

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Ms. Weldon, Chair, called the meeting to order at 6:15 PM on Thursday, February 7, 2008, 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.

Prior to the roll being taken, Mr. Wells recognized new Commissioner Mr. Brandon Raybourne who would be replacing Mr. Hadley as the representative for the City of Elsmere. He additionally noted he was sworn in, as well as the returning members renewing their commission.

| | | 2008 | | | | | | | | | | | |
|----------------------------|------------------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Member | Jurisdiction | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
| Mark Barnett | Taylor Mill | X | X | | | | | | | | | | |
| Barbara Carlin | Kenton Co | X | X | | | | | | | | | | |
| Barry Coates | Covington | X | X | | | | | | | | | | |
| James Cook | Kenton Co | X | X | | | | | | | | | | |
| Paul Darpel | Edgewood | X | | | | | | | | | | | |
| Chuck Eilerman | Covington | X | X | | | | | | | | | | |
| Tom France | Ludlow | X | X | | | | | | | | | | |
| David Hilgeford | Villa Hills | X | X | | | | | | | | | | |
| Lynn Hood | Crestview Hills | X | X | | | | | | | | | | |
| Kent Marcum | Fort Wright | X | | | | | | | | | | | |
| Brandon Raybourne | Elsmere | X | X | | | | | | | | | | |
| Mark Rogge | Crescent Springs | - | - | | | | | | | | | | |
| Phil Ryan | Park Hills | | X | | | | | | | | | | |
| Maura Snyder | Indepen | X | X | | | | | | | | | | |
| Paul Swanson, Treasurer | Erlanger | X | | | | | | | | | | | |
| Joe Tewes | Bromley | X | X | | | | | | | | | | |
| John Wells, Vice Chair | Fort Mitchell | X | X | | | | | | | | | | |
| Alex Weldon, Chair | Covington | | X | | | | | | | | | | |
| Bernie Wessels | Crescent Springs | X | - | - | - | - | - | - | - | - | - | - | - |
| Gil Whitacre | Lakeside Park | X | X | | | | | | | | | | |

“X” denotes attendance at the regular meeting and “x” denotes attendance at the continuation meeting.

“*” denotes arrival after roll call was taken.

“-“ denotes not on the planning commission.

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

AGENDA: Mr. Eilerman made a motion to accept the agenda. Ms. Snyder seconded the motion. All in favor. None opposed.

APPROVAL OF THE MINUTES:

Mr. France made a motion to approve the minutes from January. 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. Raybourne, Mr. Hilgefurd, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wells and Ms. Weldon in favor. The motion carried.

FINANCIAL REPORT:

There were no questions or comments with regard to the financial report. A motion was made by Mr. Hilgefurd to accept. 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:

*Mr. Whitacre recused himself from the following issue due to a conflict of interest.

1904R

APPLICANT: Independence Village LLC, per James Bertram and Ashley Commercial Group, per Jay Kapangia
LOCATION: an approximate 27 acre area located along the north and south sides of Centennial Boulevard, east of Madison Pike, Independence.
REQUEST: review of an amended Stage I Development Plan on the described area which is currently zoned R-2 (PUD) (a two and multi-family residential zone with a maximum density of 10.0 dwelling units per net acre with a planned unit development overlay zone) (this issue was tabled at the commission's January 3, 2008 meeting)

Staff presentation and Staff recommendations presented by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To disapprove the proposed amended Stage I Development Plan

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. The submitted amended Stage I Development Plan does not meet the following requirements of the Independence Zoning Ordinance:

- a. Section 10.12, A. provides the purpose of the Planned Unit Development (PUD) Overlay Zone. This section can be correlated to complying with the basic principles and recommendation of the adopted comprehensive plan.

The Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026* identifies the site in question, and all adjoining areas, as a Small Area Study. The text of the comprehensive plan provides references to the report entitled Independence Community Small Area Study. This report identifies the site in question as being within the South Gateway Area. In general, this plan recommends that the South Gateway Area be developed with a mixture of commercial and residential land uses. Specifically, this plan recommends commercial uses to be developed along the south side of Centennial Boulevard and high density residential uses to be developed along the north side of Centennial Boulevard to: (1) provide a needed land use as reflected in the market study; and (2) to provide a buffer between the commercial development and single-family residential dwellings.

