

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Ms. Weldon, Chair, called the meeting to order at 6:15 PM on Thursday, September 7, 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	X	X			
Barbara Carlin	Kenton Co	X	X	X	X	X	X	X	X	X			
Barry Coates	Covington	X	X	X	X	X	X	X	X	X			
James Cook	Kenton Co	X	X	X	X			X	X	X			
Paul Darpel	Edgewood	X	X	X	X	X	X	X	X	X			
Chuck Eilerman	Covington	X	X	X	X	X	X	X	X	X			
Tom France	Ludlow	X	X	X	X	X		X	X	X			
Al Hadley	Elsmere	X	X	X	X	X	X	X	X	X			
David Hilgeford	Villa Hills	X	X	X		X			X	X			
Lynn Hood	C'view Hills		X	X	X	X		X		X			
Phil Ryan	Park Hills	X	X	X	X	X	X	X	X	X			
Maura Snyder	Indepndnce	X	X	X	X	X	X	X	X	X			
Paul Swanson, Treas	Erlanger	X		X		X	X	X	X	X			
Joe Tewes	Bromley	X	X	X	X	X	X	X	X	X			
Alex Weldon, Chair	Covington	X	X	X		X	X	X	X	X			
John Wells, V Chair	Ft Mitchell		X	X	X	X		X	X				
Bernie Wessels	Cres Spgs	X	X	X	X	X	X		X	X			
Gil Whitacre	L'side Park	X	X	X	X	X	X	X	X				
Rick Wolnitzek	Ft Wright		X	X	X	X	X	X	X	X			

Also present were Matt Smith, 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 stated with regard to issue 1832R that the city had called to say that no one would be able to be present at the meeting on the issue. She asked whether the Commission members would like to table the matter until the next meeting or go ahead and hear the issue without anyone from the city present. She also stated a request to table issue 1838R was received. She noted the applicant stated they are revising their plan and need additional time and were therefore requesting a tabling of up to six months on the matter. Mr. Hadley then made the motion to go ahead and hear issue 1832R and to table issue 1838R. Mr. Hilgeford seconded the motion. A brief discussion was had as to whether or not to hear issue 1832R. It was then decided

the motion should split the two issues and call a vote separately. With regard to issue 1832R, the roll call vote on the matter found Mr. Hadley, Mr. Hilgeford, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Ms. Hood, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Wolnitzek and Mr. Swanson in favor. Mr. Ryan and Ms. Weldon voted against. With regard to issue 1838R, Mr. Wessels made the motion to table the matter. Ms. Snyder seconded. A roll call vote on the matter found Mr. Wessels, Ms. Snyder, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgeford, Ms. Hood, Mr. Ryan, Mr. Swanson, Mr. Tewes, Mr. Wessels, Mr. Wolnitzek and Ms. Weldon in favor. The motion carried unanimously. Ms. Weldon also noted with regard to issue W-619 that it was determined that the Commission has no authority to hear the appeal. It was noted that the appeal was called by someone other than the applicant. Legal counsel stated the appeal was by an adjoining property owner and to hear it would set a precedent. Mr. Hilgeford then moved to decline to hear the appeal. Mr. Eilerman seconded the motion. A roll call vote on the matter found Mr. Hilgeford, Mr. Eilerman, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Hadley, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Swanson, Mr. Wessels, Mr. Wolnitzek and Ms. Weldon in favor. Mr. Tewes voted against. The motion carried. Mr. Wessels then made a motion to accept the rest of the agenda. Mr. Swanson seconded the motion. All in favor, none opposed.

APPROVAL OF THE MINUTES:

Mr. Eilerman made the motion to accept the minutes from July and August. 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, Mr. Hilgeford, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Swanson, Mr. Tewes, Mr. Wessels, Mr. Wolnitzek and Ms. Weldon in favor. The motion carried unanimously.

FINANCIAL REPORT:

There being no questions or comments with regard to the financial report, Mr. Swanson made the motion to approve. Ms. Hood 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:

1832R

APPLICANT: City of Taylor Mill per Jill C. Bailey, City Administrator
LOCATION: An approximate 290-acre area located at the southeast and southwest quadrants of the Interstate 275/KY 16 interchange in Taylor Mill.
REQUEST: Adoption of the I-275/KY 16 Improvement Area Land Use Study and associated amendments to the 2001 Comprehensive Plan; amendment of the Recommended Land Use Map as it relates to the referenced area from Commercial – Retail/Service, Physically-Restricted Development Area, and Residential Development (at a density ranging from 2.1 to 30.0 dwelling units per net acre) to Small Area Study; and, amendments to the

Specific Studies / Chapter 99 Development Plans / Agriculture Districts / Historic Preservation section adding recommendations for the proposed small area study area.

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

NKAPC STAFF RECOMMENDATION

To approve the proposed map and text amendments to the 2001 Area-Wide Comprehensive Plan Update (see Attachment A), but only subject to compliance with the following conditions:

1. That the Special Area Study designation be included within the text of the 2001 Area-Wide Comprehensive Plan, consistent with a previous application which has not yet been adopted by the planning commission.

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 amendments to the 2001 Area-Wide Comprehensive Plan Update, stemming from the *I-275/KY 16 Improvement Area Land Use Study*, would amend the Recommended Land Use map for properties generally located at the southeast and southwest quadrants of the Interstate 275/KY 16 interchange (see Figure 1) from Commercial – Retail/Service, Residential Development at a density ranging from 2.1 to 30.0 dwelling units per net acre, and Physically Restrictive Development Area (PRDA) to Small Area Study. The proposed map amendment is appropriate for incorporating the recommendations of the study into the Area-Wide Comprehensive Plan Update.
2. The planning process included stakeholder interviews, discussions with City staff, review of the plans by NKAPC staff, and comments from residents who attended two public meetings on April 4 and 5, 2006. Based on the input received at the first two public meetings, the “preferred” land use concept was formulated. This concept was presented in three phases (short, medium and long-range) to City Council members and NKAPC staff. Based on these meetings, the preferred concept plan was refined into the Draft Land Use Development Plan and again presented in three phases. A third public meeting was held on June 14, 2006, to present the Draft Land Use Development Plan and obtain public input. Following further revisions, the Final Land Use Development Plan was prepared.

The City’s plan was created in response to the proposed realignment of Kentucky State Route 16 (KY 16) through the City of Taylor Mill and to determine the most appropriate use of land adjacent to the new alignment of KY 16 and to explore ideas for the creation of a gateway at this important entrance to the city located at the southeast and southwest quadrants of the Interstate 275/KY 16 interchange. It is the desire of the City of Taylor Mill to provide a tool that can be used to guide public and private decisions and trigger new quality development along realigned KY 16.

3. 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. The language that is proposed to be added to the Plan Update is consistent with that contained within the *I-275/KY 16 Improvement Area Land Use Study*.

The Small Area Study designation within the 2001 Area-Wide Comprehensive Plan Update identifies areas where a comprehensive approach to planning at a “neighborhood” level has been used with the intent to implement and refine the recommendations found in the comprehensive plan; to provide a level of planning more directly conducive to implementation because they have more specific and refined recommendations for future development; and, to become part of the adopted comprehensive plan and therefore part of the basis upon which future development decisions must be based. Given that the City of Taylor Mill has been proactive in adopting the *I-275/KY 16 Improvement Area Land Use Study* for the area with specific recommendations for land use, zoning, transportation and implementation, the proposed Small Area Study designation is appropriate for the site in question.

