

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING**

**Minutes**

Ms. Weldon, Chair, called the meeting to order at 6:15 PM on Thursday, August 3, 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.

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

**AGENDA:**

Ms. Weldon requested that the old business items be moved to the front of the agenda. A motion was made by Mr. Swanson to approve and seconded by Mr. Wells. All in favor. None opposed.

**APPROVAL OF THE MINUTES:**

The matter of tabling approval of the minutes until the next month's meeting was discussed to allow for the inclusion of Staff's comments with regard to issue A-665. As there was no Staff report on the issue and due to the fact that Staff's opening statements are typically not included

in the minutes, discussion by Mr. Hiles was left out of the record. Due to the nature of the issue and the fact that the issue involves an appeal of Staff's action, approval of the August minutes was postponed to include those comments made on the issue by Mr. Hiles. A motion to table was made by Mr. Wolnitzek and seconded by Mr. Cook. All in favor. None opposed.

**FINANCIAL REPORT:**

There being no questions or comments with regard to the financial report, Mr. Hadley made the motion 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.

\*This item was tabled at last month's meeting. No additional information would be submitted by Staff or public comments taken. It was noted by Ms. Weldon that it was for discussion and action only by the Commissioners.

Mr. Hadley asked Mr. Fossett if the city would consider making taverns a conditional use. Mr. Fossett stated the direction of the city is to make it a permitted use. He said it is currently a conditional use in the Mainstrasse area. Mr. Wessels asked if the area protection zone would be placed into effect now. Mr. Fossett stated there are only two areas now and he doesn't anticipate any new zones being created under Chapter 99. Mr. France then stated he was concerned with going from a conditional use to a permitted use in the Mainstrasse area. He stated it appears the voice is being taken away from the people as to whether they want any more taverns in that area. He stated he doesn't understand why the city would want to take that away considering the fact that there was so much dissent amongst the citizens on the issue. Mr. Eilerman questioned the matter as well and asked Mr. Schwartz about the history of the Board of Adjustment ever having turned down an application for a tavern. Mr. Schwartz then stated the Boars of Adjustment historically had not turned down an application for a tavern, it was just that conditions were attached as to a certain percentage of sales being attributed to food sales versus alcohol sales. He further noted the only type of applications turned down previously was for a microbrewery. Mr. Eilerman stated the city and committee should be commended because the documents is an exemplary piece of work. He suggested in the TC zone the microbrewery be kept conditional. Mr. Wells stated he was with the first two comments on the issue. He noted he felt the restaurant and taverns should remain a conditional use to give the people more of a comment. Mr. France stated if the taverns are getting approved anyway through the Board of Adjustment then it shouldn't be a problem to keep it conditional. Mr. Schwartz stated that while that was true there was a question as to how they were being approved and doing one thing for one applicant and

another for a separated applicant. Mr. Eilerman then noted that really this would be permanent on just a couple spines of Mainstrasse but he still had a problem with the microbrewery. Ms. Weldon noted that while she served on a committee previously involving this issue there was no conflict of interest with her rendering an opinion because she had previously cleared it with both Staff and legal counsel. She then went over a summary of the requested changes by the city and recommended the start of a motion on the matter. Mr. Schwartz then clarified the issue as to taverns with regard to what the city is requesting versus what the citizens stated at last month's meeting. Mr. Eilerman then made the motion and recommended approval based on the fact that it complies with the Comprehensive Plan and discussions as well as the conditions, and to add "artist studio" as a permitted use within the RU-2, RU-2A, RU-2B, RU-1, and RU-0.5 zones, add "artist gallery and studios" (excluding body art services) as a permitted use within the CN, CG, CBD and CT zones, to make taverns a permitted use in all commercial zones, that microbreweries be kept a conditional use within the CT zone, and that detached and attached housing within the CT zone be permitted, and to modify the VP-O (Viewshed and Hillside Protection Overlay) zone per the city's attachment. Mr. Coates seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Coates, Mr. Barnett, Ms. Carlin, Mr. Cook, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Wolnitzek, Mr. Swanson and Ms. Weldon in favor. Mr. France, Mr. Hadley, Mr. Ryan, Ms. Snyder and Mr. Wells voted against. Mr. Darpel and Mr. Hilgefurd abstained. The motion carried with a vote of 11-5-2.