The submitted amended Stage I Development Plan indicates the provision of two commercial buildings and one semi-public building, having a total area of 20,139 square feet, as being located within the area north of Centennial Boulevard. Whereas, the existing approved Stage I Development Plan does not have any commercial or semi-public buildings within this same area.

Additionally, the proposed amended Stage I Development Plan indicates a reduction of density of the residential component to 8.2 dwelling units per net acre, as compared to 10.0 dwelling units per net acre indicated on the existing approved Stage I Development Plan.

- b. Section 10.12, H. states that the height, yard, and setback requirements within a PUD shall be as approved in the plan. An insufficient setback has been provided between the site in question and the area located to the north of the site in question. The existing approved Stage I Development Plan indicates that there will be a minimum forty-five (45) foot setback between any residential building and the rear lot line of properties fronting on the south side Walnut Hall Drive. The proposed amended Stage I Development Plan indicates a minimum twenty (20) foot setback between the off-street parking area serving the residential dwellings and the rear lot line of properties fronting on the south side Walnut Hall Drive.
- c. Section 10.12, J. states that the location, height, and type of all signs within a PUD shall be as approved in the plan. The submitted amended Stage I Development Plan provides for too many signs, given the market and area in which the site is located. The submitted amended Stage I Development Plan indicates that there shall be a minimum of two ground signs for each commercial

site and a minimum of seven ground signs for the residential development. This would mean that for the approximate 18 acre area located along the north side of Centennial Boulevard, there will be a minimum of 13 ground signs, with no maximum number of signs.

2. The provision for additional commercial areas on the site in question is not warranted or desirable at this time. Located immediately to the west and south of the site in question, there is vacant land that is currently zoned to allow for commercial land uses. These areas should develop first before new areas are identified for commercial activity.

Additional Information:

1. While the NKAPC staff has recommended disapproval of the proposed amended Stage I Development Plan, we felt that it was important to note those components of the proposed amended Stage I Development Plan that meet the general intent of the *Independence Community Small Area Study (SAS)*:
 - a. The study recommends that “The south gateway should offer multi-family housing for those who need and/or want to be close to amenities such as young professionals, low to moderate income and senior citizens”. The study proposes high density residential (multi-family) for areas north of Centennial Boulevard and recommends that residential density within these areas should be within the range of 7.1 to 30.0 dwelling units per acre. While the existing approved Stage I Development Plan identifies attached single family units in this area, the proposed amended plan identifies multi-family units at a density of 8.2 dwelling units per net acre which is within the density range proposed for the area. There is no considerable difference in the number of units from the existing approved plan and the proposed amended plan which offers a more compact form of development.
 - b. The proposed school in the amended Stage I Development Plan is an appropriate use that would enhance the mixture of uses within the development.
 - c. The proposed trail and open space located in the eastern portion of the site in question implements the recommendations of the plan that “the “New” KY 17, being a limited access highway, should have greenway buffers along the right-of-way.” The open space, including the proposed trail within the proposed development, would assist in initiating the recommended greenway corridor along “New” KY 17.
2. Again, while the NKAPC staff has recommended disapproval of the proposed amended Stage I Development Plan, we felt that it was important to note those modifications that are necessary to implement the intent and recommendations of the *Independence Community Small Area Study (SAS)*. These changes will significantly alter the design of the development and will require the resubmission of an amended Stage I Development Plan. The applicant is encouraged to work with the NKAPC staff and the City of Independence in incorporating the noted modifications in the event that the application is resubmitted for consideration by the Planning Commission.

- a. The commercial buildings north of Centennial Boulevard and east of existing Madison Pike need to be removed. This would implement the specific land use recommendation in the small area study that the area north of Centennial Boulevard and south of the existing single-family homes be reserved for high density residential.
- b. A few attached single-family units, or more multi-family units, should be incorporated in the area north of Centennial Boulevard to create a mix of uses. If the two commercial buildings close to existing Madison Pike were removed, additional residential -- either attached single-family or multi-family -- could be incorporated in the design, thereby increasing the residential density in the development.
- c. A buffer should be provided between the existing single-family residential dwellings abutting the site in question to the north and the proposed higher density residential use. A minimum buffer width of 45 feet is recommended, as provided in the existing approved Stage I Development Plan. This buffer should use of a combination of earth berms and vegetation.
- d. The plan should clearly identify that in the future, if the school does not go in as currently proposed, a public or semi-public use, similar in nature, must be incorporated into the development.
- e. The developer should work with the City of Independence on the type (mulched, natural, gravel or paved) and width of the trail that is installed in the open space area located in the eastern portion of the site so that it is consistent with what the city may want to continue along the proposed greenway corridor (new KY 17).

