

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Ms. Weldon, Chairperson, called the meeting to order at 6:15 PM on Thursday, June 7, 2007, 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						
Barbara Carlin	Kenton Co	x	x	x	x	x	X						
Barry Coates	Covington	x	x	x	x	x	X						
James Cook	Kenton Co	x	x	x	x	x	X						
Paul Darpel	Edgewood	x	x	x		x	X						
Chuck Eilerman	Covington	x	x	x	x	x	X						
Tom France	Ludlow	x	x	x	x	x	X						
Al Hadley	Elsmere	x	x	x	x	x	X						
David Hilgeford	Villa Hills	x	x	x		x	X*						
Phil Ryan	Park Hills	x	x	x		x	X						
Maura Snyder	Independence	x	x	x	x	x*	X*						
Paul Swanson, Treasurer	Erlanger	x		x	x	x	X						
Joe Tewes	Bromley	x	x	x	x	x	X						
John Wells, Vice Chair	Fort Mitchell		x	x	x		X						
Bernie Wessels	Crescent Spgs	x	x	x		x	X						
Gil Whitacre	Lakeside Park	x	x	x		x	X						
Alex Weldon, Chair	Covington	x	x	x	x	x	X						
Lynn Hood	Crestview Hills		x	x	x	x	X						
Kent Marcum	Fort Wright			x	x*								

*arrived after roll was taken.

Also present were Dave Schneider, Legal Counsel, and the following NKAPC staff: Michael Schwartz, AICP, Deputy Director for Current Planning and Andy Videkovich, Principal Planner, and Scott Hiles, Deputy Director for Infrastructure Planning.

AGENDA:

There were no changes noted on the agenda. All in favor. None opposed.

APPROVAL OF THE MINUTES:

The minutes for April and May were distributed in the Commissioner's packets. A motion was made by Mr. Eilerman to accept the minutes from April. Mr. Barnett seconded the motion. Mr. Darpel and Mr. Whitacre abstained. All in favor. None opposed. A motion was then made by Mr. France to approve the minutes from May. Mr. Wells seconded the motion. Mr. Barnett abstained. All in favor. None opposed.

FINANCIAL REPORT:

A motion was made by Mr. Hadley to accept as submitted. 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:

1873R

APPLICANT: City of Independence per Patricia H. Taney
REQUEST: proposed text amendments to the Independence Zoning Ordinance: 1) adding "bed and breakfast" to the list of permitted uses within the R-1C (single-family residential) Zone; and 2) amending the regulations to the parking or storing of trailers, recreational vehicles, campers, boats, and other similar equipment.

Staff presentation and recommendations by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATION

RECOMMENDATION A

To disapprove the proposed text amendment adding "bed and breakfast" to the list of permitted uses within the R-1C (single-family residential) Zone

RECOMMENDATION B

To approve the proposed text amendment amending the regulations pertaining to the parking or storing of trailers, recreational vehicles, campers, boats, and other similar equipment

Comprehensive Plan Documentation:

- Date of Adoption by the Kenton County Planning Commission: December 13, 2006

Supporting Information/Bases For NKAPC Staff Recommendations:

RECOMMENDATION A

1. The proposed text amendment adding “bed and breakfast” to the list of permitted uses within the R-1C Zone is not appropriate. Adding bed and breakfasts as a permitted use will allow them by right in every existing and future R-1C Zone within the City. As such, there would no public input or city control over the manner and location of these businesses in residential areas.
2. The proposed text amendment is not consistent with other jurisdictions. Bed and breakfasts are listed as conditional uses in other residential zones. Only in the larger lot, rural residential and agricultural zones are they list as a permitted use.

RECOMMENDATION B

1. The proposed text amendment amending the regulations pertaining to the parking or storing of trailers, recreational vehicles, campers, boats, and other similar equipment 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 is reasonable. Regulating the number, manner and placement of such vehicles is appropriate to ensure the look and feel of residential neighborhoods is maintained.
3. Permitting outside storage of said vehicles or similar equipment in the side yard as a conditional use, requiring the approval of the board of adjustment is appropriate. In certain cases, a hardship may exist where compliance with these regulations would not be feasible. Requiring a public hearing before the board of adjustment will provide for public input as well as reasonable conditions to be placed on the location and manner such vehicles could locate in a side yard.

