

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Ms. Weldon, Chair, called the meeting to order at 6:15 PM on Thursday, July 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	X	X	X					
Barbara Carlin	Kenton Co	X	X	X	X	X	X	X					
Barry Coates	Covington	X	X	X	X	X	X	X					
James Cook	Kenton Co	X	X	X	X			X					
Paul Darpel	Edgewood	X	X	X	X	X	X	X					
Chuck Eilerman	Covington	X	X	X	X	X	X	X					
Tom France	Ludlow	X	X	X	X	X		X					
Al Hadley	Elsmere	X	X	X	X	X	X	X					
David Hilgeford	Villa Hills	X	X	X		X							
Lynn Hood	C'view Hills		X	X	X	X		X					
Phil Ryan	Park Hills	X	X	X	X	X	X	X					
Maura Snyder	Indepndnce	X	X	X	X	X	X	X					
Paul Swanson, Treas	Erlanger	X		X		X	X	X					
Joe Tewes	Bromley	X	X	X	X	X	X	X					
Alex Weldon, Chair	Covington	X	X	X		X	X	X					
John Wells, Vice Chair	Ft Mitchell		X	X	X	X		X					
Bernie Wessels	Cres Spgs	X	X	X	X	X	X						
Gil Whitacre	Lakeside Park	X	X	X	X	X	X	X					
Rick Wolnitzek	Fort Wright		X	X	X	X	X	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 Scott Hiles, Deputy Director for Infrastructure Engineering.

AGENDA:

There were no changes noted to the evening's agenda. Mr. France then made that motion to accept the agenda as proposed. Ms. Snyder seconded the motion. All in favor. None opposed.

APPROVAL OF THE MINUTES:

The minutes for June were distributed in the Commissioner's packets. There were no comments or changes. Mr. Eilerman made the motion to accept the minutes. Mr. Hadley seconded the motion. A roll call vote on the motion 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. Whitacre, Mr. Wolnitzek, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. The motion carried.

FINANCIAL REPORT:

Mr. Hadley asked about the miscellaneous expenses in regard to the financial report. Ms. Weldon stated those expenses were for the cell tower RF report. A motion was then made by Mr. Hadley to approve. Mr. Swanson seconded the motion. 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:

1822R

APPLICANT: City of Covington, per Jay Fossett.

REQUEST: New zoning ordinance (text and official zoning map) for the city of Covington.

Staff presentation and recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the proposed zoning ordinance, text and map.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. The proposed text contains the minimum requirements of Kentucky Revised Statutes (KRS) 100.230(1).
2. The proposed zoning text is reasonable and provides for a means of implementing the adopted comprehensive plan.
3. The proposed zoning map is generally consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update.

Mr. Jay Fossett and Mr. Frank Warnock registered to speak in favor of the issue. Ms. Susan Ward, Ms. Alma Puissegur, Mr. B.J. Combs, Ms. Lisa Wilson, Ms. Mary Jane Combs, Ms. Kim Mains, Mr. Joe Mueller, Mr. Dan Burr, Ms. Sandy Arnold, Ms. Faye Mueller, Mr. Clyde Arnold, Mr. James Vaughan and Mr. Terry Lanhan registered to speak against. Mr. Barry Johnson and Ms. Sherry Karan and Ms. Hand registered as neutral parties on the issue.

Mr. Jay Fossett addressed the Commission and stated the project has been four years in the making. He stated a nationally known firm, Duncan and Associates, was hired to evaluate the proposal. Mr. Fossett stated the new zoning code reduces the number down from 49 to 33 which is a more manageable number. He noted the zoning code allows for infill housing which the previous zone did not. He noted it also allows for the placement of businesses such as tattoo parlors, checking cashing establishments, etc. to be located in one area versus spread throughout the city. He stated the downtown area needed its own professional code and this zone allows for that as well.