**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.

Mr. Hadley questioned whether the State had approached the applicant. Ms. Weldon stated the money was approved but had not been funded at the time of the meeting last month. Mr. Ryan then asked Mr. Schneider to clarify the issue. Mr. Schneider summarized briefly a case similar in reference to the issue. Ms. Weldon stated she has gone round and round the issue and she can't help but feel it's wrong. Mr. Barnett stated he has gone back and forth as well on the issue and he doesn't feel it's increasing the value of the property. Mr. Hadley noted he too gave the issue a lot of thought and he wanted to make a motion on the matter. He then made the motion to approve the appeal as long as it meets the subdivision regulations. Mr. Swanson seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Swanson, Mr. Barnett, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. Hilgefurd, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wolnitzek and Mr. Wells in favor. Ms. Carlin, Mr. France and Ms. Weldon voted against. Mr. Wessels had to leave the meeting prior to the vote being taken. The motion carried with a vote of 13-3-1.

**1823R**

**APPLICANT:** City of Independence, per Patricia H. Taney  
**LOCATION:** N.A.

**REQUEST:** A proposed text amendment to the Independence Zoning Ordinance amending the height and location of fences, walls and obstructions to view within residential zones.

Staff presentation and Staff recommendations by Mr. Andy Videkovich.

**NKAPC STAFF RECOMMENDATION**

To approve the proposed text 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 text amendment is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1).
2. Increasing the height of permitted fences, walls, and obstructions to view within the side and rear yards of corner lots to forty-eight (48) inches is reasonable. The proposed increase will not substantially obstruct the view of motorists and will increase the aesthetic quality of the neighborhoods within the City. Additionally, property owners in residential areas will be permitted to fence in more of their yards, increase the security and privacy of corner lots.

There was no one present to speak for or against. Mr. Hadley then made the motion to approve based on Staff's recommendations. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Hadley, Ms. Snyder, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Mr. Ryan, Mr. Tewes, Mr. Whitacre, Mr. Wolnitzek, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. The motion carried unanimously.

**1824R**

**APPLICANT:** Kenton County Fiscal Court, per R. Scott Kimmich, Deputy Judge/Executive

**LOCATION:** N.A.

**REQUEST:** A proposed text amendment to the Kenton County Zoning Ordinance adding child day care facility as either a permitted or conditional use within the RC (Rural Commercial) Zone.

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

**NKAPC STAFF RECOMMENDATION**

To approve the proposed text amendment, adding child day care facility as a permitted use in the RC Zone.

**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 amendment adding child day care facility as a permitted use in the RC Zone is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1).
2. The proposed text amendment adding child day care facility as a permitted use in the RC Zone is appropriate and beneficial in order to serve the daily needs of citizens and families in the rural Kenton County community. It is also appropriate and reasonable to allow outdoor play areas within the RC Zone as it would not impose any nuisance to the surrounding land uses.
3. The proposed text amendment adding child day care facility as a permitted use in the RC Zone is consistent with previous recommendations made by the NKAPC Staff and the KCPC, as follows:

On October 19, 1999, the City of Erlanger, per P. David Hahn, submitted an application for review and recommendation on a proposed text amendment to the Erlanger Zoning Ordinance adding “Nursery School” to the list of permitted uses within the NC (Neighborhood Commercial) Zone (Z-99-10-01/1443R). On November 24, 1999, the NKAPC Staff recommended approval of the proposed text amendment. On December 2, 1999, following a public hearing, the KCPC recommended approval of the proposed text amendment adding “Nursery School” to the list of permitted uses within the NC (Neighborhood Commercial) Zone.

On May 5, 2006, the City of Independence, per Patricia Taney, submitted an application for review and recommendation on a proposed text amendment to the Independence Zoning Ordinance adding day care facility to the list of permitted uses within the NC (Neighborhood Commercial) Zone (Z-06-05-02/1818R). On May 26, 2006, the NKAPC staff recommended approval of the proposed text amendment subject to two (2) conditions. On June 1, 2006, following a public hearing, the KCPC recommended approval of the proposed text amendment subject to the same two (2) conditions.

There was no present to speak for or against the issue. Mr. Darpel than made the motion to approve based on Staff’s recommendations. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Darpel, Ms. Snyder, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Ryan, Mr. Tewes, Mr. Whitacre, Mr. Wolnitzek, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. The motion carried unanimously.