Additional Information

1. Although the staff is recommending disapproval of the proposed text amendment adding bed and breakfast to the list of permitted uses within the R-1C Zone, if the planning commission or legislative body approves the proposed text amendment, the staff recommends that the following text amendments be submitted that will ensure the use is properly integrated in the zoning ordinance:
 - a. Add a definition of “bed and breakfast” to Article VII DEFINITIONS;
 - b. That additional development standards be included in the “Other Development Controls” section of the R-1C Zone pertaining to bed and breakfasts (Section 10.5, F.); and
 - c. That parking regulations be added to Article XI OFF-STREET PARKING AND ACCESS CONTROL REGULATIONS.

Ms. Doris King registered to speak on the issue. No one registered to speak against or as a neutral party.

Ms. King addressed the Commission and stated there are two other businesses on her street. She noted she owns an additional 18 acres of the adjacent property to the property in question. She also stated her family members own the property located behind that property. She noted the house is not visible from the road. She additionally noted they would like to keep the land open. She further stated they have developed two walking trails that are open to the public. Ms. King noted she spoke to city council members and they feel it is a good idea.

Following a brief discussion on the matter Mr. Darpel made a motion to disapprove as to bed and breakfasts and added an additional information comment that it would be better approved as a condition use with development controls. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Darpel, Mr. Ryan, Mr. Barnett, Ms. Carlin, Mr. Cook, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefurd, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wells, Mr. Whitacre, Mr. Swanson and Ms. Weldon in favor. The motion carried unanimously. As to part II of the application, Mr. Darpel made the motion to approve the text as stated per Staff's recommendations. Mr. France seconded the motion. A roll call vote on the matter found Mr. Darpel, Mr. France, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. Hadley, Mr. Hilgefurd, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wells, Mr. Swanson and Ms. Weldon in favor.

1874R

APPLICANT: Viox and Viox per Jonathan Brown on behalf of Eagle Development, Gary E. Barlow, William and Pearl Burger, Lanny R. Holbrook, Sean McCammon, Southernwood Village, and Jascres Management, Inc.

LOCATION: an approximate 30-acre area located on the east side of Turkeyfoot Road, across from Industrial Road, in Independence

REQUEST: a proposed map amendment to the Independence Zoning Ordinance changing the described area from R-1B (a single-family residential zone at a maximum density of 2.0 dwelling units per net acre), R-1C (a single-family residential zone at a maximum density of approximately 3.5 dwelling units per net acre), and R-3 (a two-family and multi-family residential zone at a maximum density of 20.0 dwelling units per net acre) to NC (a neighborhood commercial zone)

Staff Recommendation and Staff presentation by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATION

To disapprove the proposed map amendment from R-1B, R-1C, and R-3 to NC.

Comprehensive Plan Documentation:

- Date of Adoption by the Kenton County Planning Commission: December 13, 2006

Supporting Information/Bases For NKAPC Staff Recommendation:

1. The proposed map amendment is not consistent with Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026*, which identifies the site in question as Physically Restricted Development Area (PRDA), Residential Development at a density ranging from 14.1 to 30.0 dwelling units per net acre, and Residential Development at a

density ranging from 4.1 to 7.0 dwelling units per net acre. The proposed map amendment would allow commercial uses in an area recommended for residential development.

2. The proposed map amendment and submitted development plan is not consistent with the stated intent and purpose of the Community Service Areas contained within the *Comprehensive Plan Update 2006-2026*.

