



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

March 7, 2002
9:00 A.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. Tim Theissen - Chairman - Edgewood
Mr. James Bertram - Taylor Mill
Ms. Barbara Carlin - Kenton County
Mr. Eugene Meyer - Covington
Ms. Maura Snyder - Independence
Mr. Bernie Wessels - Fort Wright
Mr. Joseph Price - Vice Chair - Crestview Hills
Mr. Paul Swanson - Secretary/Treasurer - Erlanger

LEGAL COUNSEL PRESENT:

David Schneider, Esq.

Mr. Theissen, Chairman, called the meeting to order at 9:00 a.m. Mr. Theissen opened the meeting with the pledge of allegiance and a prayer by Mr. Joe Price.

APPROVAL OF THE MINUTES:

Mr. Theissen asked for any comments or questions on the minutes. Mr. Theissen noted on page 4, second paragraph, he would like it noted that he withdrew due to a personal relationship with the applicant. Mr. Price noted on page 5 that "raised" should be "razed"; on page 3, the paragraph beginning "Mr. Reed..." the word "construction" should be inserted; on page 2 Mr. Viox stated that water was not an issue. There being no further corrections, Mr. Price made a motion to accept the minutes as corrected. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Price, Ms. Snyder, Ms. Carlin, Mr. Meyer, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Mr. Bertram abstained. The motion carried.

SUBDIVISION ITEMS:

a. PRESENTATION OF PRELIMINARY PLATS, OTHER PLATS, AND OTHER ISSUES REQUIRING COMMISSION ACTION AT A REGULAR MEETING FOR REVIEW: None.

PP-598

APPLICANT: James W. Berling Engineering, in behalf of Chamber Office Park Developers, L.L.C.
GENERAL LOCATION: An approximate thirteen (13) acre area along the east side of Buttermilk Pike (S.R. 371), 300 feet south of Royal Drive and contiguous on the north with the recently constructed Chamber of Commerce Building, Fort Mitchell.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 12 commercial building lots, including public improvements such as sanitary sewers, water system, and improvements to Buttermilk Pike, and private improvements such as storm drainage and a parking lot for the CHAMBER OFFICE PARK. (Notes: submitted plan is linked with previous conditionally approved map amendment Ordinance 2000-11, adopted by Fort Mitchell on August 15, 2000)

Staff presentation and Staff recommendations by Mr. Scott Hiles.

*Mr. Wessels withdrew from any consideration and voting due to the fact that he is an adjoining property owner.

NKAPC STAFF RECOMMENDATION:

To approve a Preliminary Plat for CHAMBER OFFICE PARK, but only subject to compliance with the following CONDITIONS:

CONDITIONS:

1. That conditional approval granted by the city of Fort Mitchell to the Stage I Plan (Z-00-07-01/1471R), the Stage II Plan (Grading Only, Z-00-11-03/ 1487R), and the Stage II Plan (Z-00-12-02/1489R),

respectively, be strictly adhered to;

2. That drainage calculations indicating post development discharges do not exceed pre-development rates be immediately submitted for review (Section 7.0); and
3. That drainage calculations indicating the adequacy of the existing 18-inch storm sewer (receiving stormwater detention basin discharges) be immediately submitted for review (Section 7.0).

BASES:

The proposed subdivision CHAMBER OFFICE PARK is consistent with the Kenton County Subdivision Regulations, the Kenton County Zoning Ordinance, Fort Mitchell Ordinance No. 2000-11, and previously approved Stage II Development Plans, except as noted under the above Conditions.

Mr. Berling, Mr. Heidrich and Mr. Wessels registered to speak on the issue. No one registered to speak against.

Mr. Berling addressed the Commission and stated that this issue came up after the subdivision plan. He stated they started out with wanting to get more than one lender for the development. He stated the new plan gives more flexibility with lenders in order to secure the financing for the project. He stated the owner will continue to own the property and he does not have any intent to sell at this time. He further noted that owner may sell individual lots at a later time. Mr. Berling stated they are comfortable with Staff's conditions regarding the issue.

Mr. Heidrich addressed the Commission and stated at one time the property belonged to the Oldenburg property. He stated they have a relatively long common boundary line with the adjoining property owned by Mr. Wessels. He noted that fifteen years ago a berm was developed between the properties and further noted that they have no intention of disturbing the trees there. Mr. Heidrich also noted there is an easement that allows for exiting from the Wessels multi-family that has been in place for fifteen years. He further stated this new plan would in no way effect the entrance/exit to the apartment complex. Mr. Heidrich noted they would work out landscaping issues with the adjoining property owner as to how the landscaping will be done between the properties.

There being nothing further on the matter, Mr. Bertram made a motion to approve based on Staff's recommendations with conditions. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Bertram, Mr. Price, Ms. Carlin, Mr. Meyer, Ms. Snyder, Mr. Swanson and Mr. Theissen in favor. Mr. Wessels withdrew. The motion carried.

PP-613

APPLICANT: Hicks & Mann, Inc. in behalf of Mr. Larry Luebbers.

LOCATION: An approximate 26-acre area along the south side of S.R. 14, just west of Carlisle Road, unincorporated Kenton County.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of five (5) lots, with no public

improvements for CARLISLE ESTATES.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

To disapprove the Preliminary Plat for CARLISLE ESTATES.

