



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

May 2, 2002
9:00 A.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. Tim Theissen - Chairman - Edgewood
Ms. Barbara Carlin - Kenton County
Mr. Jeff Gaiser - Ludlow
Mr. Al Hadley - Elsmere
Mr. Eugene Meyer - Covington
Mr. Jim Sucher - Crescent Springs
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 noted as there was no morning meeting held in April there were no minutes to approve.

SUBDIVISION ITEMS:

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

*Mr. Theissen noted that a request to table had been received regarding item PP-613. He stated he received a letter from Thomas Mann requesting the matter be tabled until June. Mr. Wessels then made a motion to table PP-613. Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. Wessels, Ms. Carlin, Mr. Gaiser, Mr. Hadley, Mr. Meyer, Mr. Sucher, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

PP-614 RESERVE OF MEADOWWOOD

APPLICANT: Viox & Viox, Inc., in behalf of Mr. John Eubank.

GENERAL LOCATION: An approximate 4.5 acre are at the terminus of existing street "Sierra Drive" within The Crossings at Meadow Wood, Crescent Springs.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of 14 residential building lots including public improvements such as streets, storm drainage, sanitary sewer, and water system.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

To approve a Preliminary Plat for RESERVE OF MEADOW WOOD, but only subject to compliance with the following CONDITIONS:

CONDITIONS:

1. That a minimum fire flow of 500 gpm at 20 psi be provided/ensured by certified flow test and fire hydrant spacing be maximum of 450 feet (Section 7.2);
2. That a curb cut (i.e., extension of 25 foot curb radii and hard surface pavement) be provided opposite Crescentridge Court for future public street extension to the east (Section 6.0);
3. That a stormwater detention / retention basin be provided (Section 7.0);

4. That ownership / maintenance of the parcel indicated to be "Pine Tree Line" be clarified prior to approval of a Final Plat (Section 6.6); and

5. That setback / encroachment issues for all existing structures be clarified prior to approval of a Final Plat (Section 6.6).

BASES:

The proposed RESERVE OF MEADOW WOOD is consistent with the recommendations of the 2001 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, and the Crescent Springs Zoning Ordinance, except as noted under the above Conditions.

Mr. Jim Viox, Mr. John Eubanks, Mr. Gene Baehner and Mr. Rodney Crice registered to speak in favor of the application. Mr. George Ripberger registered to be speak as a neutral party.

Mr. Viox addressed the Commission and stated for clarification purposes that the corner parcel has a separate deed and is not under ownership by the property owner in question. He stated they agree with all conditions but asked for clarification on condition #2. Mr. Viox stated the property is owned by the applicant's father. He further stated they retained ownership until the right of way was secured to allow access. Mr. Viox additionally stated that Mr. Eubanks Sr. does not want to see that portion of the property developed. Mr. Wessels stated some type of street stub has to be made or a provision for one made. Mr. Viox reiterated that they are in agreement with all conditions and asked for clarification on condition #2. Mr. Viox questioned Mr. Eubanks regarding provisions for an easement and the installation of curb cuts. Mr. Theissen then clarified that the developer would construct the street stub as well as the intersection. Mr. Viox stated Mr. Eubanks can provide for an easement to allow for access to that piece of property. Mr. Hiles stated his only concern is that the intersection for the application will be constructed and a better extension is then provided for. He stated this would then be a waste of money.

Mr. Theissen questioned Mr. Viox regarding the existing trailer and the greenhouse. The applicant stated the greenhouse is gone and the trailer will be kept and used as a construction trailer, then removed. The applicant stated he envisioned pretty much all the buildings being removed.

Mr. George Ripberger addressed the Commission on behalf of the City of Crescent Springs. He stated most of his questions were answered. He further noted they would like to see a foot print in place for future development that alternate access would be provided to alleviate traffic from Buttermilk Pike.

Following the discussion, Mr. Wessels motioned to approve subject to the conditions as referenced by Staff and to include the following: modification to condition #2 to read "...that a provision for a curb cut (i.e. a right of way dedication for a 25-foot curb radii and surety for hard surface pavement) be provided opposite Crescent Ridge Court for future public street extension to the east."; modification to condition #6; "that a future 60-foot public easement be obtained from the Howard Eubank parcel for future Sierra Drive extension" and adding a condition #7 to read "that existing structures within the development be removed within one year of a final recording of the plat." Mr. Hadley then seconded the motion. A roll

call vote on the matter found Mr. Wessels, Mr. Hadley, Ms. Carlin, Mr. Gaiser, Mr. Meyer, Mr. Sucher, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

W-597

APPLICANT: Grand Communities, Ltd.

LOCATION: Sycamore Creek Subdivision, an approximate 77-acre area interconnected with the existing subdivision Shadybrook Trails, and contiguous on the west with Fowler Creek Road (S.R. 1486), Independence.

REQUEST FOR ACTION: Waiver of Section 6.0 E.2 Sight Distance and previously approved PP-597 SYCAMORE CREEK Condition #2, requiring Sight Distances (Right and Left) for vehicles exiting the proposed intersection with Fowler Creek Road (S.R. 1486) be in accord with minimum Subdivision Regulation standards.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

To grant the requested Waiver to Section 6.0 E.2 Sight Distance and previously approved PP-597 SYCAMORE CREEK Condition #2, but only subject to the following Condition:

CONDITION:

That Sight Distances (Right and Left) for vehicles exiting the proposed intersection with Fowler Creek Road (S.R. 1486) be in accord with minimum Subdivision Regulation standards for a 45 m.p.h. roadway and be field verified by the Design Engineer prior to approval of Improvement Drawings or subsequent Final Plat; and

ADDITIONAL INFORMATION:

It is recommended that the developer coordinate the posting of 45-m.p.h. advisory speed warning signs with the Kentucky Transportation Cabinet (as indicated in Exhibit "C"), at the appropriate locations along Fowler Creek Road.