While the areas identified on the Recommended Land Use Map do not represent the exact boundaries of the Community Service Area, the following factors should be considered when evaluating development proposals that are in close proximity or within Community Service Areas:

- These areas should be adjacent to existing commercial areas.
- Proposed uses within or near existing Community Service Areas should enhance and strengthen the function and viability of the area and not detract from existing nonresidential uses or other Community Service Areas.
- These areas should embrace the concept of “Contemporary Places”, explained in detail in the Introduction by using design concepts such as mixed-use, Transit Oriented Development and Traditional Neighborhood Design. All of these concepts encourage connectivity, walkability, diversity in housing types and integration of community facilities such as parks and public or private open space, such as plazas and other outdoor amenities.
- These areas should be located within the Urban Service Area and served by public facilities.
- Connectivity between the Community Service Areas and adjoining existing or future residential uses by means of sidewalks or trails is essential.
- Provision for transit service within the Community Service Areas is essential. Bus pullouts and bus stops are essential transit elements that should be planned for within these areas.

This development is adjacent to existing commercial development and should enhance and strengthen the function of the existing commercial uses in the area and not detract from other Community Service Areas. While the proposed map amendment and Stage I Development Plan meet some of these criteria, the overall development does not use design concepts such as mixed-use, Transit Oriented Development and Traditional Neighborhood Design. All of these concepts encourage connectivity, walkability, diversity in housing types and integration of community facilities such as parks and public or private open space, such as plazas and other outdoor amenities.

3. The proposed map amendment and submitted development plan is not consistent with the Development Concepts within the Environmental Element of the *Comprehensive Plan Update 2006-2026*.

Innovative Stormwater management techniques should be encouraged in new developments

Such techniques should reduce the long term cost of stormwater management by reducing the cost of maintaining traditional drainage systems. Suggested techniques include but

are not limited to the following: use of wetlands, bioretention, and retention ponds at the end of stormwater drainage pipes.

Pervious surfaces should be used where possible

A variety of pervious surfaces such as gravel, turf, porous concrete and asphalt, and lattice block pavers, can be used in appropriate situations for parking lots and driveways. This should reduce the amount of runoff entering the waterways reducing flooding and contamination.

The submitted development plan does not indicate that Stormwater Best Management Practices will be used to handle stormwater runoff on the site in question.

4. The submitted development plan meets the minimum requirements of the Independence Zoning Ordinance, except for the following:
 - a. Section 10.14, D., 6., states that the height of buildings in the NC Zone shall not exceed forty (40) feet. Insufficient information has been submitted to determine compliance with this regulation.
 - b. Section 10.14, E., 3., states that no lighting shall be permitted which would glare from this zone onto any street, or into any residential zone. Insufficient information has been submitted to determine compliance with this regulation.
 - c. Section 10.14, E., 4., states that screening and landscaping shall be provided, as regulated by Section 9.17 of this ordinance. Insufficient information has been submitted to determine compliance with this regulation.
 - d. Article XI sets forth regulations pertaining to off-street parking and access control. Insufficient information has been submitted to determine compliance with the following:
 - i. Section 11.1, A., states that the minimum size of a off-street parking space shall be nine (9) feet in width and eighteen (18) feet in length.
 - ii. Section 11.1, B., sets forth regulations pertaining to the width of access drive aisles, which is determined by the design and layout of the off-street parking spaces.
 - iii. Section 11.1, D., states that all parking shall 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, as regulated by Section 9.17.
 - iv. Section 11.1, E., states any lighting used to illuminate off-street parking areas shall not glare onto any right-of-way or adjacent property.
 - v. Section 11.1, F., states that all new off-street parking areas shall be paved with asphalt concrete or Portland Cement Concrete.