Mr. Frank Warnock addressed the Commission and stated Covington has a unique series of provisions in its code that allows for the sale of alcohol at certain times. He stated in most instances where an entity wants to sell alcohol until 2:30 they have to go before a separate board. He stated this is a unique situation because he's never seen a city where you have to go before the board of adjustment for a 1 a.m. license or a 2:30 a.m. license. He stated the new zone would do away with that. He further stated the review process would be removed from the board of adjustment and reviewed administratively. He stated Staff was always professional and responsible and the Commission is blessed to have such a professional staff. He also noted he received letters prior to the meetings that he was asked to submit in support of the zone change. He stated he had not read them but assumed they were in favor of the zone change. Ms. Weldon noted there were thirteen letters which would be marked as exhibits and made a part of the record.

Ms. Susan Wood addressed the Commission in opposition and stated she was told there were no changes to the text that would affect the community aspect of the Mainstrasse area. She stated she does not feel it is in the best interest of Covington to change the text with regard to this area. She noted she was present at the meeting as a resident, taxpayer and citizen of Covington. She noted she was confused as to why the city is moving away from the current zoning format in wanting to change the zoning. She further noted she is concerned because the infrastructure does not support the Mainstrasse area as it exists. She stated she supports managed growth and looks to the officials to encourage this. She stated she does not feel it is in the best interest of Covington to make these changes. She then distributed a handout which was marked as an exhibit and made a part of the record.

Ms. Alma Puissegur addressed the Commission in opposition and stated she lives in the Mainstrasse area. She stated a great deal of crime she prosecuted came from bars. She stated she no longer prosecutes but listed various organizations and positions she served and held within the city of Covington. She noted she was unimpressed with the meetings held on the issue because she was uninformed and unfamiliar with the city and city streets. She stated one of the new permitted uses is breweries. She stated this would be allowed in a city with single family housing. She noted this is one of the most polluting types of uses in the country. She then stated they oppose these types of permitted uses within the city. She further noted the citizens need to remain actively involved in these types of businesses. She stated they want to live in a mixed use city but one that says no to certain uses. She further noted having more bars with a skeletal police department as Mr. Fossett was quoted as saying, is not good planning. She then noted she is asking for disapproval because of these points.

Mr. B.J. Combs addressed the Commission in opposition and stated he and his wife moved to the neighborhood almost two years ago. He stated they love the area but it is not without problems. He stated the area is saturated with establishments that provide alcohol. He noted the proposed zoning is a very, very bad idea because it removes the citizens input on the issue. He stated he sincerely hopes the Commission will recommend that the zoning continues to keep those establishments that serve alcohol as a conditional use versus a permitted use. He then submitted his outline as an exhibit which made a part of the record on the matter.

Ms. Lisa Wilson addressed the Commission in opposition and stated her issues are with changes to the TSC zone. She stated her home with the proposed zoning will be a permitted use for taverns. She stated the code should remain as permitted uses versus as a conditional use. She noted she doesn't understand the changes because last July it was proposed that taverns be allowed as a conditional use and are now being proposed as permitted uses. She then noted it's almost as if the city is wanting to kick out residents from the Mainstrasse area by making residential conditional versus permitted and the taverns permitted versus conditional.

Ms. Combs addressed the Commission in opposition and stated she would briefly like to comment on what it would mean to not be able to comment in a public forum on certain issues. She stated she greatly appreciates having a public forum in which to speak. She noted to remove certain issues from a public forum and make it administrative bothers her. She asked that the Commission become greatly familiar with the issues before making a decision.

Ms. Mueller addressed the Commission in opposition and stated the law provides the neighborhood with a safe environment. He stated there are too many bars in the area. He noted the microbrewery will be right next to Goebel Park. He further noted this is a residential neighborhood and there are children in the area. He additionally a police officer is not seen on his street unless one is called.

Mr. Burr addressed the Commission and stated the experience of serving on the Board of Adjustment made him appreciate the current situation. He stated this entire process has been one of a failure of public information. He stated the information submitted to the public was minimal. He noted he doesn't think a circulation of important documents with regard to the issues is unreasonable. He then stated to have these changes would be an unfavorable thing and asked that the issue be tabled until the Commission has more information on the matter.

Ms. Arnold addressed the Commission in opposition and stated this is a residential area. She stated the Board of Adjustment is a very important avenue for the public to voice their opinions. She stated the residents are there to stay and they want to do what is best for the city and that is through the Board of Adjustment. She further stated the residents' voices should not be taken away because the city officials have not done their job. She also asked that the issue be tabled until the Commission has more information on the matter.