BASES FOR STAFF RECOMMENDATION:

That strict compliance with these regulations would create an extraordinary hardship in the face of exceptional conditions, further defined as follows:

Previous interpretation from Commission's legal counsel indicated that evaluating a proposed subdivision based upon a "regulatory" speed limit of 55 m.p.h. was not practical if the reasonable vehicular traveling speed along the roadway in question was significantly lower. The radar speed study performed by Pflum, Klausmeier & Gehrum (PKG) demonstrates to the NKAPC staff that a reasonable vehicular traveling speed along the portion of Fowler Creek Road in question is significantly less than the "regulatory" speed limit of 55 m.p.h. Therefore, in accord with previous interpretation from Commission's legal counsel, the required Sight Distances for vehicles exiting the proposed intersection with Fowler Creek Road should be based upon a reasonable vehicular traveling speed as determined by

the PKG speed study, of 45 m.p.h.

Elizabeth Horowitz, Mr. Jack Gehrum, Mr. Jim Gorman and Mr. Ray Erpenbeck registered to speak in favor of the issue. Mr. Mark Wendling registered to speak as a neutral party.

Mr. Gorman addressed the Commission and showed an exhibit depicting the site distances using a 45 mph speed. He stated the exhibit also shows the road improvements done to the road. Mr. Gorman then read from the letter received from John Gehrum who did the study. Mr. Wessels asked if they were okay with Staff's recommendations. Mr. Gorman replied they were. All others registered to speak stated they were available for questions.

Mr. Mark Wendling addressed the Commission on the issue. He stated they are pretty neutral on the issue. He further stated the city is concerned about the safety issues of the route. He further stated they are willing to petition the state to have the road posted. He also stated it is a rural winding road. Mr. Theissen stated he does not have a problem with the waiver, but stated the subdivision regulations are stricter than the states.

Following the discussion on the issue, Mr. Price motioned to approve based on the recommendations of Staff and including the additional information comment of Staff. Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. Price, Ms. Carlin, Mr. Gaiser, Mr. Hadley, Mr. Meyer, Mr. Sucher, Mr. Swanson, Mr. Wessels and Mr. Theissen in favor. The motion carried unanimously.

W-283 SQUIRE VALLEY SUBDIVISION

APPLICANT: Northern Kentucky Home Builders Association and Toebben Builders.

LOCATION: Squire Valley Subdivision, an approximate 32-acre area at the terminus of existing street "Squire Valley Drive" within Squire Valley Landominiums, bordered on the north by Lakeview Place Subdivision, and on the south by Emerald Springs Condominiums, Crescent Springs and Villa Hills.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

To deny the requested Waiver to Section 7.0 C.12 Headwalls, Safety Guards or Railings.

BASES FOR STAFF RECOMMENDATION:

1. The modification, as requested, does not include the findings necessary to grant a waiver to the regulations as set forth within Section 8.5 A, or B, or C, or D (referenced above); and
2. A primary component to help ensure the safety of small children playing around headwall structures having a vertical drop of greater than 4' - 0" is to provide a safety guard or railing along the top of such a structure. (Ref. Final Report Stormwater Engineering / Inlet Standards for Kenton County, Ky., Jan. 1996. Such standards have been adopted as regulation). A safety guard or railing at least 42-inches in

height provides an appropriate protective barrier intended to help prevent accidental falls. In addition, the openings in guards shall be of solid material such that a sphere with a diameter of 6 inches cannot pass through. It would not be an appropriate solution to replace the required safety guard or railing with any means (e.g. landscaping, or other aesthetic buffering) that would not provide an equivalent level of safety or protection.

Mr. Ray Erpenbeck, Mr. John Toebben, Mr. Kevin Crumpleman and Mr. Dan Dressman registered to speak in favor of the issue. Ms. Anne Kaiser and Ms. Renee Stacey registered as neutral parties.

Mr. Erpenbeck addressed the Commission and stated the Home Builders Association is in no way trying to avoid the safety issue. He further stated the application at issue is a question of clarification the matter. Mr. Erpenbeck stated the regulations require safety guards and hand railings. He stated they believe a dense planting around the head wall would provide better protection and safety. He further stated they are really trying to find an alternative or guidance on what the developer can do to provide for an attractive but safe protection to the head walls. Mr. Erpenbeck stated the fence type could still be climbed on by children and they could still hang on them and climb on them. Mr. Theissen stated that plantings can die and then there is the problem of replacing the plantings. He also stated the plantings shown in the graphics are old plantings and the minimum age of those plantings is probably five years. Mr. Erpenbeck cited the main issue of wood fencing and stated they would have to eventually be replaced. He stated they are looking for a more attractive alternative to the existing regulations. Ms. Carlin asked about the height of the dirt against the head wall. Mr. Erpenbeck stated that typically the dirt comes up against the wall. Mr. Theissen asked about the cost of fencing for the walls. Mr. Erpenbeck stated it would probably be \$400-500 dollars due to the size of the job. He stated he did not have an idea of the cost of plantings. Mr. Hadley asked about the use of both barberry bushes and wrought iron fencing. He stated his questions was if there are bushes with thorns on it then who would repaint the fence when it needed to be painted.

Mr. Toebben addressed the Commission on the issue. He stated Mr. Erpenbeck covered most points. He further stated they met with Staff and a same up with a couple issues. He stated that maybe the Commission shouldn't be put in a position of making a decision today but it's just that they have a final plat application and one of the items that's left out in the open is the issue at hand. He stated he didn't know if they could bond at all but if possible, they would be glad to do that. Mr. Theissen stated he didn't have a problem with the committee reviewing the issue and then having it come back again for review by the Commission, but he didn't know if the Commission could bond off something like that that's a safety issue.

Ms. Kaiser addressed the Commission regarding a concern and safety for the children. She stated she is urging the Commission to not allow for any modifications to the regulations now or in the future. She stated that children in other communities continue to be hurt and even killed in the drains. She stated this decision should not be difficult as the safety of children is weighed against the fact that something "looks ugly." Mr. Wessels asked Ms. Kaiser that even if the committee met and comes up with something that is safer that she does not want any changes. She then stated that the reasons that the regulations are in place now was obviously because there was a committee that met in the first place

after the death of the child in 1995. She further noted that they determined that that railing or the guard is the safest form of protection. Mr. Theissen stated the fencing regulations for the top of the head walls were in place at the time of the accident in 1995.

Ms. Stacey addressed the Commission and asked about a time frame for the railings or head walls. She stated the developed area used to be a forest and now it is a deep valley. She stated the drains are concentrated in a fairly small area with this development and they will have to handle a lot of water. She stated she is asking the Commission to review the issue as it relates to safety, not aesthetics. She also noted that regardless of what is required, there will always be maintenance required.