- vi. Section 11.2, sets forth regulations pertaining to specific off-street parking requirements:
 - (1) Medical Office and/or Clinics- Five (5) parking spaces for each practitioner, plus one (1) parking space per each two (2) employees, or one (1) parking space for each two hundred (200) square feet of gross floor area in the building, plus one (1) parking space for each two (2) employees, whichever is greater.
 - (2) Professional Office – One (1) parking space per two hundred (200) square feet of gross floor area.
 - (3) Retail and Personal Service - Five and one-half (5-1/2) spaces per one thousand (1,000) square feet of gross leasable area.
 - (4) Restaurant – One (1) parking space per two (2) employees on largest shift, plus one (1) parking space for each:
 - (i) Thirty (30) square feet of gross floor area in a drive-in restaurant;
 - (ii) One hundred forty (140) square feet of gross floor area in a carry-out restaurant;
 - (iii) Forty (40) square feet of gross floor area or two (2) seating accommodations, based on maximum capacity, whichever is greater, in a combination restaurant;
 - (iv) Two (2) seating accommodations, based on maximum seating capacity, in a sit-down restaurant.
- vii. Section 11.3, F., 1., a., states that unsignalized access points onto arterial streets must be spaced a minimum of six hundred (600) feet apart. The submitted development plan indicates a “one way out” access at the north end of the site in question. This access point is less than six hundred (600) feet from the closest access point to the north of the site in question.
- e. Article XII sets forth regulations pertaining to off-street loading and/or unloading. Insufficient information has been submitted to determine compliance with these regulations.
- f. Article XIII sets forth regulations pertaining to fences, walls, and obstructions to view. Insufficient information has been submitted to determine compliance with these regulations.
- g. Article XIV sets forth regulations pertaining to signs. Insufficient information has been submitted to determine compliance with these regulations.

5. The submitted development plan does not meet the minimum requirements of the Kenton County Subdivision Regulations:

- a. As proposed, the public street which will serve the development, would provide a future connection between Turkeyfoot Road and Richardson Road. In addition, this street will serve as an extension of Industrial Road. All three of these existing roads, which will be connected by the proposed street, are classified as arterials. At a minimum the proposed public street would be classified as a collector street which is defined as a road “which serves to collect and distribute traffic primarily from sub-collector to arterial streets.” As such, the proposed public street would be subject to the following requirements of the Kenton County Subdivision Regulations.
 - i. Section 4.1, E., 2., states that intersections with collector streets shall be spaced not less than 400 feet apart.
 - ii. Section 4.1, E., 2., states that reserved turn lanes at all access points shall be required.

The submitted development plan does not meet these requirements.

- b. A full unrestricted access point is proposed on Turkeyfoot Road south of Industrial Road. This access point is proposed approximately 200 feet south of the proposed entrance to the existing Remke’s Supermarket. Section 4.1, E., of the Kenton County Subdivision Regulations requires reserved turn lanes on arterial and collector streets. The submitted development plan does not provide for a reserved turn lane and the proposed location of the access point, which is offset with the proposed Remke’s entrance, would not permit a reserved left turn lane into this access point within the proposed 5-lane section on Turkeyfoot Road. This condition would cause both safety and capacity concerns on Turkeyfoot Road. Any access at this location should not be permitted.
- c. The proposed egress drive on Turkeyfoot Road serving the medical office building does not meet the minimum intersection spacing requirements with the existing access point to the north as set forth in Section 4.1, E., 2., of the Kenton County Subdivision Regulations.

6. The proposed development plan presents mobility and safety issues concerning the traveling public.

- a. The intersection of Turkeyfoot Road and Industrial Road is currently under design and will be reconstructed by the Kentucky Transportation Cabinet to increase capacity and safety of the roadway to meet the needs of the residents and existing development in the area. The proposed development would add a fourth leg to this intersection. The addition of the fourth leg at this intersection has the potential to significantly decrease the capacity of the intersection, as the proposed traffic signal would be required to serve two (2) cross street movements, instead of one for which it is currently being designed. This reduction in capacity, in

conjunction with the significant increase in traffic, has the potential to shorten the design life and increase intersection delays of the current improvement project.

- b. The proposed access points on Turkeyfoot Road, and the proposed public street, do not meet applicable spacing standards and would likely experience negative interactions between queues entering and exiting the site. This can lead to an increase in the number of rear end and angle crashes as well as high delays entering and exiting the site.
- c. The driveway serving the proposed bank property nearest Turkeyfoot Road would interfere with operations on the proposed access drive and on Turkeyfoot Road. Slow or stopped traffic entering the bank site would interfere with traffic entering the access drive and may potentially back up onto Turkeyfoot Road. This condition would create both safety and capacity concerns on and off the site.

