

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING
Minutes**

Mr. Wells, Chair, called the meeting to order at 6:15 PM on Thursday, January 6, 2009, 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	2009											
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mark Barnett	Taylor Mill	X	X										
Diane Brown	Erlanger	-	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, Vice-Chair	Ludlow	X	X										
David Hilgefurd	Villa Hills		X										
Lynn Hood	Crestview Hills	X	X										
Marc Hult	Covington	X	X										
Kent Marcum	Fort Wright	X	X										
Brandon Raybourne	Elsmere	X	X										
Mark Rogge	Crescent Springs	X	X										
Phil Ryan, Treasurer	Park Hills	X	X										
Maura Snyder	Indepen		X										
Paul Swanson	Erlanger	X	-	-	-	-	-	-	-	-	-	-	-
Joe Tewes	Bromley	X	X										
John Wells, Chair	Fort Mitchell	X	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. Matt Smith, Legal Counsel, and the following NKAPC staff: Michael Schwartz, AICP, Deputy Director for Current Planning, Andy Videkovich, Principal Planner.

Mr. Wells welcomed new member Diane Brown to the Commission. He noted she would be representing the City of Erlanger.

AGENDA:

There were no changes made to the agenda for the evening. Mr. Tewes made the motion to accept the agenda with Mr. Ryan seconding the motion. A roll call vote on the matter found Mr. Tewes, Mr. Ryan, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Tewes, Mr. Whitacre, Mr. Wells and Mr. Hult in favor. Mr. Hilgefurd, Ms. Snyder and Ms. Brown abstained. The motion carried.

APPROVAL OF THE MINUTES:

Mr. France made the clarification on page 17, 4th paragraph that the motion he made was based on Staff's recommendation without the left turn at Houston and Donaldson Road. There were no other comments or changes noted with regard to the minutes. Mr. Eilerman then made the motion to accept the minutes as submitted. Mr. France seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. France, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Ryan, Mr. Tewes, Mr. Whitacre, Mr. Wells and Mr. Hult in favor. Mr. Hilgefurd, Ms. Snyder and Ms. Brown abstained. The motion carried.

FINANCIAL REPORT:

Mr. France made the motion to accept the report as submitted. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. France, Mr. Ryan, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. Hilgefurd, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wells and Mr. Hult in favor. Ms. Brown abstained.

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:

1951R

FILE NUMBER: Z-09-01-02/1952R
APPLICANT: City of Independence, per Patricia H. Taney
REQUEST: proposed text amendments to the Independence Zoning Ordinance pertaining to the NSC (Neighborhood Shopping Center) Zone: (1) allowing bakery and bakery goods stores to sell their products elsewhere than from the premises where they were baked; and (2) allowing outdoor dining areas to have entertainment, music, and sound amplifying systems

Staff presentation and Staff recommendations presented by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATION

To disapprove the proposed map amendment from PO-1 and LHS to CC

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 PO-1 and LHS to CC is inconsistent with the Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026*, which identifies the site in question as being part of a larger area extending to the northeast, across Kyles Lane, and southwest of the site in question identified for Commercial – Office. The proposed map amendment would permit a retail/service establishment in an area identified for Commercial – Office.
2. The existing zoning classification of PO-1 is appropriate and the proposed zoning of CC is inappropriate. While a portion of the site in question is zoned LHS, which is not in conformance with the Recommended Land Use Map (Commercial – Office), the proposed CC Zone will not make the site in question more consistent with the Recommended Land Use Map than what currently exists on the site in question.
3. There have not been any major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area.
4. The recommendation of disapproval is consistent with a previous recommendation made by the NKAPC staff and the KCPC for a retail use on the site in question:

On May 14, 2008, Anchor Properties, on behalf of the Kuchle Family, submitted an application for a proposed map amendment to the Fort Wright Zoning Ordinance changing an approximate 1.8-acre area located on the southeast corner of Kyles Lane and Dixie Highway from PO-1 (a professional office zone) and LHS (a limited highway service zone) to NC (a neighborhood commercial zone) (Z-08-05-03/1924R). On May 30, 2008, the NKAPC staff recommended disapproval of the proposed map amendment. On June 5, 2008, following the public hearing public hearing, the KCPC recommended disapproval of the proposed map amendment.