The proposed Small Area Study designation is not currently contained within the 2001 Area-Wide Comprehensive Plan Update. It is therefore recommended that this designation be included within the text of the 2001 Area-Wide Comprehensive Plan, consistent with a previous application which has not yet been adopted by the planning commission.

4. The Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan identifies the southeast quadrant of the interchange of I-275 and KY 16 as an area well-located for more intense development and recommends that redevelopment should occur with a well thought out and coordinated plan that ensures that access and proposed land uses will not be detrimental to other nearby land uses and that the overall project is not accomplished in a piecemeal fashion. The proposed amendments to the comprehensive plan, based on the *I-275/KY 16 Improvement Area Land Use Study* are appropriate and consistent with the recommendations of the comprehensive plan.
5. The goals of the *I-275/KY 16 Improvement Area Land Use Study*, are consistent with, and help to promote the Goals and Objectives and Development Concepts as contained within the 2001 Area-Wide Comprehensive Plan Update, relative to the following:

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.

The plan recommends single-family residential uses within twenty percent (20%) of the study area. This includes existing homes on the western side of Honeysuckle Drive and two residences on Davis Lane. The plan recommends that undeveloped lands on the western side of the study area be developed at a low density with large lots for large single-family homes. The intent of large lot development is to preserve the steep hillsides and the natural beauty of the land.

The plan also identifies areas with existing multi-family residential uses as Mixed Uses due to the prime frontage on the realigned KY 16. The designation of Mixed Use, however, is described as incorporating civic, retail commercial and office uses into a development and does not include residential uses. The inclusion of a variety of housing types within the study area is appropriate for ensuring equal opportunity in choice of housing by Taylor Mill residents. It is also appropriate to allow residential uses within mixed use developments, to create a sense of place within the study area for residents and visitors to live, work and play. It is therefore recommended that residential uses be included in the Mixed Use designation.

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).

With the planned realignment of KY 16, it is expected that traffic volumes will decrease on Taylor Mill Road and Old Taylor Mill Road. The Kentucky Department of Transportation has planned to install new roads; to provide access to KY 16 for current residents within the study area; to connect Honeysuckle Drive and Sandman Drive with the new KY 16; as well as a new connector to provide access to Davis Lane (see Attachment A, Figure 3). Two roundabouts are also proposed within the mixed use and

retail commercial areas of the study area. In addition, pedestrian circulation has been incorporated into the study area with designated bikeway and sidewalks along the roads.

GOODS AND SERVICES

To ensure that the amount and location of facilities providing goods and services is based on need.

Effort should be made to determine the amount and location of facilities providing goods and services, primarily on the basis of what can be supported. Inherent in this objective is the constant need to discourage over-development or premature development to facilitate providing goods and services, which are not based on sound findings of need.

To locate and design centers providing goods and services so as to maximize consumer safety and convenience while minimizing any adverse environmental effects.

Centers providing goods and services should be conveniently accessible to the population. Different types of centers should be provided which serve the unique needs and desires of different types of consumers – examples are as follows: Centers oriented to serving immediately surrounding residents with daily convenience needs, centers intended to serve the transient public, major commercial centers offering both convenience and comparison goods and services to customers from a large service area. In all cases, design of new or redeveloped facilities, providing goods and services should contain adequate off-street parking facilities, reasonable control of ingress and egress, landscaping, reasonable separation of vehicular and pedestrian traffic, etc. Such centers should be located and designed so as to minimize any adverse environmental effects.

As part of the land use study, a feasibility study was also carried out to evaluate the market demand for potential developments and identify development opportunities. A highest and best use analysis was conducted to select which real estate product types warrant further analysis. Land use opportunities including community retail, apartment rental, multi-tenant office and light industrial were examined for both short and long term demand potential. The study area's proximity to I-275 and I-71/75 combined with expected future household growth were identified as the primary strengths contributing to the potential future development of the study area.

EMPLOYMENT

To provide for a stable and diversified employment capability.

Effort should be made to provide a variety of employment opportunities oriented to various segments of the labor force and the skills they exhibit, so as to minimize unemployment levels. Effort should be made to determine and attract those types of industrial and commercial activities which, according to the most recent economic studies, appear to have the greatest potential for success in this region and are least susceptible to fluctuations in the economy.

The *I-275/KY 16 Improvement Area Land Use Study* indicates the potential for retail, office and industrial development overtime, which will provide increased opportunities for employment and contribute towards the economic stability of the city.

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.

The Future Land Use Development Plan identifies areas recommended for conservation and greenspace. Conservation land use is the largest land use within the study area, totaling 103 acres. Conservation areas are intended to preserve steep hillsides by limiting development on areas exceeding 20 percent slope. Greenspace areas, totaling 14 acres (5% of the study area), are also identified to help beautify the entire study area and provide opportunities for gateways and pedestrian connections. In addition to the areas identified on the Future Land Use Development Plan, additional greenspace will be provided as each property redevelops and the city's landscape regulations and the recommended Design Guidelines identified within the study are enforced.

Additional Information:

The *I-275/KY 16 Improvement Area Land Use Study* identified a portion of the study area for Mixed Uses. These areas are described as "incorporate[ing] civic, retail commercial, and office uses into a development or single building with civic, commercial, or office uses on the first floor and civic, commercial or offices on the second or third floor". Staff feels it is appropriate and beneficial to allow for higher density residential development within the mixed use designation, in order to establish the town center character envisioned for the study area, which is attractive and pedestrian-friendly for both residents and visitors.

Mr. Mel Whitacre and Mr. Jim Best registered to speak against the issue. Mr. Dennis Harrell and Ms. Jane Frantz registered to speak as neutral parties on the issue. No one registered to speak in favor of the issue.

Mr. Whitacre addressed the Commission and stated he and his wife have lived in Taylor Mill since 1963. He stated the city wants to add the mixed use zone to generate revenue. He further

stated from his understanding this would mean a resident couldn't do anything to their property. Mrs. Weldon clarified the issue and noted the area would remain residential unless there was a zone change and at the present this is not the case. Mr. Whitacre also questioned the proposed buildings.

Mr. Best addressed the Commission and distributed a copy of his notes that were taken directly from the study done on the area. The document was marked as an exhibit and made a part of the record on the matter. He then briefly summarized the document in the interest of time. He stated he opposes the language as he sees it with the Comprehensive Plan. He asked if the residents' opinions made a difference.

Mr. Harrell addressed the Commission and stated he is neutral on the issue and he commends the city and the thorough study that was done. He noted he and his wife attended every public hearing on the issue. He stated the minutes from the special meeting held in June were not posted on the website until September 7th and not until after the city was called on it. He added it would have been good to have Ms. Bailey present to speak on the issue.

Ms. Frantz addressed the Commission and stated the mixed use seems very ambiguous and she wanted that clarified. She also noted she would like the language to include residential. She further stated there is less of a buffer provided and the residents really don't need more commercial in their backyards.

Mr. France then stated it is unfortunate that no one from the city was able to be present to speak on the matter. He stated it was a lot of land to be changing from residential to mixed use. Much discussion was had as to the specifics of the design guidelines and how exact they are and how closely they would have to be adhered to later. Mr. Darpel then made the motion to disapprove based on statements and testimony on the issue. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Darpel, Mr. Ryan, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Hilgefurd, Ms. Hood, Ms. Snyder, Mr. Swanson, Mr. Tewes, Mr. Wessels and Mr. Wolnitzek in favor. Mr. France and Ms. Weldon voted against.