Mr. Erpenbeck stated in rebuttal that again, they are not asking for something that would jeopardize safety. He stated moving water is unbelievably forceful and dangerous. He further stated they do all they do to make it safer but that you can't eliminate the dangerousness of rushing water. Mr. Theissen stated the regulations regarding fencing around high walls is one of the only in the nation. Mr. Schneider stated he feels it's great that the home builders are working with the community to come up with a solution. Following additional discussion on the matter, Mr. Theissen then stated he didn't feel anyone was in a position to make a decision on the issue and questioned whether or not to table the matter. He stated the application is written rather vaguely and doesn't specify specifically what alternative form of protection is requested. He then asked Staff if they could deny the issue and have it referred to the committee for further consideration. Mr. Hiles stated it is the applicant's decision. He further noted that he would recommend that it be tabled. He stated it could be tabled with the charge to the committee to put it on the agenda and begin discussing it. Following all discussion, Mr. Swanson made a motion to deny the application. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Price, Ms. Carlin, Mr. Gaiser, Mr. Hadley, Mr. Meyer, Mr. Sucher, Mr. Wessels and Mr. Theissen in favor. The motion carried unanimously.

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. Theissen noted his withdrawal from item P-422 due to a business relationship with the applicant. Mr. Hadley also noted his withdrawal from item ID 30836 as he is the grantor on the property in question. There being no further questions or comments, Mr. Price made a motion to ratify and approve. Mr. Gaiser seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Gaiser, Ms. Carlin, Mr. Hadley, Mr. Meyer, Mr. Sucher, Mr. Swanson, Mr. Wessels and Mr. Theissen in favor. The motion carried unanimously.

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:

Mr. Theissen noted he received a request regarding issue PP-527 from December. He noted this issue was tabled and he received a letter from Mr. John Goering requesting additional time. He then stated he had no problem with Staff tabling the matter. Mr. Hiles suggested tabling the matter for three months since it has already been tabled six months. Mr. Price then motioned to extend the tabling for a period of three months. Mr. Wessels seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Wessels, Ms. Carlin, Mr. Gaiser, Mr. Hadley, Mr. Meyer, Mr. Sucher, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

Mr. Theissen noted for record keeping purposes that the letter from Jim Berling on the previous issue would be marked as Exhibit 1 and the request for tabling from Mr. Goering would be marked as Exhibit 2 and the letter requesting the tabling of the Carlisle Estates would be marked as Exhibit 3 to the minutes. He also noted a letter was received from George Ripberger relating to issue W-283 would be marked as Exhibit 4.

There being nothing further to come before the Commission, the meeting was recessed at 11:15 p.m.
until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
REGULAR MEETING

May 2, 2002
6:15 P.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. James Bertram - Taylor Mill
Ms. Barbara Carlin - Kenton County
Mr. Barry Coates - Covington
Mr. James Cook - Kenton County
Mr. John Dorsey - Fort Mitchell

Mr. Jeff Gaiser - Ludlow
Mr. Al Hadley - Elsmere
Mr. David Hilgefurd - Villa Hills
Mr. Eugene Meyer - Covington
Mr. Frank Smith - Lakeside Park
Mr. James Sucher - Crescent Springs
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. Jay Bayer - Park Hills
Ms. Maura Snyder - Independence
Mr. Bill Snyder - Bromley
Ms. Alex Weldon, Covington

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. Mr. Dorsey stated he thought he voted for the approval of the minutes, not against. Mr. Price noted at the bottom of page two it should read Ms. Weldon made a motion to table. There being no further questions or comments, Mr. Price made a motion to approve the minutes from April. Mr. Swanson seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Swanson, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Gaiser, Mr. Hadley, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Mr. Sucher, Mr. Wessels and Mr. Theissen in favor. Mr. Mr. Bertram abstained. The motion carried.

FINANCIAL REPORT:

There were no questions or comments by the Commission. Mr. Swanson stated the Commission is on budget for the year. He further noted the fees collected are running ahead of budget and overall everything is in good shape.

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 memo from the subdivision review committee held in the morning. There were no questions or comments. Mr. Wessels made a motion to ratify and approve. Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. Wessels, Ms. Carlin, Mr. Bertram, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Gaiser, Mr. Hadley, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Mr. Sucher, Mr. Price, Mr. Swanson and Mr. Theissen voted in favor. 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 1560R until the June meeting to address additional concerns regarding that issue. Mr. Schwartz then noted it may be wise to table the matter until July given the fact that the applicant would have to get any new information to Staff in two weeks and they may not be aware of that fact. Mr. Theissen then suggested tabling the matter the usual six months time period. Mr. Price then made a motion to table the matter for a period of up to six months. Mr. Wessels seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Wessels, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Gaiser, Mr. Hadley, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Mr. Sucher, Mr. Swanson and Mr. Theissen in favor. The motion carried.

1554R

APPLICANT: Mr. Mike Helson

GENERAL LOCATION: An approximate 36.0-acre area located along the east side of Madison Pike, between Walnut Hall Drive and Harris Pike, approximately 400 feet south of Walnut Hill Drive, Independence.

REQUEST TO BE REVIEWED: A proposed map amendment to the Independence Zoning Ordinance,

changing the area 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 (a neighborhood commercial zone).

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - INDEPENDENCE ZONING ORDINANCE:

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

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-1C to NC is not consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the center of the site in question for residential development at a density ranging from 7.1 to 14.0 dwelling units per net acre and the northeastern portion of the site in question for Residential development at a density ranging from 2.1 to 4.0 dwelling units per net acre. The proposed map amendment from R-1C to NC would allow commercial development to take place in an area recommended for residential development.

2. The proposed map amendment from R-1C to NC is not consistent with the concept of Community Service Areas, as identified in the comprehensive plan. As stated in the text of the 2001 Area-Wide Comprehensive Plan Update, the concept of Community Service Areas are to concentrate increased residential density within areas with existing commercial land uses that can provide, or be expanded to provide, convenience goods and services to a growing population. By providing such services within short distances of more residences, trip distances that residents travel for convenience goods are reduced and the use of alternate modes of transportation becomes more feasible.

The proposed map amendment changing the entire site in question from R-1C to NC eliminates the potential of residential development within the area.