Additional Information:

- 1. 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 Development Plan be revised to meet the minimum requirements of the Independence Zoning Ordinance:
 - i. That the height of buildings not exceed forty (40) feet.
 - ii. That no lighting glare from this development onto any street, or into any residential zone
 - iii. That screening and landscaping be provided, as regulated by Section 9.17 of the Independence Zoning Ordinance.
 - iv. That the off-street parking and site access meet the requirements of Article XI of the Independence Zoning Ordinance.
 - v. That all loading and/or unloading meet the requirements of Article XII of the Independence Zoning Ordinance.
 - vi. That all fences, walls, and obstructions to view meet the requirements of the NC Zone and Article XIII of the Independence Zoning Ordinance.
 - vii. That all signs meet the requirements of the NC Zone and Article XIV of the Independence Zoning Ordinance.
 - b. That the Development Plan be revised to address the following traffic management issues:
 - i. A Traffic Impact Study be completed identifying necessary improvements to the public roadway network to mitigate the impacts associated with the development. The study should evaluate the frequency, location, and

design of access points on the proposed public street to ensure adequate on-site circulation patterns. In order to assist in mitigating the potential impacts, improved connectivity among the proposed uses in the proposed development should be considered and evaluated.

- ii. The amount of traffic entering and exiting the site can severely impact the access points to the adjacent properties along the proposed public street. Improving the interconnectivity between the outlots has the potential to reduce the number of access points and decrease potential negative interactions between queues entering and exiting the site.
 - iii. If any access is permitted onto Turkeyfoot Road, other than at the intersection of Industrial Road, any access should be restricted to only allow right in/right out turning movements. Turning movements would be required to be served by reserved right turn lanes as well.
 - iv. That the northern most “one-way out” access be removed.
 - v. That the developer consult with TANK to determine if future bus service within the proposed development is feasible. If it is determined to be feasible, the proposed public street should be designed to provide bus pull-out lanes and bus shelters where bus stops are determined necessary. A temporary turn around should be provided at the southern end of the site in question until such time the proposed public street is extended through to Richardson Road.
- c. That the Development Plan be revised to better reflect the intent and purpose of the Community Service Areas as contained within the *Comprehensive Plan Update 2006-2026*:
- i. That pedestrian access be provided from the site in question to the adjacent multi-family development, by way of connecting to the existing stub streets along with sidewalk extensions.
 - ii. That pedestrian access from Thomas Road be provided and vehicular access to Thomas Road be prohibited.
 - iii. That Best Management Practices (BMPs) be used to handle and manage stormwater runoff, such as pervious pavement, vegetated swales, and/or innovative landscaped islands to handle stormwater runoff.
 - iv. That a more compact form of development be considered. The current form of the proposed development, while providing sidewalks, is still auto-oriented in nature.
2. Service stations and outdoor dining associated with a restaurant are conditional uses within the NC Zone. If the planning commission or legislative body take action to approve the proposed map amendment, an additional hearing and approval is required by

the Independence Board of Adjustment for the fuel station and any outdoor seating, if applicable.

Mr. Justin Verst, Mr. Ordell Wilcox, Mr. Dennis Williams, Mr. Holiday, Mr. Rich Hirth, Mr. Matt Rumpke and Mr. Viox registered to speak in favor of the issue. Mr. Work, Mr. David Wren, Ms. Sherry Wren, Ms. Betty McGee, Mr. Christopher Mursiller, Ms. Jackie Lin, Mr. Morehead, Ms. Robin Morehead, Ms. Mary Bonneville, Ms. Anita Bonneville, Mr. Ray Kent and Ms. Carolyn McCain registered to speak against the issue.