**1826R**

**APPLICANT:** City of Erlanger, per P. David Hahn

**LOCATION:** N.A.

**REQUEST:** Proposed text amendments to the Erlanger Zoning Ordinance: 1) modifying the definition of accessory building or use, fence, private garage and adding a definition for storage yard; 2) amending various sections of Article IX, General Regulations; 3) adding sports facilities as a permitted use within the NC (Neighborhood Commercial) Zone; 4) modifying the other development controls within the NC-2 (Neighborhood Commercial-Two) Zone; 5) adding convenient stores to the list of permitted uses within the HC (Highway Commercial) Zone; 6) modifying the requirements for fencing on corner lots; 7) modifying the performance standards for industrial zones; 8) amending Article XVI pertaining to zoning and building permit approvals; and 9) deleting sections of Article XVIII pertaining to the Board of Adjustment.

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

NKAPC STAFF RECOMMENDATION

RECOMMENDATION A:

1. To approve the proposed text amendment adding sports facilities to the list of permitted uses within the NC (Neighborhood Commercial) Zone.
2. To approve the proposed text amendment modifying the other development controls within the NC-2 (Neighborhood Commercial Two) Zone.
3. To approve the proposed text amendment adding convenient store to the list of permitted uses within the HC (Highway Commercial) Zone.
4. To approve the proposed text amendment modifying the requirements for fencing on corner lots.
5. To approve the proposed text amendment modifying the performance standards for industrial zones.
6. To approve the proposed text amendment amending Article XVI pertaining to zoning and building permit approvals.

RECOMMENDATION B:

1. To approve the proposed text amendment modifying the definition of accessory building or use, fence, private garage and add a definition for storage yard, but only subject to compliance with the following condition:
  - a. That the definition of accessory building or use not be changed, and that the

proposed wording be placed within Section 9.10, E., of the Erlanger Zoning Ordinance.

2. To approve the proposed text amendment amending various sections of Article IX, General Regulations, but only subject to compliance with the following condition:
  - a. That all references to Article XVIII pertaining to the Board of Adjustment remain.

**RECOMMENDATION C:**

1. To disapprove the proposed text amendment deleting sections of Article XVIII pertaining to the Board of Adjustment.

**Comprehensive Plan Documentation:**

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

**Supporting Information/Bases For NKAPC Staff Recommendation:**

**Recommendation A:**

1. The proposed text amendment adding sports facilities to the list of permitted uses within the NC (Neighborhood Commercial) Zone is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1). The proposed text amendment is consistent with the existing permitted uses within the NC Zone, which include sporting goods and batting cages. The proposed text amendment would provide recreational opportunities within commercial areas in the city.
2. The proposed text amendment modifying the other development controls within the NC-2 (Neighborhood Commercial Two) Zone is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1). The proposed text amendment will remove an outdated reference which is no longer applicable within the NC-2 Zone.
3. The proposed text amendment adding convenient stores to the list of permitted uses within the HC (Highway Commercial) Zone is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1). The proposed text amendment is consistent with the intent of the HC Zone as well as with the existing permitted uses within the HC Zone.
4. The proposed text amendment modifying the requirements for fencing on corner lots is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1). The proposed text amendment will address nonconforming lots which do not meet their required side yard setbacks. It is appropriate

to delete regulations for interior lots and allow the fencing of such lots to be regulated by the zone in which they are found.

5. The proposed text amendment modifying the performance standards for industrial zones is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1). The proposed text amendment is reasonable to facilitate the review and approval of permits for industrial developments by ensuring that proposed uses are in compliance at the time of going into operation.
6. The proposed text amendment amending Article XVI pertaining to zoning and building permit approvals is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1). The proposed text amendment is appropriate for establishing an expiration of projects not requiring a building permit. It is also necessary to address conditional uses as part of the building permit approval process.