3. The concept of the Community Service Area is to provide for convenient access to alternative means of transportation such as pedestrian or bicycle. The submitted development plan does not identify the provision of sidewalks.

4. The Transportation Plan Element of the 2001 Area-Wide Comprehensive Plan Update states that where new arterials are to be constructed, access to abutting property should be strongly controlled and limited. The Plan Update recommends greater access spacing on newly constructed or realigned roads (i. e. KY 17, KY 16, and KY 536). Spacing of approximately 1,250 feet is recommended, wherever possible, to preserve/enhance traffic flow along these corridors. The submitted development plan identifies a proposed access to new Kentucky State Route 17 that does not meet the 1,250 feet spacing recommendation.

5. The proposed map amendments changing the residual parcels identified on the submitted development plan from R-1C to NC is not consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies these portions of the site in question for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre. The proposed NC Zone would allow commercial development to occur in an area recommended for residential uses. Due to this inconsistency, coupled with the lack of information relative to how these areas would be developed, it is recommended that the areas identified as 'residual parcel' remain zoned R-1C.

6. The submitted Stage I Development Plan meets the minimum requirements of the Independence Zoning Ordinance, except for the following:

a. Section 9.17 identifies the minimum landscaping requirements for land uses and zones. Insufficient information has been submitted to determine compliance with these requirements.

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 11.3, A. requires reserved turn lanes at access points where vehicles turning to and from arterial and collector streets will affect the roadway capacity. Insufficient information has been submitted to determine compliance with these requirements.

7. As it pertains to transportation, it is the intent of the comprehensive plan and the city's zoning ordinance to provide for the safe and efficient movement of traffic. If the proposed public street is allowed to intersect with proposed Kentucky State Route 17, southbound traffic will bypass Kentucky State Route 536 and utilize the proposed public street as a short cut movement to/through the site in question over to Independence Town Center. The submitted development plan indicates that the proposed public street will be twenty-eight (28) feet in width (two driving lanes). Additionally, no information has been submitted regarding intersection improvements.

ADDITIONAL INFORMATION:

While it is the recommendation of the NKAPC staff to disapprove the proposed map amendment from R-1C to NC, if the planning commission or the legislative body takes action to approve the proposed map amendment, the following conditions should be included in such action:

1. That interconnecting pedestrian access be provided for all separate uses.
2. That access to proposed Kentucky State Route 17 be prohibited.
3. That the residual parcels identified on the submitted development plan remain zoned R-1C.
4. That the development plan be revised to meet the minimum requirements of the landscape regulations.
5. That the development plan be revised to meet the minimum requirements of the off-street parking regulations.
6. That exclusive right and left turn lanes be provided along Madison Pike, at its intersection with the proposed public street.
7. That an exclusive left turn lane be provided along the proposed public street, at its intersection with Madison Pike.
8. That, if the proposed curb cut is allowed onto proposed Kentucky State Route 17, exclusive right and left turn lanes be provided on proposed Kentucky State Route 17.
9. That, if the proposed curb cut is allowed onto proposed Kentucky State Route 17, the proposed public street be constructed to provide for three driving lanes.

Mr. Mike Helson, Mr. Dave Wallace, Mr. Logan Murphy, Mr. Mark Wendling, Mr. Jeff Jarboe and Ms. Nancy Flanagan registered to speak in favor of the issue. Mr. Dan Koch, Mr. Jerry Zimmer, Mr. Charlie Deters, Mr. Warner Cox, Ms. Grace Wilson, Mr. Larry Elliot, Ms. Evelyn Koch, Mr. Sam Cox, Mr. Paul Brandner, Ms. Jean Blair, Mr. Philip Turner, Ms. Gina Koch, Mr. Donald McMillan and Ms. Sandra Cox registered to speak against the issue.

Mr. Wallace addressed the Commission and stated he is representing the developer and Mike Helson. He stated they disagree with Staff's recommendation and further stated they feel it is in compliance with the comprehensive plan. He further noted they feel confident the plan meets with the comprehensive plan and stated the land use map shows commercial and high density residential areas. He stated the land use map is not to be used as a straight jacket. He stated there is property behind the Independence City Center that is high density and available. Mr. Wallace also stated they disagree with Staff as that type of property is available in the area, in contradiction to what Staff has stated. He further stated it is their opinion the plan does comply with the community service area and the comprehensive plan. Mr. Wallace noted they accept Staff's conditions #1,4,5,6,7,8 and 9 but that they disagree with conditions 2 and 3. He further stated they have problems with condition #2 and the access to Ky. 17. He stated the proposed right of way is only proposed. He further stated that negotiations are still going on and that could change. He stated having the curb cut on Ky. 17 would help alleviate some traffic problems. Mr.

Wallace also prepared a handout for the Commissioners that he distributed and had marked as Exhibit 1. Mr. Theissen questioned Mr. Wallace as to why they did not choose a mix of commercial and residential for the site as the comprehensive plans calls for. Mr. Wallace stated the community did not want more residential development and the area does not need more high density residential development. He stated there are quite a bit of residential properties in the area. He further stated that out of the 36 acres in the development, only 8.25 acres are different than what the land use plan recommends. He also stated they are really not adding 36 acres of commercial development. Mr. Theissen asked about the design layout and questioned why the applicant chose twelve buildings surrounded by concrete. Mr. Murphy addressed the question and stated they basically designed it like that because the owner did not have much more than that in mind. Mr. Murphey also stated there is an opportunity that some of the lots could be a combined use and be contiguous. Mr. Hilgefurd asked how long the project has been under development and if they've talked with the city. Mr. Wallace stated they did talk with the city regarding the project and that the project has been in the works for a few months.

Mr. Mark Wendling addressed the Commission and stated he first heard of the project a month ago. He stated it was first proposed as a multi-family. He stated the city was not too fond of the multi-family design since there is one existing behind the City Center that has not leased too well. He stated the city is behind the development. Mr. Theissen asked if the city looked at the overall development and the impact it will have. Mr. Wendling stated the city feels there is not enough commercial development in the city.

Mr. Jarboe addressed the Commission and stated he is representing the property owners to the south. He stated he has heard from residents in the area and they feel there is not enough commercial development in Independence. He stated he has lived there for 40 years and unfortunately he thinks this property, while it is beautiful horse farms, will someday be commercial. He stated there are 30-40 acres available for high density housing behind the City Center.

