



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

April 4, 2002
6:15 P.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. Jay Bayer - Park Hills
Ms. Barbara Carlin - Kenton County
Mr. Barry Coates - Covington
Mr. John Dorsey - Fort Mitchell
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

COMMISSION MEMBERS NOT PRESENT:

Mr. James Bertram - Taylor Mill
Mr. James Cook - Kenton County
Mr. Jeff Gaiser - Ludlow
Mr. Al Hadley - Elsmere
Mr. David Hilgefond - Villa Hills
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 the minutes from March had been distributed in the Commissioner's packets and asked for any questions or comments. There being none, Mr. Price made a motion to approve both the morning and evening meeting minutes from March. Ms. Weldon seconded the motion. A roll call vote on the matter found Mr. Price, Ms. Weldon, Ms. Carlin, Mr. Coates, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Weldon, Mr. Swanson and Mr. Theissen in favor. Mr. Bayer and Mr. Wessels abstained. Mr. Dorsey voted against. The motion carried.

FINANCIAL REPORT:

There were no questions or comments by the Commission. Mr. Swanson noted they were just about right on budget for the year.

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 noted there were no subdivision items that required a public hearing so the morning meeting was canceled. He did also note, however, that a request to table had been received regarding item PP-613 on the morning agenda. He stated the letter received regarding the request to table would be marked as an exhibit to the minutes. Mr. Theissen noted the plats and plans from the prior month needed to be ratified and approved. Mr. Theissen additionally noted he would be withdrawing from item I-3826 as his firm drafted the deed involved with the matter. Mr. Price then made a motion to ratify and approve. Ms. Weldon seconded. A roll call vote on the matter found Mr. Price, Ms. Weldon, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen voted in favor. Mr. Bayer 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:

Mr. Theissen noted a request to table had been received regarding item 1554R for a period of up to six months. Mr. Theissen also noted the letter would be marked as an exhibit to the minutes. Ms. Weldon made a motion table. Mr. Wessels seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Wessels, Mr. Bayer, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Swanson, Mr. Price and Mr. Theissen voted in favor. The motion carried.

1552R

APPLICANT: City of Independence per Mr. Mark Wendling

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Independence Zoning Ordinance, adding indoor horse arenas and horse stables to the list of conditional uses, with certain restrictions, within the R-RE (Residential Rural Estate), R-1A (Residential One-A), R-1B (Residential One-B), R-1C (Residential One-C) and R-1D (Residential One-D) Zones.

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - INDEPENDENCE ZONING ORDINANCE: To approve the proposed text amendments adding indoor horse arenas and horse stables to the list of conditional uses, with certain restrictions, within the R-RE (Residential Rural Estate), R-1A (Residential One - A), R-1B (Residential One - B), R-1C (Residential One - C), and R-1D (Residential One - D) Zones (see Attachments A, B, C, D, and E).

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 text amendments adding indoor horse arenas and horse stables to the list of conditional uses, with certain restrictions, within the R-RE (Residential Rural Estate), R-1A (Residential One - A), R-1B (Residential One - B), R-1C (Residential One - C), and R-1D (Residential One - D) Zones (see Attachments A, B, C, D, and E) are allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. The proposed text amendments adding indoor horse arenas and horse stables to the list of conditional uses, with certain restrictions, within the R-RE (Residential Rural Estate), R-1A (Residential One - A), R-1B (Residential One - B), R-1C (Residential One - C), and R-1D (Residential One - D) Zones (see Attachments A, B, C, D, and E) provides a reasonable lot area in which the proposed use can be accommodated.
3. The newly adopted landscape regulations provide for reasonable buffering between conditional uses and residential uses.
4. Prior to a conditional use being allowed or built, it must be approved by the local board of adjustment, following a public hearing. Such a process will allow for a determination that the proposed horse arena or stable will not be detrimental to adjoining or nearby properties.

Mr. Mark Wendling registered to speak on the issue. He addressed the Commission and stated he spoke with the animal shelter and by requiring a commercial license it will allow them to have the stables inspected to make sure there are not too many animals, etc. at the stables. He also stated the amendment will provide a recreational use for the neighborhood while also providing for maintenance of green space. Mr. Dorsey asked about landscaping requirements for the city and stated odors aren't covered under landscaping. Mr. Wendling stated that hopefully the facility would be placed in the center of the property but that is still no guarantee that odors would not be a problem. Mr. Theissen then stated that that issue would be covered by the Board of Adjustment. Following the discussion, Mr. Wessels made a motion to approve based on Staff's recommendations. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Mr. Bayer, Ms. Carlin, Mr. Coates, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Ms. Weldon, Mr. Swanson and Mr. Theissen in favor. Mr. Dorsey voted against. The motion carried with a vote of 12-1 in favor.

