



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

August 7, 2003
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. Al Hadley - Elsmere
Mr. David Hilgefard - Villa Hills
Mr. Mark Hushabeck - Lakeside Park
Mr. Eugene Meyer - Covington
Mr. Phil Ryan - Park Hills
Mr. Greg Scheper - Crescent Springs*
Ms. Maura Snyder - Independence
Mr. Bernie Wessels - Ft. Wright
Mr. Paul Swanson, Secretary/Treasurer - Erlanger
Mr. Tim Theissen - Chairman - Edgewood

*arrived immediately after roll call was taken

COMMISSION MEMBERS NOT PRESENT:

Mr. Mike Denham - Bromley
Mr. Tom France - Ludlow
Mr. Joseph Price, Vice Chairman - Crestview Hills
Ms. Alex Weldon, Covington
Mr. John Wells - Ft. Mitchell

LEGAL COUNSEL PRESENT:

Mr. Dave Schneider, Esq.

Mr. Theissen, Chairman, called the meeting to order at 6:20 p.m. Mr. Theissen opened the meeting with the Pledge of Allegiance and a prayer by Mr. Phil Ryan.

APPROVAL OF THE MINUTES:

Mr. Theissen noted the minutes from July had been distributed in the Commissioner's packets and asked for any questions or comments. A motion was made by Mr. Swanson to approve and seconded by Mr. Bertram. Ms. Snyder then noted the minutes reflected her as being both present and absent. An amended motion was made by Ms. Snyder and seconded by Mr. Bertram to note that Ms. Snyder was present at the meeting. A roll vote on the matter found Ms. Snyder, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Hadley, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Mr. Cook and Mr. Hilgeford abstained. The motion carried.

FINANCIAL REPORT:

There were no questions or comments. Mr. Theissen noted the budget would be approved at next month's meeting.

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. See handout.

Mr. Theissen referred to the list of plats and plans to be approved over the course of the past month. Mr.

Bertram then noted his withdrawal from issue IDS-620 due to a conflict of interest with his employer. Mr. Hadley motioned to ratify and approve. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Hadley, Ms. Snyder, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hilgefurd, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

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.

There was no morning meeting held so no action was taken on subdivision items.

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

PUBLIC FACILITIES: None.

Prior to beginning the public hearings on scheduled items, Mr. Theissen recognized former Commissioner Jay Bayer for his dedication and commitment to having served on the Commission for twelve years. Mr. Theissen presented Mr. Bayer with a plaque in appreciation and recognition of having served on the Commission.

PUBLIC HEARINGS ON SCHEDULED ITEMS:

Mr. Swanson noted the item regarding the BRT (bus rapid transit) on the following issue was to be tabled. He stated this item was item #3 of ten items under issue 1632R to be discussed. He noted so many objections were brought by those interested parties on the issue that they felt it necessary to table the matter to explore it further. Mr. Swanson then made a motion to table that item only. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Snyder, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Hilgefurd, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Mr. Wessels and Mr. Theissen in favor. The motion carried.

1632R

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

REQUEST TO BE REVIEWED: Proposed text amendments to the Subdivision Regulations within Kenton County: (1) Street Names and Addressing; (2) Street Name Signs; (3) Street Rights of Way Widths/BRT; (4) Flag Lots; (5) Sidewalk Completion; (6) Driveways/Sidewalk Materials & Innovative Hiker/Biker Paths; (7) Cold Weather Concreting; (8) Catch Basins; (9) Design Standard/Cul-de-sacs; and (10) Storm Water (EPA Phase II Regulations/SD No. 1).

Staff presentation and Staff recommendations by Mr. Scott Hiles.

Mr. Hiles noted an amendment to attachment A to strike the words "improvement drawings and

specifications" and adding the words "final plat" in their place.

NKAPC STAFF RECOMMENDATION:

Adopt Attachments "A through J" regarding: (1) Street Names; (2) Street Signs; (3) Right-of-way widths along Bus Rapid Transit Corridors; (4) Flag Lots; (5) Sidewalk Completion Schedule; (6) Sidewalks, Alternative Pedestrian Walkways, and Driveway Materials; (7) Cold Weather Concreting; (8) Catch Basins; (9) Design Standards for cul-de-sacs; and (10) Storm Water Drainage Systems.

Comprehensive Plan Documentation:

Date of adoption by the Kenton County Planning Commission: December 18, 2001.