Mr. Vaughan addressed the Commission in opposition and stated he has lived in the city since 1947. He stated the zones are Greek to him and he doesn't pretend to understand them. He then stated if more of the current behavior as far as what has been happening with Mainstrasse continues, he doesn't know what will happen. He stated they call the festivals in the city

drunkfests. He stated people don't see what's done to the neighborhood. He noted within four blocks in either direction of his home there are eighteen bars. He noted they are saturated now.

Ms. Karan addressed the Commission as a neutral party and stated while a lot is happening in Covington, the rezoning document has left out the citizen's voice. She stated it seems like the public involvement stage has been rushed. She further noted it was her understanding that the area where she lives would be pretty much untouched. She then noted this is not the case as the zone change will affect this area as well. She noted if the density is increased as proposed, the area will not be able to handle it. She then stated the streets are narrow and it is a very old section of Covington. She stated there are combined sewers in the area which is a real problem in the winter time. She stated to put that type of density in an area with not a lot of impervious area is a concern. She stated if this type of zoning is allowed she is afraid it will change the area. She then noted she had a couple letters to submit as well as a report from the Army Corp of Engineers. These were then marked as exhibits and made a part of the record on the matter.

Mr. Johnson addressed the Commission as a neutral party and stated he and his wife love the area. He stated he has had a lot of experience with the police department in the past year and-a-half and they are overtaxed. He then stated there are not enough police now and if you want a police report for any incident you have to request one. He stated there just are not enough police to go around. He noted he is neutral on the issue because he is still learning but he realizes the city needs income and resources. He stated there are plenty of areas that would not be harmed by the type of environment suggested by the zone change as Mainstrasse would. He stated Covington should be preserved for the future. He noted he has concerns about changes that allow for more accessibility for businesses. He then noted there are plenty of areas dying for development but not Mainstrasse.

Mr. Wells then asked Mr. Fossett if when Mainstrasse was envisioned years ago whether it was viewed as an entertainment district. Mr. Fossett stated it was not. He then stated it has changed since then and feels it is evolving into an entertainment district. He further noted they receive more requests for bars and restaurants in that area than residential. Mr. Eilerman stated it may in the best interest to table the matter to allow for additional information to be gathered on the issue.

A discussion was had amongst the Commissioners with regard to the issue and the extent of the issue. It was stated that definitely more review was needed on the matter. Mr. Eilerman then made a motion to table the matter for one month to review the issue further. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Ryan, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hadley, Ms. Hood, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wolnitzek, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. Mr. Darpel had to leave the meeting prior to a vote being taken. The motion carried unanimously.

*At this time (8:30 p.m.) a ten minute break was taken prior to continuing the meeting.

A-665

APPLICANTS: Richard W. Carr and Jay Conrad

LOCATION: an approximate 17-acre area located on the south side of Robertson

Road and the west side of Old Taylor Mill Road, approximately 125 feet north of Lakewood Drive in Taylor Mill.

REQUEST: an appeal of Staff's June 8, 2006 action requiring a Preliminary Plat for Sunrise Meadow to be redesigned to accommodate the relocation of KY 16.

Staff presentation by Mr. Scott Hiles.

Due to the nature of the request there was no Staff report submitted and thus no Staff recommendation. Mr. Hiles gave background information with regard to the issue as to Staff's action and the subsequent appeal by the applicant. Mr. Hiles stated the subdivision regulations allow a subdivider to appeal an action taken by Staff if they so choose. He stated that is what the applicant is asking the Commission to reconsider. He stated Staff took an action on June 8, 2006 and this is what is being appealed. Mr. Hiles stated the Commission has not seen the preliminary plat since Staff now reviews preliminary plats and makes a decision. Mr. Hiles then went through the site outlining what the applicant was requesting in its original application for the preliminary plat. He stated that plan that was submitted was the plan submitted at the required pre-application meeting. He further stated when the applicant came to the pre-application meeting the highway department said this site was within the corridor for relocated KY 16. He noted this map was shown to everyone at the meeting, including the applicant as to what would be occurring with regard to the road. Mr. Hiles further stated the new road will essentially be cutting the site in half. He noted this is the information that Staff had when reviewing the preliminary plat. He further noted the action Staff took upon review and what was being appealed was that the preliminary plat for Sunrise Meadow was to be redesigned to accommodate for the relocation of KY 16. He stated the basis for that action was two-fold. He noted Staff did not feel the proposal was consistent with the 2001 Area Wide Comprehensive Plan Update or the subdivision regulations. He stated it is Staff's understanding that the relocation has been budgeted, the alignment for the right of way has been chosen, and the design work for the project itself has commenced and is near the end. He then stated this is the information Staff had. Mr. Hiles noted that approving a subdivision of 53 lots that is literally intersected right down the middle by a brand new relocated highway does nothing to encourage the accomplishment of that relocation as the Comprehensive Plan recommends. He stated that based on those factors, Staff recommended the preliminary plat be redesigned to accommodate the relocated KY 16.

