

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING**

**Minutes**

Ms. Weldon, Chairperson, called the meeting to order at 6:15 PM on Thursday, July 5, 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.

		2007											
Member	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mark Barnett	Taylor Mill	x	x	x	x		x	x					
Barbara Carlin	Kenton Co	x	x	x	x	x	x	x					
Barry Coates	Covington	x	x	x	x	x	x	x					
James Cook	Kenton Co	x	x	x	x	x	x	x					
Paul Darpel	Edgewood	x	x	x		x	x						
Chuck Eilerman	Covington	x	x	x	x	x	x	x					
Tom France	Ludlow	x	x	x	x	x	x	x					
Al Hadley	Elsmere	x	x	x	x	x	x	x					
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*	x*					
Paul Swanson, Treasurer	Erlanger	x		x	x	x	x						
Joe Tewes	Bromley	x	x	x	x	x	x	x					
John Wells, Vice Chair	Fort Mitchell		x	x	x		x	x					
Bernie Wessels	Crescent Spgs	x	x	x		x	x	x					
Gil Whitacre	Lakeside Park	x	x	x		x	x	x					
Alex Weldon, Chair	Covington	x	x	x	x	x	x	x					
Lynn Hood	Crestview Hills		x	x	x	x	x	x					
Kent Marcum	Fort Wright	x	x	x	x*			x					

\*arrived after roll was taken.

Also present were Matt Smith, Legal Counsel, and the following NKAPC staff: Michael Schwartz, AICP, Deputy Director for Current Planning and Andy Videkovich, Principal Planner.

**AGENDA:**

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

**APPROVAL OF THE MINUTES:**

The minutes for June were distributed in the Commissioner's packets. A motion was made by Mr. Hadley to accept the minutes from June. Mr. Wells seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Wells, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Tewes, Mr. Whitacre, Mr. Wells and Ms. Weldon in favor. Mr. Marcum abstained. The motion carried.

### **FINANCIAL REPORT:**

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

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

**1877R**

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

**REQUEST:** proposed text amendments to the Taylor Mill Zoning Ordinance: (1) modifying what is required to be shown on a site plan; (2) adding design and development standards for Downtown Taylor Mill Zones; (3) adding four new Downtown Taylor Mill Zones (DTM-1, DTM-2, DTM-3, and DTM-4), along with various cross references; (4) adding a new residential zone (R-1A), along with various cross references; and (5) amending Article XXI, Moratorium, to extend through September 30, 2007, a moratorium established previously on the subdivision of land, grading of land, and the construction of streets, utilities, new buildings, and additions to existing buildings in an area of approximately 175 acres located along the west side of Old Taylor Mill Road, north of Taylor Creek Drive, for the purpose of conducting a study of potential development.

Staff presentation and recommendations by Mr. Michael Schwartz.

### **NKAPC STAFF RECOMMENDATION**

Recommendation A: Approval of the proposed text amendment modifying what is required to be shown on a site plan (see Attachment C).

Recommendation B: Approval of the proposed text amendment adding design and development standards for the proposed Downtown Taylor Mill Zones (see Attachment D).

Recommendation C: Approval of the text amendments adding four new Downtown Taylor Mill Zones (DTM-1, DTM-2, DTM-3, and DTM-4), along with the

various cross references (See Attachments A, B, E, F, G, H, and J), but only subject to compliance with the following condition:

1. That references to “main street” be changed to “arterial or collector streets”.

Recommendation D: Approval of the proposed text amendment adding a new residential zone (R-1A), along with various cross references (see Attachments A, I, and K).

Recommendation E: Approval of the proposed text amendment extending the existing moratorium (see Attachment L).

### **Comprehensive Plan Documentation:**

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

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

Recommendation A:

1. The proposed text amendment modifying what is required to be shown on a site plan 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 modifying what is required to be shown on a site plan is reasonable and appropriate. The more information that is submitted to administrative officials will allow for better decision making.