BASES:

1. Kenton County Subdivision Regulations Section 6.6 states: "Flag lots shall only be used in those locations where due to geometric, topographic, and other physical features, it would be impractical to extend a publicly dedicated street to serve lots located in said areas . . .";

The proposed subdivision contains four (4) proposed flag lots. It has not been substantiated that it would be impractical to extend a publicly dedicated street to serve the proposed flag lots due to geometric, topographic, and / or other physical features;

2. Driveway spacing along S.R. 14 (a collector roadway) is required to be a minimum distance of 200 feet. In addition, not more than four (4) lots are permitted to be served via a single driveway. Therefore, two (2) driveways are required to serve the five (5) proposed lots. The survey as submitted does not indicate sufficient frontage along S.R. 14 to meet the minimum driveway spacing requirement for two (2) driveways of 200 feet; and

3. An Identification Plat (I-3809) was approved on January 21, 2002 for a 1.76-acre partial survey of the parent tract owned by William McCartle (The same parent tract now proposed to be "Carlisle Estates"). Such 1.76-acre partial survey is now indicated to be in the name of Isaac Swango (O.R. 535, PG. 150) existing directly adjacent to "Carlisle Estates". The 1.76-acre partial survey contains approximately 335 feet of frontage along Carlisle Road (a local street). Provision of vehicular access to the five (5) proposed lots from Carlisle Road would have been more practicable than from S.R. 14 and should have been investigated further prior to the submission and approval of the 1.76 acre partial survey which eliminated the parent tract's entire frontage along Carlisle Road.

ADDITIONAL INFORMATION:

Should the Preliminary Plat be revised and resubmitted, the following information should be considered:

While it may be practicable from a geometric, topographic, etc. standpoint to extend a publicly dedicated street to serve the proposed flag lots, it would not be preferable to do so from a vehicular safety standpoint. Spacing of adjacent access points along S.R. 14 (a collector roadway) is required to be a minimum distance of 400 feet. Provision of a public street intersecting S.R. 14 in this location would not be spaced a minimum distance of 400 feet from the adjacent access point of Carlisle Road.

Mr. Tom Leach, Mr. Bill McCartle and Rhonda McCartle registered to speak in favor. No one registered to speak against.

Mr. Leach addressed the Commission and stated he does not believe the adjoining property owners want to develop the property. He stated the property owners would have a financial burden if made to construct a street to service five (5) lots. He further stated it would cost approximately \$150,000 to put in the street, which would not be financially feasible for the property owners.

Mr. McCartle addressed the Commission and stated they bought the land as an investment. He stated they thought this was the best way to cut the plat. He further stated the basically did what he was told to make it right. Mr. Theissen asked about the possibility of reducing the lots from five (5) to four (4) lots and accessing the lots with one driveway. Mr. Hiles stated by reducing it to four (4) lots the applicant would then meet all the requirements. Mr. Theissen stated the critical piece of property they needed in order to access the development was sold off. He further noted more thought should have gone into the development and the Commission should not have to make allowances for their mistakes.

Ms. McCartle addressed the Commission and stated the adjoining property owner has plans to put in a large house on that piece of property. She further noted he has no intentions of putting in a subdivision or anything like that. Mr. Barry of Staff then noted for the record that in all fairness to the applicant, they did come in with questions regarding the property. He stated they did not get into the issue of street vs. no street. He further noted they mainly answered questions they had and did not go through a full Staff review of the file with Mr. Luebbers. Mr. Swanson then suggested tabling the matter rather than address the what ifs and conditions as to the number of lots and the driveway issue. Mr. Theissen asked the Commissioners who would not have a problem with the driveway and having four vs. five lots. The Commissioners stated they could work with the one driveway. Mr. Theissen then asked about the lot lines and redesigning and reconfiguring the lots. Mr. Theissen also asked if the applicant was under a time crunch. The applicant stated he was not but that he did have a contract on lot #1. The applicant further noted that he did not think the potential buyer would have a problem waiting an additional thirty days in order to redesign the layout of the lots. Following the discussion, Mr. Theissen stated he would like to table the matter for thirty days to have the changes made to the plan. Mr. Swanson then motioned to table the matter. Mr. Wessels seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Wessels, Mr. Bertram, Ms. Carlin, Mr. Meyer, Ms. Snyder, Mr. Price and Mr. Theissen in favor. The motion carried.

b. CONSIDERATION OF ACTIONS TAKEN ON PLATS BY COMMISSION'S DULY AUTHORIZED REPRESENTATIVE, SINCE THE COMMISSION'S LAST REGULAR MEETING (e. g., GRADING PLANS, IMPROVEMENT DRAWINGS, FINAL DEVELOPMENT/STAGE II PLANS, FINAL PLATS, IDENTIFICATION PLATS, etc.) - See listing of plans and plats recommended for approval on separate handout.

Mr. Theissen noted the plats and plan over the past month needed to be ratified and approved. Mr. Hiles noted there were no conflicts. Mr. Price then made a motion to ratify and approve. Mr. Bertram seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Meyer, Ms. Snyder, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried.

CONSTRUCTION REVIEW PROGRAM - See listing of subdivisions for construction inspections in progress on separate handout.

PUBLIC HEARINGS ON SCHEDULED PUBLIC FACILITIES: None.

OTHER COMMITTEE BUSINESS:

There being nothing further to come before the Commission, the meeting was recessed at 10:20 p.m.
until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
REGULAR MEETING

March 7, 2002
6:15 P.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. Jay Bayer - Park Hills
Mr. James Bertram - Taylor Mill*
Ms. Barbara Carlin - Kenton County
Mr. Barry Coates - Covington
Mr. Al Hadley - Elsmere
Mr. David Hilgefurd - Villa Hills
Mr. Eugene Meyer - Covington
Mr. Frank Smith - Lakeside Park
Ms. Maura Snyder - Independence
Mr. James Sucher - Crescent Springs
Ms. Alex Weldon, Covington
Mr. Bernie Wessels - Ft. Wright
Mr. Paul Swanson, Secretary/Treasurer - Erlanger
Mr. Joseph Price, Vice Chairman - Crestview Hills
Mr. Tim Theissen - Chairman - Edgewood
*arrived at 7:30 p.m.

COMMISSION MEMBERS NOT PRESENT:

Mr. James Cook - Kenton County
Mr. John Dorsey - Fort Mitchell
Mr. Jeff Gaiser - Ludlow
Mr. Bill Snyder - Bromley

LEGAL COUNSEL PRESENT:

David A. Schneider, Esq.