#### Recommendation B:

1. The proposed text amendment, modifying the definition of accessory building or use, fence, private garage and add a definition for storage yard, except as noted under condition, is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1). The proposed text amendment, except as noted under condition, is appropriate and reasonable to facilitate the interpretation of terms found within the Erlanger Zoning Ordinance. The proposed text amendment modifying the definition of private garage is logical for requiring private garages to be large enough to store four (4) vehicles without specifying an exact dimensional requirement.
2. The condition that the proposed changes to the definition of accessory building or use not be changed and be placed within Section 9.10, E., of the Erlanger Zoning Ordinance is recommended to keep the regulations pertaining to accessory uses and structures separate from its definition.
3. The proposed text amendment amending various sections of Article IX, General Regulations is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1). The proposed text amendment is appropriate for clarifying the intent of the regulations, facilitating enforcement and/or addressing duplicative regulations found within both the zoning and city ordinances.
4. The condition that all references to Article XVIII pertaining to the Board of Adjustment remain within the Erlanger Zoning Ordinance is recommended to be consistent with the requirements of KRS 100.203, which states:

KRS 100.203 Content of zoning regulations – Appeal – Special provisions for urban-county governments. – Cities and counties may enact zoning regulations



which shall contain:

(1) A text, which shall list the types of zones which may be used, and the regulations which may be imposed, in each zone, which must be uniform throughout the zone. In addition, the text shall make provisions for the granting of variances, conditional use permits, and for nonconforming use of land and structures, and any other provisions which are necessary to implement the zoning regulation.”

The exclusion of the text from the Erlanger Zoning Ordinance is unnecessary and problematic by eliminating the main source for public access to such information and could potentially result in difficulty in the interpretation and enforcement of the regulations.

Recommendation C:

1. The proposed text amendment deleting sections of Article XVIII pertaining to the Board of Adjustment is not consistent with the requirements of KRS 100.203. The proposed text amendment would eliminate the required provisions which are held under the responsibility of the Board of Adjustment including the granting of variances, conditional use permits, and for nonconforming use of land and structures.

There was no one present to speak for or against the issue. Mr. Hadley then made the motion to approve based on Staff’s recommendations and conditions. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgeford, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wolnitzek, Mr. Swanson and Ms. Weldon in favor. Mr. Darpel voted against. Mr. Wells abstained. The motion carried with a vote of 15-1-1.

## **1827R**

**APPLICANT:** Kenton County Planning Commission, per Alexandra K. Weldon  
**LOCATION:** (For Map Amendment) An approximately 3535 acre area located south of Mt. Zion Road, North of Walton Nicholson Road, east of the Kenton County boundary and west of Wilson Road.  
**REQUEST:** Proposed amendments to the 2001 Area-Wide Comprehensive Plan Update, 1) text amendments to the Land Use chapter adding the proposed Small Area Study section, including reference to the South Banklick Small Area Study and proposed recommendations 2) amending the Recommended Land Use map from Industrial, Residential 2.0 and under, Residential 2.1 to 4.0 dwelling units per net acre and Physically Restrictive Development Area, to a Small Area Study.

Staff presentation and Staff recommendations by Mr. Keith Logsdon and Ms. Sharmili Sampath.

## NKAPC STAFF RECOMMENDATION

To approve the proposed map and text amendments to the 2001 Area-Wide Comprehensive Plan Update (See Attachment A)

### **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. Kentucky Revised Statute 100.187 states that the Comprehensive Plan should contain as a minimum the following elements: (1) A statement of Goals and Objectives; (2) A Land Use Plan Element; (3) A Transportation Plan Element; and (4) A Community Facilities Plan Element. KRS 100.187 (1) states: "A statement of goals and objectives, which shall serve as a guide for the physical development and economic and social well being of the planning unit".

Kentucky Revised Statute 100.193 (1) states: "The planning commission of each planning unit shall prepare and adopt the statement of goals and objectives to act as a guide for the preparation of the remaining elements and the aids to implementing the plans."

In preparation of the 2001 Area-Wide Comprehensive Plan Update, the KCPC determined that there was no need for change to the "Statement of Goals and Objectives" previously adopted as part of the 1996 Area-Wide Comprehensive Plan Update and therefore, readopted these "Goals and Objectives" for the 2001 Area-Wide Comprehensive Plan Update on March 2, 2000. Additionally, the NKAPC staff conducted the necessary research relative to socio-economic data, land usage, traffic flow, changes to existing facilities, etc., per the requirements of KRS 100.191. It is the opinion of the NKAPC staff that the original research is still valid and no additional research is necessary.