APPLICANT: City of Park Hills, per Mayor Michael J. Hellmann

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: A proposed text amendment to the Park Hills Zoning Ordinance adding privately owned and/or operated recreational uses to the list of permitted uses within the HC (Highway Commercial) Zone.

Staff presentation and Staff recommendations by Mr. Paul Drury.

NKAPC STAFF RECOMMENDATION - PARK HILLS ZONING ORDINANCE:

To approve the proposed text amendment adding privately owned and/or operated recreational uses, including, but not limited to, indoor soccer, cheerleading and gymnastic facilities, to the list of permitted uses within the HC (Highway Commercial) Zone (see Attachment A).

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 text amendment adding privately owned and/or operated recreational uses to the list of permitted uses within the HC (Highway Commercial) Zone is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. The proposed text amendment adding privately owned and/or operated recreational uses to the list of permitted uses within the HC (Highway Commercial) Zone is reasonable in that it would provide a recreational use within a zoning district in Park Hills that is within proximity to residential areas but also has highway accessibility.
3. The proposed text amendment adding privately owned and/or operated recreational uses to the list of permitted uses within the HC (Highway Commercial) Zone is consistent with other zoning ordinances within Kenton County. The cities of Edgewood, Fort Wright, Erlanger, and Unincorporated Kenton County provide for bowling alleys, miniature golf courses, and golf driving ranges as permitted uses within the HC Zone. The City of Fort Mitchell provides for health clubs with indoor/outdoor court facilities within the LHS (Limited Highway Service Zone). The permitted uses in these zones are very similar to the list of permitted uses within the HC Zone in the City of Park Hills.

Mr. Mike Stich and Mr. Chris Derry registered to speak and stated they were available to answer any

questions.

There being no questions or comments, Mr. Price motioned to approve based on the recommendations of Staff. Ms. Weldon seconded the motion. A roll call vote on the matter found Mr. Price, Ms. Weldon, Mr. Bayer, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

1555R

APPLICANT: City of Fort Wright, per Mr. Larry Klein, City Administrator

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: A proposed text amendment to the Fort Wright Zoning Ordinance, allowing sit down restaurants to provide drive-thru facilities, with certain restrictions, within the PO-2 (Professional Office Building) Zone.

*Mr. Bayer and Mr. Wessels noted their withdrawal from the issue due to a potential conflict.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - FORT WRIGHT ZONING ORDINANCE:

To approve the proposed text amendment allowing sit down restaurants to provide drive-thru facilities, with certain restrictions, within the PO-2 (Professional Office Building) Zone (see Attachment A), but only subject to compliance with the condition that subsection b., 6. be deleted.

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 text amendment allowing sit down restaurants to provide drive-thru facilities, with certain restrictions, within the PO-2 (Professional Office Building) Zone (see Attachment A), except as noted under condition, is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203 (1).

2. The proposed text amendment allowing sit down restaurants to provide drive-thru facilities, with certain restrictions, within the PO-2 (Professional Office Building) Zone (see Attachment A), except as noted under condition, is reasonable in that it would provide an additional convenience service to

customers and patrons.