Recommendation B:

1. The proposed text amendment adding design and development standards for the proposed Downtown Taylor Mill Zones is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1).
2. The proposed text amendment adding design and development standards for the proposed Downtown Taylor Mill Zones is consistent with the *Comprehensive Plan Update 2006-2026*, which states that design and landscape guidelines should be developed for the purpose of assuring visual continuity for new development within the improvement area and to establish standards for the design of buildings, related spaces and amenities. The intent of the guidelines would be to encourage quality development, continuity and long-term serviceability within a uniform approach for new additions to the built environment of the improvement area. The site character is comprised of separate elements, but each element is relative to all others and contributes to the overall design quality of the area.

Recommendation C:

1. The proposed text amendments adding four new Downtown Taylor Mill Zones (DTM-1, DTM-2, DTM-3, and DTM-4), along with the various cross references, are 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 amendments adding four new Downtown Taylor Mill Zones (DTM-1, DTM-2, DTM-3, and DTM-4), along with the various cross references, are consistent with the *Comprehensive Plan Update 2006-2026*, which identifies the need for various zoning districts providing for retail, service, office, and mixed use developments. The proposed four DTM Zones will help to implement these recommendations.
3. Within the four new DTM Zones, there are references to “main street”. Currently, there is no “main street” within the city of Taylor Mill. It is unknown whether there will ever be a “main street” within the city. To provide clarity in the administration of the proposed regulations, it is recommended that all references to “main street” be changed to “arterial or collector streets”.

#### Recommendation D:

1. The proposed text amendment adding a new residential zone (R-1A), along with various cross references, is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1).
2. The proposed text amendment adding a new residential zone (R-1A), along with various cross references, is reasonable and appropriate. Currently, the Taylor Mill Zoning Ordinance does not provide for a residential zoning district at a density of one dwelling unit per net acre. The proposed R-1A Zone will require a residential density that is currently unavailable in the city.

#### Recommendation E:

1. The proposed text amendment extending the existing moratorium is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1).
2. The proposed text amendment provides for a clearly articulated purpose and narrowly defines the scope of the moratorium, which is to prohibit any subdivision of land, grading of land, and the construction of streets, utilities, new buildings and additions to existing buildings within the moratorium area until such time recommendations from a land use study are available and implemented.
3. The proposed text amendment provides a realistic and reasonable time frame for accomplishing the purpose of the moratorium.

Extending the moratorium another one (1) month is a reasonable period of time to allow for the legislative body approval process of the appropriate zoning regulations to implement the recommendations of the land use study.

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

- a. On February 9, 2006, the City of Taylor Mill, per Jill Bailey, City Administrator, submitted a text amendment to the Taylor Mill Zoning Ordinance adding a new article that establishes a moratorium on the subdivision of land, grading of land, and the construction of streets, utilities, new buildings and additions to existing buildings in an area of approximately 175 acres located along the west side of Old Taylor Mill Road, north of Taylor Creek Drive; the moratorium is proposed to extend through August 31, 2006, and is for the purpose of conducting a study of potential development (Z-06-02-04/1800R). On February 24, 2006, the NKAPC staff recommended approval of the proposed text amendment. On March 2, 2006, following a public hearing, the KCPC recommended disapproval of the proposed text amendment. On March 8, 2006, the City of Taylor Mill adopted Ordinance Number 232, adopting the proposed text amendment.
  
- b. On July 13, 2006, the City of Taylor Mill, per Jill Bailey, City Administrator, submitted a text amendment to the Taylor Mill Zoning Ordinance amending an existing article that establishes a moratorium on the subdivision of land, grading of land, and the construction of streets, utilities, new buildings and additions to existing buildings in an area of approximately 175 acres located along the west side of Old Taylor Mill Road, north of Taylor Creek Drive; the moratorium is proposed to extend through February 28, 2007, and is for the purpose of conducting a study of potential development (Z-06-07-06/1828R). On July 28, 2006, the NKAPC staff recommended approval of the proposed text amendment. On August 3, 2006, following a public hearing, the KCPC recommended approval of the proposed text amendment. On August 9, 2006, the City of Taylor Mill adopted Ordinance Number 238, adopting the proposed text amendment.
  