1833R

APPLICANT: J. J. Miller, on behalf of the Sipple Family Limited Partnership
LOCATION: an approximate 94 acre area located at the southeast corner of the intersection of Taylor Mill Road with Manor Lake Drive, Unincorporated Kenton County.
REQUEST: a proposed map amendment to the Kenton County Zoning Ordinance changing the described area from R-1B (a single family residential zone) and A-1 (an agricultural zone) to R-1B (PUD) (a single-family residential zone with a planned unit development overlay zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from A-1 and R-1B to R-1B (PUD), but only subject to compliance with the following conditions:

1. That sidewalks be provided along Taylor Mill Road and Manor Lake Drive, fronting the site in question.
2. That a street extension be provided from Street 'D' to the north, in the vicinity of lot 40.

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 A-1 and R-1B to R-1B (PUD) is generally 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 2.0 dwelling units per net acre and Under, Agricultural and Rural uses, and as a Physically Restrictive Development Area (PRDA). The proposed R-1B (PUD) Zone will allow the development of residential dwellings at a maximum density of 2.0 dwelling units per net acre.
2. The use of the R-1B Zone as the underlying zone on the site in question would represent a logical extension of the existing R-1B Zone on the site in question and located to the northwest of the site in question. The R-1B Zone is currently identified on a ridge line within the site in question. It is appropriate to have the R-1B Zone identified on the other ridge line on the site in question.
3. The proposed map amendment from A-1 and R-1B to R-1B (PUD) is consistent with the stated purpose of the PUD Overlay Zone, which are to: promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in an harmonious fashion; provide for more usable and suitably located recreation facilities, other public and common facilities, than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.

The proposed R-1B (PUD) Zone, as evidenced by the submitted development plan, will: allow the development of the site with single-family residential dwellings at a density consistent with the comprehensive plan; allow for the protection and retention of creeks hillside areas; and place development on existing ridge lines.

4. The submitted Stage I Development Plan meets the minimum requirements of the Kenton County Zoning Ordinance Zoning Ordinance.

5. The Kenton County Subdivision Regulations require that sidewalks be provided as part of any new development. The submitted development plan indicates that sidewalks will be provided along both sides of new streets. However, there is not indication of sidewalks being constructed along existing streets. Therefore, it is recommended that sidewalks be provided along Taylor Mill Road and Manor Lake Drive, fronting the site in question.
6. The Kenton County Subdivision Regulations require that street extensions be provided to adjacent properties. The submitted development plan indicates the construction of Street 'D' along an existing ridge line running northwest/southeast on the site in question. This ridge line extends northwest to the adjacent property. Therefore, it is recommended that a street extension be provided from Street 'D' to the north, in the vicinity of lot 40.

Additional Information:

1. Based upon the development of 174 detached single-family residential dwellings, approximately 1,050 average weekday vehicle trip ends will be generated by the proposed development. It is suggested that the developer work with the Kentucky Transportation Cabinet on improvements to the intersection of Manor Lake Drive with Taylor Mill Road.

Mr. Schwartz noted a letter was submitted regarding the issue by R. Scott Kimmich, Deputy Judge Executive. Ms. Weldon then marked the letter as an exhibit to be made a part of the record on the matter. Ms. Weldon then read the letter into the record that was submitted by Mr. Kimmich.

Mr. Justin Verst, Mr. J.J. Miller, Ms. Megan DeSola, Mr. Dickerson and Mr. Viox registered to speak in favor. Mr. Ron Makenbell registered to speak as a neutral party. Mr. Jim Wharten, Mr. Matthew Skidmore, Mr. Gary Kelly, Ms. Cathy Donahue and Ms. Renee Dillon registered to speak against.

Mr. Verst addressed the Commission and stated the Staff did a good job of explaining the location of the site. He stated it is in good proximity to a number of schools. He stated they are proposing 174 units in the development. He further stated some of those units are already proposed as part of Phase I. He stated they are pretty much staying on the ridgetop with the development. He noted all lots will be sewered. He additionally stated this is an ideal subdivision to build a pump station. He noted by staying on the ridgetop it allows them to limit the grading that will be necessary.

Ms. DeSola addressed the Commission regarding the community impact of the development. She stated one of the nice things about the development is the close proximity to the area schools. She stated the homes will range in price from \$150-200,000 of which a tax revenue of \$350,000 will be generated for the city. She further stated they anticipate Manor Lake would generate about 88 school children but that the number would probably be higher because that figure does not include preschool aged children.

Mr. Miller addressed the Commission and stated the development lays out very nicely. He stated this would be his first development in Kenton County if approved. He further stated the development is a credit to the neighborhood and surrounding area. He stated he has no problems with the conditions set by Staff.

Mr. Verst stated in response to the letter by Mr. Kimmich that they are willing to do whatever the Staff recommends on the matter.

Mr. Viox had nothing to add.

Mr. Wharten addressed the Commission and stated his concern is with water retention and security. He stated they have problems with water without the development there. He also stated they have problems with trespassers and there is virtually no way to stop them. He stated there is a large blindspot along the road where a number of accidents have occurred over the years.

Mr. Skidmore addressed the Commission and stated he wanted to know if the trees will be left as they area. He stated the sewer pump will be right in front of his home. He asked what this would smell like on a hot day and whether or not any hazardous materials would be kept there. He also asked what kind of homes these would be as far as vinyl, brick wrapped, etc.

Mr. Kelly addressed the Commission and stated his concern was whether this change was going to change his ability to raise crops and livestock on his property. He stated he is not standing in the way of progress but this is one of his concerns. He noted he is also concerned with overcrowding of the area schools because he knows they are at capacity now.

Mr. Makenbell addressed the Commission and stated he is concerned with the changing of his zoning as well as his property is a farm. Ms. Weldon noted his property would remain the way it is presently.

Mr. Verst addressed the Commission in rebuttal and stated all the residences will be kept on the north and west side of the creek. He stated they want the open space to be rural. He further noted the pump station will be built to the Sanitation District's standards and they do have odor control. He further noted the Sanitation District would be responsible for that pump station. He additionally noted they are willing to work with the city with regard to the blind spot but they are limited as to what they can do. Mr. Miller added they are certainly willing to work with Staff as to the best solution as to the blind spot. Ms. Hood asked if any studies had been done as to the water runoff during construction. Mr. Miller stated there is a wide area of trees around the whole area and that it is heavily wooded. Mr. Viox then noted some of the water will be collected and redirected.

Ms. Donahue addressed the Commission and stated the area is growing very fast. She stated she takes issue with the fact that it won't affect the schools because they are full now. She then noted the people that moved there for the green space won't have it to enjoy.

Ms. Dillon addressed the Commission and stated she is concerned with how the way of life she has lived with her children and the open space will be affected with the development. She noted the blind spot will be more heavily traveled with the increase in development. She further noted the estimates for the school children is extremely low.

Mr. Wharten addressed the Commission and commented on the trees in the area. He noted that two years ago a lot of trees were taken down and left and now they are beginning to wash down the hill. He stated all the water will end up down the creek no matter what they do.

Mr. Skidmore addressed the Commission and asked if anyone has gone out and walked the property. He specifically asked about the power line that powers his property and other family members.

Mr. Miller stated they hope to improve it by putting the power line underground but they are not certain what they will do with the power lines that run across the property.