3. The proposed text amendment allowing sit down restaurants to provide drive-thru facilities, with certain restrictions, within the PO-2 (Professional Office Building) Zone (see Attachment A), except as noted under condition, is appropriate. Currently, banks within the PO-2 Zone are allowed to have drive-thru facilities. The proposed text amendment would eliminate a potentially arbitrary provision associated with sit down restaurants.
4. The proposed text amendment allowing sit down restaurants to provide drive-thru facilities, with certain restrictions, within the PO-2 (Professional Office Building) Zone (see Attachment A), except as noted under condition, is consistent with previous recommendations made by the NKAPC staff and the KC&MP&ZC.
 - a. On December 4, 1985, Frisch's Kentucky, Inc., per Mr. Joseph Yowell, submitted an application for NKAPC and KC&MP&ZC review and recommendation on a proposed text amendment to the Fort Wright Zoning Ordinance amending the PO-2 Zone to include drive-by window service for sit-down restaurants (Z-85-12-02/690R). On February 3, 1986, the NKAPC staff recommended approval of the proposed text amendment. On March 6, 1986, the KC&MP&ZC, following the public hearing, recommended approval of the proposed text amendment. The City of Fort Wright denied the proposed text amendment.
 - b. On February 14, 1986, the City of Fort Mitchell, per Mr. John H. Holman, City Administrator, submitted an application for NKAPC and KC&MP&ZC review and recommendation on a proposed text amendment to the Fort Mitchell Zoning Ordinance amending the LHS Zone to provide for additional criteria that must be met when an eating establishment utilizes a drive-thru window (Z-86-02-06/710R). On March 3, 1986, the NKAPC staff recommended approval of the proposed text amendment. On March 6, 1986, the KC&MP&ZC, following the public hearing, recommended approval of the proposed text amendment. The City of Fort Mitchell adopted the proposed text amendment.
 - c. On July 16, 1987, Frisch's Restaurants, Inc., per Mr. John F. Hunter, submitted an application for NKAPC and KC&MP&ZC review and recommendation on a proposed text amendment to the Fort Wright Zoning Ordinance amending the PO-2 Zone allowing sit-down restaurants with table service to have drive-by windows (Z-87-07-07/800R). On July 31, 1987, the NKAPC staff recommended approval of the proposed text amendment. On August 6, 1987, the KC&MP&ZC, following the public hearing, recommended approval of the proposed text amendment. The City of Fort Wright denied the proposed text amendment.
5. The Fort Wright Zoning Ordinance currently provides for a definition of sit down restaurant. However, this definition is extremely vague. The proposed restrictions would help to better define the type of restaurant envisioned for this zone. Therefore, the proposed restrictions, except as noted under condition, are appropriate and reasonable.

6. Subsection b., 6. states that sit down restaurants shall not be classified as a "limited service" (fast food) type restaurant as identified by the National Restaurant Association. This trade groups website identifies a "limited service" (fast food) restaurant as a facility which usually does not provide table service; patrons generally order at a cash register or drive-thru window, or select items from a food bar and pay before they eat. The first five proposed restrictions address these issues. Therefore, the proposed restriction relative to the identification of a "limited service" restaurant is redundant and should be eliminated. Additionally, not all restaurants belong to the National Restaurant Association and are, therefore, not under their regulations or definitions.

No one registered to speak for or against the issue.

Mr. Theissen noted this same issue has been turned down by the city previously. Mr. Schwartz stated he felt the city wants to allow Frisch's to have the drive-thru but not to allow fast food restaurants. He stated they are trying to define that in some way without changing the definitions which could alter how other restaurants in the city are presently being defined as. Following a brief discussion on the issue, Ms. Weldon made a motion to approve based on the recommendations of Staff. Mr. Smith seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Smith, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. Meyer, Ms. Snyder, Mr. Sucher, Mr. Swanson, Mr. Price and Mr. Theissen in favor. Mr. Bayer and Mr. Wessels withdrew. The motion carried by a vote of 11-2.

1556R and 1557R

APPLICANT: Works Realty L.L.C. per Mr. Jack Works

GENERAL LOCATION: AREA A: An approximate 37,000 square foot area located at the terminus of Loraine Court, being the rear portion of the Jackson Florist site, Kenton Vale; and AREA B: An approximate 34,000 square foot area located along the northwest side of Madison Pike, between Kuhrs Lane and Kyles Lane, approximately 525 feet southwest of Kuhrs Lane, Covington.

REQUEST TO BE REVIEWED: A proposed map amendment to the Kenton Vale Zoning Ordinance, changing Area A, as described herein, from R-1C (a single-family residential zone with a maximum density of approximately 3.5 dwelling units per net acre) and R-1H (a single-family residential zone with a maximum density of approximately 14.5 dwelling units per net acre) to LSC (a limited service commercial zone); and, (2) A proposed map amendment to the Covington Zoning Ordinance, changing Area B, as described herein, from R-1C (a detached single-family residential zone with a maximum density of approximately 3.5 dwelling units per net acre) to NC-1 (a neighborhood commercial zone)

Staff presentation and Staff recommendations by Mr. Paul Drury.

NKAPC STAFF RECOMMENDATION A - KENTON VALE ZONING ORDINANCE:

To approve the proposed map amendments but only subject to compliance with the following conditions:

1. That the submitted development plan meets the minimum requirements of the off-street parking regulations.

2. That the submitted development plan identifies a 10-foot screening area along the rear yard setback where the site in question abuts a residential zone.
3. That no outdoor storage of any material (usable or waste) be permitted except within enclosed containers.

