commission and noted he lives directly across from the piece of property in question. He noted he's lived there since 1952. He further indicated the driveway is directly across from his driveway. He stated there is still a lot of traffic in the area even with widening Highland. He noted the people coming down the hill are coming at such a high rate of speed that he has to turn his signal on at the curve just so he can get in his driveway. He then stated the development is going to endanger him and his family. He further noted when it snows they close the road at times. Mr. Bramble stated people coming in from other areas and not being used to the road will be difficult.

Ms. Kerr stated she had nothing to add.

Mr. Schnell addressed the Commission and stated he has difficulties getting in and out of his property. He further noted there are a lot of springs in the area and there are drainage problems. He noted they had difficulty building their home and can't see how the developer will build that many homes there.

Mr. Kerr addressed the Commission and asked where the development is going to get their sewer line. He stated he can't see putting that many people up there. He noted there is water everywhere.

Ms. Mineman addressed the Commission and stated she owns the property directly next to the development. She stated she doesn't think there is enough area to build there. He further stated there is a lot of underground water and a lot of water coming down Kyles Lane.

Mr. Sabo addressed the Commission in rebuttal and stated the configuration and location of the development is so they can access the existing sewer line. He stated the sewer line was approved as part of an earlier application. He also noted the configuration and location of the development is to work with the existing grading that was done. He noted as part of any development they are required to have storm water retention and feel it will actually improve the conditions that exist now. He stated the property could be further subdivided and more driveways and curb cuts added. He noted they are widening the driveway to allow for cars to stack and have room to back up and turn around. He noted a geo tech was done and submitted as part of a past development

and used for this development. He further noted part of the requirements call for additional geo tech studies as part of their development.

Mr. Schnell addressed the Commission in rebuttal and questioned the geo tech that was done. He stated to have 100 or so cars coming in and out of that property is going to cause problems. He stated the driveway is not the easiest driveway to get out of. He further stated this is his concern because there will be a lot of people using it.

Following discussion on the matter Mr. Eilerman made the motion to approve based on Staff recommendations and findings. Mr. Wessels seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Wessels, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Ms. Hood, Mr. Tewes and Mr. Wells in favor. Mr. Hadley, Mr. Ryan, Ms. Snyder and Mr. Wolnitzek voted against. Mr. Whitacre withdrew. The motion carried.

*At this time (11:15) a short break was taken.

1810R

- APPLICANT:** One Eleven Developers, LLC, per James J. Bertram, Jr. on behalf of Daniel J. Zalla, Bernard J. Rice, and Marily Rice.
- LOCATION:** An approximate 63-acre area located along the north side of Mount Zion Road, approximately 800 feet west of Bristow Road in Independence.
- REQUEST:** A proposed map amendment to the Independence Zoning Ordinance changing the described area from R-1C (a single-family residential zone) to R-1C (PUD) (a single-family residential zone with a planned unit development overlay zone).

Staff presentations and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To disapprove the proposed map amendment from R-1C to R-1C (PUD).

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 R-1C (PUD), as proposed in the submitted Stage I Development Plan, is not consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre and as a Physically Restrictive Development Area (PRDA). The submitted development plan provides for approximately 26 acres (41% of the total site) and approximately 162,000 square feet devoted to commercial uses. The adoption of the proposed map amendment, along with the submitted Stage I Development Plan, will allow a large amount of commercial development to occur within an area recommended for residential uses.

