

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

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

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

*arrived after roll was taken.

Also present were Mr. David Schneider, Legal Counsel, and the following NKAPC staff: Michael Schwartz, AICP, Deputy Director for Current Planning, Andy Videkovich, Principal Planner, and Melissa Jort-Conway, Senior Planner.

AGENDA:

There were no changes noted on the agenda. A motion was made by Mr. Eilerman to accept the agenda. Mr. Hilgeford seconded the motion. All in favor. None opposed.

APPROVAL OF THE MINUTES:

The minutes for August were distributed in the Commissioner's packets. Mr. France noted on page 13 the word "proper" should read "property"; page 17 the sentence regarding the Commission being held personally responsible the prefix "un" should be crossed out. Mr. Darpel additionally noted on page 10 there was a type and the word "toe" should read "to" to make the sentence clear. A motion was then made by Mr. Swanson to accept the minutes from July. Mr. Wells seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Wells, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. France, Mr.

Hadley, Ms. Hood, Ms. Snyder, Mr. Tewes, Mr. Marcum, Mr. Wells and Ms. Weldon in favor. The motion carried.

FINANCIAL REPORT:

Mr. Swanson then made the motion to accept the report as submitted. Mr. Wells 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:

1890R

APPLICANT: City of Independence per Chris Moriconi, Mayor
LOCATION: A small study area of approximately 2,600 acres inclusive of areas along the east and west sides of Madison Pike and the new KY 17 right of way from Pelly Road to Maple Tree Lane in Independence.
REQUEST: A proposed amendment to COMPREHENSIVE PLAN UPDATE 2006-2026: An Area-Wide Vision for Kenton County: (1) amending the Recommended Land Use Map as it relates to the referenced area from Commercial – Retail/Service, Commercial – Office, Recreation and Open Space, Physically Restrictive Development Area, Community Facilities, School Parks, and Residential Development (at a density ranging from 2.1 to 30 dwelling units per net acre) to Small Area Study; and, (2) amending the County-Wide Plan Element text to summarize the Independence Community Small Area Study and incorporate the study report.

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

NKAPC STAFF RECOMMENDATION

To approve the proposed map and text amendments to the COMPREHENSIVE PLAN UPDATE 2006-2026 (see Attachment A).

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. The *Independence Community Small Area Study* was recommended within the *Comprehensive Plan Update 2006-2026* to be completed in the short term. The study is a result of the City’s initiative to create a community-based vision and land use plan for the “historic downtown”; to prepare for the anticipated population growth within the city; and to help organize current development and guide future growth patterns in response to the opening of New KY 17. The proposed amendments to the *Comprehensive Plan Update 2006-2026* are therefore appropriate in order to provide specific recommendations which will guide future development in Independence in response to these significant population and transportation related trends.

2. The proposed amendments to the *Comprehensive Plan Update 2006-2026* 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 provides a summary description consistent with the contents of the *Independence Community Small Area Study*.

The Small Area Study designation within the *Comprehensive Plan Update 2006-2026* 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 Independence has been proactive in adopting the *Independence Community Small Area Study* with specific implementation strategies for new infill development along with design and development, infrastructure and programmatic recommendations, the proposed Small Area Study designation is appropriate and meets the intent and purpose of the Small Area Study designation within the Comprehensive Plan.

3. The proposed amendments to the *Comprehensive Plan Update 2006-2026*, stemming from the *Independence Community Small Area Study*, would amend the Recommended Land Use map for properties generally located along the east and west sides of Madison Pike and the new KY 17 right of way from Pelly Road to Maple Tree Lane from Commercial – Retail/Service, Commercial – Office, Recreation and Open Space, Physically Restrictive Development Area, Community Facilities, School Parks, and Residential Development (at a density ranging from 2.1 to 30 dwelling units per net acre) to Small Area Study. The proposed map amendment is appropriate for incorporating the study report into the Comprehensive Plan.
4. The small area study was a community oriented process. The planning process emphasized the importance of soliciting community input through one-on-one stakeholder interviews, advisory committee and property owner meetings (5), public surveys, a design workshop, a public open house, website comments and multiple public presentations (3). The *Independence Community Small Area Study* therefore meets the recommendations of the Comprehensive Plan that the planning efforts within Small Area Studies be derived through the public input process which is focused on a designated study area.
5. The goals of the *Independence Community Small Area Study*, are consistent with, and help to promote the Goals and Objectives and Development Concepts as contained within the *Comprehensive Plan Update 2006-2026*, 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 identifies a vision and concept for guiding future growth within the study area. The plan recommends that additional residential development occur between Madison Pike (KY 17) and “New” KY 17 and along McCullum Pike. This area is identified as a “core residential area.” To

further protect the forest land and open fields visible from Madison Pike (labeled “rural buffer”) and maintain a “rural feel” in the city, the plan recommends conservation subdivision design methods. This enables property owners to develop land while simultaneously ensuring the integrity of the rural/natural landscape if and when land is developed.

The plan also identifies areas for higher density residential development adjacent to commercial and mixed use areas. The inclusion of a variety of housing types within the study area is appropriate for ensuring equal opportunity in choice of housing by Independence residents. The Mixed Use category provides the option to mix commercial retail, office and residential uses within multiple floors. Mixed use developments are appropriate for providing opportunities for residents and visitors to live, work and play within walking distance and helps in creating a sense of place within the community.

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.

The intent of the Recommended Land Use Plan within the study is to promote more compact development patterns with expansive open space preservation. Recommendations for clustered higher density housing and mixed use development in the downtown district, McCullum Pike/KY 17 development area as well as the north and south gateway areas may consolidate trips in a smaller area but it is assumed that the overall numbers of vehicular trips generated will not vary significantly from current plans. Therefore, traffic along Madison Pike (KY 17) through the study area should not increase significantly. However, the change in land use patterns and use of higher density commercial and residential development will affect traffic patterns, concentrating vehicle activity at different locations within the study area.

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 transit, roadway, bike and pedestrian access facilities).

The most important transportation recommendation contained within the study is the maintenance of “New” KY 17 as the major north-south arterial serving the City and southern Kenton County. Controlled access on this route, serving as a bypass around the core of the study area is important to ensure that traffic can pass through with minimal delays and not contribute to congestion

within the study area. Land use recommendations within the study are intended to minimize congestion along this route.

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 market study was also carried out to determine the range of potential land uses that can be accommodated throughout the study area, now and in the future, based on the needs demonstrated by the marketplace. The study showed that residential growth is seen as almost a given in the next five years. Commercial growth, however, is directly related to the City's capacity to address the needs of business and industry within the city limits. The city does not appear to have an adequate supply of existing, modern, fully functional, commercial buildings of any type for prospects who do not wish to build new buildings. Conversely, the city appears to have sufficient land for future commercial, industrial, and retail development. The study recommends that city officials oversee the development of the available land in the city for the most productive, long term benefit of the city.