Mr. Theissen, Chairman, called the meeting to order at 6:15 p.m. Mr. Theissen opened the meeting with the Pledge of Allegiance and a prayer by Mr. Joe Price.

APPROVAL OF THE MINUTES:

Mr. Theissen noted on page one Larry Thomas was listed for Bromley and that should be removed. He also noted he was listed for the city of Ft. Wright and it should read Edgewood. He also noted the December minutes for the Comprehensive plan were approved and it should be noted in the minutes. Mr. Price noted on page 2 in the middle of the page "t report" should read "the report". He also noted on page nine in the second paragraph, three lines from the bottom beginning "Mr. Uchtman..." should read "...to determine who is involved in the program..." instead of who "ins". Mr. Theissen noted on the same page Mr. Mark Butler should read Mr. Martin Butler at the top of the page. Mr. Price further noted on page sixteen where it reads "...apartments and buildings affected..." instead of effected. He also noted on the same page, "Peoples property" should read "People's property." There being no further changes, Ms. Weldon made a motion to ratify and approve. Ms. Carlin seconded the motion. A roll call vote on the matter found Ms. Weldon, Ms. Carlin, Mr. Hadley, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Bayer, Mr. Coates and Mr. Wessels abstained. The motion carried.

FINANCIAL REPORT:

There were no questions or comments by the Commission.

SUBDIVISION ITEMS:

a. CONSIDERATION OF PRELIMINARY PLATS AND OTHER PLATS AND ISSUES REQUIRING COMMISSION ACTION AT A REGULAR MEETING.

b. CONSIDERATION OF ACTIONS TAKEN ON GRADING PLANS, IMPROVEMENT DRAWINGS AND SPECIFICATIONS, (STAGE II PLANS), FINAL PLATS, AND IDENTIFICATION PLATS BY THE COMMISSION'S DULY AUTHORIZED REPRESENTATIVE SINCE THE COMMISSION'S LAST REGULAR MEETING.

c. CONSIDERATION OF THE REPORT OF ACTIONS TAKEN BY THE SUBDIVISION/PUBLIC FACILITY REVIEW COMMITTEE AT A MEETING PRIOR TO, BUT ON THE SAME DAY, AS THE REGULAR MEETING.

Mr. Theissen read the report of actions taken at the morning Subdivision Review Committee meeting. There were no questions or comments. Ms. Weldon made a motion to ratify and approve. Ms. Carlin seconded the motion. A roll call vote on the matter found Ms. Weldon, Ms. Carlin, Mr. Coates, Mr. Hadley, Mr. Hilgefard, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Bayer and Mr. Wessels abstained. The motion carried.

d. CONSIDERATION OF CONSTRUCTION REVIEW PROGRAM. See listing of subdivisions for construction inspections in progress on separate handout.

PUBLIC FACILITIES: None.

PUBLIC HEARINGS ON SCHEDULED ITEMS:

15192R

APPLICANT: Edward and Mary Hamann.

GENERAL LOCATION: An approximate .4-acre area located at the southwest corner of the intersection of Donaldson Road with Houston Road, Erlanger.

REQUEST TO BE REVIEWED: A proposed map amendment to the Erlanger Zoning Ordinance, changing the area described herein, from R-1F (a detached single-family residential zone with a maximum density of approximately 6.7 dwelling units per net acre) to HC (a highway commercial zone).

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF POSITION

NKAPC STAFF RECOMMENDATION - ERLANGER ZONING ORDINANCE:

To approve the proposed map amendment from R-1F to HC, but only subject to compliance with the following conditions:

1. That the proposed structure not exceed a maximum height of fifty (50) feet.
2. That access onto Donaldson Road be permitted only after the applicant demonstrates that access to the site in question cannot be achieved by sharing the existing curb cut and driveway located on the adjoining property to its south.
3. That the proposed pole sign not exceed the requirements for a Class 7 sign.

4. If necessary, that an encroachment permit be applied for and approved by the Kentucky Transportation Cabinet for the proposed curb cut onto Donaldson Road.

5. That access be provided to the vacant parcel through the Hamann's parcel and that a Stage I Development Plan be submitted to the NKAPC/KC&MP&ZC and approved by the Erlanger City Council, prior to any development on the vacant parcel which is a part of the submitted application.

COMPREHENSIVE PLAN DOCUMENTATION / SUPPORTING INFORMATION / BASES FOR NKAPC STAFF RECOMMENDATION --

COMPREHENSIVE PLAN DOCUMENTATION:

o Date of Adoption by the Kenton County and Municipal Planning and Zoning Commission: December 18, 2001.

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed map amendment from R-1F to HC is consistent with the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question for Commercial - Retail/Service uses. The proposed HC Zone will allow the development of a variety of retail and service type uses oriented towards serving the traveling public or those uses which require access to the regional transportation system.

2. The submitted development plan is consistent with variances approved by the Erlanger Board of Adjustment and meets the minimum requirements of the Erlanger Zoning Ordinance, except for the following:

a. Section 10.18, D., 5. prohibits structures from exceeding fifty (50) feet in height. Insufficient information has been submitted to determine compliance with this requirement.

b. Section 11.3, F., 1., a. requires access points along arterial streets to be spaced a minimum distance of six hundred (600) feet apart. The submitted development plan indicates the provision of a curb cut onto Donaldson Road approximately thirty (30) feet from an existing curb cut onto Donaldson Road.

c. Section 14.7 states that the site in question may utilize Class 7 signs. Section 14.6, G. provides requirements for Class 7 signs. The submitted development plan indicates the installation of a pole sign. However, insufficient information has been submitted to determine compliance with Class 7 sign regulations.

3. The site in question contains two properties. The submitted development plan indicates development on only one of the properties. Insufficient information has been submitted to determine how the other property will be developed, how it will gain access to the public street system, or how development of

the property relates to the adjacent property. Additionally, access to the vacant parcel is blocked by the provision of three off-street parking spaces.