- c. On February 6, 2007, the City of Taylor Mill, per Jill Bailey, City Administrator, submitted a text amendment to the Taylor Mill Zoning Ordinance amending an existing article that establishes a moratorium on the subdivision of land, grading of land, and the construction of streets, utilities, new buildings and additions to existing buildings in an area of approximately 175 acres located along the west side of Old Taylor Mill Road, north of Taylor Creek Drive; the moratorium is proposed to extend through August 31, 2007, and is for the purpose of conducting a study of potential development (Z-07-02-03/1864R). On February 23, 2007, the NKAPC staff recommended approval of the proposed text amendment. On March 1, 2007, following a public hearing, the KCPC recommended approval of the proposed text amendment. On March 2, 2007, the City of Taylor Mill adopted Ordinance Number 241, adopting the proposed text amendment.

**1878R**

**APPLICANT:**

City of Taylor Mill, per Jill C. Bailey

**LOCATION:**

an approximate 266 acre area, within Taylor Mill, located at the southeast and southwest quadrants of the I-275/Taylor Mill Road interchange, and more precisely described as follows: Area A is an approximate 38 acre area located at the southeast and southwest corners of the intersection of Taylor Mill Road with Old Taylor Mill Road; Area B is an approximate 34 acre area located at the southwest corner of the intersection of Sandman Drive with Egger Lane; Area C is an approximate 30 acre area located

along the north side of Taylor Mill Road, directly across from Old Taylor Mill Road; Area D is an approximate 63 acre area located at the end of Honeysuckle Drive; and, Area E is an approximate 101 acre area located at the end of Davis Drive

### **NKAPC STAFF RECOMMENDATION**

To approve the proposed map amendments for Areas A, B, C, D, and E, subject to compliance with the following conditions:

1. That the proposed text amendments adding the DTM-1, DTM-2, DTM-3, DTM-4, and R-1A Zones, along with the various cross references (see Z-07-06-02/1877R), be adopted prior to, or simultaneously with, the adoption of these proposed map amendments.
2. That the approximate 4 acre area located approximately 300 feet northwest of the terminus of Red Bud Drive (see Z-07-04-02/1871R) be zoned R-1C.

### **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 DTM-1 Zone (Area A) is consistent with the *Comprehensive Plan Update 2006-2026* which identifies Area A, as being part of a larger area, as a Special Development Area and more specifically recommends this area to be developed with Retail Commercial and Mixed-Use developments. The proposed DTM-1 Zone will allow the development of a mixture of community center, health club, library, nursery school, office, retail, and service uses, controlled by a development plan process with design and development standards.
2. The proposed DTM-2 Zone (Area B) is consistent with the *Comprehensive Plan Update 2006-2026* which identifies Area B, as being part of a larger area, as a Special Development Area and more specifically recommends this area to be developed with Retail Commercial and Mixed-Use developments. The proposed DTM-2 Zone will allow the development of a mixture of community center, gasoline station, health club, library, limited production, nursery school, office, retail, and service uses, controlled by a development plan process with design and development standards.
3. The proposed DTM-3 Zone (Area C) is consistent with the *Comprehensive Plan Update 2006-2026* which identifies Area C, as being part of a larger area, as a Special Development Area and more specifically recommends this area to be developed with Retail Commercial and Mixed-Use developments. The proposed DTM-3 Zone will allow the development of a mixture of community center, gasoline station, health club, hotel/conference center, library, nursery school, office, retail, and service uses, controlled by a development plan process with design and development standards.
4. The proposed DTM-4 Zone (Area D) is consistent with the *Comprehensive Plan Update 2006-2026* which identifies Area D, as being part of a larger area, as a Special

Development Area and more specifically recommends this area to be developed with Office developments. The proposed DTM-4 Zone will allow the development of a mixture of industrial research, limited manufacturing, office, and warehouse uses, controlled by a development plan process with design and development standards.