Bases For Recommendation:

1. The proposed amendments are consistent with the goals and objectives contained within the 2001 Area-Wide Comprehensive Plan;
2. The proposed amendments are consistent with the Kentucky Revised Statutes 100.281 which states: "Subdivision regulations shall be based on the comprehensive plan, in those counties which have adopted a comprehensive plan, and all subdivision regulations shall contain: ...

"(3) Requirements for the design of streets, blocks, lots, utilities, recreation areas, other facilities, hazardous areas, and areas subject to flooding...

"(4) Specifications for the physical improvements of streets, utilities, and other facilities, and the extent to which they shall be installed or dedicated as conditions precedent to approval of any plat..."
3. The proposed amendments address specific Subdivision Regulation text regarding design and construction issues that are currently unclear, inconsistent with acceptable engineering and construction standards, and/or are contrary to the overall health, safety and welfare of Kenton County; and
4. The proposed amendments make provisions for Storm Water Rules and Regulations adopted by Sanitation District No.1 to ensure that the Kenton County Subdivision Regulations do not contain unnecessary and duplicitous text.

Mr. Ray Erpenbeck, Mr. Pat Hughes and Mr. Bill Goetz registered to speak on the issue.

Mr. Erpenbeck addressed the Commission regarding the issue on behalf of the Homebuilders Association. He thanked the Commission and Mr. Paul Swanson and his committee for a job well done. He stated he just had a few comments regarding the issue. He noted that the six-month time period for completing sidewalks was an awful short amount of time. He also noted they felt that one year is a more practical standard with regard to street signage and that one standard should be used. As to the hiker/

biker paths he noted that asphalt is a much better and safer biking surface. He stated they felt that asphalt should be permitted in this instance. He further stated if it were permitted you would see more of them going in subdivisions. He additionally noted that asphalt paths hold up very well over time. Mr. Erpenbeck then suggested it might be an issue to be looked into further by Mr. Swanson's committee, but that it would be a benefit. He then reiterated and recommended strongly the six month time requirement on sidewalk completion be modified to a year.

Mr. Goetz addressed the Commission on the matter and stated he was just present to lend support of the adoption of the amendments. He stated he would encourage Staff to look further into the street signage issue and even improve on it.

Mr. Theissen then reviewed the two recommended modifications discussed as follows: with regard to attachment A, Section 6.0, G., 4, fourth line, deleting the words "improvement drawings and specifications" and inserting the words "final plat."; with regard to attachment E, Section 7.16, A, the second last line in the entry changing "6 months" to "12 months." Mr. Swanson then motioned to adopt the text amendments as well as the two changes as noted. Mr. Wessels seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Wessels, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Hilgeford, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder and Mr. Theissen in favor. The motion carried unanimously.

1634R

APPLICANT: City of Independence, per Mayor Chris Moriconi

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: Proposed text amendments to the Independence Zoning Ordinance adding outdoor dining in connection with a restaurant, subject to certain restrictions, as a conditional use in the NC (Neighborhood Commercial) Zone and the NSC (Neighborhood Shopping Center) Zone.

Staff presentation and Staff recommendations by Mr. Michael Schwartz. Following Staff's presentation Mr. Theissen recommended adding an additional information comment that the city review their definition of a restaurant.

NKAPC STAFF RECOMMENDATION:

To approve the proposed text amendments adding outdoor dining in connection with a restaurant, subject to certain restrictions, but only subject to the condition that this use be added as a permitted use in the in the NC (Neighborhood Commercial) Zone and the NSC (Neighborhood Shopping Center) Zone.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendations:

1. The proposed text amendments, except as identified under one condition, are allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.202(1) (see Attachments A and B).
2. The proposed text amendment adding outdoor dining facilities, in connection with a restaurant, as a conditional use in the NC (Neighborhood Commercial) Zone and NSC (Neighborhood Shopping Center) Zone is not consistent with the definition of a conditional use, as interpreted by the NKAPC staff. Kentucky Revised Statute (KRS) 100.111 (6) defines 'Conditional Use' as follows:

"Conditional Use means a use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation."

The NKAPC staff has interpreted this definition to include public and semi-public uses, such as schools, hospitals, day care center, and recreational facilities. Outdoor dining is commercial in nature and would be generally compatible with other permitted uses in the NC and NSC Zones. Furthermore, development controls for the NC and NSC Zones provide controls to address situations where such uses may be incompatible with adjoining land uses within other zones (i.e. no lighting which would glare into any residential zone, no use producing objectionable noise or odors, and the requirement for screening and landscaping).