Mr. Shumate, Mr. Simmons, Mr. Hamann, Mrs. Hamann, Mr. Seeger, Mrs. Seeger, Mrs. Baker, Mrs. Densler, Mr. Densler and Mr. Jeff Hamann registered to speak in favor. Ms. Rosemary Bond registered to speak against.

Mr. Shumate addressed the Commission and stated they have been diligently negotiating with the adjoining property owner and have reached an agreement in the last couple of days. He stated they are going to eliminate the entranceway on Donaldson and create a new access point. He further stated when the entrances are rebuilt they plan on taking out existing trees and reconfiguring the landscaping. Mr. Theissen noted his concerns as to the new entranceway being too close to Donaldson Road.

Mr. Simmons addressed the Commission and stated they are trying to eliminate the curb cut on Donaldson. Mr. Simmons stated the present plan works for them. He stated the traffic flows are similar at the Florence and Ft. Mitchell locations. Mr. Simmons stated since the last meeting he has driven into and out of the site with no difficulty. Mr. Simmons further stated they have had no problems with traffic flows at the other locations. Mr. Theissen then commented that this is a bad setup in planning as far as the access points at this particular location. Mr. Shumate stated they have eliminated the access on Donaldson. Mr. Wessels asked if the additional piece of property in the back was going to be acquired. Mr. Simmons stated that would not be a problem. Mr. Simmons further noted that traffic would be a minimum with this particular development. Mr. Shumate then stated the impact of the development would be minimal with very few cars per hour. Mr. Simmons noted they will be able to eliminate one of the right of ways by utilizing the existing driveway.

Mr. Jim Hamann addressed the Commission and stated the area should be zoned commercial. He stated leaving the property the way it is de-values the property. Mr. Theissen then reiterated that it is not an issue as to whether or not the property should be zoned commercial. Mr. Hamann stated his parents need to move on and sell the property and they cannot as a residential piece of property.

Ms. Rosemary Bond addressed the Commission against the issue. She stated her concerns being when the construction begins, everything will come down the hill. She stated she has no problem with the zone change. She further stated this type of business is unacceptable and is not appropriate for this piece of property. Mrs. Bond also stated the Comprehensive Plan calls for 600 feet of spacing and this proposal does not meet those requirements. She stated for this reason the access point should be closed. Mrs. Bond further noted that the property is landlocked.

Mrs. Baker addressed the Commission and stated she does not understand why this would be opposed. She stated it would be a day time facility with no evening traffic being generated. She stated the Peacock Lounge has both entrances and exits from the same access point. She further noted that this is probably the best type of development to go into this site as it is low traffic.

Mrs. Densler addressed the Commission and stated she agrees with the points brought up by those speaking previously. She stated this has been going on for years with trying to get the zone changed. She stated this seems to be the best development for the site. She stated her parents have moved out of the property due to the steps and they would like to sell it.

Mr. Densler addressed the Commission regarding the issue. He stated there is another exit that empties onto to Holly.

Mr. Seeger addressed the Commission and stated he is in favor of the application. He stated at the last meeting the main concern was the curb cut on Donaldson. He then stated they have addressed the issues raised and they are requesting approval. He further noted if the zone change is not approved the property is basically useless. Upon further discussion, Mr. Theissen suggested modifying condition #2 to have a joint access and then condition #5 could be eliminated. Ms. Weldon then noted that she believes the applicant stated they could move the access point down further. She also noted if there were not another way out she would agree that this would not be a good setup. Following a discussion on the matter, Ms. Sucher made a motion to approve modifying condition #2 as to the curb cut and eliminating condition #5. Mr. Wessels seconded the motion. A roll call vote on the matter found Mr. Sucher, Mr. Wessels, Mr. Bayer, Ms. Carlin, Mr. Coates, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Ms. Snyder, Ms. Weldon and Mr. Swanson in favor. Mr. Hadley, Mr. Price and Mr. Theissen voted against. The motion carried.

1550R

APPLICANT: Mr. Martin Butler

GENERAL LOCATION: An approximate 1.5-acre area bounded by Madison Avenue to the west, Pleasant Street to the north, Wood Street to the east, and Martin Street to the south, Covington.

REQUEST TO BE REVIEWED: A proposed map amendment to the Covington Zoning Ordinance, changing the area described herein, from GC (a general commercial zone) to INST (an institutional zone).

*Mr. Theissen withdrew from any consideration and voting due to the fact that his partner represents the applicant in the matter. Mr. Price, Vice Chair, presided over the issue.

Staff presentation and Staff recommendations by Ms. Larissa Hughes.

NKAPC STAFF POSITION:

NKAPC STAFF RECOMMENDATION - COVINGTON ZONING ORDINANCE:

To approve the proposed map amendment from GC (a general commercial zone) to INST (an institutional zone), but only subject to compliance with the following conditions:

1. That the City of Covington approve the proposed text amendments (1) adding a definition for "homes for adjustment"; (2) adding "homes for adjustment" to the list of permitted uses within the INST (Institutional) Zone; and (3) adding provisions for conditional uses, within the INST (Institutional) Zone, including laundry, landscaping, and manufacturing bakery, to be allowed in conjunction with training

efforts at a "home for adjustment";

2. That the Covington Board of Adjustment approves the commercial laundry as a conditional use;
3. That a minimum twenty (20) percent of the total acreage of the site be set aside for open space use;
4. That a parking study be prepared and submitted.

COMPREHENSIVE PLAN DOCUMENTATION / SUPPORTING INFORMATION / BASES FOR
NKAPC STAFF RECOMMENDATION --

COMPREHENSIVE PLAN DOCUMENTATION:

o Date of Adoption by the Kenton County and Municipal Planning and Zoning Commission: December 18, 2001.

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed map amendment is consistent with the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan Update. The specific goals and objectives are:

"To provide safe and sanitary housing to all residents.