Following a brief discussion Mr. Hilgefurd made the motion to approve with the conditions and recommendations of Staff as well as the testimony. He also added an additional information comment and recommended the city examine a left turn lane off of Manor Lake Drive. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Ms. Hood, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Ryan, Ms. Snyder, Mr. Swanson, Mr. Tewes, Mr. Wolnitzek and Ms. Weldon in favor. The motion carried unanimously.

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

1834R

- APPLICANT:** Terrace Holdings, LLC, per Phil Drees, on behalf of Triple E Swim Club, Inc.
- LOCATION:** An approximate one (1) acre area, located on the south side of the Watson Road, between Michelle Court and Baker Street, approximately six hundred fifty (650) feet north of Baker Street, in Erlanger.
- REQUEST:** A proposed map amendment to the Erlanger Zoning Ordinance changing the described area from R-3 (a multi-family residential zone) to PO (a professional office building zone).

Staff presentation and Staff recommendations by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from R-3 to PO.

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 following Goals and Objectives contained within 2001 Area-Wide Comprehensive Plan Update:

Effort should be made to ensure that centers providing goods and services are planned and developed as an integral part of the total area's development. Such foresight should ensure that: their existence is enhanced, rather than disrupted, by major transportation facilities; they are reasonably located in relationship to other areas providing similar

goods and services; adequate markets have been reasonably assured; and that the location and design of such centers will not result in a disrupting influence on surrounding development. Effort should also be made to ensure that areas providing goods and services are protected from the intrusion of incompatible land uses.

The site in question is enhanced by being located near an arterial street to the north, and is reasonably located in relationship to other office uses. The surrounding areas have been developed for offices, government offices, and safety services, along with a school and multi-family developments. Office development on the site in question will not disrupt the development of surrounding areas and is not an intrusion into the neighborhood.

2. The existing zoning classification given to the site in question is inappropriate and the proposed zoning classification is appropriate.

The entire area bounded by Watson Road, Graves Road, and Baker Street functions as a contiguous area with much of the same issues impacting future development. The aforementioned streets form a logical boundary between the office development and the residential areas to the north and west. The site in question is part of a larger area to the east that has been developed for the same uses. Therefore, it is appropriate to permit the site in question to develop in a similar fashion with the rest of the area to the east of the site in question. For these same reasons, the proposed map amendment is a logical extension of the PO Zone located adjacent to the property.

*Mr. Coates recused himself due to a conflict of interest with his employer.

Mr. Adam Chaney registered to speak in favor of the issue. No one registered to speak against.

Mr. Chaney addressed the Commission and stated he is in total agreement with Staff's recommendations. He noted he would be happy to answer any questions.

Mr. Hadley then made the motion to approve based on Staff's recommendations and the goals and objectives of the Comprehensive Plan. Mr. Swanson seconded the motion. A roll call vote on the motion found Mr. Hadley, Mr. Swanson, Ms. Carlin, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Swanson, Mr. Tewes, Mr. Wessels, Mr. Wolnitzek and Ms. Weldon in favor. Mr. Coates recused himself from the voting on the matter. The motion carried.

1835R

- APPLICANT:** Mebs, Merrill, Mueller, Russell, per Greg Mebs, on behalf of Diocese Lexington Trustee
- LOCATION:** an approximate 3,100 square foot area bounded by Decoursey Avenue, Lincoln Avenue, and East 39th Street, Covington
- REQUEST:** (1) a proposed map amendment to the Covington Zoning Ordinance changing the described area from R-1G (a single-family residential zone under the old zoning ordinance)/RU-2 (a residential zone under the new zoning ordinance) to CN-1P (a neighborhood commercial zone under the

new zoning ordinance); and (2) a conditional use permit to operate a medical office on the site in question

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

Map Amendment: Disapproval of the proposed map amendment to the CN-1P Zone.

Conditional Use Permit: Approval, subject to the condition that the City of Covington approves the 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:

Map Amendment:

1. The proposed map amendment to CN-1P is not 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 identified for Residential Development at a density of 7.1 to 14.0 dwelling units per net acre. The proposed CN-1P Zone would allow commercial development to occur within an area identified for residential uses.
2. The site in question can be re-used for a number of permitted or conditional uses identified within the existing residential zone, including a day care facility or offices (excluding medical). Therefore, the existing zoning is appropriate. The proposed zone is inappropriate due to its nonconformance with the adopted comprehensive plan.
3. 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.
4. The recommendation of disapproval is consistent with a previous staff recommendation.

On April 1, 2004, the City of Covington, per Annalee Duganier, submitted a proposed map amendment application, changing an approximate 1.5 acre area located at the intersection of Decoursey Avenue with East 40th Street (approximately 700 feet southeast of the site in question), from R-1G to NC-2. On April 30, 2004, the NKAPC staff recommended disapproval of the proposed map amendment.

Conditional Use Permit:

1. If the City of Covington approves the proposed map amendment, the use of the site in question for a medical office would provide a service that would contribute to the general well being of the neighborhood and the community.
2. If the City of Covington approves the proposed map amendment, the use of the site in question for a medical office would not be detrimental to the health, safety, or welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity of the site in question.

The site in question is adjacent to an arterial street. As such, additional traffic generated by the proposed use should be negligible. The applicants have stated that they intend to use the existing structure. Therefore, the use of the site for a medical office is an appropriate adaptive re-use of this landmark structure within the community.

Additional Information:

1. The applicants have stated that they provide mental health services and that their organization includes four mental health professionals that specialize in child and family therapy.

The following definitions from the Covington Zoning Ordinance may be pertinent to the issue:

Medical Service: Personal health services, including prevention, diagnosis, and treatment, rehabilitation services provided by physicians, dentists, nurses, and other health personnel and medical testing and analysis services. Typical uses include medical and dental offices, medical/dental laboratories, health maintenance organizations, and health centers. Excludes use types more specifically classified, such as hospitals.

Office: Professional, governmental, executive, management, or administrative offices of private organizations or government agencies. Typical uses include government offices, administrative offices, legal offices, technology businesses, and architectural firms.

Mr. Greg Merrill and Mr. John Mueller registered to speak in favor of the issue. Mr. Mark Raia, Ms. Julie Raia and Ms. Amy Frost registered to speak against the issue. Mr. Elmer Garner and the Rev. Daniel Stiles registered to speak as neutral parties.

Mr. Merrill addressed the Commission and stated they are interested in opening a mental health counseling center. He stated it is going to a community counseling center. He noted most of the counseling will be done off site in client's homes. Mr. Merrill stated they provide services to the working poor. It was additionally noted that they want to keep the integrity of the building on the outside.

Mr. Mueller addressed the Commission and stated that they are not a medical office. He noted the office will be used as a base and most of their work is done by home visit. He noted their intent was to stay in Latonia and become a part of the community.

Mr. Raia addressed the Commission and stated he in opposition to the zoning change and feels it should remain residential. He stated there could be parking issues down the road and feels it

would have a detrimental affect on the community. He noted he feels it's just not good for the community.

Ms. Raia addressed the Commission and stated they are directly across the street from the site. She stated it is a narrow street and her children sometimes play in the street. She additionally noted concerns about parking and strangers coming and going from the site. She stated she feels it should stay what it is currently.

Mr. Frost addressed the Commission and stated she is sure the people are good people and feels they have a good calling to do what they do but feels it should stay residential.

Mr. Garner addressed the Commission and stated he would rather them tear the building down and make a parking lot than to do what they are intending to do with the property. He stated he is concerned with what they may do down the road.