2. The proposed amendments to the 2001 Area-Wide Comprehensive Plan Update, stemming from the South Banklick Small Area Study, include changing the Recommended Land Use map for properties generally located north of Walton Nicholson Road, south of Mt. Zion Road, east of the Kenton County boundary and west of Wilson Road to a Small Area Study (See attached map). Currently, the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update identifies the area as a mix of uses, including industrial, residential development at a density ranging from 2.1 to 4.0 dwelling units per net acre, residential development at 2.0 and under dwelling units per net acre and Physically Restrictive Development Areas.
3. The South Banklick Advisory committee, comprised of residents was formed early on in the process to get public input. A survey was mailed to area residents to get their feedback on their ideas and concerns as the area continues to grow. Two public

workshops were held to get input from area residents. Three growth alternatives were presented to the residents for comments and ideas at the second public workshop. Meetings with small groups of property owners were held to document concerns from property owners. Periodic updates were posted on the NKAPC website and mailed to residents that signed up for updates at the workshop.

The proposed land use recommendations were presented to the Advisory Committee for their approval. The study was also presented to the Northern Kentucky Area Planning Commission for their approval and recommendation.

4. The proposed amendments to the 2001 Area-Wide Comprehensive Plan Update are consistent with previous inclusions within the Plan Update. It has been common practice to incorporate plans and studies into the Plan Update, including such things as Neighborhood Plans, Chapter 99 Plans, and Transportation Plans.

Staff feels that the intent of the South Banklick Small Area study, as well as other elements, are consistent with the Goals and Objectives and Development Concepts as contained within the 2001 Area-Wide Comprehensive Plan Update. The language that is proposed to be added to the Plan Update is consistent with that contained within the South Banklick Small Area Study.

5. The proposed amendments are consistent with and help to promote the Goals and Objectives of the 2001 Area-Wide Comprehensive Plan Update, relative to the following:

#### EMPLOYMENT

To provide for an adequate amount of well located industrial development to meet anticipated industrial employment needs.

Effort should be made to locate areas planned for industrial development so as to shorten the work trip from the living areas of the resident labor force and reduce energy consumption. Anticipated industrial employment should be used as a guide in measuring the amount of land which should be allocated for future industrial development. Areas which exhibit particularly desirable characteristics for industrial development should be identified, planned, and regulated for such use without the constriction of arbitrary jurisdictional limitations.

Study recommendations: The intent of the study is to identify and reserve land for future light industrial uses. The study identifies areas appropriate for this form of development where it is least intrusive to existing residential development. Infrastructure improvements, protection of natural features, and development standards are recommended that will be required in the future to make this area feasible for eco commerce park uses.

#### HOUSING

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.

Study recommendations: The study identifies appropriate areas and types of residential development to serve the growth that will occur in the community in the next twenty-five years. Areas for residential development with different densities including a mixed residential area that would permit a small percentage of townhomes and condominiums within a development are recommended.

## TRANSPORTATION

To develop a transportation system which strives to reduce energy consumption and which provides convenient access to and from residential areas, employment centers, education and health care facilities, and centers providing goods and services

Effort should be made to shorten travel trips by planning for the location of various land use types so that they minimize distances between major points of origin and destination both for energy consumption reduction and for convenience purposes. Such factors should be considered, particularly when planning the relationship of major centers of activity and employment to residential areas. There should also be effort made to provide for the integration of transportation modes to satisfy the unique needs of various segments of the population, not only for the normal home to work, home to shopping, and home to school type trips, but also for the special needs of elderly persons, children, handicapped persons, low income level families, and others who are highly dependent upon such varied transportation modes.

To develop a transportation system capable of moving people and goods throughout and beyond the area in the safest and most convenient manner.

Effort should be made to develop a transportation system based on anticipated travel movements of people and goods throughout the region. Effort should also be made to develop a balanced total transportation system which incorporates and integrates all transportation modes (including air, water, rail, transit, roadway, and pedestrian access facilities).

Study recommendations: Several transportation improvement recommendations are included in the study that would make the roadways safer for current and future area residents. Improvements to intersections, desired cross sections for roadways, intersection improvements and access management recommendations are proposed in the study.

## RECREATION AND OPEN SPACE

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

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

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

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

Study recommendations: The study recommends three potential park locations and a development concept for the area called the Conservation Subdivision. The Conservation Subdivision concept permits residential development at a base density with an open space requirement. Density bonuses are permitted to increase the density within a development if additional requirements such as increased setback or open space are met.