Effort should be made to eliminate dilapidated and unfit housing; rehabilitate declining housing; conserve the existing supply of sound housing; and add new housing; as necessary."

"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."

"To provide for a variety of additional educational opportunities to serve the unique needs, desires, and interests of the population.

Provision should be made for adequate higher educational facilities to serve the population of the area and the surrounding region. Provision should also be made for facilities and programs offering specialized education for pre-school children, the general adult population, persons seeking vocational training, and other specialized types of educational programs."

"To provide adequate public health facilities to protect and care for the population.

Effort should be made to provide adequate and well-located public health centers to serve the entire population. In addition, constant effort should be made to support the provision of good public health programs which seek to accommodate the unique needs of different segments of the population."

The proposed facility will accommodate a need for: (1) low income temporary housing; (2) training for the population to learn needed skills that will help them become gainfully employed; (3) adult education; and (4) health care and safety for the population.

2. While the proposed map amendment from GC to INST is not directly consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question for Commercial - Retail/Service uses, the proposed use appears to be appropriate for the proposed location. Typically, the proposed Institutional Zone is consistent with the Community Facilities designation in the 2001 Area-Wide Comprehensive Plan Update. However, currently within the City of Covington, there are no areas zoned INST. Areas within the City of Covington that are designated for Community Facilities in the 2001 Comprehensive Plan Update are typically zoned for residential uses at varying densities, or are zoned General Commercial. Due to the nature of the proposed facility, it is more appropriate to locate this use in an area that is more commercial in nature, and not completely surrounded by residential uses. Additionally, the specific uses shown on the submitted development plan, which include a commercial laundry facility, offices, classrooms, dormitories, a medical clinic, and a kitchen, may be more intensive than a typical community facility.

By its very nature, the proposed use will serve that segment of the population that requires the use of mass transit. The site in question is located along Madison Avenue, and one and one-half (1 ½) blocks south of Twelfth Street. Both Madison Avenue and Twelfth Street are identified as arterial streets and are part of TANK's transit route system.

3. The City of Covington has not approved previously reviewed text amendments (1) adding a definition for "homes for adjustment"; (2) adding "homes for adjustment" to the list of permitted uses within the INST (Institutional) Zone; and (3) adding provisions for conditional uses, within the INST (Institutional) Zone, including laundry, landscaping, and manufacturing bakery, to be allowed in conjunction with training efforts at a "home for adjustment." The City of Covington must approve these proposed text amendments in order for the proposed facility to be permitted in the INST Zone.

4. The submitted development plan indicates that a portion of the proposed facility is to be used for a commercial laundry. Laundry facilities are listed as a conditional use in the proposed text previously mentioned, therefore, the Covington Board of Adjustment must approve the commercial laundry as a conditional use.

5. The submitted development plan meets the minimum requirements of the Covington Zoning Ordinance, except for the following:

a. Section 158.090 requires that a minimum of twenty (20) percent of the total acreage of each site for a

permitted use within the INST Zone shall be set aside for open space use, exclusive of streets, parking areas, and buildings. Insufficient information has been submitted to determine compliance with this requirement.

b. Section 158.118 requires that a parking study be prepared to determine the number of spaces to be required in all other uses not listed in Section 158.118. The proposed facility incorporates several different types of uses that may require differing numbers of parking spaces.

Mr. Butler, Ms. Young, Mr. Scanlin, Mr. Clayton, Mr. Bischoff, Mr. Pennington, Ms. Barnes, Mr. Montel, Ms. Riley, Mr. Ryan, Ms. Schutte, Mr. Davidson, Ms. Taylor, Mr. Deering, Fr. Rhinersman and Ms. Maxfield registered to speak in favor. Mr. Bergen, Mr. Parr, Ms. Hurst, Mr. Auger, Mr. Borkawski, Ms. Wiggins, Mr. Dixon, Ms. Back, Mr. Wiggins and Mr. Bovard registered to speak against the issue.

Mr. Butler addressed the Commission and distributed a handout regarding the application and development. He noted the floor plan identified the various uses in the building. Mr. Butler stated this truly is intended to be an educational facility. Mr. Butler stated individuals will be assessed as to what needs they have. He stated this program will be a zero tolerance program and that drug or alcohol use will not be tolerated. Mr. Butler stated there have been many things reported to the newspapers in error regarding the project. He stated this program is not a jail release program as has been reported. Mr. Butler stated they support Staff's recommendations on the matter. He stated they are providing items such as housing, educational needs, etc. that are in compliance with the Comprehensive Plan. He further noted there is an institutional text for the City of Covington but there is no institutional zone in Covington. Mr. Butler stated there will be twenty employees and one medical practitioner on staff as well as volunteer individuals who will be coming in from time to time.. He stated it is essentially a school operation. He noted as to parking that they are proposing an excess amount over what is required. He also noted that meeting the 20% open space is difficult when you have an existing building. He further noted that they will be landscaping around the entire building. Mr. Butler stated the program presented is responsive to the needs of the community. He further noted that he feels they are making a substantial contribution to the needs of the community. Mr. Butler noted that they will be adding substantial lighting to the facility but that they will be sensitive to the residents in the area. Mr. Price questioned Mr. Butler as to how many people they intend to serve. Mr. Butler stated they anticipate serving 75-85 people at the proposed facility.

Ms. Young addressed the Commission and stated the many partners involved in the project hope to come together to meet the needs of those who slip through the cracks. She stated security is a big concern and they have provided for that.

Mr. Scanlon addressed the Commission and stated he has seen Covington at its best and at its worst and he thinks great things are happening for the city. He stated this is the first time he has seen anything as organized and as funded as this proposal and he is asking for approval.

Ms. Clayton addressed the Commission and stated she is speaking as a resident of Covington and

someone who works in the social studies field. She stated she believes this is very much needed and she supports it. She further noted that it is a very much needed service and she would hope the public recognizes that.