2. The proposed map amendment from R-1C to R-1C (PUD), as proposed in the submitted Stage I Development Plan, is not consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies a Community Service Area at the intersection of Bristow Road with Richardson Road, approximately 1.25 miles north of the area in question. It is within this area that the comprehensive plan recommends concentrating commercial development. The adoption of the proposed map amendment, along with the submitted Stage I Development Plan, will place a hardship on the redevelopment efforts within the area of the Bristow Road/Richardson Road intersection. Therefore, the proposed R-1C (PUD) Zone is inappropriate.
3. The existing R-1C Zone is appropriate. The Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update identifies the site in question for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre and as a Physically Restrictive Development Area (PRDA). The existing R-1C Zone permits the development of detached single-family residential dwellings on a minimum lot area of 12,500 square feet (approximately 3.5 dwelling units per net acre).
4. There have been no major changes of an economic, physical, or social nature within the vicinity of the site in question which have substantially altered the basic character of the area since the adoption of the 2001 Area-Wide Comprehensive Plan Update.
5. The submitted Stage I Development Plan meets the minimum requirements of the Independence Zoning Ordinance, except for the following:
 - a. Section 10.12, E. states that commercial uses are allowed within a PUD, provided they are intended primarily for the service and convenience of residents of the PUD. The submitted Stage I development Plan indicates approximately 26 acres (41% of the total site) and approximately 162,000 square feet devoted to commercial uses. This intensity is more common in a neighborhood shopping complex rather than one for 93 dwelling units.
 - b. Section 10.12, H. states that setback requirements shall be as approved in the plan. The submitted Stage I Development Plan does not indicate minimum side yard setbacks for the detached single-family residential lots.
 - c. Section 10.12, J. states that fences and walls shall be as approved in the plan. The submitted Stage I Development Plan does not provide sufficient detail to determine what fences and walls would be allowed.
 - d. section 10.12, J. states that signs shall be as approved in the plan. The submitted Stage I Development Plan provides for the following signs:

Residential Area	a minimum of 7 ground mounted signs
	3 signs at a maximum of 60 square feet each
	4 signs at a maximum of 40 square feet each
Commercial Area	a minimum of 2 ground mounted signs
	1 sign at a maximum of 100 square feet
	1 sign at a maximum of 40 square feet

Façade signs at a maximum of 40 square feet each

The submitted Stage I Development Plan does not indicate the maximum height of such signs.

Currently, the largest sign allowed within a residential zone is twenty-five (25) square feet and within a commercial zone is sixty (60) square feet.

- e. Section 11.3, A. states that at those access points where vehicles turning to and from the arterial and collector street will affect the roadway capacity, reserved turn lanes shall be constructed by the developer. The submitted Stage I Development Plan indicates the construction of a public street onto Mount Zion Road. The submitted Stage I Development Plan does not indicate any turn lanes at this proposed curb cut.
- f. Section 11.3, F., 1., a. states that unsignalized access points on arterial streets shall be spaced a minimum distance of six hundred (600) feet apart. The submitted Stage I Development Plan indicates a proposed curb cut serving the commercial area approximately 500 feet west of an existing curb cut on Mount Zion Road serving a single-family residential dwelling.

Additional Information:

- 1. While the NKAPC staff has recommended disapproval of the proposed map amendment, should the planning commission or the legislative body take action to approve the proposed map amendment, the following conditions should be included in that action:
 - a. That side yard setbacks for the detached single-family residential lots shall be a minimum of twenty (20) feet with one side being no less than seven (7) feet.
 - b. That fences and walls within the detached single-family residential area be as provided for under the R-1C Zone.
 - c. That fences and walls within the multi-family residential area be as provided for under the R-2 Zone.
 - d. That fences and walls within the commercial area be as provided for under the NC Zone.
 - e. That signs within the detached single-family residential area be as provided for under the R-1C Zone.
 - f. That signs within the multi-family residential area be as provided for under the R-2 Zone.
 - g. That signs within the commercial area be as provided for under the NC Zone.

- h. That an exclusive right turn deceleration lane and an exclusive left turn storage lane be provided at the intersection of the new public street with Mount Zion Road.
- i. That the curb cut serving the proposed commercial area be located a minimum of six hundred (600) feet from any other unsignalized curb cut.
- j. A pedestrian connection shall be provided between the end of the proposed cul-de-sac street and the commercial area.