5. The submitted development plan does not meet the minimum requirements of the Fort Wright Zoning Ordinance:
 - a. Section 9.17 sets forth landscaping and screening requirements:
 - i. Section 9.17, Table 9-1, sets forth landscaping and screening requirements for vehicular use areas (VUA). A 10 foot perimeter screening easement plus 5% interior landscaping is required for any VUA adjacent to a public

right-of-way. Section 10.27, H., 13, states that the minimum planting strip shall not be required to exceed the minimum setbacks of the CC Zone. Setback regulations within the CC Zone are as approved on the plan.

The submitted development plan indicates a white Kentucky horse fence and a landscape buffer along the eastern property line. Portions of this fence and buffer area are within the right-of-way of I-71/75. While notes on the submitted development indicate approval of this area will be sought from KYTC, if permission is not granted, there will be limited space available for landscaping along this property line.

Furthermore, insufficient information has been submitted to determine whether any landscaping will be provided on the other property lines or within the vehicular use area.

- b. Section 10.27, E., sets forth the area and height requirements within the CC Zone:
 - i. Section 10.27, E., 3., states that the maximum impervious surface ratio shall be seventy (70) percent. Insufficient information has been submitted to determine compliance with this regulation.
 - ii. Section 10.27, E., 4., states that the height of a building in the CC Zone shall not exceed 40 feet. Insufficient information has been submitted to determine compliance with this regulation.
- c. Section 10.27, H., 4., states that no lighting shall be permitted which would glare from this zone onto any street, or into any residential zone. Insufficient information has been submitted to determine compliance with the regulation.
- d. Section 11.0, C., 1., d., (1), states that off-street parking may be permitted in minimum required front, side, and rear yards of these zones, provided that all off-street parking facilities shall be set back a minimum of five (5) feet from any street right-of-way lines. The submitted development plan indicates off-street parking spaces and drive aisles approximately zero (0) to one (1) foot from the right-of-ways of Dixie Highway and I-71/75. These do not meet the requirements of this regulation.
- e. Section 11.2, W., states that a retail and personal service store must provide a minimum of four (4) off-street parking spaces for every one thousand (1,000) square feet of gross floor area. The submitted development plan indicates a 16,402 square foot retail store, which would be required to provide 66 off-street parking spaces. The submitted development plan indicates provisions for 59 off-street parking spaces. This does not meet the minimum requirements of the zoning ordinance.
- f. Section 13.3, A., sets forth regulations pertaining to the height of fences in

commercial zones. The submitted development plan indicates a white Kentucky horse fence along the right-of way of I-71/75. Insufficient information has been submitted to determine compliance with this regulation.

- g. Article XIV sets forth regulations pertaining to signs:
 - i. Section 14.13, D., 1., sets forth regulations pertaining to flat, window, or projecting signs. Insufficient information has been submitted to determine compliance with this regulation.
 - ii. Section 14.13, D., 4., sets forth regulations pertaining to façade signs. Insufficient information has been submitted to determine compliance with these regulations.
 - iii. Section 14.13, D., 6., b., states that freestanding signs within the CC Zone shall be no more than fifty (50) square feet of sign area for each lot or building site on which the primary permitted use is located. The submitted development plan indicates a proposed monument sign along Dixie Highway and a proposed pole sign along Kyles Lane and I-71/75. Insufficient information has been submitted to determine compliance with this regulation.
 - iv. Section 14.13, D., 6., c., states that the maximum height of freestanding signs within the CC Zone shall be 40 feet when adjacent to an interstate, and 20 feet when adjacent to an arterial street. Insufficient information has been submitted to determine compliance with this regulation.
 - v. Section 14.13, D., 6., e., (1), states that freestanding signs shall be neither flashing nor animated. Insufficient information has been submitted to determine compliance with this regulation.
- 6. Access points along Dixie Highway are subject to two separate documents which address access spacing, capacity and safety.
 - a. The proposed map amendment from PO-1 and LHS to CC, supplemented by the required development plan, is inconsistent with Section 11.3 ACCESS CONTROL REGULATIONS of the Fort Wright Zoning Ordinance, which identifies general spacing requirements and improvements needed for access points.
 - i. Section 11.3, D., of the Fort Wright Zoning Ordinance states “Access points which will warrant signalization shall be spaced a minimum distance of one quarter (¼) mile apart.”
 - ii. Section 11.3, F., 1., a., states that for arterial streets “Unsignalized access points shall be spaced a minimum distance of six hundred (600) feet apart.

Turning restrictions and/or reserved lanes may be required.”