Rev. Stiles addressed the Commission and asked if there can be a condition that the change is conditional and that it will revert back to what it was before. Ms. Weldon stated that could not be done and that a zone change would need to be requested to revert it back.

Mr. Merrill addressed the Commission in rebuttal and stated someone could use the property now for commercial use and that it is a permanent use presently.

Mr. Eilerman then made the motion to approve based on Staff's recommendation and the information presented, and that the current zoning is inappropriate. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Barnett, Mr. Coates, Ms. Hood in favor. Ms. Carlin, Mr. Cook, Mr. Darpel, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Ryan, Ms. Snyder, Mr. Wessels, Mr. Wolnitzek, Mr. Swanson, Mr. Tewes and Ms. Weldon in favor. The motion failed with a vote of 12-5. Mr. France then made a motion that the existing zoning is appropriate and they are not a medical office so therefore they do not need the commercial zone to operate as intended, which could occur in the R-2 zone as a conditional use. Ms. Weldon then asked if Mr. France would be willing to add an additional information comment to recommend that the applicant pursue a conditional use permit from the Covington BOA. Mr. France then added the additional information comment. Mr. Ryan seconded the motion. Mr. Schwartz then made a suggestion as to how the motion could be worded to allow for the applicant to achieve their request but not change the zone. Ms. Weldon clarified the motion to state the motion is to disapprove on the basis of Staff's report but to add an additional information comment that the Commission is recommending pursuing this issue through the Covington Board of Adjustment for a conditional use permit for a regular office. A roll call vote on the matter found Mr. France, Mr. Ryan, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. Hadley, Mr. Hilgefurd, Ms. Hood, Ms. Snyder, Mr. Swanson, Mr. Tewes, Mr. Wessels, Ms. Weldon and Mr. Wolnitzek in favor. The motion carried unanimously. Mr. Eilerman then made the motion to recommend the approval of the conditional use permit. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Eilerman, Ms. Hood, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Hadley, Mr. Hilgefurd, Mr. Ryan, Ms. Snyder, Mr. Swanson, Mr. Tewes, Mr. Wessels, Mr. Wolnitzek and Ms. Weldon in favor. The motion carried unanimously.

1836R

APPLICANT: Accu-Tex Signs and Banners, per Darrell Sallee, on behalf of A & K Enterprises, Inc.

LOCATION: an approximate 1.7 acre area, located at the northeast corner of the intersection Dixie Highway and Dry Creek Road, in Erlanger.

REQUEST: a proposed map amendment to the Erlanger Zoning Ordinance changing the described area from R-2 (RP) (an attached single-family residential and two-family residential with a renaissance protection overlay zone) to NC-2 (RP) (a neighborhood commercial with a renaissance protection overlay zone).

Staff presentation and Staff recommendations by Mr. Andy Videckovich.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from R-2 (RP) to NC-2 (RP), but only subject to compliance with the following conditions:

1. That the landscaping and screening on the site in question meet the minimum requirements of the Erlanger Zoning Ordinance.
2. That the lighting on the site in question meet the minimum requirements of the Erlanger Zoning Ordinance.
3. That an access drive be constructed and an easement be recorded from the existing access easement to Dry Creek Road.
4. That access directly onto Dixie Highway be prohibited.
5. That loading/unloading spaces be provided that meet the minimum requirements of the Erlanger Zoning Ordinance.
6. That any fences, walls, obstructions to view, and signs meet the minimum requirements of the Erlanger Zoning Ordinance.
7. That the submitted development plan be revised to meet the minimum requirements and recommendations contained within the design criteria for “The Dixie” and the applicant receive a certificate of appropriateness from the City of Erlanger prior to construction on the site in question.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. The proposed map amendment from R-2 (RP) to NC-2 (RP) is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question for Commercial Retail/Service. The proposed NC-2 (RP) Zone will allow the development of a variety of retail and service uses on the site in question.

2. The proposed map amendment from R-2 (RP) to NC-2 (RP) is consistent with the following Goals and Objectives and Development Concepts contained within the 2001 Area-Wide Comprehensive Plan Update:

To locate and design centers providing goods and services so as to maximize consumer safety and convenience while minimizing any adverse environmental effects.

Centers providing goods and services should be conveniently accessible to the population. Different types of centers should be provided which serve the unique needs and desires of different types of consumers

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

Effort should be made to ensure that centers providing goods and services are planned and developed as an integral part of the total area's development. Such foresight should ensure that: their existence is enhanced, rather than disrupted, by major transportation facilities; they are reasonably located in relationship to other areas providing similar goods and services; adequate markets have been reasonably assured; and that the location and design of such centers will not result in a disrupting influence on surrounding development. Effort should also be made to ensure that areas providing goods and services are protected from the intrusion of incompatible land uses.

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

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

Commercial concentrations should be developed as planned areas containing the general characteristics of a "shopping center".

Such a concept would minimize traffic control problems and safety hazards thus maximizing consumer shopping convenience.

The proposed map amendment is located along an arterial street and adjacent to existing commercial retail/service uses. Limiting vehicles entering and exiting the site in question to right-turns only, and providing access to a signalized intersection to the north, will limit the number of road trips generated on Dixie Highway.

3. The proposed map amendment from R-2 (RP) to NC-2 (RP) is consistent with the following Land Use recommendations contained within the 2001 Area-Wide Comprehensive Plan Update for the Dixie Highway Commercial Corridor:

Dixie Highway Commercial Corridor

Kenton/Boone County Line to I-275 – This sector lies within the cities of Elsmere, Erlanger, Edgewood and Crestview Hills. Commercial activities in this sector range from small, locally-owned businesses to large regional and national chain restaurants, grocery

stores, hardware stores and service businesses. Additionally, the Crestview Hills Mall is located within this sector adjacent to I-275. This Mall, which is currently underutilized, potentially provides significant opportunity for new businesses. Furthermore, several out lots exist at the Mall that are available for future development. The wide variety of retail and service uses in this sector is anticipated to continue, however, to provide increased accessibility and safety, a major emphasis needs to be placed upon providing coordinated off-street parking and access between the existing and newly constructed businesses.

4. The proposed map amendment from R-2 (RP) to NC-2 (RP) meets the minimum requirements of the Erlanger Zoning Ordinance, except for the following:
 - a. Section 9.17, of the Erlanger Zoning Ordinance sets forth regulations pertaining to landscaping. Areas adjacent to street frontages (public or private), vehicular use areas, buildings, loading/unloading areas, signs, and buffer yards are required to contain landscaping. Insufficient information has been submitted to determine compliance with these regulations.
 - b. Section 10.17, D., 3., and Section 11.1, E., of the Erlanger Zoning Ordinance set forth regulations pertaining to lighting within the NC-2 Zone and the lighting of off-street parking areas. Insufficient information has been submitted to determine compliance with this regulation.
 - c. Section 11.3, of the Erlanger Zoning Ordinance sets forth regulations pertaining to access control regulations:
 - i. Section 11.3, B., of the Erlanger Zoning Ordinance sets forth provisions for frontage roads. Where possible, provision for the construction of a frontage road shall be made. However, access to the arterial or collector streets via an intersecting street or a common driveway shall be investigated if such a design is not reasonable.
 - ii. Section 11.3, F., 1., a., of the Erlanger Zoning Ordinance states that unsignalized access points shall be spaced a minimum of six hundred (600) feet apart.
 - iii. Section 11.3, F., 1., b., of the Erlanger Zoning Ordinance states that one (1) access point per existing tract will be permitted. However, if the spacing requirements for a direct access point onto an arterial street (as provided in F., 1., a., above) cannot be met, then an access point may be located on a frontage road, or on an intersecting local street, or share a common driveway that meets the spacing requirements.