5. The proposed R-1A Zone (Area E) is consistent with the *Comprehensive Plan Update 2006-2026* which identifies Area E, as being part of a larger area, as a Special Development Area and more specifically recommends this area to be developed with low density single-family residential and conservation developments. The proposed R-1A Zone will allow the development of detached single-family residential dwellings and conservation design development at a maximum density of one (1) dwelling unit per net acre.
6. The Taylor Mill Zoning Ordinance currently does not contain the DTM-1, DTM-2, DTM-3, DTM-4, or R-1A Zones. An application has been submitted for KCPC review and recommendation on proposed text amendments to the Taylor Mill Zoning Ordinance adding these zones and associated regulations, including appropriate cross references to other sections of the city's Zoning Ordinance. It is recommended that the proposed text amendment adding the DTM-1, DTM-2, DTM-3, DTM-4, and R-1A Zones, along with the various cross references (see Z-07-06-02/1877R) be adopted prior to, or simultaneously with, the adoption of these proposed map amendments.
7. On April 2, 2007, Therese E. Humpert submitted an application for NKAPC and KCPC review and recommendation on a proposed amendment to the Taylor Mill Zoning Ordinance, changing an approximate 4 acre area located approximately 300 feet northwest of the terminus of Red Bud Drive, from R-2 to R-1C (Z-07-04-02/1871R). On April 27, 2007, the NKAPC staff recommended approval of the proposed map amendment. On May 3, 2007, following a public hearing, the KCPC recommended approval of the proposed map amendment.

The bases for those recommendations, are as follows:

- a. The proposed map amendment from R-2 to R-1C is consistent with the following Development Concept, as contained within the Land Use Plan Element of the *Comprehensive Plan Update 2006-2026*:

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

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

The site in question is adjacent to, and can have the same access as, other existing single-family residential dwellings.



- b. The existing R-2 Zone is inappropriate and the proposed R-1C Zone is appropriate. Topographically, the site is oriented either to the northwest, towards the existing shopping center, or to the southeast, towards the existing single-family residential dwellings. Given the existing design of the shopping center, it is unlikely that additional commercial development would occur from that direction. Since access from the existing multi-family residential complex along Old Taylor Mill Road, or the vacant multi-family parcel along Old Taylor Mill Road is problematic, the only reasonable access to the site in question is from the existing single-family residential area along Red Bud Drive. As such, the proposed R-1C Zone would allow development of single-family residential dwellings at a density that is consistent with that found along Red Bud Drive.

On these same bases, and to provide consistency with this previous recommendation, it is recommended that the approximate 4 acre area located approximately 300 feet northwest of the terminus of Red Bud Drive (see Z-07-04-02/1871R) be zoned R-1C.

Mr. Tim Theissen, Mr. Harry Humpert, Ms. Linda Kirst, Ms. Patti Suedkamp, Mr. Frank Wichmann, Mr. Daniel Bell, Mr. Lee Fleishel, Mr. Bob Hackey, Mr. Daniel Muran, Mr. Tom Franksman, Ms. Valerie Daley, Mr. Rob Kagler and Mr. James Wendel registered to speak in favor of the issue. Mr. Dennis Harrell and Ms. Denise Bush registered to speak against.

Mr. Theissen addressed the Commission and distributed a memo regarding the issue. Ms. Weldon marked the document as an exhibit and it was made a part of the record on the matter. Mr. Theissen stated he was present on behalf of the property owner. He noted he was present simply to ask for a minor change on the issue. Mr. Theissen asked the Commission that the proposed DTM-2 area be reduced from 5 acres to 1 acre. He stated there may be a developer that has a 1 acre plan and this would not be possible in the DTM-2 zone as proposed. He noted he was asking for a modification to the minimum lot size from 5 acres to 1.