Mr. Viox addressed the Commission and stated there have been many changes of a physical nature to the area. He stated the new Turkeyfoot Road is higher than the old. Mr. Verst then addressed the Commission and stated they want to do a nice development that will blend in with the area. Mr. Rich Hirth addressed the Commission and stated he was present to represent Eagle Development. He then noted some of the projects they are working on. Mr. Verst stated they have met with KDOT, they have reviewed all the intersections with KDOT and also have met with the water district on the matter. He stated they have spoken with the Kenton County Schools as well and have had conversations with the transit authority. He noted the area has excellent access and stated all utilities are proposed to be underground. He noted any development that would want to come in would have to conform to the architecture of the city. He additionally noted there will be sidewalks all the way through the development. Mr. Verst strongly disagreed with Staff in their opinion that it was a collector road. He further noted they met with the highway department and this development will have full intersections.

Mr. Wilcox addressed the Commission and gave some background on the traffic engineering company. He stated he apologized that their traffic report study was not completed in time for the meeting. He noted they had been going back and forth with the information and they were unable to have it completed by the meeting. He noted there would be 991 trips entering and exiting in the evening. He then stated that 30-50% of the trips are new trips and the rest is traffic that has been diverted. Mr. Verst stated they can't do much more of a compact development. He stated they are contending that there have been major changes to the area. He noted it is approximately 20 feet higher from the old intersection on Turkeyfoot. He noted the change in grade changes this piece of property. He additionally noted the population has increased 21% from '01-'05. He then stated the demand for the project is there, the roads are there, and the right developer is there with the right plan. He noted they are just lacking the zone. He stated the location is great for a commercial development. He then added they tried to make it work with residential but just couldn't get it worked out.

Mr. Williams addressed the Commission and reiterated the findings needed to approve the map amendment. He stated he feels major physical changes have occurred to the area that was not anticipated in the adoption of the comprehensive plan.

Mr. Holiday addressed the Commission and stated Rob Haney of the Board of Education noted they would like to see the land used for an elementary school.

Mr. Work addressed the Commission against the issue and stated they have been needing the Turkeyfoot Road developed for residential traffic. He stated he doesn't like the idea of Turkeyfoot Road finally being done to the point the residents can use it now and more commercial might be coming in.

Mr. David Wren addressed the Commission and stated there is a creek behind the house that runs behind the whole development. He asked how they plan to reroute that. He further stated the entrance does not fall in the 750 range. He noted traffic will cut through the development rather than sit at a light and go straight.

Ms. Wren addressed the Commission and stated the development will deteriorate even further their way of living.

Ms. McGee addressed the Commission and stated when KDOT was talking of widening Turkeyfoot the proposed plan was to put an access road across from Remke. She stated she is concerned about buffers and noted the fact that she did not see any in the drawing. She then noted that about ten years she more than doubled the size of her home as well as put in a swimming pool that will be right against the corner of the development. She asked the Commission to consider these facts when making their decision.

Mr. Mursiller addressed the Commission and stated he was concerned with the parking lot with having kids and a busy apartment parking lot nearby. He noted he is concerned about the wooded space that separates his home from the apartments. He asked about any screening of the area. He stated the residents are concerned about traffic as well.

Ms. Mursiller addressed the Commission and noted her concern about property values.

Ms. Morehead addressed the Commission and stated she feels there should be some guarantee that something zoned 2 acres per dwelling is not going to turn into a strip mall. She stated she doesn't feel commercial needs to be here which is five miles from the closest interstate. She further stated she doesn't see where this development is going to be a service to the area and is not sure why a commercial development is even needed in the area.

Mr. Morehead addressed the Commission and stated he is concerned that nothing was stated about the change in elevation at the new intersection. He asked what will happen to the property values that will be behind the development. He further stated he feel there are a lot of questions and feels this has been rushed through. He additionally stated they have been waiting for Turkeyfoot Road to be finished to alleviate traffic problems and now there will be more traffic if the development goes through.

Mr. Boneville addressed the Commission and stated he has heard a good sales job tonight. He then stated the traffic is more like 15,000 trips that will be coming through, not 1,500. He stated he would strongly advise the developer to give a detailed plan for the development.

Ms. Boneville addressed the Commission and stated she doesn't want Remke in her backyard. She asked what will happen to her property if this commercial development goes through. She noted she doesn't mind growth but feels the area does not need all the commercial development. Mr. Kurl stated he has about 150 people walking through his driveway every day. He stated if this goes through there will be 400 people. He noted the apartments in the area are run down and the worst in the area. He stated the owner is a slum lord and that he does not take care of his property.