Mr. Tim Theissen, Mr. Darrin Eyre, Mr. Jim Bertram, Mr. Ralph Meierjohan and Mr. Jay Kampinga registered to speak in favor of the issue. No one registered to speak against or neutral on the issue.

Mr. Theissen addressed the Commission and distributed a handout of a revised plan to the Commissioners. He stated there have been possibly 5 or 6 years of marketing the development with regard to this development. He stated the site as originally laid out has too many commercial units to meet the current demand. He further noted they are now proposing really a minor change to a PUD. He noted initially they came in with 6 commercial sites and the plan has been changed and now has seven commercial sites with less square footage than originally proposed. He further stated the development is not going to be apartments but owner occupied units. He further noted he respectfully disagrees with Staff on the issue of the setbacks as being 25, 30 and 45 feet. He noted that no where on the plan is the number 45 mentioned. Mr. Theissen went on to say in conversations he had with Mr. Schwartz the area was rounded out but it is not 45 feet. He additionally noted that Ashley Development Group that will be developing the residential side of the plan feels it is more marketable to have the buildings closer to the lake with the parking lot in front than the reverse as shown on the original plan. He then stated three commercial sites have been relocated in the new plan. He then stated the small area study referred to was supposed to be a general guideline versus a rigid plan. He noted there was still supposed to be some flexibility with that study. He stated they are maintaining the mixed use

aspect with this development. He further noted briefly additional aspects of the handout with regard to population and the need for more commercial uses in the area. He then asked the Commission why Staff would recommend disapproval. Mr. Theissen stated the reason for this is because of the discretion of the Staff to change the area as noted in the small area study to expand the commercial development. He further noted the Commission should be the ones to make that judgment and that determination and he feels Staff is recommending disapproval so the Commission makes that decision. Mr. Bertram then spoke briefly concerning the green space and the buffer surrounding the existing residential property and the buffers proposed throughout the development. He further noted they are looking at the long term needs of the city and community and stated the services are greatly needed.

All additional persons registered to speak had nothing further to add.

Mr. Ryan asked Mr. Schwartz to clarify the 45 foot setback. Mr. Schwartz stated Staff scaled the setback and came up with the 45 feet number based on the plan. He further noted that the reason Staff feels 25 feet is not appropriate is because there is going to be a vast parking lot in close proximity to the buildings. Mr. Ryan asked if the surrounding property owners would have received a copy of the amended development plan. Mr. Schwartz stated they get a notice but do not get a copy of the plan. He further noted if someone requested that, Staff could provide it. Mr. Hilgeford stated he feels Staff is correct but feels they are splitting hairs with regard to expanding the commercial development. He further noted if he lived on Walnut Hills Drive he would prefer the second plan versus the first. He for those reasons made the motion to approve the request and added a condition or clarification that a maximum of two signs for each commercial and semi-public use be allowed and a maximum of two signs for residential component. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Hilgeford, Ms. Snyder, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Raybourne, Ms. Hood, Mr. Ryan, Mr. Tewes, Mr. Wells and Ms. Weldon in favor. The motion carried with a vote of 15-0.

1903R

APPLICANT: City of Taylor Mill, per Jill C. Bailey
LOCATION: an approximate 23 acre area located at the northeast corner of the intersection of Taylor Mill Road with Mason Road, Taylor Mill.
REQUEST: a proposed map amendment to the Taylor Mill Zoning Ordinance changing the described area from R-1B (a single-family residential zone with a maximum density of 2 dwelling units per net acre) and R-2 (an attached single-family, two-family, and multi-family residential zone with a maximum density of 14 dwelling units per net acre) to R-1D (a single-family residential zone with a maximum density of approximately 4.8 dwelling units per net acre).

Staff presentation and Staff recommendations presented by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from R-1B and R-2 to R-1D.