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 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 market study component of the study recommended that the city may wish to position itself to address market opportunities through cooperative relationships with property owners who understand and embrace the desires of the city to enhance employment opportunities while not just yielding to development pressure to build any project that comes along. This approach to

commercial development of Independence helps to retain as much of the current “feel” of the community as possible while it continues to grow and evolve.

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.

Throughout the planning process, the rural landscape was identified as one of the most significant aspects of Independence. Comments expressed by the stakeholders were to retain the rural, small town feel of the city. The Recommended Land Use Plan identifies opportunities for conservation type developments to be utilized which allow land to be set aside for open space. In addition, the plan recommends greenway buffers along the right of way of New KY 17, a limited access highway.

6. The goals of the *Independence Community Small Area Study*, are consistent with, and help to promote the Guiding Themes as they are contained within the *Comprehensive Plan Update 2006-2026*, as follows:

QUALITY OF LIFE COMPONENTS:

CAPACITY PLANNING

Capacity planning consists of analyzing the level of service infrastructure such as roads, sewers, water, schools, parks, police, fire, and emergency services can provide. With this information, planners can determine if the infrastructure can accommodate new development. Inclusive in this component is the notion that improvements to infrastructure should be concurrently planned and/or enhanced as our community grows. Example: An analysis of the impact that traffic from a new residential development will place on the affected roadways. This analysis will help determine the extent and location of improvements necessary to minimize negative traffic impacts.

The study provides implementation recommendations for infrastructure including specific implementation tasks that pertain to improvements such as sidewalk connections, development of existing and future parks, sewer extensions and bus transit extensions.

CONTEMPORARY PLACES

Contemporary places are new developments and/or enhancements of existing places within our community that have energy, vitality, and character. These places should be designed and developed with permanence in mind in order to meet current needs and have the ability to change with new trends. To accomplish this, thought and consideration must be given to providing a variety of transportation options; connecting the community with walkways and bike paths;

provide a variety of housing; use compact design to increase connectivity and create a sense of community; and build on the existing neighborhoods to keep connected to the past.

The study provides development models and suggests implementation procedures for the specific opportunity areas within the study boundary. The desire of the plan is to utilize the downtown area as a focal point for the community due to its centralized location, scale of development and historic significance. The concepts and design recommendations, for the entirety of the plan, attempt to coordinate land use activity including the historic preservation of downtown, expansion of south retail areas and residential development in the mold of conservation development.

GREEN INFRASTRUCTURE

Green infrastructure views the natural environment as essential for the well being of the community. Elements of the natural environment perform many roles including clean the air, provide oxygen, offer numerous recreational activities, and provide habitat for all native flora and fauna. To enhance the sustainability of this component the natural environment must receive the same thought and care that is given to our built environment. Green infrastructure is defined as: a network of vegetated or non-paved area(s) that sustains the diversity and quality of natural systems and that contribute to the health, economic vitality, and quality of life for communities and people. A primary component therefore, is to connect across multiple landscapes a network of protected land and water that supports native species, provides recreational and open space uses, and maintains the natural ecological process. Example: Urban areas generally contain parks and privately owned open land within its boundaries, with agricultural and undeveloped land outside the urban area. With green infrastructure a plan would be created to protect these areas, possibly expand the amount of open land, and connect these areas with a system of greenways allowing wildlife to move among them.

Effort has been made within the study to identify and promote the conservation of open space within the city. The Recommended Land Use Plan identifies opportunities for conservation type developments to be utilized which allow land to be set aside for open space. In addition, the plan recommends greenway buffers along the right of way of New KY 17, a limited access highway.

Mr. Craig Grossman, consultant, spoke giving a brief overview of the small area study. He stated the study is to work with the city to give guidance on development.

Mr. Chris Moriconi, Ms. Carol Branson, Ms. Marybeth Behler, Mr. Mike Little, Mr. Tom Brinker and Mr. Jim Bushong spoke in favor of the issue. Mr. Michael Straw, Ms. Tanya Pemberton, Mr. Bill Cobble, Ms. JoAnn Cobble, Mr. Rodney Creis, Ms. Mary Baum, Ms. Rita Hauky, Mr. Don Nienaber and Mr. Paul Gallenstein registered to speak against the issue. Mr. Tim Theissen and Mr. Jim Bertram registered to speak as neutral parties on the issue.

Mr. Moriconi addressed the Commission and stated five years ago a plan was done for Memorial Park and it was then discussed that an overall plan for the city needs to be implemented. He stated the Forbes list showed Independence as one of the fastest growing cities in the country. He additionally stated the plan was a guide and a vision. Mr. Moriconi stated no one was going to be placed out of their homes despite rumors in that regard. He further noted the plan was designed to show what the city could look like. He stated city council has approved the plan and he is asking for the support of the Commission. He further noted they are not going to implement imminent domain. Ms. Weldon then read a letter from Ms. Betty Howell in support of the plan which was marked as an exhibit.

Ms. Branson addressed the Commission and stated she agrees with the mayor. She wanted to note there will be comments from people that disagree with the plan and stated that is ok. She additionally noted 90% of the people she spoke with agree with it and asked the Commission to keep that in mind.

Ms. Behler addressed the Commission and stated the plan is derived from many comments from citizens over many months. She stated this is the city's chance to be proactive rather than reactive. She noted the plan reflects a quality lifestyle that could be a model for the county and region. She urged the Commission to support the issue.

Mr. Little addressed the Commission and stated every time you talk to a citizen they ask what the plan is. She stated the growth of Independence is staggering and noted it is too big a city to not have a plan. She noted the residents love the rural feel of the city and do not want to lose that but want some of the modern amenities other cities offer. She further noted that citizen input was of utmost importance. She stated the plan is a concept plan and some of the items may or may not happen.

Mr. Brinker addressed the Commission and stated the difference between Independence and the cities the Commission represents is they have so many years ahead of development ahead.

Mr. Bushong addressed the Commission and stated some people have said they city is a runaway train. He stated they feel this study give the city a track to run the train on. He stated he has been watching the city grown for 23 years and it's time to move forward.

Mr. Cobble addressed the Commission and stated he wanted to comment on how incomplete the study is. He stated the study was only sent to certain people. He asked that the study be marked as an exhibit. He stated he feels the appointment of Jim Bertram to an advisory committee is a conflict of interested because he is the applicant for the zone change. Hew stated the stats of the study are skewed. He noted the study is a flawed piece of puff and the citizens deserve more and better for their tax money.