Mr. Verst addressed the Commission in rebuttal and stated they did try to put an effort into screening of the development. He stated the highway department has piped a lot of the water

which will be tied into the lake on the development. He noted if this didn't become commercial you're probably looking at the same amount of grading.

Mr. Videkovich then introduced Mr. Adam Kirk, one of the engineers on staff who came up with the traffic numbers. Mr. Kirk stated there are a lot of assumptions that go into a traffic assessment. He stated the developer probably used different assumptions than they did. He noted they would like the road to be designated as a collector versus as a sub-collector.

Mr. Schneider then clarified exactly what the Commission should be looking at and that is a zone change and not a development plan. He also noted the City of Independence requires a development plan as part of a zone change.

Mr. Darpel then stated he thinks it's not a bad layout but he feels the neighbors have a valid point as far as knowing what is going where. Following a brief discussion Mr. Hadley made a motion to approve he alternate plan with the grocery store numbers along with Staff's additional information comments. Mr. Schneider asked him to clarify the basis. Mr. Hadley stated the major change is the lay of the road. Mr. Cook seconded the motion. A roll call vote on the motion found Mr. Hadley, Mr. Cook, Mr. Barnett, Mr. Coates, Mr. Hilgefurd, Ms. Snyder, Mr. Wessels and Mr. Whitacre in favor. Ms. Carlin, Mr. Darpel, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Ryan, Mr. Tewes, Mr. Swanson and Ms. Weldon voted against. The motion was denied. A second motion was then made by Mr. France to disapprove based on the fact that it is not in compliance with the comprehensive plan. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. France, Ms. Hood, Ms. Carlin, Mr. Eilerman, Mr. Wessels and Ms. Weldon in favor. Mr. Barnett, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Hadley, Mr. Hilgefurd, Mr. Ryan, Mr. Tewes, Mr. Whitacre and Mr. Wells voted against. Mr. motion failed once again. Mr. Darpel then made the motion that the proposed amendment be approved based on the fact that physical changes have occurred. He also added that Staff's additional information comment be added and also that a proper traffic study be submitted to the city and that all pedestrian access kept away from any single family residential homes. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. Darpel, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefurd, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Wells and Mr. Swanson in favor. Ms. Weldon voted against. The motion carried.

*At this time (9:45) a five minute break was taken.

W-684

APPLICANT: Becker Family Ltd. Partnership
LOCATION: an approximate 2-acre area on the east side of Western Avenue and the west side of Crescent Avenue, directly opposite Devou Drive in Covington
REQUEST FOR ACTION: to grant waivers to Section 5.3 of the Kenton County Subdivision Regulations; granting the request would waive the requirement for four unrestricted parking spaces per unit and for sidewalk along both sides of a proposed private street.

Staff recommendation and Staff presentation by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION

Recommendation #1:

To deny the requested Waiver to Section 5.3 and require a five foot wide sidewalk along both sides of the private street.

Bases:

1. Subdivision Regulations Section 5.3 requires a five foot wide sidewalk along both sides of the proposed private street.
2. This request does not include the findings necessary to grant a waiver to the regulations as set forth within Section 6.5 A, or B, or C, or D.
3. Requiring that sidewalks be constructed along both sides of all new streets is consistent with the Comprehensive Plan Update 2006 – 2026. The *Goals and Objectives* states: “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).” The *Transportation Section* states: “Development plans and subdivision plats should be evaluated to ensure that all modes of transportation can be accommodated. (e.g. bus pullouts and/or stops within or connected by pedestrian access; bicycle parking provided; pedestrian access from all roads to buildings with safe routes across parking areas).”

Providing a sidewalk along only one side of a new street does not provide an effective and safe manner in which to circulate pedestrian traffic through this proposed development.

Recommendation #2:

To deny the requested Waiver to Section 5.3 and require a that each of the seventeen proposed dwelling units that front the private street be provided a minimum of four unrestricted parking spaces.