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-1B and R-2 to R-1D is generally consistent with the Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026*, which identifies the majority of the site in question as a Physically Restrictive Development Area (PRDA). The text of the comprehensive plan states that any development of areas designated PRDA should be a type of land use that is compatible with the recommended land use of adjacent properties, unless sound bases can be shown for other use types. The most reasonable access to the site in question is via Mason Road. Other areas along Mason Road are identified on the comprehensive plan for Residential Development at a density ranging from 4.1 to 7.0 dwelling units per net acre. The proposed R-1D Zone would allow the development of detached single-family residential dwellings at a maximum density of approximately 4.8 dwelling units per net acre.
2. The *Comprehensive Plan Update 2006-2026* provides for three Quality of Life Components – Capacity Planning, Contemporary Places, and Green Infrastructure. The Development Concepts that are contained within the comprehensive plan were developed with these three Quality of Life Components in mind. The proposed map amendment from R-1B and R-2 to R-1D is consistent with the following Residential Development Concept which helps to implement two of the three Quality of Life Components (Capacity Planning and Green Infrastructure):

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; (d) the unique characteristics of the development site; and (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 currently accessed via Mason Road, a local street. The maximum density of the proposed R-1D Zone is consistent with the density of development found along other local streets within the city. Areas to the east of the site in question are identified for Residential Development at a density ranging from 4.1 to 7.0 dwelling units per net acre and are currently zoned R-1D. The proposed R-1D Zone will allow a use and density that is consistent with this existing development.

3. The site in question comprises the western portion of a lot. The eastern portion of the lot is currently zoned R-1D. The proposed map amendment would result in the entire lot being in the same zoning district. Therefore, the proposed map amendment from R-1B and R-2 to R-1D represents a logical extension of the existing R-1D Zone.

Ms. Jill Bailey registered to speak for the City of Taylor Mill. No one registered to speak against or neutral.

Ms. Bailey addressed the Commission and stated the issue came about after taking a look at the land use plan. She stated this is just to clean up the zone which they felt was inconsistent. She stated they felt it was odd zoning and this was an opportunity to clean up the zone.

Mr. Barnett made the motion to approve based on Staff's recommendations. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Barnett, Mr. Ryan, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Raybourne, Mr. Hilgefurd, Ms. Hood, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wells and Ms. Weldon in favor. 15-0 carries.

*At this time (7:50 p.m.) break was taken until 8:00 p.m.

1905R

APPLICANT: City of Covington, per Jay Fossett, City Manager
LOCATION: an approximate 5.5 acre area bound by West Pike Street to the north, West 12th Street/Martin Luther King Jr. Blvd to the south, Main Street to the east and Interstate I-71/75 to the west, Covington.
REQUEST: proposed amendments to the Bavarian Brewery Redevelopment Plan, a Chapter 99 Plan (KRS 99.020).

Staff presentations and Staff recommendations by Melissa Jort-Conway.

NKAPC Staff Recommendation:

The Bavarian Brewery Redevelopment Plan, as amended, is generally consistent with *Comprehensive Plan Update 2006-2026*.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. On September 5, 1996, the Kenton County Planning Commission took action to approve the Bavarian Brewery Redevelopment Plan. On October 1, 1996, the Covington City Commission adopted Ordinance No. O-40-96 approving the Redevelopment Plan. The Bavarian Brewery Redevelopment Plan, as amended, continues to meet the requirements as set forth in Kentucky Revised Statute Chapter 99. The plan sets out provisions for periodic modifications to the Development Plan, conditional upon the City holding necessary public hearings in accordance with state and local law.
2. The primary objective of the Bavarian Brewery Redevelopment Plan is to stimulate, through public action and private redevelopment, the revitalization of the Target Area, to assist in removing blighted conditions in the area, and promote revitalization, redevelopment and adaptive reuse of buildings. The proposed amendments to the plan are consistent with the primary objective of the plan.
3. The existing approved Redevelopment Plan identified the former Bavarian Brewery property for rehabilitation and redevelopment into a retail operation devoted to the sale of

alcoholic beverages and party supplies, a microbrewery, a pub, a humidor, a gift shop, and a restaurant and banquet hall. It is reasonable for the City to make amendments to the plan to reflect the most recent redevelopment potential for the property while ensuring the preservation of the property's more historically significant architecture.