Mr. Tom Nienaber, Mr. Richard Carr and Mr. Mike Bezold registered to speak on the issue. Mr. Thomas Shoemaker registered to speak as a neutral party. No one registered to speak against.

Mr. Nienaber addressed the Commission and stated he represents the property owners. He then gave a brief background of the property and stated the preliminary plat complies in every respect with the subdivision regulations. He stated just because the Comprehensive Plan shows a major road improvement/relocation doesn't mean the preliminary plat does not comply. He stated the first applicant heard of the relocation of KY 16 was at the pre-application meeting. He stated he would like to make his appeal part of the record. Ms. Weldon then stated it is already a part of the record. Mr. Nienaber then stated because there is a proposed improvement of KY 16 does not give Staff the right to deny the preliminary plat. He stated if this will in fact occur and the

improvement does go forward, they should let the Kentucky Transportation Cabinet come to them and purchase the property if need be. He stated to deny the preliminary plat the ability to go forward based on something that may or may not occur is unconstitutional. He stated this is not a basis to deny a preliminary plat that complies with all subdivision regulations.

Mr. Carr addressed the Commission and stated he is the project engineer on the application. Mr. France asked if the preliminary plat shown was what was submitted at the pre-application meeting. Mr. Carr stated the road was roughed in and it was more of a schematic presentation. He stated it is his understanding that the road is still in the planning stages. He noted it is hard to plan a development around a road that might or might not be there. Mr. Wells asked if the applicant had any idea of the road going through when the plan was submitted. Mr. Carr stated they heard rumors but nothing official.

Mr. Shoemaker addressed the Commission and stated he was present to define where the Highway Department is on the issue. He stated with regard to KY 16 at the current time the plans are one month away from being submitted. He stated the money in the 6 year plan is identified but not budgeted. He stated as each phase is submitted, funds are requested for the phase. He noted it takes a certain amount of time to go through these plans. Mr. Wells asked if there were any public hearings with regard to the highway department plans prior to April of 2006. Mr. Shoemaker stated he is sure there were. Mr. Shoemaker stated this is the final line as indicated on the preliminary plat for the road improvements of KY 16.

Mr. Bezold addressed the Commission and stated he is the project engineer for the project. He stated two public hearings on the issues were held in 1999 and 2001 with over 600 people attending. He stated the final alignment of the road was complete in 2001. He noted the final inspection was in January of 2006. He stated the basic plans for the road improvements were completed in January of 2006. Mr. Bezold then stated a full copy of the alignment is at the Taylor Mill city building and has been there since 2001. He stated there were also citizen advisory committees with the city held since 2001. He noted this committee was meeting monthly for two years. Mr. Hadley asked about the public meetings held and whether the property owners were notified. Mr. Bezold stated a mass mailing was done to everyone in the zip codes. Ms. Snyder asked if anything had changed with regard to the road alignment since 2001. Mr. Bezold stated it has basically stayed the same with the exception of one driveway off the road.

Ms. Weldon then read a letter from the city objecting to the approval of the preliminary plat. The letter was then marked as an exhibit and made a part of the record.

Mr. Nienaber addressed the Commission in rebuttal and asked if the project has been funded. Mr. Bezold stated it's in the approval plan for 2007. He asked again if the funds were available today for this project. Mr. Bezold stated he did not know. Mr. Nienaber then stated this project would not impede the state from going forward with the road improvements. He stated until the commitment is made by KDOT they have every right to go ahead with the development. He stated legally the Commission has no alternative but to approve the preliminary plat.