Bases:

1. Kenton County Subdivision Regulations Section 5.3 G requires the provision of four unrestricted off-street parking spaces per dwelling unit along streets where on-street parking is prohibited.
2. This request does not include the findings necessary to grant a waiver to the regulations as set forth within Section 6.5 A, or B, or C, or D.
3. The lack of on-street parking and the provision of two parking spaces per unit throughout the internal portion of the development leads to a high likelihood that this development will experience a shortage of parking spaces. Although the Covington Zoning Ordinances requires one off-street parking space per dwelling unit it is reasonable to assume the number

of required parking spaces per dwelling unit contained in the zoning ordinance was calculated with the assumption that on-street parking would also be available.

Although supplemental parking along Western Avenue is provided the total number of potential parking spaces still does not comply with the minimum required by the subdivision regulations. In addition, it would be cumbersome at best to park along Western Avenue to access the seventeen dwelling units that front the private street through a number of proposed stairways, particularly in inclement weather.

All opportunities to comply with the subdivision regulations should be explored before a waiver to the regulations is contemplated. The opportunity exists to provide supplemental parking spaces for the seventeen dwelling units between unit #'s 2 and 3, and 12 and 13.

Mr. John Becker registered to speak on the issue. No one registered to speak against or as a neutral party.

Mr. Becker addressed the Commission and stated he is the partner in the development. He noted he is also an architect by trade and has worked on the development. He noted they are within the zoning regulations for the development. He stated they have come up with a unique development plan. He noted by doing a private drive/street they thought they were capitalizing on how many unites that could be put on the street. He stated they are trying to have as many green strategies as possible with the development. He further stated the gaps shown in the plan are intentional. He then stated if they are required to put 5 foot sidewalks in on both sides there is virtually no green space to put in landscaping. He stated in an urban setting they are trying to avoid parking as much as possible and use mass transit.

Mr. Hilgefurd then made the motion to grant the waiver for sidewalks on one side based on unusual topography. Mr. Eilerman seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Eilerman, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hadley, Ms. Hood, Mr. Wessels, Mr. Whitacre, Mr. Wells, Mr. Swanson and Ms. Weldon in favor. Mr. Darpel, Mr. Ryan, Ms. Snyder and Mr. Tewes voted against. The motion carried. Mr. Eilerman then made the motion to waive the 4 unrestricted parking spaces based on topographical issues. 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. France, Mr. Hilgefurd, Mr. Wessels, Mr. Wells, Mr. Whitacre, Mr. Swanson and Ms. Weldon in favor. Mr. Darpel, Mr. Hadley, Mr. Ryan, Ms. Snyder and Mr. Tewes voted against. The motion carried.

Old and Unfinished Business: None

New Business: None

Reports from Committees:

Subdivision Regulations Review –Nothing to report.

By-Laws – Nothing to report.

Model Zoning Ordinance – Mike noted with regard to sign regulations that a consultant is working on that and will be present the 25th and 27th to discuss and get further input.

Executive- Ms. Weldon distributed the proposed budget for the next fiscal year. Ms. Swanson noted he didn't feel the budget was much different from the previous one. He noted the special projects fund was eliminated. Mr. Barnett asked about the miscellaneous items. A short discussion was had with regard to same. It was noted the budget would be vote don at the next meeting. Ms. Weldon discussed the subdivision inspection fees. She stated that was a 3% fee increase and noted the last raise was in 2004. She noted the driveway inspection fees were somewhat higher than previously. A motion by Mr. France was made to place the proposed fee review on the agenda. Mr. Swanson seconded the motion. All in favor. None opposed.

Report from legal counsel – None.

Announcements from Staff – The next meeting will be held July 5th.

Correspondence –It was noted two thank you notes were distributed to the Commission.

New Business: A letter was received from a citizens group in Covington regarding cold shelters. There being nothing further to come before the Commission, a motion was then made by Mr. Wessels and seconded by Ms. Hood to adjourn. All in favor. None opposed. The meeting then adjourned at 11:10 p.m.

Chair

Date