Mr. Wells read a letter into the record from Mr. Tim and Kathy Kappas with regard to the issue. The letter was then marked as an exhibit and made a part of the record on the matter.

Mr. Tim Theissen, Mr. Jim Bertram and Mr. Darrin Eyre registered to speak in favor. Mr. Larry Brooks, Ms. Jane Smith, Ms. Amy Mullins, Mr. James Turner, Mr. George, Mr. Marvin Smith, Ms. Cindy Voeker, Mr. Tim Kappas, Mr. Wisenflum, Ms. Shaeffer and Ms. Gayle Holten registered to speak against. Mr. Scott Olten and Mr. Henry Martin registered as neutral parties.

Mr. Theissen addressed the Commission representing One Eleven Developers. He stated the largest building is probably set to be a grocery store. He outlined the other various commercial developments to be located in the area. He stated the project is to be located at the intersection of two major arterial roads. Mr. Theissen stated 536 is the reason this development is being done and the development is dependent upon the widening of 536. He also noted the area is in the heart of the fastest developing areas of Kenton County where there is incredible growth off of Mt. Zion Road. He then distributed a handout with regard to the development which was marked as an exhibit and made a part of the record. Mr. Theissen stated the area of commercial development will be a large, basically flat are. He further noted the area needs commercial development. Mr. Theissen stated there is no rule that says you can't build this much commercial development in an area. Mr. Theissen then stated when you look at the Comprehensive Plan you will find it is in compliance. Mr. Theissen then noted they are in agreement with every condition that Staff recommended with the exception of condition "j". He noted this condition is simply not practical as to putting in the pedestrian walkway. He then noted it is a 3-1 slope in that area it is just not practical.

Mr. Bertram addressed the Commission and stated the city needs a commercial development base to support the fire and city expenses, etc. He stated they are building a community, not just a subdivision and that is the point of the PUD.

Mr. Kappas addressed the Commission and stated one of the biggest concerns is there are only 34 homes on the street. He stated there are 30 children on the street and out of those 21 are under the age of 10. He then asked that the traffic be redirected from their community. He noted this is a nice community and stated they are separate from Beechgrove. He further noted that Timber Lane is basically going to be butted between two developments with smaller homes. He stated the sidewalks going in are great but asked that the commercial development be kept away. He then asked for a rejection of the request primarily for the safety of the children of Timber Lane. Mr. Brooks addressed the Commission and stated there is a subdivision going in behind him now that has no restrictions. He stated they bought into the community where no more than five homes could be built that were similar.

Ms. Smith addressed the Commission and stated a concern is the commercial development. She noted they have two Remkes, a Kroger and a Sav A Lot store within the area. She then noted this development will overburden the police and fire departments. She also noted she agrees with the previous statements of those against.

Ms. Mullins addressed the Commission and stated she echoes everything her neighbors are saying. She stated her family moved there nine years ago with their four young children and they moved there because of the safety of the community. She stated she is concerned about the schools and noted her children have already been redistricted two times and does not want to go through that again.

Mr. Turner addressed the Commission and stated he agrees with his neighbors. He stated his concerns with the street being right behind their home.

Mr. Weisenflum addressed the Commission and stated the traffic situation is a major concern. He noted the intersection is already a problem and he can see people cutting through Timber Lane. He cited additional concerns with the safety of the children. He noted it is too much development for the area right now.

Ms. Holten addressed the Commission and stated they have lived there 20 years and knew there would be development some day. She stated she is concerned with the commercial development. She further noted they have plenty of grocery stores in the area and one Remke went out of business because it couldn't be sustained. She then stated if retail must be developed why not something that looks like a community instead of something that has a huge parking lot with box retail. She also noted problems with water runoff and sited concerns with water if too much topography is moved.

Mr. Holten addressed the Commission and stated the real issue is the appropriateness of the request. He stated using the PUD as an overlay appears to be commercial re-zoning. He stated the request is not consistent with the Comprehensive Plan and stated on that basis he is asking for disapproval.