NKAPC STAFF RECOMMENDATION B - COVINGTON ZONING ORDINANCE:

To disapprove the proposed map amendment.

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 A:

1. The proposed map amendment changing Area A from R-1C and R-1H to LSC, except as conditioned, is generally consistent with the Recommended Land Use Plan of the 2001 Area-Wide Comprehensive Plan which identifies the majority of the area for Commercial/Retail Service. The LSC Zone provides for a variety of commercial uses, including the existing Jackson Florist. The request is an expansion of the LSC Zone in Kenton Vale. The remaining area is identified for residential use at a density of 2.0-4.1 dwelling units per net acre. The land use plan element is not intended to provide precise boundaries between proposed land uses. Rather, it is designed to provide land use recommendations for general areas. Staff is of the opinion that the request is a logical extension, for consistency, of the current LSC Zoning line to the parcel line and corporate boundary of Kenton Vale.
2. The proposed map amendments changing Area A from R-1C and R-1F to LSC, except as conditioned, are consistent with the following Goals and Objectives Element and the Development Concepts, as they pertain to Commercial Development, as contained within the 2001 Area-Wide Comprehensive Plan Update:

Proposed commercial uses should be located on the basis of: (a) adequate service population, according to forecasted population distribution; (b) access via good transportation facilities; and (c) relationship to surrounding development.

Such a concept would discourage over-development of commercial activities and result in commercial development which is easily accessible to the population and adequately buffered from adjacent incompatible land uses.

Commercial concentrations should be developed as planned areas containing the general characteristics

of a "shopping center".

Such a concept would minimize traffic control problems and safety hazards thus maximizing consumer shopping convenience.

The submitted development plan is an expansion of existing commercial development along Madison Pike. Jackson Florist serves the surrounding population in Covington, Kenton Vale, and Fort Wright. The site in question has access via good transportation facilities and can be adequately buffered from the adjacent residential uses to the rear of the site in Kenton Vale.

3. The submitted Stage I Development Plan meets the minimum requirements of the Kenton Vale Zoning Ordinance, except for the following:

- (a) Section 11.1 (F) states that all off-street parking areas must be paved and shall be designed and constructed in accordance with the applicable standards adopted by the legislative body. The submitted development plan identifies a crushed stone paving area.
- (b) Section 11.2 identifies the minimum number of off-street parking spaces that must be provided. Insufficient information has been submitted to determine compliance with these requirements.
- (c) Section 10.7 (D) (2) states that no outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers. The existing business currently is in violation with this requirement, including in areas identified for the zone change.
- (d) Section 10.7 (D) (4) requires that where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of 50 feet for each side and rear yard which abuts said zone shall be provided, 10 feet of which shall be maintained by a screening area. The submitted development plan identifies a rear yard setback of approximately 3 feet, abutting a residential zone. Insufficient information has been submitted to determine compliance with screening requirements.

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION B:

1. The proposed map amendment changing Area B from R-1C to NC-1 is inconsistent with the Recommended Land Use Plan of the 2001 Area-Wide Comprehensive Plan which identifies the area for Residential Use at a density of 2.0-4.1 dwelling units per net acre. The NC-1 Zone permits a variety of retail/service uses oriented to the local neighborhood. While the request may be inconsistent with Recommended Land Use Plan of the 2001 Area-Wide Comprehensive Plan, staff is of the opinion that a zone change could represent a logical extension of the LSC Zone provided that a development plan, meeting the minimum requirements of the Covington Zoning Ordinance, is submitted and evaluated.
2. Staff is of the opinion that in order for the existing business to come into compliance with the NC-1 Zoning requirements, the submitted development plan will need significant changes, constituting a major change in the development plan. The submitted Stage I Development Plan meets the minimum

requirements of the Covington Zoning Ordinance, except for the following:

- a. Section 158.117 (G) states that all off-street parking areas must be paved and shall be designed and constructed in accordance with Appendix A in the Zoning Ordinance. Section 158.117 (E) states that all off-street parking spaces of three or more spaces shall be landscaped with a minimum of 3% interior landscaping and a 3 foot landscaped strip along any street right-of-way frontage, including trees planted every 35 feet. The submitted development plan identifies a crushed stone paving area with no landscaping.
- b. Section 158.118 identifies the minimum number of off-street parking spaces that must be provided. Insufficient information has been submitted to determine compliance with these requirements.
- c. Section 158.081 (E) (2) states that no outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers. The existing business currently is in violation with this requirement, including in areas identified for the zone change.
- d. Section 158.081 (E) (4) requires that where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of 50 feet for each side and rear yard which abuts said zone shall be provided, 10 feet of which shall be maintained by a screening area. The submitted development plan identifies a rear yard setback of approximately 40 feet, abutting a residential zone. Insufficient information has been submitted to determine compliance with screening requirements.