- iii. Section 11.3, F., 1., d., states. “If a tract of land has no means of access that would meet the requirements of this section of the ordinance, one (1) access point shall be provided. However, all such access points shall be considered a temporary right-of-way and may be terminated, reduced, limited to certain turning movements, or caused to be relocated by the zoning administrator at such time as the particular use served by the access point changes and/or the property is otherwise provided an alternate means of access...”

The submitted development plan proposes two access points, neither of which meet the access spacing requirements of Section 11.3, F., of the Fort Wright Zoning Ordinance: (1) a signalized access point at Ashwood Circle approximately 480 feet from the signalized intersection at Kyles Lane and Dixie Highway; and (2) an unsignalized access point located 55 feet from Kyles Lane and 200 feet from the proposed access point at Ashwood Circle, when measured from point of curb return to point of curb return as indicated by the zoning ordinance.

The proposed unsignalized access point does not meet the minimum requirements of the zoning ordinance. The proposed signalized access point at Ashwood Circle is consistent with the recommendations of *The Dixie Fix* and with Section 11.3, F., 1., d., if it serves as the singular access point to the site in question.

- b. The proposed map amendment from PO-1 and LHS to CC, supplemented by the required development plan, is inconsistent with the recommendations of *The Dixie Fix* approved by the City of Fort Wright, the Kenton County Planning Commission, and the Northern Kentucky Area Planning Commission through the Dixie Highway Access Management Partnership MOU.
 - i. *The Dixie Fix* MOU identifies specific access locations, configurations and control for all parcels along Dixie Highway from Turfway Road in Florence to Main Street in Covington.

The Dixie Fix identifies a single access point to the site in question from the existing signalized intersection at Ashwood Circle. The submitted development plan shows this access point, but also shows an additional access point approximately 55 feet south of the existing Dixie Highway/Kyles Lane intersection. The development plan also identifies a future access point onto the realigned Kyles Lane, approximately 25 feet from Dixie Highway. *The Dixie Fix* does not make any provisions for an unsignalized access point from the site in question onto Dixie Highway or onto Kyles Lane.

- ii. The proposed unsignalized access point is located in the approximate position of the planned realignment of Kyles Lane. As the actual location of the Kyles Lane realignment is unknown, the final design may further complicate the safety as it has the potential to affect roadway curvature, grade and available sight distance.
 - iii. The signers of the MOU agreed that development approval and access permitting decisions will be made in a manner that is consistent with and supportive of the Plan—unless it is agreed upon by all parties with jurisdiction that a departure from the Plan is in the best interest of the corridor.
 - iv. The goals of *The Dixie Fix* are to improve safety, improve mobility, and maintain reasonable and adequate access to Dixie Highway properties. The proposed unsignalized access point will not advance these goals.
7. The proposed unsignalized access point has the potential to degrade the safety of the intersection of Dixie Highway with Kyles Lane. The extreme close spacing of the access point will introduce speed differentials between right turning vehicles on Dixie Highway entering the proposed site and those turning at Kyles Lane. This will significantly increase the risk of rear end crashes on Dixie Highway. Additionally, the close spacing, in conjunction with the absence of a dedicated right turn lane for the access point, has the ability to cause confusion as to the intended path of turning vehicles and may increase the risk of angle crashes involving traffic exiting the proposed site.
8. The proposed signalized access point at Ashwood Circle is designed improperly in that the through lanes from the access point and the receiving lanes on Ashwood Circle are not aligned. As shown the lanes are offset a full 12 feet from each other. Typical practice allows a maximum offset of ½ lane width between through and receiving lanes. The proposed configuration does not allow for a clear indication of intended travel paths from opposing vehicles, increasing the likelihood of head-on and angle crashes between through vehicles, through traffic and left turning traffic and left turning vehicles.

Mr. Viox addressed the Commission and stated they have been before the Commission before and they have come back based on conversations they had with the city. He then gave a presentation through visual and aerial photos of the site in question as well as the layout of the zones in the area. Mr. Viox stated in their opinion the area is more LHS than PO as far as zoning. It was additionally stated if they needed to shift one way or the other with regard to the intersection line up that would be agreeable with them. Mr. Viox further noted that only two delivery trucks a week come into Walgreens that would access via a private service entrance. It was noted by doing the service entrance only it may solve some of the problems in the area. Mr. Viox commented that Staff brought up the fact that the project was short on parking spaces. Mr. Viox stated they felt it was a nice tradeoff to donate the right of way which then does not allow for the additional required parking spaces. It was further stated they are confident they will be able to obtain some of the additional right of way near the interstate but that would be down the road. Mr. Viox stated they are not asking for approval on the signage at this time. It was further

stated that 75% of Walgreens total income is from the sale of prescriptions and over the counter medications. He stated for this reason the Walgreens stores have gotten bigger to accommodate the pharmacies.