Mr. Schneider, legal counsel, then stated this matter is really a question of timing. He stated if they have followed the regulations the Commission has no alternative. He also stated per Kentucky Statute that conditions may be applied upon approval of the plat. He then noted it is not consistent with good planning, but unless the Commission is confident about reserving this particular piece of property for two years and nothing is done, the Commission then opens itself up to legal ramifications. Mr. Hiles then stated that no where in the plan does it state this plat was denied or that they are asking the Commission to deny the plat. He stated they are asking the applicant to resubmit a re-designed preliminary plat taking into consideration the Highway Department's plans that have been on record and slated to occur since 2001.

Following more discussion on the matter, Mr. Wells made the motion to table the matter for 30 days to gather additional information given the legal ramifications. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Wells, Mr. Hadley, Mr. Coates, Mr. Eilerman, Ms. Hood, Ms. Snyder, Mr. Wolnitzek, Mr. Swanson and Ms. Weldon in favor. Mr. Barnett, Ms. Carlin, Mr. Cook, Mr. France, Mr. Ryan, Mr. Tewes and Mr. Whitacre voted against. The motion carried with a vote of 9-7.

W-667

APPLICANT: The Drees Company

LOCATION: an approximate 49-acre area located on the east side of US 25 approximately 400 feet north of Main Street in Walton

REQUEST FOR ACTION: to grant waivers to specified requirements of the Kenton County Subdivision Regulations as follows: the requirement that a street stub be built at the southern property boundary (Section 4.0); the requirement that intersection improvements be built at the proposed intersection with US 25 (Section 4.1); and, the requirement that sidewalks be provided along the entire US 25 frontage of the subdivision (Section 5.3).

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION

Recommendation #1:

To deny the requested Waiver to Section 4.0 B and require that a public street extension be provided to adjacent property in the name of Ronald and Brenda Tackett.

Bases:

1. Subdivision Regulations Section 4.0 B.2 requires that where adjoining areas are not subdivided and are appropriate for future subdivision, arrangement of streets in new subdivisions shall make provision for the proper projection of streets to those adjoining areas in a manner which shall provide for the practical development of the adjacent property. The required street stub facilitates a logical street extension into adjacent property should it develop residentially. In addition, if the adjacent property were to develop residentially, the provision of a street stub at this time would eliminate the potential need for additional curb cuts along U.S. 25.

2. The modifications, as requested, do not include the findings necessary to grant waivers to the regulations as set forth within Section 6.5 A, or B, or C, or D.

Recommendation #2:

To deny the requested Waiver to Section 4.1 and require that intersection improvements be provided at the proposed intersection with US 25.

Bases:

1. Subdivision Regulations Section 4.1 requires reserved turn lanes at those access points where turning vehicles to and from arterial and collector streets will affect the roadway capacity or safety. U.S. 25 is classified as an arterial street. Roadway capacity and safety will be affected without the provision reserved turn at the entrance to a subdivision containing 107 building lots.
2. The modifications, as requested, do not include the findings necessary to grant waivers to the regulations as set forth within Section 6.5 A, or B, or C, or D.
3. Arterial streets are an important component of the total transportation system. Consequently, the impact of direct land service functions should be minimized and high standards for curb cuts should be applied to protect street capacities so they may function according to design. In addition, it is important that development on major arterial streets incorporate adequately designed access controls to aid in maintaining not just existing, but projected roadway capacities as well.

Recommendation #3:

To deny the requested Waiver to Section 5.3 and require a sidewalk along one side of U.S. 25 for the entire portion fronting the proposed development.

Bases:

1. Subdivision Regulations Section 5.3 requires sidewalks along both sides of new streets as well as along one side of existing streets for the portion fronting the proposed development.
2. The modifications, as requested, do not include the findings necessary to grant waivers to the regulations as set forth within Section 6.5 A, or B, or C, or D.
3. While a limited amount of sidewalk currently exists along U.S. 25 in this vicinity, not providing a sidewalk along the entire frontage will eliminate the possibility of a sidewalk extension and interconnection with future development to the south.