Mr. Bischoff addressed the Commission and stated this is good for the area. He further noted it is a better option than what is currently available.

Mr. Pennington addressed the Commission and stated this will be an asset to the community

Dr. Barnes addressed the Commission and stated she has worked with the poor and homeless for 18 years. She stated they are no different in their needs from anyone else.

Mr. Murtel addressed the Commission and stated they have been providing services for the mentally ill for many years. She stated this is going to be something to help those in need to move up the ladder as never before.

Ms. Riley addressed the Commission and stated she is a resident of Riverside Place in Covington. She stated she has worked with the population of those to be helped by the program. She noted she is very excited about the project.

Ms. Ryan addressed the Commission and stated she is excited about the project because it is more than a Band-Aid to the needs of the community; it is a fix.

Sr. Schutte addressed the Commission and stated this will be an asset not only to churches but to those on the street who need this type of service. She also noted this is a great asset to the community as well.

Mr. Davidson addressed the Commission and stated he is in favor and reiterated the statements of others in favor.

Ms. Taylor addressed the Commission and stated she is very excited to be a partner in the project.

Mr. Deering addressed the Commission and stated this is about Americans who are reaching out. He stated he is a former homeless person and now a homeowner. He further noted the center is about people who want to help themselves get better.

Fr. Rhinersman addressed the Commission and stated he sees this as an opportunity to improve the citizenship of the community of Covington. He stated participants will learn skills to allow them to become successful.

Ms. Maxwell addressed the Commission and stated she supports the project.

Mr. Bergan addressed the Commission and stated no one gave him anything. He stated he thinks a fabricating company should go in to bring tax money to the city. He stated they don't need anything like this in Covington.

Mr. Parr addressed the Commission and stated he is unanimously against it. He noted that none of those in favor live in the area. He stated they have been working to clean up the area. He stated they residents will be left with the fallout from the program. He further stated the residents will be effected by the development. He stated the residents are afraid of what is to come. He stated the facility will only add more problems. He further noted there are many other places this could have been put in.

Ms. Hurst addressed the Commission and stated this will cost money to have screening for drugs. She stated there are so many drug addicts in the area that it will be difficult to rehab individuals in an area where drugs are available.

Mr. Auger addressed the Commission and stated he has seen a constant decline of the area. Mr. Auger presented pictures to the Commission showing the area. He stated there have been ongoing sewer problems in the area for 25 years. He further stated the city is overburdened with welcome house type facilities in Covington. He stated the problem with the area is they are not diversified. He stated he is very opposed to the development.

Mr. Borkawski addressed the Commission and stated he lives right behind where this facility is to go. He stated one thing that hasn't been considered is the impact to the community. He stated they don't know where the people will be coming from. He further noted they are trying to clean up the area.

Ms. Wiggins addressed the Commission and stated that the new residents can see program but they don't want this in the area. She noted that she is not against the project but that she feels it should be in another area.

Mr. Dixon addressed the Commission and stated this isn't needed in the neighborhood. He stated in a heavy rain he has to wade in water. He asked how the drains will be fixed to handled the additional water. He also stated if there will be a laundry at the facility there will be more problems. He stated he is against the program.

Ms. Beck addressed the Commission and stated she is opposed to the development. She stated you can see shootings and drug dealings on the corner.

Mr. Price read a letter received against the issue from Gailen Bridges and marked it as an exhibit to the minutes.

Mr. Butler addressed the Commission in rebuttal and stated they want to help dissuade the activities of the drug dealers and prostitutes. He stated they are not bringing that to the area, it is already there. He further stated the whole idea of the program is it is a residential program. He stated the individuals will

be able to stay at the facility versus moving from one facility to another for training. He stated they think this will contribute to the process of polishing the jewel of Covington.

Mr. Hilgeford stated he doesn't think there is a need for this type of facility in this part of Covington. He stated it is not supported by the lifelong residents of the area. Mr. Butler stated there are always fears and anxieties about the unknown and he thinks that is what is being heard. He stated there is not an area in Northern Kentucky where there would not be residents in the vicinity. Mr. Butler stated it will be funded from private and corporate donations and that it will be a non-profit organization. Mr. Smith questioned Mr. Butler as to where the people would be coming from for the program. Mr. Butler stated that 98% of the people would be coming from Covington. He stated he felt this to be a model for the community and that Cincinnati would follow suit. Mr. Wessels questioned if this type of facility will attract the homeless. Mr. Butler stated it will not be a program where the homeless can drop by. Mr. Butler stated there will be a lot of discipline with the facility and a demerit system.

Mr. Price marked a petition against the project as an exhibit to the minutes. At this time the public hearing was closed. Ms. Weldon stated the process has been a long time coming. She stated this is not a homeless shelter, it is a life learning center as the name suggests. She stated it is not for those dependent on drugs, it's for those in the next step. She further stated it is her opinion that there are problems but it is a good thing for the community. Ms. Weldon then made a motion to approve based on Staff's recommendations. Mr. Coates seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Coates, Mr. Bayer, Mr. Bertram, Mr. Hadley, Mr. Hilgeford, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Price in favor. Mr. Theissen withdrew. The motion carried.

*A brief recess was taken at 9:07 p.m.

1551R

APPLICANT: City of Independence, per Mr. Mark Wendling, City Administrator.

GENERAL LOCATION: Area A: an approximate 84-acre area located along the south side of Bristow Road, approximately 2,700 feet east of Banklick Road; Area B: an approximate 54-acre area located at the northeast corner of the intersection of Banklick Road with Maher Road; Area C: an approximate 72-acre area located along the north side of Maher Road, across from Graven Road; Area D: an approximate 59-acre area located along the south side of Hogreffe Road, approximately 1,800 feet west of the new Hogreffe connector road; and Area E: an approximate 175-acre area located along the north side of Maher Road, at the Boone/Kenton County border.