Additional Information

1. The Linden Gateway Small Area Study was initiated in 2007 by the NKAPC in collaboration with the City of Covington for the area from 12th Street to 19th Street. The Small Area Study is slated to be completed in June 2008, and is anticipated to include recommendations for the site in question.

Ms. Weldon indicated that while she was not going to recuse herself from the issue, she would, in the interest of fairness of the matter, be turning the issue over to Mr. Wells, Vice Chair.

Mr. Jay Fossett registered to speak in favor of the issue. Ms. Lisa Sauer, Ms. Virginia Kerst, Ms. Regina Estes, Ms. Lisa Gillhaam and Ms. Ashley Tongart and Patricia Miller registered to speak against. No one registered to speak as a neutral party on the issue.

Mr. Schneider spoke briefly with regard to Chapter 99 and quoted the statute verbatim. He stated he sees a serious issue with the approval of the request. He stated the statute has never been amended since being enacted in the 1940's. Mr. Schneider stated this is not a zone change. He noted under the statute the Commission cannot approve an amendment unless the owner is known and in this instance, the owner is not known. Further discussion was had regarding withdrawal or tabling the matter. The matter of whether or not to withdraw was discussed with Mr. Jay Fossett for the city and it was agreed that the matter would be withdrawn pending obtaining further information.

W-694

Applicant: Viox & Viox, Inc.

LOCATION: an approximate 7.8-acre area located on the northeast quadrant of the intersection of Donaldson Road (KY 236) and Houston Road.

REQUEST FOR ACTION: to grant waivers to Section 4.1 of the Kenton County Subdivision Regulations; granting the request would: waive the requirement that a curb cut along Houston Road be at least 600 feet away from the Houston Road/Donaldson Highway intersection; and, waive the requirement for a right-turn lane at this new curb cut.

Staff presentation and Staff recommendations by Adam Kirk.

NKAPC Staff Recommendation:

To deny the requested waivers of the Kenton County Subdivision Regulations and require a minimum intersection spacing of 600 feet between the proposed access point and Donaldson Road and that a right turn lane be provided at the proposed access point along Houston Road.

Bases:

1. Subdivision Regulations Section 4.1 requires 600 foot spacing of intersections on Houston Road and requires a reserved right turn lane for the proposed access point.

2. The modifications, as requested, do not include the findings necessary to grant waivers to the regulations as set forth within Section 6.5 A, or B, or C, or D.
3. The 2006 Comprehensive Plan for Kenton County identifies this section of Houston Road as an Arterial Street. Houston Road and Erlanger Road have been identified as arterial streets in the comprehensive plan in order to support future development by providing a future connection to Turfway Road. No data and/or analysis is presented to support the basis of the waiver that minimal traffic exists on Houston Road and that the road functions more like a collector or sub collector street.
4. Not providing a reserved right turn lane at the proposed access point may affect both the capacity and safety of Houston Road depending upon the volumes of traffic accessing the site and the westbound approach to the intersection of Houston Road at Donaldson Road. No data or analysis is presented to support the basis of the Waiver that not providing a right turn lane would not affect the capacity or safety of Houston Road.
5. The development plan would construct an eastbound left turn lane on Houston Road to serve the development. As shown on the concept plan (Attachment A) the left turn lane would be constructed by reducing the length of the existing westbound left turn lane at the intersection with Donaldson Road. The left turn lane would be reduced by approximately 100 feet. The turn lane is approximately 250 feet long; as proposed the plan would reduce the storage capacity of the westbound left turn lane by 40 percent. It is anticipated that the proposed development would generate additional traffic that would increase the storage demands for this left turn lane. No data or analysis is presented to indicate that the proposed lane configuration would not affect the capacity or safety of the intersection.
6. It is not impossible to comply with the regulations as set forth. The proposed development maintains approximately 780 feet of frontage on Houston Road. Additional access to the proposed development is also possible from the intersection of Cherry Tree Lane and Donaldson Road which currently provides access to the existing buildings on the site.

Mr. Justin Verst, Mr. Bill Viox and Mr. Bill Holiday registered to speak in favor. No one registered to speak in opposition or neutral on the issue.