Mr. Humpert addressed the Commission and asked if the text amendment is for some reason not passed would there be any reason for the city to not recommend what was previously approved with regard to the 4 acre parcel. Mr. Schwartz responded and stated the city wanted to get their proposal through prior to acting on Mr. Humpert's four acre parcel. Mr. Schwartz further stated the city basically has 90 days to take action and if no action is taken then the zone automatically goes into effect. He stated the City of Taylor Mill stated at the last meeting that they could not act on his request due to legal reasons. Mr. Humpert then asked if this is not approved will that still be true. Ms. Weldon stated the city has 35 days to act on the application submitted by Mr. Humpert. Mr. Smith stated the entire city would have to override the Commissioner's action.

Ms. Suedkamp addressed the Commission and stated she so appreciates the city of Taylor Mill with regard to this issue. She stated this has been a very emotional issue for her family as their property has been in the family since the 1800's. She further noted the city held meeting after meeting and no question went unheard and she commends them for it.

The mayor of Taylor Mill stated it will be a first class development for the area. He noted they tried to do their best to involve the citizens with regard to the development.



Mr. Wichmann addressed the Commission and stated the city has tried to prepare for the future in the planning of the development for this area. He stated they anticipate the City of Taylor Mill will be approving the 4 acre as to Mr. Humpert. He noted Wolpert Inc. was retained to do a land use study to determine the best use of the property in question. He stated the plan is not concrete and it is anticipated that it will be modified from time to time. A memo was distributed by McKenna and Associates to further explain the requests being presented. He noted the city agrees with Staff's report and conclusions on the matter. Mr. Wessels then asked Mr. Wichmann when he felt the proper time would be for a citizen to request a modification to the text as stated by Mr. Theissen previously. Mr. Wichmann then stated the appropriate time would have been at one of the meetings held by the city and it is not appropriate to do so here. Mr. Wessels stated that is the reason public hearings are held so the citizens can voice opinions and raise questions.

Mr. Bell addressed the Commission and stated the city has put forth a great deal of time and effort with the creation of these zones. He stated one of the things that came from all the meetings held was that they didn't want a hodge podge of development. He stated they tried their best to answer the questions of the citizens. He stated they feel this is best for the city in the long run.

Mr. Bob Hackey addressed the Commission and stated when the State Highway Department planned to reroute 16, the main objections of the citizens was that they didn't want Taylor Mill to look like Dixie Highway.

Mr. Muran addressed the commission and stated he reiterated what others have stated on the matter. He stated they would like a nice development that would help the city out.

Mr. Frankman addressed the Commission and stated he feels this will be good for the city. He noted he appreciates the city's work on the matter as well as the Commission's.

Mr. Kagler addressed the Commission and stated he wanted some clarification on Staff's report on page 4. He stated he wanted to clarify that single family residences would be included in DTM-4 as well as all 4 zones. It was noted as such and he wanted to make that clarification. With regard to the single family residences there are no restrictions on sales of their property. He stated there are provisions the city can make as to modifying the minimum requirement of 5 acres as to DTM-2. The memo distributed was marked as an exhibit and made a part of the record.

Mr. Wendel addressed the Commission and stated in order for Taylor Mill to keep growing stronger they need to take advantage of opportunities for the future. He stated the residential growth is strong enough to keep it moving forward. He stated he believes a plan has been put together and feels the city should move forward.

Mr. Harell addressed the Commission and stated he doesn't have any opposition. He stated he and his wife have taken part in the meetings on the issue. He stated they applaud the city with regard to the many meetings. He did not he feels the proposed immediate rezoning is unwarranted. He stated the first consultant stated he didn't feel there would be any commercial development for quite some time. He further noted that meanwhile they see no reason that their neighborhood remains residential for the time being but doesn't feel there is a pressing and immediate need for the zone change. He stated he is not against commercial development but doesn't feel it's necessary to take action in the next few months.

Ms. Bush addressed the Commission and stated the city did add residential and she is happy with that. She noted with regard to the curb cuts that it only pertains to area CTM-3. She asked if that means no development can happen unless there is development with the 5 acre lots. Ms. Weldon then clarified that that means any developer could not have numerous curb cuts onto Taylor Mill Road. Ms. Bush stated she was against that. She noted the city has worked with the residents. She further stated she wishes the city would hold off on the zone change because there is no development at the time. She further noted she is now in favor of the application after having heard the statements made.