The submitted development plan indicates two (2) proposed curb cuts to the site in question, approximately seventy (70) feet and one hundred twenty (120) feet from the Dry Creek Road. Access to the site in question onto Dixie Highway does not meet the minimum requirements of the zoning ordinance. Since the site in question is provided with an alternative access point that does meet the requirements of the zoning

ordinance, the staff recommends that access onto Dixie Highway be prohibited.

- d. Article XII of the Erlanger Zoning Ordinance sets forth regulations pertaining to loading/unloading areas. Insufficient information has been submitted to determine compliance with this regulation.
 - e. Article XIII and Article XIV of the Erlanger Zoning Ordinance sets forth regulations pertaining to fences, walls, obstructions to view, and signs. Insufficient information has been submitted to determine compliance with these regulations.
5. The proposed map amendment is consistent with the stated purpose of the RP Renaissance Protection Overlay Zone. The purpose of the RP Overlay Protection Zone is to improve the economic viability of the designated areas within the city of Erlanger, while enhancing the visual quality of the environment and the quality of life. In order to accomplish this purpose, the City has adopted design guidelines applicable to public or private improvements. Any new developments within the designated areas must be reviewed for compliance with these guidelines and obtain a certificate of appropriateness.

The design criteria for “The Dixie” has six (6) goals:

- a. To establish a new image for “The Dixie”
- b. To create a sense of excitement and energy for the area
- c. To have a positive effect on businesses – both profits and property values – along “The Dixie”
- d. To encourage redevelopment and new development opportunities in the area
- e. To promote a compatible mix of businesses along “The Dixie”
- f. To improve the quality of life for all Erlanger community members

Insufficient information has been submitted to determine with the design criteria for “The Dixie”.

Mr. Jim Wolterman, Mr. Tim Reis and Mr. Darrell Sulley registered to speak in favor of the issue. No one registered to speak against.

Mr. Wolterman addressed the Commission and stated he agrees that the property should be changed to the NC-3 zone. He stated the problem is with conditions number three and four. He stated in order to get a left in or a left out you have to go down to Cave Run Drive. He stated Staff is asking them to bring an access road down to an impassable street. He stated they are looking at mainly impulse, small type shops for the site. He stated from a practical standpoint you can't have a retail establishment on the site with the recommendations Staff is making. He further stated they recognize the turning issues on Dixie Highway. He also stated they do not feel any retail establishment will be successful without the accessibility. He then stated taking the access easement to Dry Creek Road is a waste of money until something is done to the road. A copy of the plan was then submitted and marked as an exhibit to be made a part of the record on the matter.

Mr. Sulley passed.

A motion was then made by Mr. Hadley to approve the application including 1,2 5, 6 and 7 as presented by Staff and to waive condition #3 and condition #4, as well as approving changing the design to exhibit #1 as submitted. Mr. Videkovich then recommended a temporary access from Dixie Highway until Dry Creek Road is improved. Mr. Hadley's motion remained the same. Mr. Darpel seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Darpel, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgefard, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels and Mr. Wolnitzek in favor. Mr. Swanson and Ms. Weldon voted against. The motion passed with a vote of 15-2.

***At this time a motion was made by Mr. Ryan and seconded by Mr. France to continue the meeting to Tuesday, 9/12 beginning with issue W-671 due to the late hour.**

1837R

APPLICANT: One Eleven Developers, LLC, per Darren Eyre, on behalf of Nancy and Everett Flanagan.
LOCATION: An approximate 2-acre area located along the east side of new State Route 17, approximately 900 feet north 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).

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

NKAPC STAFF RECOMMENDATION

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

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. The proposed map amendment from R-1C to NC is not consistent with the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question for Residential Development at a density ranging from 2.1 to 4.0 and 4.1 to 7.0 dwelling units per net acre. The proposed map amendment would allow the site in question to be developed with commercial uses, in an area recommended for residential uses.
2. It is the intent of the Area-Wide Comprehensive Plan Update to allow for a mix of uses in the area of the intersection of Madison Pike and Harris Pike. Although the proposed addition of commercial uses at this location is intended to benefit from the close proximity to the new State Route 17 and Harris Pike, residential development in the area of the site in question would also contribute to the economic base of such a large service area. The proposed map amendment will result in commercial activities being located adjacent to incompatible residential and agricultural land uses to the east of the site. The existing R-1C Zone is therefore appropriate and the proposed NC Zone is inappropriate.

3. There have not been any major changes of an economic, physical, or social nature within the vicinity of the area that were not anticipated in the adopted comprehensive plan to warrant the proposed map amendment.
4. This recommendation is consistent with a previous recommendation made by staff for the area immediately south of the site in question:

On September 28, 2005, the City of Independence, per Patricia H. Taney, submitted an application for review and recommendation on a proposed map amendment to the Independence Zoning Ordinance, changing a 25-acre area located immediately south and southwest of the site in question, from R-1C to NC (Z-05-10-01/1777R). On October 28, 2005, staff recommended disapproval of the proposed map amendment.

5. The submitted development plan meets the minimum requirements of the Independence Zoning Ordinance, except for the following:
 - a. Section 9.17 of the Independence Zoning Ordinance requires landscape screening to be provided when any commercial zone adjoins any residential zone or land use, the public right-of-way, and within vehicular use areas which adjoin a public or private street. The submitted development plan identifies screening along new State Route 17 and along the south and southeast boundary of the site. No screening is identified along the eastern boundary of the site and insufficient information has been submitted to determine compliance with this condition.
 - b. Section 11.1., D., of the Independence Zoning Ordinance requires all parking areas in commercial zones to be effectively screened on each side adjoining or fronting on any property situated in a zone permitting single-family residential development, by a solid wall, fence or densely planted compact hedge, per the requirements of Section 9.17 of the zoning ordinance. Insufficient information has been submitted to determine compliance with this requirement.
 - c. Section 11.1., E., of the Independence Zoning Ordinance requires that any lighting used to illuminate off-street parking areas shall not glare upon any right-of-way or adjacent property. Insufficient information has been submitted to determine compliance with this requirement.
 - d. Section 11.2., W., of the Independence Zoning Ordinance requires 5.5 off-street parking spaces per one thousand (1,000) square feet of gross leasable area for retail and personal service stores. The submitted development identifies 20,000 square feet of gross leasable area. Therefore, a total of 110 off-street parking spaces are required. The submitted development plan identifies 96 off-street parking spaces.
 - e. Insufficient information has been submitted to determine compliance with Article XIV, Sign Regulations.

Additional Information:

1. On June 19, 2006, Independence City Council voted to initiate a land use study of Downtown Independence, which would include the area of the site in question, for the purpose of determining areas suitable for both residential and commercial development. A selection committee has been formed to review consulting proposals and the selection process is underway.
2. Should the planning commission or the legislative body take action to approve the proposed map amendment, the following conditions should be applied to that action:
 - a. That the submitted development plan be revised to meet the minimum requirements of the Independence Zoning Ordinance.
 - b. That a provision be made for a street connection from the site in question to the property located to the south of the site in question, which is currently zoned NC.

Mr. Tim Theissen and Mr. Jim Bertram registered to speak in favor of the issue. No one registered to speak against.