3. The recommendation that outdoor dining, in connection with a restaurant, be added as a permitted use within the NC and NSC Zones rather than as a conditional use is consistent with previous recommendations by the NKAPC staff. On May 2, 1997, the City of Fort Mitchell, per Mr. William H. Goetz, CAO, submitted an application for NKAPC and KCPC review and recommendation on a proposed text amendment to the Fort Mitchell Zoning Ordinance, changing the conditional uses of the NC zone to include outdoor dining in connection with a restaurant, subject to certain restrictions (Z-97-05-01/1307R). On May 30, 1997, the NKAPC staff recommended approval of the proposed text amendment subject to the condition that outdoor dining be added as a permitted use rather than a conditional use.

Mr. David Lea, President of Millco Investment Group, addressed the Commission regarding the issue. He stated the issue came up a few months back when they were discussing putting outdoor seating at their Pasquales restaurant. He stated at that time it was discovered there were no guidelines specifically for outdoor seating. He stated their goal and objective is to operate the restaurant with an outdoor dining area and down the road to possibly construct an outdoor patio area for dining.

Mr. Hadley stated he disagrees with the permanent use and stated with the conditional use the city could control it better. Mr. Meyer agreed and stated he feels the city should have more control and that it

should be a conditional use. Following the brief discussion on the matter, Mr. Hilgefurd made a motion to approve with an additional information comment that the city needs to examine their definition of restaurant. Mr. Hushebeck seconded the motion. Mr. Schwartz then suggested a basis for the motion that the activity as a conditional use would allow the proper integration of such an activity into a given area. Mr. Hilgefurd and Mr. Hushebeck then both agreed to adopt the statement as part of their basis for the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Hushebeck, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried unanimously.

1635R

APPLICANT: Hub & Weber, P.S.C., per Mr. Eugene R Weber, on behalf of Mr. Howard Adams.

GENERAL LOCATION: An approximate 0.6-acre area located at the southeast corner of Johnson Street and Fifth Street, Covington.

REQUEST TO BE REVIEWED: A proposed map amendment to the City of Covington Zoning Ordinance, changing the area described herein, from R-3 (HP) (a low density residential zone with and historic preservation overlay zone) to HC-1 (HP) (highway commercial one zone, with an historic preservation overlay zone), including the review and action on a conditional use permit for the existing service station, as permitted by the Covington Zoning Ordinance.

*Mr. Coates withdrew due to a conflict of interest with his employer.

Staff presentation by Ms. Larisa Hughes.

NKAPC STAFF RECOMMENDATION:

To disapprove the proposed map amendment from R-3 (HP) to HC-1 (HP) and the conditional use permit for the service/fueling station.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendation:

1. The proposed map amendment from R-3 (HP) to HC-1 (HP) is not 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 14.1 to 30.0 dwelling units per net acre. The proposed HC-1 (HP) Zone would allow for the development of a variety of commercial uses including restaurants, banks, hotels, convention centers, and specialty retail sales, and would also permit a service/filling station as a conditional use.

2. The proposed HC-1 Zone permits a variety of commercial uses including restaurants, banks, hotels, convention centers, and specialty retail sales. Conditional uses within this zone include service stations and filling stations with food sales, automobile, motorcycle, and truck sales and service facilities, and boat and other marine equipment sales and service. The existing R-3 zone permits one, two and multiple family residential development at a maximum density of approximately 20 dwelling units per net acre. Therefore, the existing zoning is appropriate and the proposed zoning is inappropriate.
3. There have been no major changes of an economic, physical, or social nature within the vicinity of the site in question that were not anticipated by the 2001 Area-Wide Comprehensive Plan Update.
4. Section 158.190 (F) of the City of Covington Zoning Ordinance states: "The zoning map shall not be amended, changed, or modified in such a manner as to create a free-standing zone of less than one (1) acre...For the purpose of computing the total size of an area to be rezoned for compliance herewith, there shall be added to such area: the area of public rights-of-way interior to the area being changed; one-half the area of public rights-of-way abutting the area being changed; and the area of any land which is contiguous to the area being changed...which already bears the zoning classification sought or the area being changed". Contiguous implies that the property must have contact on all or most of one side. The site in question is adjacent to an existing HC-1 Zone only at a point at the center of the intersection. It is the opinion of the NKAPC staff that the site in question is not contiguous to an existing HC-1 zone and therefore does not meet the minimum size requirement of freestanding zones, as set forth in the City of Covington Zoning Ordinance.
5. The list of conditional uses with the R-3 Zone includes general essential services, parking areas, nursery schools, religious uses, education uses, municipal uses, bed and breakfasts, orphanages, youth shelters, funeral homes, and institutions for human medical care. Since service/filling stations are not listed as a conditional use within the R-3 Zone, the request for a conditional use is not allowed.