Ms. Flanagan addressed the Commission and stated she and her husband own the property and they want the zone change. She stated she talked to her neighbors and they just don't want the high density housing.

Mr. Koch addressed the Commission and stated he has lived in Independence for 39 years. He stated there are still 30 acres of commercial acres available across from the City Center along with many other sites available for commercial development. He stated he spoke with neighbors and could not find anyone in favor of the plan. He further noted that Brentwood is 73% occupied and stated that they have apartments that have sat vacant for 4 years. He stated there are 170+ more condos on the property. He also stated the checked with the police department and they could not even list all the accidents that have occurred on 537 and 17. He then submitted photos to the Commission which were marked as an Exhibit to the minutes.

Mr. Zimmers addressed the Commission and showed photos on an overhead of the commercial areas that are available in Independence as well as some high density apartments in the area. He stated he is just emphasizing what Mr. Dan Koch stated. He further noted he feels there is too much commercial already.

Mr. Deters addressed the Commission and stated there was a request for a zone change on Shaw Road three years ago and it was turned down. He then read the reasons as to why that previous zone change was denied. He stated that zone change is almost directly adjacent to this proposed development. He stated the portion of the City Center that involves apartments which was originally 250 acres. He also noted that much of the commercial and residential properties there are not selling or renting. He further noted they don't need any more restaurants in Independence. He stated there are now 7 and they don't need any more. He stated they have spent a lot of money on the City Center. He stated the proposed subdivision of buildings is not in keeping with the appropriateness of the area. He stated the Flanagan property would not be worth near what they are proposing if not for the town center.

Ms. Wilson addressed the Commission and stated she is in support of Staff and what they have recommended.

Mr. Elliot addressed the Commission and stated people want single family homes in Independence. He stated that 95% of people going out there are looking for a single family homes. He further noted it should be left the way it is.

Ms. Koch addressed the Commission and stated she has been a resident of Independence for 42 years. She stated she has a list of accidents on 3L from Walnut Hall. She stated there have been 45 accident there in two years time. He stated she would hate to see Independence turn into another Florence. She further stated they don't need more commercial property and traffic.

Ms. Blair addressed the Commission and stated she is a resident of Walnut Drive. She stated she agrees with Mrs. Koch. She further noted she was in an accident coming onto Ky. 17 in front of the firehouse. She stated she feels it is a dangerous place to live and a dangerous place to raise her kids. She did state she would be in favor of the commercial development if it involved Walnut Hall.

Mr. Turner addressed the Commission and stated he is the president of the Farmer's National Bank. He stated there are 5 banks in about a ½ mile radius and there is not a need for more.

Mr. Wallace addressed the Commission in rebuttal and stated it is clear from those speaking that high density cluster residential development is not needed. He stated the development would be a direct competitor of the town center.

Mr. Price asked Staff about the curb cuts and specifically if the site distances meet requirements. Mr. Schwartz stated they did meet the spacing requirements. Mr. Dorsey stated it appears the developer will have to make changes to the development. He stated landscaping, walkways, etc. will have to be added and they will basically be re-doing the development. Mr. Hilgefurd stated to some degree it is a concept plan. Mr. Sucher asked approximately how many homes could go into the property. Mr. Schwartz then gave a rough estimate of 90-110 homes. Mr. Cook stated he agreed that it should be a commercial zone but that he didn't care for the development plan. Mr. Dorsey asked about the time frame for the new Ky. 17. Mr. Schwartz stated they are buying property but there is no definite time frame. Mr. Dorsey then

questioned whether or not it was wise to approve something that does not have the infrastructure in place to support it. Ms. Carlin stated she has a problem with the curb cuts on 17 but also that it's more conducive to commercial development due to its location. She further stated if the developers want to spend their money on the project, knowing there are so many commercial buildings sitting, then he should be able to because that's where the commercial development is. Following the discussion Mr. Hilgeford then made a motion to disapprove based on the fact that the proposal is not consistent with the comprehensive plan. He also included the additional information comment of Staff in his motion. Mr. Swanson seconded the motion. A roll call vote on the issue found Mr. Hilgeford, Mr. Swanson, Mr. Bertram, Mr. Coates, Mr. Dorsey, Mr. Hadley, Mr. Meyer, Mr. Smith, Mr. Price and Mr. Theissen in favor. Ms. Carlin, Mr. Cook, Mr. Gaiser, Mr. Sucher and Mr. Wessels voted against. The motion carried by a vote of 10-5.

1559R

APPLICANT: Kenton County and Municipal Planning and Zoning Commission, per Mr. Timothy B. Theissen, Chairman.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendment to the zoning ordinances of the political jurisdictions within Kenton County: (1) modifying the off-street parking requirements for office uses; and (2) adding off-street parking requirements for office park developments.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

To approve the proposed text amendments: (1) modifying the off-street parking requirements for office uses; and (2) adding off-street parking requirements for office park developments (see Attachments A and B).

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: (1) modifying the off-street parking requirements for office uses; and (2) adding off-street parking requirements for office park developments (see Attachments A and B) 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: (1) modifying the off-street parking requirements for office uses; and (2) adding off-street parking requirements for office park developments (see Attachments A and B) are appropriate in that they provide for a reasonable amount of required off-street parking for office uses and office park developments.

3. The proposed text amendments: (1) modifying the off-street parking requirements for office uses; and (2) adding off-street parking requirements for office park developments (see Attachments A and B) are reasonable.

Based upon research conducted by the NKAPC staff, the proposed regulations will be consistent with national standards and will better reflect current off-street parking lot utilization for such uses.

No one registered to speak for or against. Mr. Wessels asked Staff for an example of an office park. Mr. Schwartz then gave the Chamber Office park as an example along with the Research Office Center in Crestview. Mr. Wessels stated he agrees but feels for a medical office it should be 2.5. Following a brief discussion on the matter, Mr. Price motioned to approve the text amendment Attachment A but recommended disapproval of Attachment B. Mr. Dorsey seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Dorsey, Mr. Bertram, Ms. Carlin, Mr. Cook, Mr. Coates, Mr. Gaiser, Mr. Hadley, Mr. Hilgeford, Mr. Meyer, Mr. Smith, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

* At this time (8:40 p.m.) a five minute recess was taken.