Mr. Theissen addressed the Commission and stated Staff did a great job as usual. He stated this is a unique situation because the two acres behind it is isolated. He stated the curb cut going in is a pretty significant curb cut by KDOT. He further indicated it is really not logical to think someone is going to build a residential home up high on two acres. He stated it is more suited for commercial. Mr. Theissen then stated he feels there have been some pretty significant changes that would warrant the change. He further stated residential really doesn't make sense for this site. He then stated they are asking that the zone change not be conditioned on the connection.

Mr. Bertram addressed the Commission and stated they don't have a problem with the parking lot interconnection between parking lots. He also noted they do not have a problem with the screening. He noted they are just asking for a continuation of the commercial zone and to recommend approval.

A motion was then made by Ms. Snyder to approve with an additional information comment that the interconnection between the two properties be added, and also based on the fact that the current zoning is inappropriate and the proposed zoning is appropriate. Ms. Hood seconded the motion. A roll call vote on the matter found Ms. Snyder, Ms. Hood, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Ryan, Mr. Swanson, Mr. Tewes, Mr. Wessels, Mr. Wolnitzek, and Ms. Weldon in favor. The motion carried unanimously.

Mr. Darpel asked if there was any other way to handle the small studies. He suggested possibly presenting one month and then voting on the issue the next to allow time to review of the study on an issue. He stated he was just suggesting it be discussed at the next meeting.

Legal counsel, Matt Smith, added that Mr. Schneider was recently served with a lawsuit involving the application from the Conrads and the relocated 16. He added the Planning Commission was on the right side of the issue and that the Conrads are not asking for any monetary damages. He noted the Commission would need to respond in twenty days to the lawsuit. He stated he just wanted to make the Commissioners aware of the pending lawsuit.

***At this time a motion was made by Ms. Snyder and seconded by Ms. Hood to recess the meeting pursuant to the Commission's By Laws stating that meetings should be recessed if not completed by 11:00 p.m. and reconvene the following Tuesday. The meeting was then recessed at 11:30 p.m.**

Meeting Continuation – September 12, 2006

Attendance: Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgeford, Ms. Hood, Mr. Ryan, Mr. Swanson, Mr. Tewes* Mr. Wessels, Mr. Whitacre and Ms. Weldon. Ms. Snyder, Mr. Wolnitzek and Mr. Wells were absent.
*Mr. Tewes arrived immediately after roll was taken.

W-671

APPLICANT: Erpenbeck Consulting Engineers, Inc. in behalf of Adare Development Group, LLC

LOCATION: An approximate 8-acre area located on the west side of Narrows Road, approximately 150 feet north of Delphi Drive, Erlanger

REQUEST FOR

ACTION: To grant a Waiver to Section 5.3 (F) requiring sidewalk on the portions of Boulevard and Narrows Road fronting the proposed development.

Staff presentation and Staff recommendations by Ms. Laura Mitchell.

*Mr. Darpel recused himself due to a conflict of interest with his employer.

Ms. Weldon noted receipt of an email from Mr. Bill Shire in support of Staff's recommendation on the issue.

Mr. Brandon Rayborn registered to speak on the issue. No one registered to speak against.

Mr. Rayborn addressed the Commission and stated they are withdrawing their request for the sidewalk waiver along Narrows Road. He stated after review of the plan they would be able to do some additional grading to allow for the sidewalks, He then stated as far as Brightleaf is concerned he asked if sidewalks were planned for this area. He noted no handicapped ramps were called for and they questioned the placement of the sidewalk. Mr. Rayborn further stated there are many streets in Erlanger with homes on both sides that only have sidewalks on one side. He stated the main point in the three findings to grant a waiver as to sidewalks. He stated he can't imagine someone walking down the sidewalk and then hopping across to connect to the other sidewalk and then crossing again. He noted this would create a safety hazard in placing the sidewalk that would cause someone to go back and forth. Mr. Rayborn stated he doesn't know why it's necessary to have a sidewalk along a side of the street that has no homes. He then stated it seemed impractical and would create a safety hazard to install the sidewalk along Brightleaf. Mr. Hadley asked if there were any bus stops on that side of the street. Mr. Rayborn stated there were none on that side of the street.

Ms. Weldon then read Mr. Shire's letter into the record prior to marking it as an exhibit. Mr. France stated he felt Staff got this correct in requiring the sidewalks due to the other development in the area. He stated the city administrator comments are well taken and the sidewalks need to be there. Ms. Weldon then noted the Commission has stuck to their commitment with regard to sidewalks and stated they feel they are important and they do get used, even in areas such as along 42 which is a busy road and people still use the sidewalks there. She further noted if they are there, they will get used. Mr. Swanson then made the motion

to deny the request based on Staff's recommendations and the city administrator's comments on the issue. Mr. France seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. France, Mr. Barnett, Ms. Carlin, Mr. Cook, Mr. Eilerman, Mr. Hilgefurd, Ms. Hood, Mr. Ryan, Mr. Tewes, Mr. Wessels and Ms. Weldon in favor. Mr. Coates, Mr. Hadley and Mr. Whitacre voted against. Mr. Darpel recused himself from any voting on the matter due to a conflict. The motion carried with a vote of 12-3.

W-672

APPLICANT: Mr. Jack Tatusko
LOCATION: An approximate 1.6 acre area located on the north side of Orphanage Road, approximately 0.25 miles east of Dixie Highway and 500 feet west of Ivy Hill Lane in Ft. Mitchell.
REQUEST: To grant a Waiver to Section 4.6 requiring that a maximum of four lots be served by a common driveway. Granting the requested waiver will allow five lots to be served by a common driveway.

Staff presentation and Staff recommendations by Mr. Ryan Hutchinson.

Mr. Jack Tatusko and Mr. E.J. Foltz registered to speak in favor of the issue. Mr. Bob Kaiser registered to speak against. Mr. Steve Hensley and Mr. Bob Zerhusen registered to speak as neutral parties on the issue.

Ms. Weldon then read letters into the record from Mr. Tatusko, Mr. Goetz, Mr. Bill Madden and Mr. Tim Hollenkamp which were then marked as exhibits and made a part of the record on the matter.

Mr. Foltz addressed the Commission and stated this is an approved lot configuration. He noted they are asking for all five lots to be on one driveway to reduce the number of curb cuts. He noted they are in agreements with Staff's recommendations. He noted they feel the design is innovative because it does eliminate one of the curb cuts. Mr. Hutchinson also noted they felt this was an innovative design because of the elimination of the curb cut.

Mr. Kaiser addressed the Commission and stated Ivy Hill Lane is too steep to get a fire truck up and asked that it be turned down. Ms. Weldon added the issue has nothing to do with density. Mr. Kaiser stated he feels someone should step up for the people on Ivy Hill Drive.

Mr. Hensley addressed the Commission and stated it is a blind spot at the top of the hill and if some of the curb cuts can be eliminated, that would help the safety issue of the area. He stated he would like to see a common access from a safety standpoint. He further stated it will not be easy to get emergency trucks down to service all the lots but it can be done. He further stated an agreement would need to be entered into as far as waste collection is concerned. Mr. Hilgefurd stated he didn't necessarily feel it was a smart move given that there would be no snow removal on a very long drive and the homeowners would have to get up a steep grade in order to get their garbage to the top to be picked up. Mr. Kaiser then stated the city shares in those concerns and the mayor even went so far as to say a letter would need to go out to the potential homeowners advising them there would not be any service to the private street by the city.