## RESOURCES AND ENVIRONMENT

To ensure the most efficient and reasonable utilization of the area's physical resources while ensuring that any short-term uses of man's environment will be to the long-range benefit of all.

Constant effort should be made to ensure wise utilization or conservation of the area's resources to maximize advantages, simultaneously minimizing any detrimental effects such utilization may cause. Such efforts would encompass a broad range of concerns such as: identifying all environmentally sensitive areas and areas of critical concern; planning and scheduling the use or non- use of such areas; and also determining the use of, and planning for the restoration of, any land areas which might be damaged due to some resource extraction or temporary use. It should also encompass an effort to preserve, conserve, and enhance unusual man-made projects or natural features, which have some unique historical, architectural, or natural value. Effort should also be made to identify and plan for the stabilization of those areas that might be best retained in their rural-like character promoting their value as agricultural resources and/or adequate land reserves for the future.

To preserve a pleasant environment for the population.

Constant effort should be made to ensure that all areas are provided with adequate light and air and pleasing surroundings. This will require adequate control and monitoring of

all potential contributors to all forms of pollution (air, water, visual, noise, etc.). Provision of sufficient open space in conjunction with all types of new development and redevelopment will also be necessary if this objective is to be achieved.

Study recommendations: The study identifies areas for preservation and protection that will enhance and protect the quality of Banklick Creek and its tributaries while protecting the rights of property owners to develop their property when they chose to do so. A greenway system has been identified in the study that would help protect steep slopes and riparian areas thereby protecting the creek from sedimentation and erosion.

Much discussion was had amongst the Commissioners with regard to the conservation district. Mr. Darpel stated he felt there should be more cluster development in the recommendation and was surprised to not find any. Mr. Wessels voiced concerns prior to having to leave the meeting with the language of “shall” versus the use of the word “should.” Mr. Whitacre stated he felt that “shall” was more of an order and “should” was more of a suggestion.

Mr. Drees, Ms. Sherry Karan and Mr. Bob Schroeder registered to speak on the issue.

Mr. Drees addressed the Commission and stated Staff did a good job overall and also did a great job of bringing people into the plan. He stated it should have been broader in bringing builders, developers, engineers, etc. into the plan to get even more perspective. He also noted he felt it concerned people within one area versus the other 158,000 people that live in Kenton County. Mr. Drees stated he personally felt it would make the area look better with wider right of ways. He then stated he felt five foot wide sidewalks was a bit extreme but overall like the plan. He asked that a decision not be made for at least 30 days so that if anyone has any questions they would have time to have them answered. Ms. Weldon suggested changing the design “standards” to design “guidelines”. Mr. Drees then reiterated holding off on the voting for at least 30 days. Mr. Ryan stated he tended to agree. Mr. Logsdon stated waiting an additional month would not bother them to wait the additional time. Ms. Weldon noted in terms of guidelines the rural character needs to be dominant and the other items such as how much of the building needs to be brick can come later.

Ms. Sherry Karan addressed the Commission and stated Staff did an excellent job. She stated they really went out and went to the people. She then noted this has a huge benefit for the people in Kenton County downstream in regards to the flooding and what goes on with Banklick Creek. She stated if this goes forth it will be a model of what can be done in Kenton County.

Mr. Bob Schroeder addressed the Commission and stated he was present on behalf of Arlinghaus Builders and his family who own property in the area. He stated if this is going to happen it needs to be done. He stated if you want some industrial set aside this is the way to do it with regard to Area 6. He then noted it is already zoned industrial and should stay that way. Mr. Schroeder stated with regard to Area 6 that they are in favor. He noted with regard to Area 1 they own approximately 70 acres and plan to put in 125-135 homes. He noted they want to make sure the zone doesn't change and the design standards don't change because it would add more costs to the individual homes. He noted this would make it unaffordable for many people. For this reason he asked that the design standards not be applied to Areas 1 and 2. He noted he liked the idea of changing the wording from “shall” to “should” as well as design “standards” to design “guidelines.” He reiterated that Staff did a really good job and were very cooperative and willing to listen. Ms. Weldon then asked the Commission to consider tabling the matter until next month.