Mr. Pflum then addressed the Commission and stated Staff's report indicated no information has been provided to overrule the Dixie Fix. It was then stated it was never their intention to overrule it but to be consistent with it. It was further noted they do provide for alignment of Kyles Lane. He stated the building has been moved to the south so as not to impede the reconstruction of Kyles Lane when it does occur. Mr. Pflum further noted Transportation Cabinet is very concerned about the intersection with George Hueser. He stated they are providing additional berms that will add to the safety of that area.

Mr. Dusing addressed the Commission and commented that the concerns of the Commission back in May were is this going to impede the viability of the Dixie Fix and also there were too many unanswered questions with the project in their opinion as to signage, landscaping and also site issues. It was noted the plan has been reworked and modified to allow for those recommendations and concerns. He then stated they feel the project is totally in compliance with the comprehensive plan. Mr. Dusing also suggested a condition be added the signage, landscaping, height of the fence, etc., meet the requirements of the city.

Mr. France stated if the plan calls for the service entrance to go away when the Kyles Lane alignment goes forward then why not do away with it now. Mr. Viox stated in response that no one really knows what will happen with the alignment. He stated they could move it now but until that does occur the flow works out better as it is now in plan. Mr. Hilgefurd asked if the city is in agreement with the plan since no one was present to speak on behalf of the city. Mr. Viox stated they have gone over the plan with the city and they are in agreement. He stated they will adhere to the CC zone and all requirements the city imposes.

All others registered to speak had nothing to add.

The public hearing was recessed for discussion. There was discussion as to the newly submitted plan and questions were raised if a lesser use might be more appropriate such as a one story office building. Mr. Ryan then asked what the maximum building height would be for an office building. Mr. Videkovich the maximum is ten stories. Further discussion was had with regard to the access and right turn in issue. Mr. Hilgefurd stated he feels this is an unusual piece of property and he further stated he feels the applicant has done a good job of clearing up any issues with the previous submission. He further noted he doesn't see any reason why the Commission cannot grant the zone change in this regard.

The public hearing was then closed. A motion was made by Mr. Hilgefurd to approve the zone change with the added comment that the intersection lines up and to add a condition that some sort of mechanical gate be added at the service entrance. He further based it on the fact that this zone is more appropriate in addition to the testimony heard and presented. Mr. Marcum seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Marcum, Mr. Coates, Mr. Cook, Mr. Raybourne, Mr. Rogge, Mr. Ryan, Ms. Snyder, Ms. Brown, Mr. Tewes, Mr. Whitacre and Mr. Wells in favor. Mr. Barnett, Ms. Carlin, Mr. Eilerman, Mr. France, Ms.

Hood and Mr. Hult voted against. The motion carried with a vote of 12-6.

*Ms. Brown recused herself due to a potential conflict of interest.

1952R

FILE NUMBER: Z-09-01-02/1952R

APPLICANT: City of Independence, per Patricia H. Taney

REQUEST: proposed text amendments to the Independence Zoning Ordinance pertaining to the NSC (Neighborhood Shopping Center) Zone: (1) allowing bakery and bakery goods stores to sell their products elsewhere than from the premises where they were baked; and (2) allowing outdoor dining areas to have entertainment, music, and sound amplifying systems

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

Recommendation A: To approve the proposed text amendment allowing bakery and bakery goods stores to sell their products elsewhere than from the premises where they were baked.

Recommendation B: To disapprove the proposed text amendment allowing outdoor dining areas to have entertainment, music, and sound amplifying systems.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

Recommendation A:

1. The proposed text amendment allowing bakery and bakery goods stores to sell their products elsewhere than from the premises where they were baked is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1).
2. While the proposed text amendment could allow a bakery ‘manufacturing’ use (i.e., where baked goods are made on the premises and then shipped to other locations for retail sale), the proposed text amendment allowing bakery and bakery goods stores to sell their products elsewhere than from the premises where they were baked is consistent with other permitted uses within the NSC Zone.

The NSC Zone currently permits such uses as furniture stores, glass, china, and pottery stores, and jewelry stores. None of these uses has the restriction that items that are made on the premises must be solely sold on the premises.