Mrs. Cobble addressed the Commission and stated she was a council member between '05-'06. She stated the city has yet to define what commercial businesses will be allowed in the mixed use area. She stated this is putting the cart before the horse. She stated the land use map shows how isolated this area is. She asked how the city knows what more commercial property they need when the study failed to identify environmental issue within the city.

Mrs. Baum addressed the Commission and stated she is representing her mother who lives on McCullum Road. She stated her family has lived on the property for over a 100 years. She stated she is opposed to a mixed land use for McCullum Road as is shown on the study. She further noted she feels the city should concentrate on the downtown. She stated there are many commercial districts now that should be looked into further as far as putting more along McCullum Road.

Ms. Hauky addressed the Commission and stated she feels they don't need another walking trail where there is not room for it as proposed. She noted there are brand new as well as old commercial buildings not being used. She additionally noted the city's amphitheater wasn't being used until the city's 4th of July party this year. She stated it's not common sense to see another one is not needed about a mile away.

Mr. Nienaber addressed the Commission and stated he feels this is flawed because many of those on the advisory committee were on the city council as well as the applicant for the zone change.

Mr. Gallenstein addressed the Commission and stated he feels it is a great plan. He distributed a handout which was marked as exhibit and made a part of the record. He stated he is a developer and an engineer. He noted he agrees with the mayor that he doesn't want to see the area end up like Colerain Avenue. He further stated he would like to see the east side at KY 17 be zoned as commercial development. He noted he felt the one thing not discussed as yet and he felt very important was the infrastructure. He stated the bridge is designed to accommodate 4 lanes to plan for future growth. He noted the area is meant for low density and feels it is a missed opportunity.

Mr. Straw addressed the Commission and stated he couldn't add much in terms of detail but would say sometimes the obvious is missed. He stated he would rather see no plan than a bad plan. He further noted the city doesn't need a flawed plan and it's better to err on the side of caution.

Ms. Pemberton addressed the Commission and stated she has lived on McCullum Road her whole life. She noted she works at the Kenton County Public Library and as such has had access to the materials made available on the issue. She stated she has also directed people to the city's web site and the NKAPC and a copy of the plan was also kept at the front desk at the library. She then stated she is normally open minded but this is her home. She said the bottom line for her is a common sense approach. She stated the city needs to put this plan or any other plan into perspective before a plan of this scope takes effect. She noted there are not sidewalks in some areas and some areas do not have sewers but this has not been mentioned. She further stated she realizes change is important but also feels it is important to deal with current issues before doing something such as this.

Mr. Theissen addressed the Commission and stated when Mr. Bertram was asked to volunteer for this committee he was not a resident of the city but a property owner and business owner.

Ms. Weldon asked that the city address the issues of historic preservation and the road widening.

Mr. Grossman stated none of the areas of historic nature were recommended for removal. He stated they tried to take the whole issue of historic preservation and roll it into the study. Ms. Weldon then stated to have a mixed use is to take McCullum Road and tear everything down.

Mr. Brinker addressed the Commission and stated he doesn't recall anyone present at this meeting that showed up at the meetings on the issue when they were held. He noted this is a long term project and the money is not there to start it tomorrow. He stated taxes are not going to be raised unless it's valid. He noted it is not a perfect plan. He stated professionals were hired on this plan to guide the city. Ms. Snyder asked when this project was started. Mr. Brinker stated it was last year and signs were posted and the public was informed as to when meetings would be held.

Ms. Branson addressed the Commission in rebuttal and stated this is just a plan and that is all it is. She stated she has to defend Mr. Bertram. She noted he is a stake holder in the downtown area. She said you have to invite stakeholders in this issue. She said she feels Mrs. Plucky needs to be defended as well because she was asked to give her input and never once noted she had property in the area.

Mr. Schneider clarified the issue and stated this is not changing anyone's zone. He further noted this Commission is the only body that can adopt the Comprehensive Plan. He stated there is not a standard like there is with a zone change. He noted this is planning in its truest form. Mrs. Branson then noted if the walking trails are an issue then those can be taken out. She further noted this was brought up at a council meeting it could have been taken care of then. She additionally stated the walking trails aren't that important to the plan. Mr. Schneider asked Mr. Logsdon what the vision was for the other side of KY 17 since it was stated they did not want another Dixie Highway. He noted one of the main strains of the plan is to revitalize the downtown area. Mr. Barnett stated the mass of commercial was concentrated down south because that's where the traffic is. Mr. Logsdon stated this is a 20 year plan and noted there is no way the city has the funding to do it right now. He stated this is a beginning and not the end. He noted there is a lot of work to be done.

Ms. Weldon stated her personal feeling is until KY 17 is open and running the plan can be changed. Mr. Hilgeford stated he applauded the city of the plan and noted regardless of what the Commission does it's not going to sit on a shelf somewhere. He stated the plan gives the city the opportunity to say no and that is probably the best thing it can do. He also noted this is a 20 year plan and stated there has to be a plan. He further noted he feels the Commission should give it to the city and it should be approved as it is. With that Mr. Hilgeford made the motion to approve based on Staff's report and the statements heard. Ms.

Snyder seconded the motion. Mr. Darpel stated he would like to see it amended to allow mixed use on the other side of KY 17. Mr. France stated there seems to be a lot of commercial that is not being utilized. Mr. Barnett stated he is concerned with the justification for having commercial on the other side of 17. Mr. Schneider stated it takes a majority vote to change the Comprehensive Plan. A roll call vote on the matter found Mr. Hilgeford, Ms. Snyder, Mr. Barnett, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Swanson, Ms. Hood, Mr. Marcum, Mr. Tewes, Mr. Wells and Ms. Weldon in favor. Ms. Carlin, Mr. Darpel, Mr. Hadley and Mr. Ryan voted against. The motion carried with a vote of 13-4

1865R

APPLICANT: One Eleven Engineering and Surveying, PLLC, per James Bertram on behalf of Neyer Properties, Inc.

LOCATION: An approximate 82-acre area located along the north and south sides of McCullum Pike, west of new Kentucky 17, Independence.

REQUEST: A proposed map amendment to the Independence Zoning Ordinance changing the described area from R-1C (a single-family residential zone at a maximum density of approximately 3.5 dwelling units per net acre) and R-1D (a single-family residential zone at a maximum density of approximately 4.8 dwelling units per net acre) to NC (a neighborhood commercial zone). This issue was tabled at the April 5, 2007 meeting.