** Mr. Theissen noted he would be withdrawing from any consideration and voting on the following matter due to the fact that a partner is involved with the issue. Mr. Price, Vice Chair, then presided over the issue.

1561R

APPLICANT: Clint Fornash, et al.

GENERAL LOCATION: An approximate 130-acre area located along the northeast side of Mills Road, approximately 2,400 feet northwest of Marshall Road, and along the northwest side of Marshall Road, approximately 1,200 feet northeast of Mills Road, Independence.

REQUEST TO BE REVIEWED: A proposed map amendment to the Independence Zoning Ordinance, changing the area described herein, from R-RE (a residential rural estate zone) to R-1C (a detached single-family residential zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - INDEPENDENCE ZONING ORDINANCE:

To approve the proposed map amendment from R-RE to R-1C.

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-RE to R-1C is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre and Physically Restrictive Development Area (PRDA). The proposed R-1C Zone will allow the development of detached single-family residential dwellings at a maximum density of approximately 3.5 dwelling units per net acre.
2. The proposed map amendment from R-RE to R-1C is consistent with the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update.

The following provides excerpts from the text of the 2001 Area-Wide Comprehensive Plan Update:

a. Chapter V - Land Use

Land Use Plan Element Description
Urban Service Area/Non-Urban Service Area
Urban Service Area

The territory included within the "Urban Service Area" includes the northern section of Kenton County (generally north of Kentucky State Route 16), and a small area in southwestern Kenton County adjacent to, and within, the urban service area of the City of Walton, in Boone County. The "Urban Service Area" includes most of that part of Kenton County already developed in an urban fashion and at urban-like densities. It also includes many areas which are currently undeveloped, but which are expected to be developing at urban densities during the 20-year planning period. The "Urban Service Area" has been expanded for this Plan Update to include the area in the vicinity of Mills Road. Sewer, water, and road improvements, and the completion of the Mills Road Park, have made this area suitable for more dense, urban-like development.

b. Chapter V - Land Use

Land Use Plan Element Description

Residential

Residential Sector Recommendations

Independence - Cherokee Sector

- The area located east of Kentucky State Route 16 (Taylor Mill Road) and north of Marshall Road, previously identified for residential development at under 2.0 dwelling units per net acre and agricultural and rural uses, be changed to residential development at 2.1 to 4.0 dwelling units per net acre. A portion of this area, in the vicinity of Mills Road Park, as previously discussed, has been included within the newly expanded Urban Service Area in this Plan Update. Prior to further development of these areas, it will be necessary to assure that adequate public utilities and transportation improvements (e.g. Marshall Road upgraded to a collector road) are also provided in a timely manner to serve new development.

The site in question is located within the Urban Service Area, is located adjacent to a county park facility, as is located adjacent to a collector street. These factors support the suitability of this area for higher density residential development.

3. The recommendation of approval is consistent with a previous recommendation made by the NKAPC staff.

On July 15, 1999, Clint Fornash, et. al., submitted an application for NKAPC and KC&MP&ZC review and recommendation on a proposed map amendment changing the zoning of the site in question from R-RE to R-1C (RCD) for the development of 328 single-family residential lots and 34 acres of open space (Z-99-07-10/1424R). On July 30, 1999, the NKAPC staff recommended approval of the proposed map amendment, subject to five conditions. On August 5, 1999, following the public hearing, the KC&MP&ZC recommended disapproval of the proposed map amendment. The applicant subsequently withdrew the application prior to legislative body action.

Mr. Butler, Mr. Berling, Mr. Saylor, Mr. Parrott, Mr. Williams and Mr. Fornash registered to speak in favor of the issue. Ms. Wilson, Mr. Reusch, Mr. and Mrs. Konar, Mr. Jarboe, Mrs. Reusch, Ms. Hunt, Ms. Tomlin, Mr. Wilson, Mr. Veloise, Ms. King and Ms. Parry registered to speak against.

Mr. Butler addressed the Commission and distributed a packet of information to the Commissioners. He stated Mr. Fornash has lived on the property for over 50 years. He further stated it is important to note it is at the intersection of Mills Road where it has been upgraded. He stated the proposal is offering single family residential homes. He further noted that based on previous testimony in another matter involving Independence, that is exactly what the people stated they wanted. He stated the lots will be a minimum of 80 feet wide in the project. He further stated there are only 6 lots that will front on Mills Road and they will be 100 feet wide. He stated the primary access is by Mills Road into the project. He also noted there will be no home owners association. He stated they are committing to no more than 300 lots that have a minimum lot width of 80 feet. Mr. Butler stated the important thing about the property is that the design will allow the homes to be built on the ridge tops and the lower area and hillsides will be preserved. He stated that all streets will be 25 feet wide except for the two main streets and they will be

28 feet wide. He further stated that all streets will be of concrete construction. Mr. Butler noted that three lakes are shown in the development to create a retaining area for water. He further stated this will not create any problems and may help with any flooding problems. He stated sidewalks will be required and constructed along all streets in the development and along Mills Road and Marshall Road. Mr. Butler stated it is also important to note the proximity of services to the property. He stated that the police station is three miles from the development so the area can be adequately served. He stated a stone entranceway will be constructed leading into the development. He also stated a new water line will be extended into the development in compliance with the water district regulations. Mr. Butler also stated that sanitary sewers will be provided to each lot provided by two new pumping stations built at the developer's expense. He stated storm sewers will be constructed as proposed. He also noted they are not seeking any variances for the property. Mr. Butler stated the subdivision will provide 2.4-2.5 units per acre. He stated they are trying to be conservative and present a strong, positive approach. He stated that Ryland Heights School would serve the development as it is within one mile of the development. Mr. Butler also noted that a library, shopping and the police department are all within 3 miles of the development. He stated the property will be served by two main roads and further noted that Mills Road was upgraded substantially for the new park. He stated a lot of things have changed in the area and they feel it is compliance with the comprehensive plan.

Mr. Berling stated he was available to answer any questions on the matter. He stated he feels the map covered pretty much everything. Mr. Smith asked who would have access to the lakes and be responsible for them. Mr. Berling stated only those who own the lakes, whose property lines run into the lakes would have access to them. Ms. Carlin asked about the estimated projection time of the project to completion. Mr. Berling estimated maybe five years and that it would be based on absorption. Ms. Carlin noted the Ryland School was listed in the wrong place on their map. Mr. Berling stood corrected. Ms. Carlin asked if there was going to be any consideration given to the land. Mr. Berling stated they were going to try to keep as many trees around the perimeter as possible. He further noted they were going to try to move as little dirt as possible.