Recommendation B:

1. The proposed text amendment allowing outdoor dining areas to have entertainment, music, and sound amplifying systems is inappropriate. The NSC Zone, by its very nature and its applicability within the City of Independence, is to be located within close proximity to residential areas. The current language provides for a set of criteria by which such use can be reasonably and appropriately located so as not have a negative impact on adjoining residential areas. The proposed text amendment would remove one of those criteria items that has a direct impact on adjoining residential areas.

No one registered to speak for or against the issue.

Mr. Barnett then made the motion to approve recommendation A based on Staff's report. Mr. Eilerman seconded the motion. A roll call vote on the matter found Mr. Barnett, Mr. Eilerman, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wells and Mr. Hult in favor. The motion carried unanimously. With regard to recommendation B, Mr. Barnett also made the motion to disapprove based on Staff's recommendations. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Barnett, Ms. Hood, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wells and Mr. Hult in favor. The motion carried unanimously.

***At this time (8:35 p.m.) a five minute recess was taken.**

W-694-2 APPLICANT: James W. Berling Engineering

LOCATION: An approximate 2.5 acre area located at the south west intersection of State Route 16 and State Route 17 in unincorporated Kenton County

REQUEST FOR ACTION: 1) to grant waivers to requirements of Section 4.1 of the Kenton County Subdivision Regulations; granting the request would waive the requirement that curb cuts along State Route 17 be located at least 600 feet away from the State Route 17/State Route 16 intersection and would waive the requirement for intersection improvements at this new curb cut

Staff presentation and Staff recommendations by Mr. Adam Kirk.

Considerations:

1. The applicant proposes a 2.5 acre commercial development at the southwest quadrant of SR 17 and SR 16. Access to the development would be provided by relocating the existing access point on SR 16 ninety feet to the west to align with Madison Pike. Additional access would be provided through a proposed public street accessing SR 17 approximately 400 feet south of the intersection with SR 16.

2. The first request is a waiver of Subdivision Regulations Section 4.1 E. 2 requiring 600 foot spacing of access points along SR 17. The proposed access point on SR 17 is approximately 400 feet from the intersection of SR 17/SR 16.

The applicant states that topographical constraints exist on the site to the south that would restrict the relocation of the proposed access point to comply with the 600 foot spacing requirement. Staff's review of the site's topography indicates an approximate 2:1 slope exists on the southern portion of the site abutting SR 17 that results in an elevation change of over 30 feet.

3. Subdivision Regulations Section 4.1 E. 2 states:

"The number of intersections with arterial streets shall be held to a minimum. Wherever practical, such intersections shall be spaced not less than 600 feet apart. In the case of collector streets, intersections with such streets shall be spaced not less than four hundred (400) feet apart and access to driveways shall be spaced at intervals not less than 200 feet. At those access points where turning vehicles to and from the arterial and collector streets will affect the roadway capacity or safety, reserved turn lanes shall be required, wherever practical."

4. The Comprehensive Plan Update 2006 - 2026 identifies this section of SR 17 as an arterial street.
5. The proposed access point, located approximately 400 feet from the intersection of SR 16 is located outside of the 300 foot northbound left turn lane at SR 16, indicating that movements at the proposed access point would not interfere with left turn movements at the SR 17/SR 16 intersection.
6. The second request is a waiver of Section 4.1 E., 2 requiring intersection improvements along SR 17 at this proposed access point.

The applicant states that the proposed access point is to be located at the terminus of the outside southbound through lane, as SR 17 transitions from a 5-lane section to a 2-lane section and that the terminating through lane could be used as a right turn lane for the proposed access point.

7. Staff's review of the site indicates that the terminating through lane could be used a right turn lane without significant safety concerns at the proposed access point.
8. No justification is given by the applicant in support of waiving the requirement for a left turn lane at the proposed access point.
9. Staff's review of the site indicates that northbound left turning traffic at the proposed access point has the potential to introduce speed differentials on SR 17 causing a safety concern due to the increased risk of rear end crashes and may impede through traffic on northbound SR 17.

10. Subdivision Regulations Section 6.5 state that modification/waiver of regulations may be granted providing the planning commission shall find:

- A. *That unusual topographical or exceptional physical conditions exist; or*
- B. *That strict compliance with these regulations would create an extraordinary hardship in the face of exceptional conditions; or*
- C. *That the modifications would provide for innovative design layout of the subdivision; or*
- D. *That strict compliance with any section of these regulations regarding the issue of safety could cause an unsafe situation.*

Recommendation:

That the planning commission approve the requested waivers of Subdivision Regulations Section 4.1 E. 2, allowing the proposed access point on SR 17 and waiving the requirement of a dedicated southbound right turn lane subject to the following condition:

That a dedicated northbound left turn lane be provided on SR 17 at the proposed access point.