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

NKAPC STAFF RECOMMENDATION

Recommendation A: Current Comprehensive Plan designation

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

Recommendation B: Proposed Comprehensive Plan designation

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

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

Recommendation A: Current Comprehensive Plan designation

1. The proposed map amendment from R-1C and R-1D to NC is not consistent with the Land Use Plan Element of the *Comprehensive Plan Update 2006-2026*, which identifies the site in question for Residential Development at densities ranging from 2.1 to 4.0 and 4.1 to 7.0 dwelling units per net acre and PRDA. The proposed map amendment would allow the site in question to be developed with commercial uses in an area recommended for residential uses.
2. The proposed map amendment from R-1C and R-1D to NC is not consistent with the following Development Concepts, as contained within the *Comprehensive Plan Update 2006-2026*:

Commercial		
▲		<i>11. Proposed commercial uses should be located on the basis of: (a) adequate service population, according to forecasted population</i>

			<p><i>distribution; (b) access via good transportation facilities; and (c) relationship to surrounding development.</i></p> <p>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.</p>
▲	●		<p>13. <i>Commercial concentrations should be developed as planned areas containing the general characteristics of a “unified shopping area”.</i></p> <p>Such a concept would minimize traffic control problems and safety hazards thus maximizing consumer shopping convenience. Some criteria would include: (a) Shared parking; (b) Coordinated signage; (c) Access points with adjoining developments</p>
Transportation			
▲	●		<p>3. <i>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)</i></p> <p>Such an approach would achieve the most efficient utilization of all modes of transportation (e.g., air, water, rail, mass transit, highways, bicycle paths, pedestrian walkways, etc.)</p>
▲			<p>6. <i>High volume traffic generators should only be located along arterials, rather than along local streets. Design of such generators should provide for access frontage roads and interconnectivity for vehicular, pedestrian and bicycle traffic.</i></p> <p>The use of access frontage roads and inter-connectivity for all modes of transportation will help maintain the functionality of arterial roadways. Inter- connectivity of land uses allows for the provision of fewer curb cuts along arterials leading to improved traffic flow and increased vehicular, pedestrian and bicycle safety through the reduction of conflict points.</p>
▲			<p>7. <i>Impact of new development on existing transportation systems should be carried out prior to approval of all preliminary plats.</i></p> <p>Informed decisions based on analysis of impacts will ensure that the existing transportation infrastructure does not become overwhelmed by new development.</p>

▲, ●, ■ depicts which “Quality of Life” element the Development Concept applies to i.e.:
▲ = Capacity Planning, ● = Contemporary Places, ■ = Green Infrastructure

The proposed map amendment has been triggered given the proximity of the site in question to the new KY 17 right-of-way, which is currently under construction, as well as to take advantage of the forecasted population growth and associated traffic generation anticipated within the Independence area. The design of the proposed development, however, does not take into account the single-family residential development immediately adjacent to and surrounding the site, but rather tries to screen the development from the view of adjacent areas with vegetated buffer areas. It is unrealistic and impractical to assume that vegetated buffers can adequately serve to mitigate the impacts that the proposed development will have on the surrounding area.

The proposed development, with over 460,000 square feet of retail space, will significantly alter the residential character of the area to the north and south of McCullum Pike as well as along McMillan Drive by disrupting views, noise and lighting levels and greatly increasing the amount of traffic on existing roadways and new KY 17. Furthermore, consideration has not been given to connectivity with adjacent and other nearby land uses. Connectivity through the use of pedestrian and/or bicycle connections would help reduce vehicular trips and help create a more viable neighborhood type contemporary place.

Furthermore, capacity provided by the recently constructed intersection of McCullum Road and new KY 17, may potentially be overburdened by the high volume of traffic anticipated by the proposed development. Based upon the size of the proposed development, over 500 turning vehicles per hour could easily be added to each intersection, potentially exceeding the available storage lane lengths and capacity at these intersections.

3. On July 23, 2007, the City of Independence took action to adopt the *Independence Community Small Area Study*. The site in question is included within the study area. Per the process established in the *Comprehensive Plan Update 2006 – 2026*, the recommendations contained within the Small Area Study are expected to be incorporated into the Comprehensive Plan and represent the basis upon which future development decisions are made. Given that the area of the site in question is included as part of the study, any decisions regarding the future land use of the site should take into account the recommendations of the study.
4. The proposed NC Zone is inappropriate. The intent of the NC (Neighborhood Commercial) Zone is to provide for individual retail, service, and other uses oriented to serving the daily needs at a neighborhood scale. In addition, the NC Zone requires a minimum lot area of ten thousand (10,000) square feet. The scale of the site in question, with approximately 82 acres, along with the massing of the proposed buildings (i.e. over 450,000 square feet of retail) is not consistent with the intent of the NC Zone.
5. 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.
6. The submitted development plan does not provide sufficient information as required by the Independence Zoning Ordinance to warrant approval at this time. These items are as follows:
 - 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 landscape screening along the perimeter of the site.
 - b. The submitted development plan identifies a proposed fueling center along the south side of McCullum Pike. Section 10.14., C. of the Independence Zoning Ordinance identifies

service stations as a conditional use within the NC Zone, subject to approval by the Board of Adjustment

- c. Section 10.4., E., 3 of the Independence Zoning Ordinance states that no lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
- d. 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.
- e. 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.
- f. Section 12.1 of the Independence Zoning Ordinance identifies the requirements for the design and layout of off-street loading and/or loading areas.
- g. Requirements for signage per Article XIV, Sign Regulations.

Recommendation B: Proposed Comprehensive Plan designation

1. The proposed map amendment is not consistent with the Recommended Land Use Map as identified within the *Comprehensive Plan Update 2006-2026*, as amended. The area of the site in question is identified within *Independence Community Small Area Study* as the McCullum Pike/New 17 Area Concept. This area is recommended to act as a gateway and connection to “historic downtown” of Independence. The area of the site in question is recommended for the following uses:

1. Mixed Use: This is a recommended land use category for transition of commercial category to residential uses. The orientation and layout of mixed use development should present a balanced proportion of commercial, office, and residential activity. Mixed use development will offer opportunities to create live/work nodes within the city. Horizontal mixed uses are recommended in most of the study area. A horizontal mixed use occupies larger land area and various uses are incorporated in low rise buildings, maybe not more than 2-3 stories. While retail/commercial uses occupy the first floor, the upper floor/s are occupied by either residential units and/or professional office spaces. Parking spaces for this type of uses are clustered together in a surface parking lot.
2. High Density Residential (Multi-Family): High density residential land uses are located adjacent to or with convenient access to arterial roads that can accommodate the higher traffic generated and avoid the need for this traffic to pass through areas of lower density residential land uses. Residential density within these areas should be within the range of 7.1 to 30.0 dwelling units per net acre. Development within this range requires design sensitive to adjoining land uses (i.e. buffering, connectivity, etc.)