Mr. Hilgefurd noted he doesn't have a problem with the proposal as long as it is placed in the Comprehensive Plan as an overall feeling or guideline. He noted if these types of specific conditions were to be applied then he would have a problem. A motion was then made by Mr. Hadley to table the matter until next month's meeting. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wolnitzek, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. The motion carried unanimously. Ms. Weldon then noted the public hearing is not closed and there will be additional opportunities for public input on the matter.

## **1828R**

**APPLICANT:** City of Taylor Mill, per Jill Bailey, City Administrator.

**LOCATION:** N.A.

**REQUEST:** A proposed text amendment to the Taylor Mill Zoning Ordinance amending Article XXI, Moratorium, to extend through February 28, 2007, a moratorium established previously on the subdivision of land, grading of land, and the construction of streets, utilities, new buildings, and additions to existing buildings in an area of approximately 175 acres located along the west side of Old Taylor Mill Road, north of Taylor Creek Drive, for the purpose of completing a study of potential development.

Staff presentation and Staff recommendations by Mr. Andy Videkovich.

### NKAPC STAFF RECOMMENDATION

To approve the proposed text 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 text amendment 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 provides for a clearly articulated purpose and narrowly defines the scope of the moratorium, which is to prohibit any subdivision of land, grading of land, and the construction of streets, utilities, new buildings and additions to existing buildings within the moratorium area until such time recommendations from a land use study are available and implemented.
3. The proposed text amendment provides a realistic and reasonable time frame for accomplishing the purpose of the moratorium.

Extending the moratorium another six (6) months, for a total of one (1) year, is a reasonable period of time to allow for the adoption of the recently completed land use study and the implementation of the recommendations provided for therein.

4. The proposed text amendment is consistent with a previous recommendation made by staff.

On February 9, 2006, the City of Taylor Mill, per Jill Bailey, City Administrator, submitted a text amendment to the Taylor Mill Zoning Ordinance adding a new article that establishes a moratorium on the subdivision of land, grading of land, and the construction of streets, utilities, new buildings and additions to existing buildings in an area of approximately 175 acres located along the west side of Old Taylor Mill Road, north of Taylor Creek Drive; the moratorium is proposed to extend through August 31, 2006, and is for the purposed of conducting a study of potential development. On February 24, 2006, the NKAPC staff recommended approval of the proposed text amendment.

No one registered to speak for or against the issue. A motion was then made by Mr. Barnett to approve based on Staff's recommendations. Mr. Hilgefurd seconded the motion. A roll call vote on the matter found Mr. Barnett, Mr. Hilgefurd, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Wolnitzek, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. Mr. Darpel, Mr. Ryan, Ms. Snyder, Mr. Tewes and Mr. Whitacre voted against. The motion carried with a vote of 12-5.

#### **Old and Unfinished Business:**

#### **Reports from Committees:**

*Subdivision Regulations Review* –No activity in the last month.

*Comprehensive Plan Update* – No meeting held.

*By-Laws* – No meeting.

*Model Zoning Ordinance* – A meeting was held and a report will be going out.

*Executive*- A meeting was held to discuss a legal issue which will be discussed by legal counsel.

*Report from legal counsel* – Mr. Schneider addressed the Commission with regard to an informational item regarding approval of plats. He stated there was a revised plat back in July in which a lawsuit was filed. He stated because the suit asks for damages, insurance will be provided for both Commissions. He stated Mr. Tom Nienaber has been appointed legal counsel on the matter. He also noted that Mr. Tim Theissen is representing the Wagners who have brought the suit. Mr. Schneider further noted this is the Krumpelman farm issue that came up a few years ago. He noted that Tim Theissen asked for an appeal along with the lawsuit and has a number of issues why it should be heard. He stated he just wanted to make the Commission aware of the lawsuit.

*Announcements from Staff* – Mr. Schwartz stated there will be 9 audio conferences beginning October 9, 2006. Mr. Schwartz also noted the APA is also doing a two part session on the role of the planning commission and a 1 part session on the role of the Board of Adjustment. Ms. Weldon further noted the long range planning meeting will be held on September 16, 2006.

*Correspondence* – None.



**New Business:** -

Ms. Carlin asked for clarification on the number of credit hours given to be credited toward continuing education hours. Ms. Weldon then read from Section 9 the guidelines as set forth for credit hours.

There being nothing further to come before the Commission, a motion was then made by Mr. Ryan and seconded by Ms. Snyder to adjourn. All in favor. None opposed. The meeting then adjourned at 9:30 p.m.