All others registered to speak had nothing to add.

Mr. Kagler commented on rebuttal as to the setback lines concerning the 4 zones in follow up to Mr. Wessels question. Mr. Wessels then noted his concern with extending the moratorium again and for the 4<sup>th</sup> time. He stated now property owners have been held up from doing anything with their property for two years. He stated he is more worried about the precedent that's being set. Mr. Barnett stated he understands what he is saying but feels it allows the city to take the time to think things through. Mr. Schwartz stated to his knowledge no applications have been made. Mr. Barnett further stated it's just extending the moratorium one month to allow the city to bring everything in line. Ms. Weldon stated while she feels this has gone on too long as to the moratorium she further noted there hasn't been any complaints by residents and no applications have been made to change the moratorium time frame as to whether or not it be extended. Ms. Wessels stated he does have a problem with the 5 acre minimum. He noted there are other ways to go about it. He also noted as to the minimum acreage issue, the adjoining property owner then has control over the person's property of someone that wants to develop their property.

Following the discussion, Mr. Barnett made the motion as to the text amendment to approve based on Staff's recommendations and the comments heard, including the one condition of Staff, and that Main Street be changed to reference other documents in the countywide plan. Mr. France seconded the motion. A roll call vote on the matter found Mr. Barnett, Mr. France, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. Hadley, Ms. Hood, Mr. Tewes, Mr. Marcum, Mr. Wells and Ms. Weldon in favor. Mr. Wessels and Mr. Whitacre voted against. The motion carried. A motion was then made by Mr. Barnett to approve the application based on Staff recommendations but also to include the 4 acre area be zoned R-1C consistent with the Commission's prior action. Mr. Wells seconded the motion. A roll call vote on the matter found Mr. Barnett, Mr. Wells, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Ms. Hood, Mr. Tewes, Mr. Marcum and Ms. Weldon in favor. Mr. Wessels and Mr. Whitacre voted against. The motion carried.

\*At this time (8:20 p.m.) a five minute break was taken.

\*\*Ms. Snyder arrived.

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

#### **1879R**

**APPLICANT:** City of Erlanger, per Mark Stewart  
**REQUEST:** a proposed text amendment to the Erlanger Zoning Ordinance adding a Recreational (REC) Zone, including appropriate cross references to other sections of the City's Zoning Ordinance

Staff presentations and Staff recommendations by Mr. Andy Videkovich.

## **NKAPC STAFF RECOMMENDATION**

To approve the proposed text amendment adding the REC (Recreational) Zone, along with the necessary cross references.

### **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 text amendment adding a new zoning designation – the REC (Recreational) Zone, along with necessary cross references is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1).
2. The proposed text amendment adding a new zoning designation – the REC (Recreational) Zone, along with necessary cross references, provides for a placement of public and private recreational uses and activities while providing sufficient and reasonable controls, such as appropriate setbacks, landscaping, lighting, parking, signs, and fences.

## **1880R**

- APPLICANT:** Chris Derry, on behalf of Silverlake Properties, Ltd. and the City of Erlanger
- LOCATION:** an approximate 8 acre area located on the west side of Kenton Lands Road, between Riggs Road and Crescent Avenue, approximately 525 feet north of Crescent Avenue in Erlanger
- REQUEST:** a proposed map amendment to the Erlanger Zoning Ordinance changing the described area from R-1F (a single-family residential zone with a maximum density of approximately 6.7 dwelling units per net acre) and IP-1 (an industrial park zone) to REC (a recreational zone). The REC (Recreational) Zone is a proposed new zone within the Erlanger Zoning Ordinance

## **NKAPC STAFF RECOMMENDATION**

To approve the proposed map amendment from R-1F and IP-1 to REC, subject to the condition that the associated text amendment adding the REC (Recreational) Zone, including appropriate cross references to other sections of the City's Zoning Ordinance (Z-07-06-03/1879R), be adopted prior to, or simultaneously with, the adoption of this proposed map amendment.