Additional Information:

The City of Covington is currently going through a zoning ordinance update. The site in question is one of several areas that are being specifically focused on by the City. Therefore, the proposed zone change from R-3 (HP) to HC-1 (HP) is premature.

Mr. Dan Rich, Ms. Betty Schulz and Mr. Howard Adams registered to speak in favor of the issue. Mr. Cid Camuf, Ms. Anne Mitchell, Ms. Cooper Ambjorn-Olsen, Ms. Caroline Parker, Mr. Victor Canfield, Ms. Sue Hodge and Mr. Howard Hodge registered to speak against.

Mr. Rich of Hub & Weber addressed the Commission and stated the applicant came to them saying their office was too small. He stated two people were sharing a 6 x 8 office space. He stated in order to make the improvements they would need a zone change. He stated the owner basically just wants to expand their office space. He stated they do not want to move or expand their business. He further stated the site across the street used to be a gas station and now it is a cigar shop. He additionally stated the applicant is

looking to upgrade their property.

Ms. Schulz addressed the Commission and stated she has worked for Mr. Adams for the past 37 years. She stated BP has asked them to upgrade their facility to what BP's image is. She noted that last year their location did 3.7 million dollars in business, with some of that due to lottery sales. She also noted they are #1 in the region, the #1 independent in the state of Kentucky. She stated they have 11-12 employees. She stated her concern was that there is not even a secure place to count money in the facility or anywhere to store anything. She stated the office is too small and they need to expand their space. She further noted they don't intend to go anywhere; they just want to have room to expand their office and have a secure area for counting money.

Ms. Cid Camuf addressed the Commission as a resident of the area against the issue. She asked if there was any way to internally re-do the space to provide for a safe and secure place.

Ms. Anne Mitchell addressed the Commission against the issue and stated she does not patronize the BP because of the way the property is kept up. She stated she needs a reason to pull weeds as they are suggesting.

Ms. Ambjorn-Olsen addressed the Commission against the issue and stated she realizes they intend to stay there but if the Adams wins a lottery and decides to move then where would the neighborhood be left then. She stated the need is really not an appropriate use for the building.

Ms. Caroline Parker addressed the Commission against the issue and stated she lives across from the property. She stated she has been in the BP and realizes the office is very small. She stated she sympathizes but does not agree with what they are asking.

Ms. Sue Hodge addressed the Commission against the issue and stated she has lived in the area since 1976. She stated when the Powerball is big, Cincinnati empties out and comes across the river. She stated the property owner hasn't trimmed the bushes or taken care of the property. She further stated he was out trimming the bushes at 3 p.m. the day of the meeting to try to clean up the property. She further noted she doesn't feel he has been a good neighbor and doesn't feel or see the point in rewarding him.

Mr. Howard Hodge addressed the Commission against the issue and stated Mr. Adams use is primarily a lottery business. He stated there has been a succession of highway commercial uses that have failed over the years in the area. He stated that changing the area would obviously change the spectrum of the neighborhood. He further noted the one corner that has been highway commercial has been a problem ever since.

Ms. Schulz stated in rebuttal that if area residents do not frequent the store then how do they know if they need to expand or not. She also stated that maybe if the neighbors did frequent the business then maybe they would be made to feel more a part of the neighborhood and take care of the lot better. She stated they would like to have a more secure area to count money. She also noted the applicant does not

care about the zone change; they just want to expand their office and to do so they need the zone change. She further stated she doesn't mind cleaning up the property but the neighbors could frequent the business.