Mr. Verst addressed the Commission and stated they are trying to redevelopment the property and the developer has purchased the surrounding properties that make up the proposed development. He stated they want to clean up the area and have one major curb cut into the property versus the multitude that currently exist. He stated Houston Road is not currently an arterial street because it is just two lanes and not wide enough. He noted it was designated as such on the comprehensive plan for future development. Mr. Verst noted the site contains some difficult topography. He stated they are trying to plan for Houston Road being widened at some point. He additionally stated there is justification for the findings to grant a waiver request. He stated as it is now it is very difficult to get an internal connection due to the topography and the difference of 50 feet of grading. He further stated based on the topography they feel the area designated is the best access point. He stated they also feel the plan allows for innovative design with regard to access of residents on Cherry Tree Lane. H then stated the Highway Department is fine with the internal access and stated based on the current amount of traffic they don't feel the

right turn lane is warranted. Mr. Verst did note that if further development occurs then it would be necessary to widen the road at that time.

Mr. Viox addressed the Commission and commented on the right of way on the opposite side of the road. He also spoke briefly on the new development plans for the former Marydale site as it relates to connectivity and traffic in the area.

Mr. Holiday addressed the Commission and stated he is with Huff Marketing group and was available to answer any questions.

Following a brief discussion, Mr. France made the motion to grant the waiver for the 600 feet spacing based on topographical issues. Mr. Wells seconded the motion. A roll call vote on the motion found Mr. France, Mr. Hilgeford, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. Raybourne, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wells and Ms. Weldon in favor. The motion carried with a vote of 15-0. Mr. Hilgeford commented that he would tend to agree with the applicant but feels they can come back at a later date when the cinema is no longer there with regard to the turn lane. He then made the motion to deny the elimination for the turn lane. Mr. France seconded the motion. A roll call vote on the motion found Mr. Hilgeford, Mr. France, Mr. Barnett, Ms. Carlin, Mr. Eilerman, Ms. Hood, Mr. Ryan and Mr. Wells in favor. Mr. Coates, Mr. Cook, Mr. Raybourne, Ms. Snyder, Mr. Tewes, Mr. Whitacre and Ms. Weldon voted against. The motion carried by a vote of 8-7.

Old and Unfinished Business: None.

Reports from Committees:

Subdivision Regulations Review - No meeting was held. Ms. Weldon stated she is proposing that the committee members for each committee stay as they were. She then read off the committee members for each committee and asked that anyone who would like to move around to let her know.

By-Laws – No meeting held.

Model Zoning Ordinance – Mr. Schwartz stated a meeting would be held on the 21st at 4:30 to go over regulations. He further noted they would be reviewing the final draft of the model zoning ordinance.

Executive- APA National Planning Conference – Ms. Weldon stated a meeting was held and the upcoming APA conference needed to be discussed. She noted that the budget is under by 25%. Due to this fact ways to cut costs were discussed. She noted no staff members would be attending due to budget constraints. She noted airfare was reduced significantly by flying out of Dayton (Ohio) and this was one option to reduce costs. She further noted they needed to have a confirmation of the eleven commissioners requesting an interest in attending in order to firm up plans for conference. She asked that that information be given to Gail. Mr. Eilerman then noted he had somewhat of an issue with being able to attend or not so he decided he would not attend.

Report from legal counsel – No report.

Announcements from Staff – Mike noted an APA audio conference would be held on February 13 on mastering density. He further noted they would also be hosting a seminar on February 23 on Ethics in the Planning Arena. He additionally noted there is an updated memo at everyone’s seat from Dennis Gordon with some action required.

Correspondence – None.

New Business: -

Audit 07 – Ms. Weldon noted that action needed to be taken regarding the audit. A motion was then made by Ms. Snyder and seconded by Ms. Hood to approve the audit for FY07. All in favor. None opposed.

Ms. Weldon then stated she received an email from Paul Darpel regarding the July meeting being on the 3rd. She asked if it could be looked at to have it the following Tuesday on July 8th. Mr. Schwartz indicated that should be fine with the schedule.

Public Comments: None.

There being nothing further to come before the Commission, Ms. Snyder made a motion to adjourn. Ms. Hood seconded the motion. All in favor. None opposed. The meeting adjourned at 9:37 p.m.

APPROVED:

Chair

Date