The submitted development plan identifies commercial uses within an area recommended for a variety of uses including high density residential and mixed use buildings. Mixed use buildings contain a balanced proportion of commercial, office and residential activity. The proposed map amendment does not meet the intent of the McCullum Pike/New 17 Area Concept area to function as mixed use gateway into downtown Independence.

2. The proposed map amendment is not consistent with the Transportation recommendations as identified within the *Independence Community Small Area Study*. The plan states:

The most important transportation recommendation contained within the study is the maintenance of “New” KY 17 as the major north-south arterial serving the City and southern Kenton County. Controlled access on this route, serving as a bypass around the core of the study area is important to ensure that traffic can pass through with minimal delays and not contribute to congestion within the study area. Land use recommendations within the study area are intended to minimize congestion along this route. In addition, the plan recommends greenway buffers along the right of way of New KY 17, a limited access highway.

The submitted development plan identifies a proposed traffic signal at the intersection of New KY 17 and McCullum Pike. Further analysis would be required to determine whether the proposed signal is warranted, however, the proposed development, with the potential to generate in excess of 22,000 trip ends per day with over 2,100 vehicles per hour during a typical PM peak hour would significantly impact the capacity of McCullum Pike and its associated impacts to the gateway entrance into the historic downtown of Independence.

3. The proposed map amendment from R-1C and R-1D to NC is not consistent with the following Development Concepts, as contained within the *Comprehensive Plan Update 2006-2026*:

Commercial			
▲			<p>11. <i>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.</i></p> <p>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.</p>
▲	●		<p>13. <i>Commercial concentrations should be developed as planned areas containing the general characteristics of a “unified shopping area”.</i></p> <p>Such a concept would minimize traffic control problems and safety hazards thus maximizing consumer shopping convenience. Some criteria would include: (a) Shared parking; (b) Coordinated signage; (c) Access points with adjoining developments.</p>
Transportation			
▲	●		<p>3. <i>Development plans and subdivision plats should be evaluated to ensure that all modes of transportation can be accommodated. (e.g. bus pullouts</i></p>

			<p><i>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)</i></p> <p>Such an approach would achieve the most efficient utilization of all modes of transportation (e.g., air, water, rail, mass transit, highways, bicycle paths, pedestrian walkways, etc.)</p>
▲			<p>6. <i>High volume traffic generators should only be located along arterials, rather than along local streets. Design of such generators should provide for access frontage roads and interconnectivity for vehicular, pedestrian and bicycle traffic.</i></p> <p>The use of access frontage roads and inter-connectivity for all modes of transportation will help maintain the functionality of arterial roadways. Inter- connectivity of land uses allows for the provision of fewer curb cuts along arterials leading to improved traffic flow and increased vehicular, pedestrian and bicycle safety through the reduction of conflict points.</p>
▲			<p>7. <i>Impact of new development on existing transportation systems should be carried out prior to approval of all preliminary plats.</i></p> <p>Informed decisions based on analysis of impacts will ensure that the existing transportation infrastructure does not become overwhelmed by new development.</p>

▲, ●, ■ depicts which “Quality of Life” element the Development Concept applies to i.e.:
▲ = Capacity Planning, ● = Contemporary Places, ■ = Green Infrastructure

The proposed map amendment has been triggered given the proximity of the site in question to the new KY 17 right-of-way, which is currently under construction, as well as to take advantage of the forecasted population growth and associated traffic generation anticipated within the Independence area. The design of the proposed development, however, does not take into account the single-family residential development immediately adjacent to and surrounding the site, but rather tries to screen the development from the view of adjacent areas with vegetated buffer areas. It is unrealistic and impractical to assume that vegetated buffers can adequately serve to mitigate the impacts that the proposed development will have on the surrounding area.

The proposed development, with over 460,000 square feet of retail space, will significantly alter the residential character of the area to the north and south of McCullum Pike as well as along McMillan Drive by disrupting views, noise and lighting levels and greatly increasing the amount of traffic on existing roadways and new KY 17. Furthermore, consideration has not been given to connectivity with adjacent and other nearby land uses. Connectivity through the use of pedestrian and/or bicycle connections would help reduce vehicular trips and help create a more viable neighborhood type contemporary place.

Furthermore, capacity provided by the recently constructed intersection of McCullum Road and new KY 17, may potentially be overburdened by the high volume of traffic anticipated by the proposed development. Based upon the size of the proposed development, over 500 turning vehicles per hour could easily be added to each intersection, potentially exceeding the available storage lane lengths and capacity at these intersections.

4. 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.
5. The submitted development plan does not provide sufficient information as required by the Independence Zoning Ordinance to warrant approval at this time. These items are as follows:
 - 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 landscape screening along the perimeter of the site.
 - b. The submitted development plan identifies a proposed fueling center along the south side of McCullum Pike. Section 10.14., C. of the Independence Zoning Ordinance identifies service stations as a conditional use within the NC Zone, subject to approval by the Board of Adjustment
 - c. Section 10.4., E., 3 of the Independence Zoning Ordinance states that no lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
 - d. 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.
 - e. 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.
 - f. Section 12.1 of the Independence Zoning Ordinance identifies the requirements for the design and layout of off-street loading and/or loading areas.
 - g. Requirements for signage per Article XIV, Sign Regulations.

Additional Information:

1. The City of Independence has submitted an application for proposed amendments to the *Comprehensive Plan Update 2006-2026*. At the time of this report, it was unknown what action would be taken on this request. Staff has therefore prepared two (2) sets of basis – one to reflect the current Comprehensive Plan designations, and a second to reflect the proposed amendments.
2. Staff periodically provides conditions of approval for the planning commission or the legislative body to attach when taking action to approve proposed map amendments. As it relates to the submitted development plan, such conditions were excluded as they would be too numerous and compliance would result in drastic changes to the design and layout of the plan to warrant a complete and thorough review of the plan.
3. Upon review of the parcel data for the site in question, it appears that an area of the site abuts McMillan Drive. This area is not shown on the submitted development plan. Insufficient information has been submitted to determine what is planned for this area of the site.

Mr. Theissen, Mr. Bertram, Mr. John Stevens, Mr. Dan Neyer, Mr. Darin Ayre, Ms. Lisa Placky, Mr. Creis, Ms. Rosemary Hofstedder and Mr. Stephen Hofstedder registered to speak in favor of the issue. Ms. Walisant, Ms. Cobble and Mr. Nienaber registered to speak against the issue.