Mr. Zerhusen addressed the Commission and stated they have a couple concerns, one being screening of the area. He noted they wanted to make certain there is a condition as to screening. He noted he is asking for a change as to the screening for the development. Mr. Zerhusen also

asked for a condition as to the storm water retention. He stated at the steepest point it is a 12% grade and the storm water needs to be looked at to adequately address it.

Mr. Tatusko addressed the Commission and stated he is fine with providing screening and is willing to meet with the property owners to come up with the best solution to eliminate any and all headlights coming onto their property. He stated they offered these improvements before they were recommended to them. He further stated they will be within road guidelines as to the 12% or less grade. Mr. Wessels stated it is going to be difficult to implement the screening. He questioned what if the neighbors aren't in agreement with the suggested screening. Ms. Weldon reminded everyone that five lots are what is already allowed under current zoning. She then reiterated the waiver was as to the number of curb cuts and access. Mr. Smith, legal counsel, stated the only issue is whether to grant or not grant the waiver. He further noted the screening condition should not be too arbitrary because there could be so much disagreement between the property owners and the developer as to the screening.

A motion was then made by Mr. France to grant the waiver based on Staff's recommendation including Staff's five conditions and adding a sixth condition that adequate screening to the north and south to be provided and as approved by the Ft. Mitchell Zoning Administrator. Ms. Hood seconded the motion. Mr. France then modified his motion to add permitting the waiver based on condition D of the subdivision regulations that strict compliance of the regulations does create a safety issue. A roll call vote on the motion found Mr. France, Ms. Hood, Mr. Barnett, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. Hadley, Mr. Ryan, Mr. Tewes, Mr. Wessels, Mr. Whitacre and Ms. Weldon in favor. Ms. Carlin, Mr. Hilgefurd and Mr. Swanson voted against. The motion carried with a vote of 13-3.

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.

The meeting was opened for discussion as Staff had made their presentation at the previous month's meeting. Mr. Darpel asked about the view shed. Mr. Logsdon clarified what they were attempting to do in preserving and protecting those areas. Much discussion was had as to the view shed and the determining factors as far as how those areas were decided upon. Mr. Gordon then stated as this issue would be heard at next month's meeting and to discuss it in detail would compromise the integrity of the matter.

Ms. Sherry Karan and Ms. Theresa Kampson registered to speak in favor of the issue. Mr. Dan Dressman registered to speak against the issue. Mr. Phil Drees and Mr. Adam Chaney registered to speak as neutral parties on the issue.

Ms. Karan addressed the Commission and stated she hopes to be able to show the benefits of the study to all residents of Kenton County. She highlighted briefly past studies done in the area and the results of those studies. Ms. Karan then submitted various documents and references with regard to the issue that were marked as exhibits and made a part of the record. She stated this will also benefit the folks downstream as far as flooding and quality of water. She then stated this affects the Ohio Rive as well and development along those banks.

Ms. Kampson addressed the Commission and stated a group of residents got together as a group from all the public input meetings and workshops and put together some thoughts of their own on the issue. She stated she really hopes the Commission will take into consideration the efforts of the Committee that put in the many hours regarding the study. Ms. Weldon then read a letter from Mr. Triad that was marked as an exhibit and made a part of the record.

Mr. Dressman addressed the Commission and stated they support the recommended changes in the document as to areas 4 and 6. He stated these designated areas of the city are well suited to this purpose. He further noted this is long overdue. He stated quality affordable housing has always been a goal of Kenton County. He then noted due to the extensive restrictions placed in certain areas will allow property values to plummet. He stated he has serious concerns about the economic feasibility of the study and feels certain areas should not be decided on until additional feasibility studies are performed. He stated he urges the Commission to approve the study on areas 4 and 6 only and table the remainder of the document until a future date on the remaining areas to allow additional economic feasibility studies to be performed. He noted it is their feeling that to do any additional residential development would be impractical without further studies being done.

Mr. Drees addressed the Commission and reiterated that the Commission really review the document and to keep asking questions. He asked that the document really be looked at hard. He also stated that portion as to design guidelines should be tabled as well to look at it further.

Mr. Chaney addressed the Commission and stated he just has questions and is not necessarily in opposition. He stated they are not real comfortable with the document when they don't have answers to questions regarding certain portions of it. He stated it has been looked at from every area except an economic feasibility. He stated they just don't want to have it adopted when there are questions remaining. He then stated they just don't feel like the document can be adopted without looking into it further and an economic study be looked into.

Mr. Logsdon then distributed a handout in relation to the study and the meetings that were had and what occurred throughout these meetings. He then noted without the adoption of the plan it makes it difficult to move forward with the text. He then gave a brief history of the occurrences over the years with regard to how the land has been looked at and how it has been zoned. He stated they needed to accomplish neighborhood goals as well as community goals. He stated the plan itself does not implement itself and stated this is the first step of many. He also noted per the Commission's request all the "shalls" had been changed to "shoulds" as well as "design standards" had been changed to "design guidelines" within the document. Mr. Logsdon also pointed out that they placed within the document that the design guidelines only applied to areas 1 and 2 to make it cleaner. Mr. Wessels stated there are many products available to homeowners that he feels it is limiting to put them in this document. He then stated the hillside change is from 15% to 20% which is consistent with subdivision regulations. Mr. Wessels commented that

there are things in the study that are in direct conflict with the subdivision regulations. After discussion on the matter Ms. Weldon suggested just taking out the specific references with regard to design guidelines that some of the Commissioners seemed to be having the most trouble with as it seemed to be taking away from the study itself. Mr. Logsdon reiterated that these are just guidelines. Mr. Wessels then stated if the Commissioners were still willing to approve the study he felt that anything that was in contradiction to the subdivision regulations should be left out. Mr. Hadley suggested eliminating the design guidelines from the study. Ms. Weldon then suggested adding an information comment that stated if the design guidelines were in conflict with the subdivision regulations then it should be resolved. Clarification was made by legal counsel as to the inclusion of “should” versus “shall” and stated “should” is more of a guide as opposed to a requirement. Mr. Hadley then made the motion to approve 1827R with exception to page 26, deleting the design guidelines. Ms. Weldon then clarified that the design guidelines referred to were under section 4:14 in the August revisions. Mr. France seconded the motion. The motion was amended by Mr. Hadley to substitute the 15% slope for the 20% slope and to add an informational comment that if there is any direct conflict with current subdivision regulations that it be resolved. A roll call vote on the matter found Mr. Hadley, Mr. France, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. Hilgefurd, Ms. Hood, Mr. Swanson, Mr. Tewes and Ms. Weldon in favor. Mr. Darpel, Mr. Ryan, Mr. Wessels and Mr. Whitacre voted against. The motion carried with a vote of 12-4.

Old and Unfinished Business:

Reports from Committees:

Subdivision Regulations Review – Nothing to report.

Comprehensive Plan Update – Ms. Weldon stated if there was a report it went out.

By-Laws – No meeting held.

Model Zoning Ordinance – Ms. Weldon stated if there was a report it went out.

Executive- Nothing to report.

Report from legal counsel – Nothing to report.

Announcements from Staff – Nothing to report.

Correspondence – None.

New Business: - None.

There being nothing further to come before the Commission, a motion was then made by Mr. Barnett and seconded by Mr. Cook to adjourn. All in favor. None opposed. The meeting then adjourned at approximately 10:20 p.m.