Mr. Tony Works, Mr. Jim Works and Mr. Jim Berling registered to speak in favor of the issue. Ms. Mindy Primpe, Mr. Ronald Flack, Ms. Colleen Rump, Mr. Scott Anderson and Mr. Joe Forester registered to speak on the issue.

Mr. Jim Berling stated everyone is familiar with Jackson Florist. He stated the property was recently sold and an additional piece of property was purchased with the original property in order to expand. Mr. Works, the applicant, stated he would like to build a storage building. Mr. Berling stated he informed the applicant he would have to obtain a zone change in order to build the storage building. He further stated they are willing to put in landscaping. Mr. Theissen asked if all the storage currently in the parking lot would be under roof. Mr. Berling stated some of it would be but it is the nature of the business to have items stored outside for purchase. Mr. Theissen then stated that by ordinance you cannot have outside storage. Mr. Berling then suggested they could build a berm. Mr. Sucher stated he didn't think it was right to allow one particular commercial business to have outside storage and require another to have it inside. He noted every gas station this time of year has bags of mulch stored outside even though it is against the ordinance. Following further discussion Mr. Berling then noted it would be seasonal storage only and the other items would be stored inside. Mr. Berling then asked if the three (3) conditions could be eliminated due to the fact that the conditions are in the ordinance already.

Mr. Works addressed the Commission and stated they are trying to clean up the area and get it looking nice. He stated with being a seasonal business it's almost impossible to store everything under

roof. Mr. Theissen asked if the city has a temporary storage permit available. Mr. Works stated the merchandise stored outside he really only needs to be there two (2) months. Mr. Theissen then stated even though they like Jackson Florist they have to treat everyone the same. Mr. Works stated he understood and they are just trying to do the right thing. He additionally stated that they are working with the city in order to comply. Mr. Theissen asked if the outside storage building would have walls or not. Mr. Works stated it had some walls but some were open. Mr. Theissen then noted he wasn't sure he would still be in violation on the outdoor storage if the walls weren't enclosed. Mr. Works then stated they could change that to have them closed. Ms. Weldon noted the curb cut at the end of the property is too close to the Swift curb cut. Mr. Works stated that is mainly used for deliveries only.

Mr. Tony Works addressed the Commission and questioned Staff about the paving condition. He stated he had no problem with the landscaping or paving of the area. Ms. Weldon asked about the curb cut near Swift. Mr. Works stated the stated put in that curb cut when the widened the 3L highway. Ms. Weldon stated that piece of property was under separate ownership at that time and the State was probably allowing for separate access. She further stated that now it is all one piece of property and one owner and she felt it was a dangerous place to put the curb cut. Mr. Berling then stated that that's only used for deliveries. Ms. Weldon then questioned how you stop people from using that entrance. Mr. Berling further stated that to look at that curb cut it doesn't even look like an entrance and in fact looks like it's part of Swift.

Ms. Mindy Pimpe addressed the Commission and stated she is for the florist and not against having a florist in the community. She stated she has a direct view of the bags of mulch and fertilizer. She stated she is a full two stories above the storage area. She further stated she has approached the owner about some screening of the area. She stated she has concerns with lighting and asked if lighting could change when the zoning does. She then stated she was aware of the lighting when she bought her property.

Mr. Ron Flack addressed the Commission and stated he is a city commissioner for the City of Kenton Vale. He stated he can't see a problem with the zone change. He stated the only thing would be the detached single family dwelling units would have to be attached. He stated the concern was that if anything changed they didn't want condos going in.

Mr. Scott Anderson addressed the Commission and stated his fiancé has a house right behind the florist and was wondering if their house would be changed. Mr. Theissen stated her house would remain residential and the commercial would begin at her lot line.