REQUEST TO BE REVIEWED: Proposed map amendments as part of the annexation process: Area A: from R-1C (a detached single-family residential zone) to R-1C (a detached single-family residential zone); Area B: from A-1 (an agricultural one zone) and R-RE (a residential rural estate zone) to R-1D (a detached single-family residential zone); Area C: from A-1 and R-RE to R-1D; Area D: from A-1 and R-1B (a detached single-family residential zone) to R-1D; and Area E: from A-1, R-1B, R-1C (RCD) (a detached single-family residential zone with a residential cluster development overlay zone), and I-1 (an industrial one zone) to R-1F (a detached single-family residential zone).

Staff presentation and Staff recommendations by Ms. Larissa Hughes.

NKAPC STAFF POSITION:

RECOMMENDATION A: To approve the proposed map amendments: (1) changing Area A from R-1C to R-1C; and (2) changing Area B from A-1 and R-RE to R-1D.

RECOMMENDATION B: To disapprove the proposed map amendments: (1) changing Area C from A-1 and R-RE to R-1D; (2) changing Area D from A-1 and R-1B to R-1D; and (3) changing Area E from A-1, R-1B, R-1C (RCD), and I-1 to R-1F.

COMPREHENSIVE PLAN DOCUMENTATION / SUPPORTING INFORMATION / BASES FOR NKAPC STAFF RECOMMENDATION --

COMPREHENSIVE PLAN DOCUMENTATION:

o Date of Adoption by the Kenton County and Municipal Planning and Zoning Commission: December 18, 2001.

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

RECOMMENDATION A:

1. The proposed map amendments: (1) changing Area A from R-1C to R-1C; and (2) changing Area B from A-1 and R-RE to R-1D are consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the sites for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre. The proposed R-1C Zone permits detached single-family residential dwellings on a minimum lot area of 12,500 square feet (approximately 3.5 dwelling units per net acre). The proposed R-1D Zone permits detached single-family residential dwellings on a minimum lot area of 9,000 square feet (approximately 4.8 dwelling units per net acre).

2. The proposed map amendments: (1) changing Area A from R-1C to R-1C; and (2) changing Area B from A-1 and R-RE to R-1D are consistent with the Goals and Objectives Element and the Development Concepts, as they pertain to Residential Development, as contained within the 2001 Area-Wide Comprehensive Plan Update.

The specific goals, objective, and development concepts are as follows:

To provide safe and sanitary housing to all residents.

Effort should be made to eliminate dilapidated and unfit housing; rehabilitate declining housing; conserve the existing supply of sound housing; and add new housing; as necessary.

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.

Density is the major determinant of residential development.

Residential densities provide the major bases for "utilities" and "community facilities systems" planning.

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 proposed map amendments to the R-1C and R-1D Zones would allow for the development of a variety of detached single-family residential dwellings with lot sizes beginning at 9,000 square feet and lot widths beginning at seventy (70) feet. However, development would be at a density that is generally consistent with the comprehensive plan recommendations.

RECOMMENDATION B:

1. The proposed map amendments: (1) changing Area C from A-1 and R-RE to R-1D; (2) changing Area D from A-1 and R-1B to R-1D; and (3) changing Area E from A-1, R-1B, R-1C (RCD), and I-1 to R-1F are not consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the areas for Residential Development at a density of 2.0 dwelling units per net acre and Under and Industrial uses. The proposed map amendments would allow development of detached single-family residential dwellings at a density ranging from 4.8 to 7.3 dwelling units per net acre.

2. The existing zoning of the areas in question are appropriate and the proposed zoning of the areas in question are inappropriate.

The existing A-1, R-RE, and R-1B Zones permit detached single-family residential dwellings at a density ranging from 1.0 to 2.0 dwelling units per net acre - consistent with the Recommended Land Use Map. The existing I-1 Zone permits a variety of manufacturing, compounding, processing, packaging, and other industrial uses - consistent with the Recommended Land Use Map.

The proposed R-1D and R-1F Zones would allow residential development at a density that is twice to three times higher than the density identified on the Recommended Land Use Map.

3. The current comprehensive plan was adopted on December 18, 2001, following several public meeting forums and the required public hearing. Since the preparation and adoption of the 2001 Area-Wide Comprehensive Plan Update, there have not been any major changes of an economic, physical, or

social nature to warrant a change in the zoning classification of the areas in question.

ADDITIONAL INFORMATION:

It is the understanding of the NKAPC staff that the five areas in question are to be developed with a variety of detached single-family residential dwellings and open spaces at a maximum density of approximately 2.5 dwelling units per net acre. It is also the understanding of the NKAPC staff that a school site, a police station, and/or a fire station may also be developed on the site in question. To accommodate the variety of housing, the provision of open spaces, and the inclusion of public and semi-public uses, it is the opinion of the NKAPC staff that a more flexible zoning district, such as a residential cluster development overlay zone or a planned unit development overlay zone, should be utilized. The Independence Zoning ordinance does not provide for a residential cluster development overlay zone. Therefore, it is the recommendation of the NKAPC staff that the five areas in question be rezoned to the R-1C (PUD) Zone.

Mr. Theissen explained the legal process of annexation law in Kentucky as it relates to this application. He then read a letter received from Dr. Susan K. Cook into the record and marked the letter as an exhibit to the minutes.

Mr. Mark Wendling and Mr. Chuck Berling registered to speak in favor of the issue. Mr. Frank Platek, Mr. Raymond Scartin, Mr. Donald Mossman, Mr. Stanley Parker, Ms. Sheila Meece, Ms. Theresa Campson, Ms. Roxanne Platek, Mr. Chris Platek, Mr. Jerry Palmer, Mr. Roger Bales and Mr. Tom Messamer registered to speak against.

Mr. Wendling addressed the Commission and stated the developer was approached by the city to establish annexation with the city. He stated the area is overcrowded now and the new school would provide for that. He stated city services to be provided would be snow removal, street lights, street improvements, etc. He stated they have tried to place the proper zone in the proper area. Mr. Wendling further stated the area lies 1.5 miles from the interstate. He stated they disagree with the appropriateness of the current zoning. Mr. Wendling stated due to the proximity of the highway and the interstate the requested zoning is appropriate.