Mr. Saylor addressed the Commission and stated he moved to the area 30 years ago. He stated he was always impressed by the urbanness of the property. He stated the Fornash's have always been good keepers of their property and good neighbors. He stated it makes him feel good to see a good development on the property.

Mr. Williams addressed the Commission and stated he is an adjacent neighbor to the Fornash's. He stated he is a great neighbor. He stated he farms for a living and is in support of the project. He stated it's getting harder and harder to keep up the farming and would be going the same route himself someday. He stated he has the biggest farm in the area and has as much to lose.

Ms. Wilson addressed the Commission and stated she is against the zone change. She stated she doesn't see much change to the area. She stated there are still no sewers, the area still floods, the roads cannot handle the traffic, etc. She stated she doesn't see why it has to be 300 houses versus 130. She stated she would not be opposed if it was a development like a nice golf course with really big homes such as Triple Crown. She stated Mr. Fornash could still then make a profit from his land.

Mr. Reusch stated he lives directly across from the Mills Road park. He stated it was noted that Mr. Fornash is such a good farmer where for weeks and weeks he has been removing lumber from his property. He stated that can't be good for water run off. He asked about the location of the pumping station. He stated some of the lots will have a common driveway off Mills Road. He noted that Mills Road has a 90 ° turn and many hit Mr. Fornash's fence from not making the turn. He stated he has no objection to Mr. Fornash making money but to do it in a good way.

Mr. Konar addressed the Commission and stated he lives on Marshall Road. He stated very little has happened in the last thirty years to the area. He stated Marshall Road was improved and they got the park. He stated they believe it is right to develop but not at the density that is being suggested. He stated that going from one home per acre to nearly four per acre is excessive. He stated the only improvement to the area in the last five years has been the Mills Road park. He stated that he was told that 30,000 cars pass Remkes on Taylor Mill Road. He stated since the Mills Road park was built the flooding has increased substantially. He stated he has a newspaper article from ten days ago that stated Independence roads were closed due to flooding. He stated with the increased development the flooding will increase. He stated there is a blind curve that is already dangerous . He further noted that increased traffic will delay emergency vehicles. He stated they won't get enough water absorption with the new development by adding all the concrete. Mr. Konar further stated the infrastructure is inadequate. He stated the comprehensive plan may make it legal to build that many homes per acre but it doesn't make it right. Mr. Konar then passed around pictures of the flooding on Marshall Road. He stated Mr. Fornash has beautiful pasture land that cannot hold the water now and it will be worse when it is mowed and developed.

Mr. Jarboe addressed the Commission and stated he has five acres that border the Fornash's property. He stated if you look at the law as written regarding a zone change, nothing has changed. He stated absolutely nothing has changed at all in the past five years. He stated his neighbor applied for a curb cut on Marshall and the state told him last year that he needed 600 feet of site distance. He noted that there are 14-20, 80-100 year old trees that line the road that will have to come down. Mr. Jarboe noted that Ryland Heights School is full. He stated there are no plans for Ky. 16 in place and it will probably be 7-10 years out. He further stated there are no plans to improve Ky. 16 at Mills Road. He also stated that while it is true that 95% of the people want single family homes, but on 1-acre lots. He stated the average adjacent property is 4-16 acres. He stated putting in this development would be as appropriate as putting in a WalMart in Ft. Wright.

Ms. Hart addressed the Commission and stated she recently moved to the area in December. She stated she didn't even know this development was being proposed until last night. She stated the roads cannot handle the traffic and that the school is nearly full now. She stated that adding additional homes would make it even worse.

Ms. Tomlin addressed the Commission and stated the traffic when the park lets out is lined up and you can't get out. She stated her kids don't play at the park because you have to pay a fee or be on a team to play there. She stated it is mainly parking lots and stated the walking trails are beautiful but are only for

walking, not bike riding. He stated she would not let her child on the trails alone. He stated she spoke to the Ryland Heights principal and she stated there is room for additional students - if they do away with the art room, the special reading room, etc. She stated she does not have sewage lines from the city and further noted that she basically agrees with others in opposition.

Mr. Wilson addressed the Commission and stated his primary concern is infrastructure not being in place or being at least 5 years off. He stated Marshall Road is not the kind of road you want a lot more traffic on. He stated maybe some of the infrastructure should be put in and then worry about the homes.

Ms. King addressed the Commission and stated if this is passed then the previous zone change for Independence needs to be passed as well because all the additional people will need a place to shop.

Mr. Butler stated in rebuttal that the project is on the conservative end. He stated the flooding is not an everyday event. He stated they recognize the turn on Mills Road and that's why they are recommending a 3-way stop. He stated that storm water will be retained on the property with three lakes. He also noted that current flooding is being caused by a much larger area up stream. He stated there will be a substantial amount of green space to hold the water.

Mr. Berling noted in rebuttal that the project roadway was designed so it exits at the new point of Marshall. He stated they tried to keep the traffic at the upper end of the development. He stated the pump stations will go into low spots and will not be on anyone else's property. He further noted that they will be concealed and be below grade. He stated the pumps will be at two different low spots on the property. He additionally stated they will not run a sewer line through walnut trees and that they will preserve as many trees as possible. He stated they go out of their way to save trees. Mr. Berling further noted that he contacted the Board at Ryland Heights School and they stated that enrollment is low and that they can handle the children from the new development.

Ms. Carlin asked about the price range and style of the homes. Mr. Berling stated they build the homes but the lots are comparable to Arlinghaus and they sell for \$30,000 a piece per lot. He stated you wouldn't want to build a cheap house on that kind of a lot. Mr. Hilgefurd stated the comprehensive plan approved just months ago had many issues that were struggled with and one of them was the urban service line. He stated what's in the urban service area is more likely to be developed than not. He additionally stated that of all development presented, this development is pretty nice. Mr. Price noted his perception is that the roads will only be improved when it is a problem. Mr. Hadley stated this project is also a five-year project and he is sure there will be improvements in that time. Following the discussion on the matter, Mr. Hilgefurd motioned to approve based on the fact it is in compliance with the comprehensive plan. Mr. Wessels seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Wessels, Mr. Bertram, Mr. Coates, Mr. Cook, Mr. Gaiser, Mr. Hadley, Mr. Meyer, Mr. Smith, Mr. Sucher, Mr. Swanson and Mr. Price in favor. Ms. Carlin and Mr. Dorsey voted against. Mr. Theissen withdrew as previously noted. The motion carried by a vote of 12-2-1.