Bases:

1. The modification as recommended would provide for an innovative design layout of the subdivision, further defined as follows:
 - a. The recommended location of the proposed access point allows for reduced spacing by avoiding safety and operational conflicts with the adjacent intersection.
 - b. While it is possible to provide access to the development from SR 16 via the existing access point, the recommended access plan will allow for improved access through the proposed public street. The access point and configuration also provides for access to future development to the south and west within this quadrant of the SR 17/SR 16 intersection.
 - c. The location of the proposed access point at the terminus of the southbound through lane will allow for reduction of speed differentials in the through lane without the need for an additional right turn lane.
2. The existing 30 foot grade separation between SR 17 and the site in conjunction with the steep 2:1 slope constitutes unusual topographical and exceptional physical conditions on the site.
3. The request to eliminate the requirement for a northbound left turn lane at the proposed access point does 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.

4. Subdivision Regulations Section 4.1 E. 2 require reserved turn lanes. The northbound left turning traffic at the proposed access point has the potential to introduce speed differentials on SR 17 causing a safety concern due to the increased risk of rear end crashes and may impede through traffic on northbound SR 17 affecting both the safety and capacity of SR 17.

Subsequent Recommendation:

Due to the potential safety concerns associated with the northbound left turn movement into the proposed access point on SR 17, it is recommended that if improvements cannot be made that the access point be restricted to a Right-In/Right-Out only. This configuration would allow for the improved circulation and access provided by the additional access point and minimizes any safety concerns at the access point.

Mr. Jim Berling addressed the Commission and stated Staff had a very accurate report. He noted he has worked with the highway department with all the features of the plan and they are on board with the plan and design. He stated it is a good plan. He further noted the current building is a modular building and the Bank of Kentucky always wanted a more permanent facility once KY 16 and KY 17 realignments were worked out.

Mr. Crist addressed the Commission and stated this is something that has been going on since 1992. He stated with the roads being completed they are anxious to move forward.

The public hearing was recessed for discussion. The public hearing was closed.

Mr. Hilgefurd then made the motion to approve the waiver with the inclusion of the left lane because of topographical or unusual conditions that exist also because of the innovative design of the plan with the public street. Mr. Whitacre seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Whitacre, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Ryan, Ms. Snyder, Ms. Brown, Mr. Tewes, Mr. Wells and Mr. Hult in favor. The motion carried unanimously.

Old and Unfinished Business:

Reports from Committees:

By-Laws – Nothing to report.

Executive- Mr. Wells stated he met with Mr. Gordon regarding the planning conference and budget. He noted with regard to the budget that the projected income is at 34% which is significantly less than anticipated. He stated the great majority of costs are fixed. He noted the one that stands out is education and training. Mr. Wells stated with regard to the conference the cost is approximately \$1,600 per person less meals to attend the convention. He noted he can't see the situation getting that much better and stated from the meeting he would put it out there that no one attend the convention this year. He further noted no one from Staff would be attending this year so that was a barometer to gauge it by. Mr. Barnett stated it is not a good year

to be attending the conference. Ms. Hood agreed. Mr. Barnett then suggested for the future to consider attending the state convention as a possible alternative to the national convention. Mr. Gordon commented on the possibility of having a series of dinner meetings for discussion on various topics. He stated would put together an email and asked for suggestions to put on the list of possible topics for discussion.

Model Zoning Ordinance – Nothing to report.

Subdivision Regulations Review – Nothing to report.

Report from legal counsel – Nothing to report.

Announcements from Staff – Mike Schwartz noted an audio conference was set for Wednesday 2/18/09 on gathering information at public hearings. He also noted a binder was submitted regarding an issue to be presented at next month's meeting so it can be reviewed prior to that meeting. He noted there is a heavy agenda for March.

Correspondence – Nothing to report.

New Business:

Mr. Wells stated he would be contacting commissioners regarding new appointments for committee.

Ms. Jenna Haverkos addressed the Commission and spoke briefly on the Park Hills Small Area Study. She noted the first of three public meetings have been completed and it was attended by about 60 people. She then noted the second public hearing would be held sometime in April.

Public Comments: None.

There being nothing further to come before the Commission, Ms. Snyder then made the motion to adjourn with Ms. Hood seconding the motion. The meeting then adjourned at 9:32 p.m.

APPROVED:

Chair

Date