Mr. Berling addressed the Commission and stated there are different plans for different parts of the development have been presented to the city. He stated they have agreed to provide part of the green space area for the proposed new elementary school. He stated the school will provide recreational facilities as well. Mr. Berling stated firehouse and police substations will be provided for. He further stated they have agreed to bring in a water line down Hogrefe and Maher Roads to complete the loop. Mr. Berling stated they have also agreed to bring in a gas line to provide gas for the school.

Mr. Platek addressed the Commission and stated he has presented a long list of reasons in the past why the residents are opposed to the zone change. He stated the density is high and there will be increased taxing. He further noted his concerns with noise, increased crime, required increased policing of the area

and traffic problems. He stated Hogreffe Road cannot handle the proposed traffic. He stated they have farmers and they are concerned about water shed issues. Mr. Platek stated he and his neighbors will now lose their front yards and have to bear the burden of increased traffic. He stated the applicants' request is against the Comprehensive Plan of 2001. Mr. Platek further stated that none of the residents he spoke to want this annexation and he asked the Commission not to approve the zone change. He pointed out that the city would provide snow removal and noted the county already provides for that. He further noted that as to providing trash removal and streets lights, they can provide for the trash removal and they do not want the street lights.

Mr. Scartin addressed the Commission and stated he supports the comments of Mr. Platek. He stated he also supports the NKAPC recommendation. He further stated he lives across the street from the proposed school site. He stated it is not a good area for a school as the road is windy and dangerous in areas. Mr. Scartin stated the area is not conducive to bus travel four times a day and stated his opposition to the zone change.

Mr. Mossman addressed the Commission and stated the school is a non-starter without the road being widened. He stated the green space is just bad parts of the site that can't be developed.

Mr. Parker addressed the Commission and stated Mr. Platek said what he wanted to say. He then stated the main point he wanted to make was that the map shows a multitude of streams and tributaries. He stated if this is allowed to go through the area could end up looking like Falmouth in '97. He stated he checked with the conservation district in Frankfort and they are going to send three people to take a look at the situation in Northern Kentucky.

Ms. Meece addressed the Commission and stated she saw an increase in traffic with area development. She stated a new school would be wonderful but is not sure this is the right area for it.

Ms. Campson addressed the Commission and stated it is a bit drastic to take an area that is residential and rural and put 7.3 homes per acre. She stated the area is being changed so drastically and is asking the Commission to please leave the lifestyle somewhat like it is currently.

Mrs. Platek addressed the Commission and stated she agrees with the comments made of those against. She asked Mr. Schneider about the voting process of annexation. She stated if there are no residents in the areas to be annexed then who would vote on the annexation. She stated the people against the development do not live in those areas and therefore have no vote.

Mr. Chris Platek addressed the Commission and stated with the new school, fire and police substations along the road it will be dangerous because the road is very hilly. He stated he has personally documented sixteen wheel vehicles using Hogreffe Road when the developer stated they would not do this. He further noted there are railroad tracks in all directions and asked how fire trucks will get through because of the railroads.

Mr. Palmer addressed the Commission and thanked them for their support in the past. He reiterated concerns about potential problems with the fire department getting through the area. He stated the developer got the annexation issue in pretty smoothly because there are no residents to vote on it.

Mr. Bales addressed the Commission and stated if the number of homes is increased the school will continue to be overcrowded. He stated they feel it is an invasion of open space. He further noted that development is going to come but asked the Commission to limit it as best they can.

Ms. Snyder asked Mr. Wendling to clarify the police and fire substations. Mr. Wendling stated it is a place where they can work and it will not necessarily be manned all the time. Mr. Bertram asked if there any plans to annex into Hogrefe or Maher Roads and why the developer is only asking for annexation of certain areas. Mr. Wendling stated that typically residents are against annexation and that was a fight the city did not want to fight. Mr. Hilgefurd asked Mr. Wendling if the only reason the city chose to annex certain areas is to avoid opposition by the residents. Mr. Wendling stated that is not entirely true. He further stated they were approached by the developer to annex those areas and not by the residents.

Mr. Meyer noted this application was denied previously. He then asked if anything had changed since hearing the matter before. Mr. Theissen stated it is basically nothing had changed with the exception of going from a park to a school. Following discussion on the matter, Mr. Hilgefurd motion to approve for areas A and B and to deny for areas C, D and E based on the recommendations of Staff. Mr. Smith seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Smith, Ms. Carlin, Mr. Hadley, Mr. Meyer, Mr. Sucher, Ms. Weldon, Mr. Swanson and Mr. Price in favor. Mr. Bertram, Mr. Coates, Ms. Snyder, Mr. Wessels and Mr. Theissen voted against. Mr. Bayer left the meeting prior to the vote. The motion carried with a vote of 9-5.

Mr. Theissen noted the letter received from the City of Erlanger would be marked as an exhibit to the minutes.

OLD BUSINESS: None.

CORRESPONDENCE:

Mr. Theissen stated a letter had been received from the City of Erlanger to reappoint two members to the Board of Adjustment. Mr. Ruey Newsom and Pat Gettys were those to be reappointed. Mr. Theissen then asked for a motion to appoint the members to the Board of Adjustment. Mr. Hadley made the motion with Mr. Swanson giving the second to the motion. None were opposed.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

COMMISSION ITEMS:

Standing Committee Reports:

Mr. Swanson noted briefly that the Subdivision Review Committee met Tuesday and all members were

present. He stated they looked at nineteen items in all and will address them individually. Due to the late hour, Mr. Theissen dispensed with the remaining reports.

COMMENTS/REQUESTS TO THE COMMISSION:

There being no further business to come before the Commission, the meeting adjourned at 10:45 p.m.