Mr. Theissen gave background information on Neyer Properties. He stated Neyer first started looking into this property five years ago. He stated they now have 19 parcels committed to obtain to be a part of this development. He noted they have numerous retailers interested in the site but with zoning not in place they cannot commit. He noted this development will offer kind of a gateway to Independence which it really doesn't now have. Mr. Theissen stated this development is inevitable. He stated the city of Independence put together a market study. He noted there is a good demand for this type of development in Independence. He further noted the population of Independence was going to double by 2011 when this development is complete. Mr. Theissen stated the market for goods and retail services is under served for the area and noted only 43% of retail expenditures stayed in Independence in 2006. He stated the McCullum interchange will be a major traffic site justifying the need for a quality retail and service development. He noted the client is prepared to make intersection improvements as part of the development. He further noted they are also committed to including special buffering to minimize the impact of the development on adjacent residences.

Mr. Bertram addressed the Commission and showed how the development will affect the residences in the area. He stated there will be a 20 foot berm to provide for the gateway. He noted they intend to put up a white vinyl privacy fence along with a type of tree that will grow 3-5 feet a year for screening.

All others registered to speak in favor were available to answer any questions.

Mr. Placky addressed the Commission and stated for Independence to continue to grow the city needs to offer more in the way of retail and restaurants. She stated for Independence to grow they need a development such as this development offered by Neyer.

Ms. Creis addressed the Commission and stated he was present to support the development. He stated it is costly and time consuming to drive all the way to Florence or Cold Spring for retail. He stated he welcomes the retail opportunity in Independence. He additionally noted he thinks it is a needed entity to have in Independence.

*Ms. Weldon announced at this time (10:45 p.m.) that this would be the last public hearing of the evening for the agenda.

Ms. Hofstedder addressed the Commission and stated she is for the development and for the growth. She noted Independence is the third largest city in Northern Kentucky and she would like to not have to drive so far for retail.

Mr. Hofstedder addressed the Commission and stated he agrees with Mrs. Placky and the others on the issue.

Ms. Walisant addressed the Commission and stated she wholeheartedly agrees with the planning Staff's recommendations. She stated McCullum Road measures 18 feet wide and there is no shoulder and certainly no sidewalks. She noted the road cannot handle the type of traffic this development will generate. She stated this road has changed little since the '40's when her family moved there. She also noted McCullum Road is the only access for this development and is only a two-lane road. Ms. Walisant stated she grew up on McCullum Road and people will not walk to this development. She noted there is a hill on McCullum you would have to walk up and down. She stated she believes this mall will create an unnecessary hardship on the residents in the area and the road.

Ms. Cobble addressed the Commission and stated she concurs with Mr. Schwartz in his report and fees he is dead right. She noted Mr. Deters has had his development for 10 years and it is yet to be fully developed. She stated Mr. Theissen thinks the supply needs to be increased to increase the demand. She stated there are numerous commercial sites available in the city. She further stated there is currently too much undeveloped property along 17 to even increase the amount of commercial property available.

Mr. Nienaber addressed the Commission and stated McCullum Road is not built for a shopping center. He stated it has not been repaved for 4 years. He noted in the last year there have been 8 water main breaks.

Mr. Theissen stated in rebuttal that there is no other area available for this kind of development. He stated you won't get these types of retailers to go into commercial sites where they are the only retailer.

Mr. Darpel asked how the Commission could justify a mixed use of 400,000 square feet of development with some office mixed in when just an hour or so ago the small area study was just adopted. He asked for some justification in approve this. Mr. Theissen stated you heard the people say there isn't this type of retail in this area. Mr. Hilgefurd then said he tends to agree with Mr. Darpel in that the small area study in the comprehensive plan is barely an hour old and they are being asked to go against the comprehensive plan. Mr. Theissen stated he doesn't feel it is going against the plan. Mr. Marcum stated it seems to him that there seems to be a vested interest in those on the study committee. Mr. Ryan stated you'll now have a gateway to the city on an 18 foot wide road. Ms. Weldon then read the comprehensive plan guidelines for this area and stated she doesn't feel this plan meets the comprehensive plan in terms of scale and design. Mr. Hilgefurd then made the motion to disapprove on the basis that it is not in compliance with the comprehensive plan. Mr. Tewes seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Tewes, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Marcum, Mr. Ryan, Mr. Swanson, Mr. Wells, Mr. Whitacre and Ms. Weldon in favor. Mr. Cook, Mr. Hadley, Ms. Hood and Ms. Snyder voted against. The motion carried with a vote of 13-4.

**At this time (11:35 p.m.) the meeting recessed until Tuesday, September 11, 2007.

September 6, 2007 Continuation of KCPC Meeting
Minutes

Ms. Weldon, Chairperson, called the meeting to order at 6:15 PM on Tuesday, September 11, 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.

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			
Barbara Carlin	Kenton Co	x	x	x	x	x	X	X	X	Xx			
Barry Coates	Covington	x	x	x	x	x	X	X	Xx	Xx			
James Cook	Kenton Co	x	x	x	x	x	X	X		Xx			
Paul Darpel	Edgewood	x	x	x		x	X		Xx	Xx			
Chuck Eilerman	Covington	x	x	x	x	x	X	X	Xx	Xx			
Tom France	Ludlow	x	x	x	x	x	X	X	Xx	Xx			
Al Hadley	Elsmere	x	x	x	x	x	X	X	Xx	Xx			
David Hilgefurd	Villa Hills	x	x	x		x	X*		X	Xx			
Phil Ryan	Park Hills	x	x	x		x	X			Xx			
Maura Snyder	Independence	x	x	x	x	x*	X*		X	X			
Paul Swanson,	Erlanger	x		x	x	x	X		Xx	X			

Treasurer													
Joe Tewes	Bromley	x	x	x	x	x	X	X	Xx	Xx			
John Wells, Vice Chair	Fort Mitchell		x	x	x		X	X	Xx	Xx			
Bernie Wessels	Crescent Spgs	x	x	x		x	X	X	X	Xx			
Gil Whitacre	Lakeside Park	x	x	x		x	X	X	X				
Alex Weldon, Chair	Covington	x	x	x	x	x	X	X	x	Xx			
Lynn Hood	Crestview Hills		x	x	x	x	X	X	Xx	X			
Kent Marcum	Fort Wright	x	x	x	x*			X	X	Xx			

*arrived after roll was taken.

**Sept. "Xx" denotes attendance at both the regular meeting and the continuation meeting.

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, and Scott Hiles, Deputy Director for Infrastructure Planning.