Mr. Martin addressed the Commission and stated eight years ago it took him 15 minutes to get to his farm in Boone County. He stated it now takes him 45 minutes. He further stated the roads will not support what's going on now in the area. He also added what should be built is \$500,000 homes, not the small ones proposed. He further stated they don't need any more Krogers or more retail in the area.

Mr. Theissen addressed the Commission in rebuttal and stated when Timber Lane was built the street stub was there because it's good planning. He stated the interconnection is required. He further noted they showed it on the plan because it is required. He additionally noted this is a concept plan and at some point it will come back regarding the street stubs. He further stated they don't care if the street stub is there or not from a development standpoint but they did it because they are required to. He then stated he feels there is a commercial need in the area and the market is there.

Mr. Wolnitzek stated he has a real problem with sneaking the commercial in with the residential. He stated this scale of commercial development under a residential zone is inappropriate. Mr.

France then stated he felt you should stay true to the zone and this is the wrong place for the development.

Those against stated in rebuttal that they would not object to more upscale homes. He stated they are envisioning being sandwiched between two subdivisions. He further noted they don't need another grocery store and reiterated that one closed down a mile down the road because it couldn't be supported.

Mr. Wessels stated this does seem like a logical site of this development. He stated you have to look to the future. Mr. Hadley stated Independence needs commercial development. Mr. Darpel stated he is in favor of the mixed use but feels it is too much right now. He then stated he understands what they're trying to do but doesn't feel it's in compliance with the Comprehensive Plan.

Mr. France then made the motion to deny based on Staff's report and recommendations and that it is not in compliance with the Comprehensive Plan. Mr. Darpel seconded the motion. A roll call vote on the matter found Mr. France, Mr. Darpel, Mr. Barnett, Mr. Eilerman, Mr. Ryan, Mr. Tewes, Mr. Wolnitzek and Mr. Wells in favor. Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Ms. Hood, Ms. Snyder, Mr. Wessels and Mr. Whitacre voted against. The motion was tied with an 8-8 vote. Mr. Tewes then made the motion to approve with the condition of eliminating the street stub to Timber Lane. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Tewes, Ms. Snyder, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Ms. Hood, Mr. Ryan, Mr. Wessels and Mr. Whitacre in favor. Mr. Barnett, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Wolnitzek and Mr. Wells voted against. The motion carried with a vote of 10-6.

1811R

APPLICANT: One Eleven Engineering and Surveying, PLLC, per James J. Bertram, Jr., on behalf of Florence R. Cahill, Trustee.

LOCATION: An approximate 7.5-acre area located along the west side of Hudson Avenue, between Dixie Highway and Flower Court, approximately 300 feet north of Dixie Highway in Lakeside Park.

REQUEST: A proposed map amendment to the Lakeside Park Zoning Ordinance changing the described area from R-1BC (a single family residential zone) to R-1C (a single family residential zone).

Staff presentations and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from R-1BC to R-1C, but only subject to compliance with the condition that the density of the site in question not exceed 2.0 dwelling units per net acre.

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-1BC to R-1C, subject to the condition that the density of the site in question not exceed 2.0 dwelling units per net acre, 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 of 2.0 dwelling units per net acre and Under, Community Facilities – Recreation and Open Space, and Water. As conditioned, the proposed R-1C Zone would allow the development of detached single-family residential dwellings at a maximum density of 2.0 dwelling units per net acre.
2. The proposed map amendment from R-1BC to R-1C, subject to the condition that the density of the site in question not exceed 2.0 dwelling units per net acre, is consistent with the density of development within the vicinity of the site in question. The area in the vicinity of the site in question has been developed with detached single-family residential dwellings at a density of approximately 1.4 dwelling units per net acre.
3. The use of the R-1C Zone is appropriate. Approximately 2.7 acres (36%) of the site in question is covered with water. The following provides a comparison of the minimum lot area and setbacks between the existing R-1BC Zone and the proposed R-1C Zone:

R-1BC	R-1C	
Minimum Lot Area	15,000 square feet	12,500 square feet
Minimum Lot Width	100 feet	70 feet
Minimum Front Yard Setback	30 feet	30 feet
Minimum Rear Yard Setback	25 feet	25 feet
Minimum Side Yard setback	15 feet	10 feet

Given the fact that approximately one third of the site in question is covered with water, the site can be more advantageously developed using the lesser area and setback requirements provided for in the R-1C Zone.