Mr. Joe Forester addressed the Commission and stated his concerns about the property value of his home and questioned whether the screening would cover the homes. He stated he lives next to Mindy Pimpe. Mr. Theissen stated there would not be any screening on his lot. He stated he just wanted to know if there was going to be any tree line to block his view of the lot. Mr. Theissen then stated the even with the tree line he would probably still see the lot.

Mr. Berling noted that if there were any lighting installed it would be directional.

Mr. Theissen asked Staff if there were some way to change the screening requirement. Mr. Drury stated the zoning ordinance requires that ten (10) feet of screening be installed. Mr. Dorsey stated the zoning appears to be in order, it's just the development plan that has a problem. Mr. Schneider then noted provisions allowed under KRS 102-13 regarding the issue and stated a recommendation can be made that is not in compliance with the Comprehensive Plan. Mr. Dorsey then stated that under his review of law books it's even inappropriate to make a decision regarding the map amendment and the zone change on the same night. Mr. Swanson then suggested removing section A from consideration purposes for the meeting and only considering section B. Ms. Weldon clarified removing A and noted not all of section A would be removed, just the R-1H portion. Mr. Berling noted with regard to the curb cut they would prefer to keep it because the semi trucks cannot make the turn at the other curb cuts due to the buildings being close together. Following a brief discussion on the matter, Mr. Works then agreed to gate the curb cut. The Commission was in agreement and had no problem with gating the curb cut. Ms. Weldon then motioned to approve 1556R subject to the following conditions: that the R1-H portion of the proposal be eliminated from the application, to include Staff's recommendation that the submitted development plan meets the minimum requirements of the off-street parking regulations to identify a 10-foot screening area along the year yard setback and that no outdoor storage of any material be permitted except within enclosed containers or with seasonal permits. Mr. Theissen asked for a modification of the motion to add an additional condition as to lighting. Ms. Weldon then adding a condition that lighting meet all lighting regulations and that it not reflect into adjacent property. Mr. Price seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Price, Mr. Bayer, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously. Ms. Weldon then made a motion to approve application 1557R subject to the following conditions; that the submitted development plan meet the minimum requirements of the Covington Zoning Ordinance including paving, that the submitted development plan identify a 10-foot screening area along the rear yard setback for the site in question that abuts a residential zone, that no outdoor storage of any material be permitted except within enclosed containers, buildings or with a seasonal permit and that any lighting to be installed that it be directed away from adjacent property and that the southernmost drive only be used as a service drive and that it be gated and so marked. She further noted her basis is that the Comprehensive Plan designation is inappropriate and that the lot would be inappropriate as a residential use and would be more appropriate in the proposed use. Mr. Price seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Price, Mr. Bayer, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. Meyer, Mr. Smith, Ms. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

OLD BUSINESS: None.

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

COMMISSION ITEMS:

Mr. Theissen noted an issue regarding the parking in the City of Ft. Mitchell. The city asked the NKAPC

to look into whether or not their parking requirements are too high. Mr. Theissen stated there was a parking study done on various office buildings in Kenton County. He stated the analysis showed there were too many parking spaces required and many were going unused. Mr. Theissen then requested that it be put on the agenda to change the model zoning ordinance from five (5) to three (3) parking spaces. He then asked for a motion to have the matter placed on the agenda. Ms. Weldon then made the motion with Mr. Smith giving the second. All in favor, none opposed.

Mr. Theissen noted a flyer handed out for a workshop being held this coming Sunday that Marshall Slagle recommended to be a good presentation. He also noted on April 11th a presentation that the Commissioners are invited to attend being presented by Mike Schwartz.

Standing Committee Reports:

Mr. Swanson noted the Subdivision Review Committee met Tuesday with two members (Mr. Bayer and Mr. Wessels) Mr. Swanson mentioned their committee has been charge with coming up with solutions regarding bonding and arrangements for payment. He noted the next meeting would be May 7th at noon. He stated they are making progress.

By-Laws - Mr. Price - nothing to report.

Model Zoning Ordinance - Mr. Dorsey - nothing to report.

Mr. Theissen also noted reminders regarding the upcoming trip to Chicago. Mr. Swanson mentioned that everyone should have received packets regarding the trip. He stated dinner requests needed to be back to Gail for reservations. Mr. Slagle noted on Tues. of the convention from 5-7 p.m. is the Ohio-Kentucky-Indiana reception and all Commissioners are welcome.

COMMENTS/REQUESTS TO THE COMMISSION:

There being no further business to come before the Commission, the meeting adjourned at 8:35 p.m.