1888R

APPLICANT: City of Covington per Frank Warnock

LOCATION: Area A is an approximate 1.8 acre area located along the south side of West 14th Street, approximately 200 feet west of Kavanaugh Street; and Area B is an approximate 2,400 square foot area located along the north side of West 16th Street, approximately 50 feet east of Euclid Avenue

REQUEST: Proposed map amendments to the Covington Zoning Ordinance changing the described Area A and Area B from RU-2 (an urban residential zone with a maximum density of approximately 22 dwelling units per net acre) to CO-5A (a commercial – office zone with a development intensity of 5 and an auto character standard).

Staff presentations and Staff recommendations by Mr. Mike Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendments from RU-2 to CO-5A.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. There have been major changes of an economic and physical nature within the area that were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area.

Access to the area within the vicinity of Area A is to be provided by a new public two lane roadway, extending south from 12th Street. This roadway is being paid for by the State of Kentucky and St. Elizabeth Medical Center. Completion is anticipated by November 2007. When the comprehensive plan was adopted in December 2006, it was not known if this roadway was going to be constructed. With funding in place, several structures within the vicinity of the proposed map amendment have been demolished for the construction of the roadway.

St. Elizabeth Medical Center, or one of its affiliated entities, has begun to acquire properties within Area A. It is anticipated that such acquisition efforts will continue.

2. With the acquisition efforts of several properties within Area A, by St. Elizabeth Medical Center, or one of its affiliated entities, it is reasonable to have the development within Area A to be the same as that anticipated within the existing CO-5A Zone, located to the west of Area A. Therefore, the proposed map amendment for Area A is a logical extension of the existing CO-5A Zone.
3. Area B is currently owned by the City of Covington and is currently occupied by a playground. The area located to the north and west of Area B is currently owned by St. Elizabeth Medical Center and is occupied by the same playground facility. Because these two areas share the same land use, it is reasonable that they should share the same zoning. Therefore, the proposed map amendment for Area B is a logical extension of the existing CO-5A Zone.

Ms. Beth Robinson registered to speak in favor. No one registered to speak against or as a neutral party.

Ms. Robinson addressed the Commission and stated she is in support of the application because it will facilitate a long vacant piece of property. She stated it will also provide about 150 jobs for the city. She noted the city is also in favor because it will be St. Elizabeth that will be developing it.

Mr. Eilerman asked if any of the buildings had been demolished yet. Ms. Robinson stated demolition had begun on the access road. Mr. Eilerman then made the motion to approve based on Staff recommendations and the fact that there has been a substantial change to the area since the adoption of the Comprehensive Plan. Mr. Marcum seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Marcum, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Hadley, Mr. Hilgeford, Mr. Ryan, Mr. Tewes and Mr. Wessels in favor. Ms. Weldon abstained. The motion carried.

1889R

- APPLICANT:** Apple Valley Development Co., LLC, per Robert Buten on behalf of Patrick M. Gregory
- LOCATION:** an approximate 4-acre area located approximately 500 feet east of the terminus of Apple Valley Drive in Independence
- REQUEST:** a proposed map amendment to the Independence Zoning Ordinance changing the described area from R-1EE (a single-family and two-family residential zone at a maximum density of 7.6 dwelling units per net acre) to R-2 (PUD) (a two-family and multi-family residential zone at a maximum density of 10.0 dwelling units per net acre with a planned unit development overlay zone)

Staff presentation and Staff recommendations by Mr. Andy Videkovich.

Mr. Darpel recused himself due to a conflict of interest.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from R-1EE to R-2 (PUD), but only subject to compliance with the following conditions:

1. That a twenty (20) foot planting strip be provided along the north and east sides of the site in question.
2. That pedestrian access be provided from the site in question to the community center of the existing multi-family development.
3. That all fences and walls meet the requirements of the underlying R-2 Zone.

4. That signage be prohibited on the site in question.
5. That provisions for a secondary access point be provided to the south of the site in question.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendations:

1. The proposed map amendment from R-1EE to R-2 (PUD) is consistent with the Land Use Plan Element of the *Comprehensive Plan Update 2006-2026*. While the land use designation for the site in question is Residential Development at a density ranging from 4.1 to 7.0 dwelling units per net acre, the site in question is also within the Richardson Road/Beechgrove Community Service Area.

The intent and purpose of the Community Service Areas is to concentrate increased commercial and residential uses within areas with existing commercial/office, public and semi-public land uses that can provide, or expanded to provide, convenience goods and services to a growing population. Increased density will enhance the potential for business development to serve the needs of residents of nearby residential development. It is essential to provide a critical mass of residential uses within these areas to support existing and future commercial development. Furthermore, by providing such services within short distances of more residences, trip distances that residents travel for convenience goods and services are reduced and the use of alternate modes of transportation becomes more feasible (e.g. pedestrian and/or bicycle). This proposed increase in population density should also further enhance the potential for increased and more efficient mass transit service.

The Richardson Road/Beechgrove Community Service Area has limited vacant land available nearby for new residential development. Developing the site in question for multi-family will increase the critical mass of residential uses in the area to support existing and future commercial development.

2. The proposed map amendment from R-1EE to R-2 (PUD) is consistent with the Development Concepts of The Land Use Plan Element of the *Comprehensive Plan Update 2006-2026*, as it relates to Residential Development.

Density is the major determinant of residential development.

Residential densities provide the major bases for “utilities” and “community facilities systems” planning and helps define the character of an area

A variety of residential densities is desirable.

Various densities would accommodate a variety of housing types to serve a variety of economic and social desires and capabilities.

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.

Multi-family residential development should be: (a) located near and be connected to activity centers or major access ways; (b) located in areas where urban services are available.

Such a concept would provide convenient access to activity centers and major streets to a greater number of people, and would reasonably assure that undue traffic volumes would not be drawn through lower density type development.

The increase or decrease of density can function as a transition between incompatible land uses.

Such a concept would enable a transition between land uses of different intensity thereby minimizing conflict between land uses.

The proposed map amendment is similar in density to the adjacent multi-family uses. Furthermore, the topography of the site in question is characterized by steep slopes which make access from Richardson Road difficult.

3. The proposed map amendment from R-1EE to R-2 (PUD) is consistent with The Transportation Plan Element of the *Comprehensive Plan Update 2006-2026*, which identifies Richardson Road for Bus Rapid Transit (BRT).

In an effort to alleviate many transportation issues facing the County, strong emphasis is placed on strengthening multi-modal operations within the County. BRT allows for the usage of buses on dedicated lanes or dedicated travel ways. The service is characterized as combining the quality of rail transit and the flexibility of bus service.

Locating higher density developments close to major transportation routes and BRT lines has the potential to increase the use of multi-modal operations within the County.