Mr. Schottlekotte and Mr. Viox registered to speak in favor of the issue. No one registered to speak against.

Mr. Schottlekotte addressed the Commission and stated they don't feel the turn lane is practical due to the topographical conditions. He stated U.S. 25 traverses two substantial ravines north and south from the site.

Mr. Viox addressed the Commission and stated to provide the turn lane to provide for the storage the widening would have to start practically at the end of the property. He stated this would have to be done just to provide for the storage necessary. He stated to widen the road and physically construct the road to raise it to the level necessary is almost physically impossible. Mr. Schottlekotte stated the subdivision entrance will have minimal impact on the capacity and safety of U.S.25. He also noted KDOT stated a left turn lane was not necessary. He further noted the construction of the sidewalk south along U.S.25 is physically impossible due to the topography in the area. He stated KDOT has already denied them the right to construct the sidewalks any closer than the guardrail so they would need to do something with that area as well in order to put in the sidewalk. Mr. Schottlekotte stated allowing and providing for the street extension is not reasonable due to the potential impact of industrial traffic on a residential neighborhood. He stated it does not make sense for a residential property to tie into an industrial property. Mr. Viox stated he has been around a long time and does not come before the Commission for waivers unless he feels it is entirely necessary. Mr. Swanson then asked Mr. Viox to estimate a dollar figure for the widening and raising the level to meet what's necessary. Mr. Viox stated he would estimate a quarter of a million dollars at least and then the sidewalks on top of that would add to that price.

Following discussions on the matter, Mr. France made a motion to approve the waiver for the intersection improvements based on topographical conditions. Mr. Wells seconded the motion. A roll call vote on the matter found Mr. France, Mr. Wells, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. Hadley, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wolnitzek, Mr. Swanson and Ms. Weldon in favor. The motion carried unanimously. Mr. Hadley then made the motion to approve the waiver as to sidewalks with conditions due to the topographical issues in the area. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Hadley, Ms. Hood, Mr. Barnett, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wells, Mr. Whitacre, Mr. Wolnitzek, Mr. Swanson and Ms. Weldon in favor. Ms. Carlin voted against. The motion carried with a vote of 15-1. A motion was then made by Mr. Hadley to deny the waiver as to the extension based on the fact that the property may be developed adjacent. The motion died for lack of a second. A motion was then made by Mr. Tewes to approve the waiver as to the street extension based on the topographical conditions. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. Tewes, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Whitacre, Mr. Wolnitzek, Mr. Swanson and Ms. Weldon in favor. Mr. Hadley and Mr. Wells voted against. The motion carried by a vote of 14-2.

Old and Unfinished Business:

It was noted that the current budget statement reflected 11 of the 12 months. It was further noted that the reserve will be moved and will continue and \$4,000 will be added making a total of \$11,500 as to the reserve amount. Mr. Gordon stated it will probably actually be higher. Mr.

Swanson then made the motion to accept the 2007 budget as proposed. Mr. Barnett seconded the motion. A roll call vote on the motion found Mr. Swanson, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Ms. Hood, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wolnitzek, Mr. Wells and Ms. Weldon in favor. Mr. Ryan voted against. He motion carried with a vote of 15-1.

Reports from Committees:

Subdivision Regulations Review –Nothing to report.

Comprehensive Plan Update – Ms. Weldon stated the report was mailed out.

By-Laws – Nothing to report – no meeting.

Model Zoning Ordinance – A report was distributed by Staff.

Executive- A meeting was held and the report was distributed.

Report from legal counsel – Nothing to report.

Announcements from Staff – Mr. Hiles asked the Commission to add a by laws amendment onto next month's agenda. A motion was made by Ms. Snyder and seconded by Mr. Wolnitzek. All in favor. None opposed.

Correspondence – None.

New Business:

Ms. Carlin asked about the wording regarding the credit hours for those attending the conference. Weldon stated it should be "shall" and not "may". Ms. Weldon then stated because all members were not present no final decision was made as to the specific wording.

There being nothing further to come before the Commission, a motion was then made by Mr. Swanson and seconded by Mr. France to adjourn. All in favor. None opposed. The meeting then adjourned at 10:55 p.m.