Mr. Wells read a letter into the record from Barbara Rettig with regard to the issue. The letter was then marked as an exhibit and made a part of the record. Mr. Schwartz additionally noted the mayor called late to say that he would not be able to attend due to a family emergency.

Mr. Tim Theissen, Mr. Darrin Eyre, Mr. Mike Cahill, Mr. Jim Bertram and Mr. Joe Heil registered to speak in favor. Mr. Steve Schuller and Ms. Betsy Deis registered to speak against. Mr. Tony Clark and Mr. George Best registered as neutral parties.

Mr. Theissen addressed the Commission and distributed a handout showing the conceptual idea of the project. It was then marked as an exhibit and made a part of the record on the matter. He noted the project consisted of nine homes. He noted the homes will maintain a uniform architecture and the lake will be preserved. He then noted they are in agreement with Staff's recommendations and conditions.

Mr. Heil addressed the Commission and stated they own Barleycorn's, the adjoining property and they are in favor of the project.

Mr. Schuller addressed the Commission and stated he is in favor of the project.

Ms. Deis addressed the Commission and stated she is in favor of the project.

Mr. Clark addressed the Commission and stated he is across the street from the development. He cited concerns with the possibility of a lot of driveways into the development. He stated there are four new driveways off of Hudson along with Barleycorn's and this seemed like a lot for such a small street. He then noted the driveway is only going to be about ten feet from the other person's driveway. He asked if the lake was going to be filled in.

The remaining registered speakers had nothing to add.

Mr. Theissen addressed the Commission in rebuttal and noted that there are actually common driveways so there've been minimized.

Mr. Clark addressed the Commission in rebuttal and asked if it has to be single family or if it can change to condos later. The applicant stated it has to be single family.

Mr. Darpel then made the motion to approve based on Staff's report. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Darpel, Mr. Hadley, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Wolnitzek and Mr. Wells in favor. The motion carried unanimously.

Old and Unfinished Business:

Reports from Committees:

Subdivision Regulations Review –Nothing to report.

By-Laws – Nothing to report.

Model Zoning Ordinance – Nothing to report. Mr. Wessels asked if everyone had received his report.

Executive- Nothing to report.

Report from legal counsel – Mr. Schneider stated his concerns with the length of the meetings. He either suggested limiting the number of items on the agenda to limit the length the meetings have been going. He stated due process cannot be held until 2 a.m. and noted the Commission needs to be very careful with being sued by people leaving the meetings or not being allowed their due process. A brief discussion was had as to how the Commission might be able to remedy the matter. It was suggested that the By-Laws or Executive Committee should possibly look into the matter and the possibility of limited the number of items on the agenda each month.

Announcements from Staff – Mr. Schwartz noted the continuing education seminar will be held on April 20th from 6:15-7:45.

Correspondence -

Mr. Wells noted a letter had been received from Christine Meadows. He noted she stated she has lived on Kentucky 17 since 1963 and is concerned about retention and flooding on a regular basis. In her letter she cited concerns with water runoff and flooding. She also enclosed a newspaper article from March 8 with regard to flooding in the area.

New Business: *None.*

There being nothing further to come before the Commission, a motion was then made by Ms. Snyder and seconded by Ms. Hood to adjourn. All in favor. None opposed. The meeting then adjourned at 1:50 a.m.

Chair

Date