4. The submitted development plan meets the minimum requirements of the Independence Zoning Ordinance, except for the following:
 - a. Section 9.17, Table 9.1, of the Independence Zoning Ordinance states that any multi-family zone or use that is adjacent to any single-family zone or use must provide a minimum twenty (20) foot planting strip. Residential zones and uses are to the north and east of the site in question. Insufficient information has been submitted to determine compliance with this regulation.
 - b. The stated purpose of the Planned Unit Development Overlay Zone is to take advantage 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, and other public and common facilities.

Providing a pedestrian connection from the site in question to the existing multi-family community center is recommended in order to meet the intent of the PUD Overlay Zone.

- c. Section 9.12, J., of the Independence Zoning Ordinance states that the location, height, and type of all fences and walls within a PUD shall be as approved in the plan. Insufficient information has been submitted to determine compliance with this regulation. The staff recommends that all fences and walls meet the requirements of the underlying R-2 Zone.

- d. Section 9.12, J., of the Independence Zoning Ordinance states that the location, height, and type of all signs within a PUD shall be as approved in the plan. No signs are shown on the submitted development plan. Since this development is an extension of an existing multi-family development to the west of the site in question, no signs should be permitted on the site in question.
5. If approved, the entire multi-family development, consisting of 148 multi-family units, will be served by a single access point onto Richardson Road. In order to facilitate traffic movement and to provide for greater safety, provisions for a secondary access point to the south of the site in question should be provided for future ingress and egress.

Mr. David Knoll registered to speak in favor of the issue. Mr. Connolly registered to speak against. There were no neutral parties registered to speak.

Mr. Knoll addressed the Commission and stated he agrees with the recommendation and feels it is a good development. He stated it will allow them to keep the hillside green. He noted they are fine with the conditions however, as to condition #4 they have no intention of placing a sign with in vision of the road. He stated they would like to have a small sign on the 4 acres that would be visible only to the residents in the area. As to condition #5 he stated they have no problem with the road widening but that they would like to do that in the form of an easement. Mr. Knoll stated they would just like the flexibility to go either way, either to widen the road with the 15 feet of asphalt or to provide it as an easement.

Mr. Connolly addressed the Commission and stated he is speaking for the five families on the northeast of the property. He stated Apple Valley has made no attempt to contact area neighbors regarding any update to the property. He noted they don't want the property to become a thoroughfare or a cut through. He further stated they would like to see the city flourish but not at the expense of the community.

Mr. Knoll stated in rebuttal that they do not do section 8 housing. He further stated they have no intention of having access to Turkeyfoot Road.

Mr. Wessels then made the motion to approve with condition as stated by Staff and also based on the testimony heard. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hadley, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Mr. Marcum, Mr. Ryan, Mr. Tewes and Ms. Weldon in favor. Mr. Darpel recused himself and Mr. Wells abstained. The motion carried.

W-565

APPLICANT: Grand Communities, Ltd.
LOCATION: 3051 and 3056 Summitrun Drive in Independence.
REQUEST FOR ACTION: to grant a waiver to the minimum grade standards for driveway aprons and minimum cross slopes for sidewalks included in Appendix C of the Kenton County Subdivision Regulations; granting the request would waive the minimum required ascending grade of the driveway apron and the minimum cross slope for the sidewalk located at 3051 and 3056 Summitrun Drive.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION

To grant the requested Waiver to the minimum grade standards for driveway aprons and minimum cross slopes for sidewalks included in Appendix C to allow for a minimum slope from the back of curb to the rear of the sidewalk to be 1/8 inch per foot.

Basis:

That strict compliance with these regulations would create an extraordinary hardship in the face of exceptional conditions. The elevations of the residences at 3051 and 3056 Summitrun Drive dictate that each contain descending driveways. The elevations of surrounding residences dictate the placement and elevation of their respective driveway aprons and sidewalk. These two factors ultimately affect the driveway aprons and sidewalk elevations for 3051 and 3056 Summitrun Drive. The combination of the elevations of the surrounding residences compared with those at 3051 and 3056 Summitrun Drive creates the situation that certain vehicles scrape upon entering the driveway. A greater level of planning during home construction could have avoided the situation that now exists, however, this problem was not caused by actions of the homeowners of 3051 and 3056 Summitrun Drive. Therefore, allowing these residences to contain ascending driveway aprons that are flatter than required is a reasonable solution to their problem.

Additional Information:

It should be noted here that the homeowners of 3051 and 3056 Summitrun Drive should be aware that ascending driveway aprons and sidewalks that are flatter than required will increase the potential that stormwater will crest their flattened driveway aprons and sidewalks and flow down their descending driveways into their garages and/or basements.

Mr. Paul Metzger registered to speak in favor of the issue. No one registered to speak against or neutral on the issue.

Mr. Metzger stated they are fixing this basically to be a good builder. He stated they are going to fix this for the homeowners. He stated it is to grade but they want to make it right for the owners. He also stated they would do some regarding in between the homes to minimize any future possibility of flooding. Ms. Weldon entered as an exhibit a narrative on the issue.

A motion was then made by Mr. Wessels with a condition that the Commission receive some evidence of a recordable instrument from the homeowners of the action taken. Mr. Wessels stated the motion was based on unusual topography and strict compliance would cause a hardship. Mr. Darpel seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Darpel, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgeford, Mr. Marcum, Mr. Ryan, Mr. Tewes, and Ms. Weldon in favor. The motion carried unanimously. Mr. Smith then stated the consent does not need to be recorded but the waiver would be.

Reports from Committees:

Subdivision Regulations Review –Nothing to report.

By-Laws – No meeting held. Mr. Wells noted the past two months there has been a situation where the proponents have required additional time over the 30 minutes as allowed. Ms. Weldon stated the proponents are really the applicant. She suggested that maybe it should be discussed by the By Laws committee.

Model Zoning Ordinance – No meeting held the sign ordinance is being worked on.

Executive-No meeting held.

Subdivision Regulations Review – No meeting held. Mr. Wessels stated they did not meet due to the matter of going into executive session.

Report from legal counsel – Nothing to report.

Announcements from Staff – Mike Schwartz stated the next season of APA audio conferences was set to begin on October 3 from 4-5:30 at the NKAPC meeting room.

Correspondence –None.

New Business:

Ms. Weldon noted Dennis Gordon had ordered a number of planning commission handbooks and said they would be available for the Commissioners to review and distribute.

Executive Session: A motion was made by Mr. Wessels and seconded by Mr. Wells at 7:38 p.m. to go into executive session to discuss pending litigation. All in favor. None opposed.

At 8:37 pm, Mr. Wessels made the motion, seconded by Mr. France to come out of Executive Session. The vote was unanimous. There was no action taken during Executive Session.

There being nothing further to come before the Commission, the meeting adjourned at 8:38 pm.

Alex Weldon, Chair

Date