15562R
APPLICANT: Cartec Engineering, per E. J. Foltz and Trademark Holdings, LLC, per Mr. Mark Hendy,

on behalf of Mr. Bernard Huber.

GENERAL LOCATION: An approximate 3.6-acre area located at the northwest corner of the intersection of Crest Avenue with Beechwood Road, Crescent Springs.

REQUEST TO BE REVIEWED: Review of a proposed Stage I Development Plan, for the area described herein, which is currently zoned MLU (Mixed Land Use).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION - CRESCENT SPRINGS ZONING ORDINANCE:

To approve the proposed Stage I Development Plan, but only subject to compliance with the following conditions:

1. That landscaping, meeting the requirements of Section 9.17 of the Crescent Springs Zoning Ordinance, be provided around the proposed dumpster.
2. That fencing, meeting the requirements of Section 9.18 of the Crescent Springs Zoning Ordinance, be provided around the proposed pool.
3. That a sidewalk be constructed/extended along Beechwood Road, fronting the entire length of the site in question.

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 submitted Stage I Development Plan is consistent with the existing approved Neighborhood Concept Plan and the purpose of the MLU Zone.

The proposed land use for the site in question, as indicated on the Neighborhood Concept Plan, is office/residential.

The purpose of the Mixed Land Use (MLU) Zone is to provide for the combining of offices, hotels and motels, retail and service uses, and residential uses within a planned development.

The submitted Stage I Development Plan indicates the development of a mixture of attached single-

family residential dwellings and multi-family residential dwellings.

2. The submitted Stage I Development Plan is consistent with the type of development that is located immediately to the north of the site in question. The area located to the north of the site in question has been developed with eleven (11) multi-family residential dwelling units at a density of approximately 16.7 dwelling units per acre. The submitted Stage I Development Plan indicates the development of attached single-family residential dwellings and multi-family residential dwellings at a density of approximately 15.7 dwelling units per acre.

3. The submitted Stage I Development Plan meets the minimum requirements of the Crescent Springs Zoning ordinance, except for the following:

a. Section 9.17, G., 4. provides for landscaping regulations around dumpsters. Insufficient information has been submitted to determine compliance with this requirement.

b. Section 9.18, A., 2. requires fencing to be installed around swimming pools. Insufficient information has been submitted to determine compliance with this requirement.

c. Section 10.21, N. provides criteria items in which to evaluate development plans. Subsection N., 5. states that pedestrian circulation systems should be coordinated with those of adjacent areas. A sidewalk exists along Beechwood Road, fronting approximately half of the site in question. The submitted Stage I Development Plan does not indicate the extension of this sidewalk along the remainder of the site in question.

Mr. E.J. Foltz, Mr. Mark Hendy and Mr. John Spilley registered to speak in favor of the application. Ms. Mary Kendall, Ms. Tammy Dietz and Ms. Bula Dunagan registered to speak as neutral parties.

Mr. Foltz addressed the Commission and stated he is pretty much in favor of Staff's report and recommendations. He stated the sidewalks will be extended to Beechwood. He stated they will work with Staff on landscaping issues.

Mr. Hendy addressed the Commission and stated the development being proposed is not a lower end development. He stated they are trying to build a development that will be an asset to the community.

Mr. Spilley addressed the Commission and stated he reiterated what Staff stated regarding the topography conditions of the development. He stated he thinks it is the best use for the area and that a lot less traffic will be generated with this type of development.

Ms. Kendall addressed the Commission and stated she has no objection to the development but wanted to bring up a couple things about the road. She stated in the summer you can't see around the bend and that could create problems. She also stated that Anderson Road was improved in both directions but there is a small part near the development that hasn't been improved. Mr. Theissen stated that site

distance is not looked at at this stage in the development but it will be looked at during the next stage.

Ms. Dietz addressed the Commission and stated she is happy that it's not brick box type apartments going in and that it's town homes. He also stated she is glad the Huber house is going to be kept. Ms. Dietz further noted she like the idea of extending the sidewalk to Beechwood.

Mr. Hendy stated in rebuttal that at the right hand turn unfortunately a couple trees will have to come down to put in the sidewalks, which will then increase the site distances.

Following the brief discussion on the matter, Mr. Hadley motioned to approve based on Staff's recommendations. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Dorsey, Mr. Gaiser, Mr. Hilgeford, Mr. Meyer, Mr. Smith, 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 that Mr. Bowdy has announced his retirement effective November 15th. He further stated they will be looking into getting a new director. Mr. Theissen additionally noted that there has been a request that two commissioners sit on the committee responsible for choosing his replacement. He noted there will be more information on that in coming months.

Mr. Theissen asked for authorization to place on the agenda an amendment regarding the model zoning ordinance and the verbage of variances involving zoning codes. Mr. Price made the motion to place the matter on the next month's agenda. Mr. Dorsey seconded. All in favor, none opposed.

Mr. Theissen additionally noted with regard to cell tower issues that the PSC has been taken out of the picture and applicants can now go directly to court to appeal matters involving cell towers. He then asked for a motion to refer the matter to the by-laws committee. Mr. Wessels made the motion, seconded by Mr. Cook. All in favor, none opposed.

Mr. Theissen noted a new statute was passed on manufactured housing. He then asked that it be passed to the model zoning ordinance for review. Mr. Wessels then made the motion with Mr. Bertram giving the second. All in favor, none opposed.

Lastly, Mr. Theissen noted that as the July meeting is the 4th of July, which is a holiday the meeting

would be moved to July 11th. He then asked for authorization to change the meeting date from July 4th to July 11th. Mr. Bertram then offered the motion regarding the change in meeting date. Mr. Hadley seconded the motion. All in favor, none opposed.

Standing Committee Reports:

Mr. Theissen noted that due to the late hour the committee reports would be deferred until the next meeting.

COMMENTS/REQUESTS TO THE COMMISSION:

There being no further business to come before the Commission, the meeting adjourned at 11:20 p.m.