### **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 from R-1F and IP-1 to REC is consistent with Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026*, which

identifies the site in question for Recreation and Open Space. The proposed map amendment will permit an existing recreational facility by right in an area identified for Recreation and Open Space.

2. The proposed map amendment from R-1F and IP-1 to REC is reasonable. Under the current IP-1 Zone, the current recreational use on the site in question is a conditional use, requiring a public hearing before the board of adjustment every time the facility changes or expands.
3. The proposed map amendment from R-1F and IP-1 to REC is appropriate. Changing the zoning on the site in question to better reflect the current recreational uses will prevent future industrial uses from encroaching closer to the single-family neighborhood to the west of the site in question. The proposed map amendment will also serve as a buffer between the single-family neighborhood to the west and industrial uses located to the east of the site in question.
4. The Erlanger Zoning Ordinance currently does not contain a REC Zone. The City of Erlanger has submitted an application for NKAPC and KCPC review and recommendation on a proposed text amendment to the Erlanger Zoning Ordinance adding a Recreational (REC) Zone, including appropriate cross references to other sections of the City's Zoning Ordinance. It is recommended that the proposed text amendment adding a Recreational (REC) Zone (Z-07-06-03/1879R) be adopted prior to, or simultaneously with, the adoption of this proposed map amendment.

Mr. Jim Wolterman, Mr. Chris Berry and Mr. Rob Beal registered to speak in favor of the issue. No one registered to speak against.

Mr. Wolterman addressed the Commission and stated he agrees with Staff's report so they have no real presentation. Mr. Berry and Mr. Beal had nothing to add.

A motion was then made by Mr. Hadley to approve based on Staff's report. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Hadley, Ms. Hood, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Marcum, Mr. Wells and Ms. Weldon in favor. The motion carried unanimously. As to 1880R, Mr. Hadley made the motion to approve based on Staff's report. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Hadley, Ms. Hood, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Marcum, Mr. Wells and Ms. Weldon in favor. The motion carried unanimously.

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

**FY08 Budget:** Ms. Carlin asked who was paying the ten thousand which was previously going toward the use of the meeting room. Ms. Weldon stated it was something decided by the KCPC and no explanation was given. Mr. France then moved to accept the FY08 budget. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. France, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. Hadley, Ms. Hood, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Marcum, Mr. Wells and Ms. Weldon in favor. The motion carried unanimously. There was no vote on the fees because they could no longer meet.

**New Business:**

**Reports from Committees:**

*Subdivision Regulations Review* –Nothing to report.

*By-Laws* – No meeting held. A meeting will be held between the 11-19<sup>th</sup> of the month.

*Model Zoning Ordinance* – No meeting held but Duncan and Associates met last month and they will be working on the issues.

*Executive* – Nothing to report.

*Report from legal counsel* – Nothing further on the Taylor Mill lawsuit.

*Announcements from Staff* – Staff has been working the Kentucky Division of Flood Plain and Water. It was noted there were some lacking issues with the regulations that have been reworked. They have been sent back and Staff is asking for authorization to delete the existing flood plain regulations and to create new regulations. A motion was made by Mr. Wessels to add the item to the agenda. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Wessels, Ms. Hood, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Marcum, Mr. Wells and Ms. Weldon in favor. The motion carried. Mike Schwartz further noted there was quite a lot of discussion on electronic signs and changing signs. HE stated they are proposing a moratorium on electronic or changing message signs. He noted the moratorium is suggested for six (6) months. A motion was made by Ms. Hood to place the item on the agenda. Mr. Tewes seconded the motion. A roll call vote on the matter found Ms. Hood, Mr. Tewes, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Ms. Snyder, Mr. Wessels, Mr. Whitacre, Mr. Marcum, Mr. Wells and Ms. Weldon in favor. The motion carried.

*Correspondence* –None.

**New Business:**

There being nothing further to come before the Commission, a motion was then made by Ms. Hood and seconded by Mr. France to adjourn. All in favor. None opposed. The meeting then adjourned at 8:58 p.m.

---

Chair

---

Date