Following a discussion on the matter, Mr. Hadley motioned to disapprove. Mr. Hilgefurd seconded the motion. Mr. Scheper then asked how long there has been an historic overlay zone over a highway commercial zone. Ms. Hughes stated she did not know and Ms. Duganier did not know. Mr. Wessels then stated the construction of the building does not fit into an historic overlay zone and brick aspect of the area. Mr. Wessels questioned having an additional information comment regarding the conditional use. The motion was then amended to also disapprove the request for a conditional use permit because it is not in compliance with the historic preservation overlay zone. Mr. Scheper stated his concern is that they will have to go before the Urban Renewal Committee of the city and therefore the concerns with the conditional use would be addressed there. He stated his concerns are that in denying the conditional use the Commission is basically then tying the hands of the city and putting the applicant back a year, and he's not sure the Commission wants to do that. Following the discussion on the matter, the motion was then reviewed by Mr. Theissen. Mr. Theissen then asked the applicant if they would like to withdraw the application based on the discussion. Upon conferring on the matter, the applicant then decided to withdraw the issue entirely. Mr. Theissen then stated the matter would then be withdrawn and the applicant would have the opportunity to come back before the Commission with a new application at a later date. As the matter was withdrawn, no vote was taken or heard on the matter.

*Mr. Theissen noted his withdrawal from the following issue due to a conflict of interest with his employer. Mr. Swanson then presided over the issue in his absence.

1636R

APPLICANT: Land Development Consultants, LLC., per Mr. Jeff Talkers on behalf of Eason Properties, LLC.

GENERAL LOCATION: An approximate 4-acre area located at the terminus of Helen Ruth Drive, approximately 700 feet west of Old Madison Pike, Fort Wright.

REQUEST TO BE REVIEWED: Review of a proposed State I Development Plan, for the area described herein, which is currently zoned IP.

Staff presentation by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

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

1. That the development plan be revised to meet the minimum requirements of the Fort Wright Zoning Ordinance.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendation:

1. The submitted Stage I Development Plan is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question as PRDA (Physically Restrictive Development Area) and Industrial uses.

Areas designated as PRDA are not intended to imply that such areas should not be developed, but rather that most of these areas should remain undeveloped and thus would become an integral part of the natural open landscape of Northern Kentucky. Where development is proposed in such areas, this land use category should alert developers and regulating bodies to potential problems which must be solved prior to any construction. Any development of areas designated PRDA should be a type of land use that is compatible with the recommended land use of adjacent properties, unless sound bases can be shown for other use types. It is further recommended that these areas be adequately controlled through local land use regulations.

The submitted development plan indicates the construction of a 1-story office building.

2. The submitted Stage I Development Plan meets the minimum requirements of the Fort Wright Zoning Ordinance, except for the following:

a. Section 10.24, H., 4., states that no lighting shall be permitted which would glare from any use located within the IP Zone onto any street or into any adjacent property. Insufficient information has been submitted to determine compliance with this requirement.

b. Section 10.24, H., 5., requires that screening and landscaping be provided, as regulated by Section 9.17. Insufficient information has been submitted to determine compliance with this requirement.

c. Section 10.24, E., 4., states a maximum building height of forty (40) feet. Insufficient information has been submitted to determine compliance with this requirement.

d. Section 10.24, I., 2., provides for criteria pertaining to traffic circulation, the amount of traffic generated by proposed developments, and the ability of the existing and proposed street system to adequately, efficiently, and safely handle the anticipated traffic. Insufficient information has been submitted to determine compliance with this requirement.

e. Section 14.6, D., outlines the size and type of signs which are permitted in the IP Zone. Insufficient information has been submitted to determine compliance with this requirement.

Mr. Jeff Talkers, Mr. Jim Eason, Ms. Valerie Eason and Mr. Tim Lott registered to speak in favor of the issue. There were none opposed.

Mr. Talkers addressed the Commission and stated the lighting and landscaping issues will be taken care of in the Stage II Plan. He also stated that storm water issues would be addressed in the Stage II Plan as well.

Mr. Eason addressed the Commission and stated their business is a horticulture business that sells products to greenhouses and commercial landscapers. He stated they are strictly a broker with paper handling only. He further stated that no products are distributed or handled. Mr. Eason stated they want to model the building after the Applebee's restaurant in the area and make it look as nice as possible since they are in the horticulture business. He then submitted photographs of the building it is to be modeled after. Mr. Wessels then made a motion to approve based on Staff's recommendations and report. Mr. Hadley seconded the motion. A roll call vote on the issue found Mr. Wessels, Mr. Hadley, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hilgefurd, Mr. Hushebeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder and Mr. Swanson in favor. Mr. Theissen abstained. The motion carried. The photographs were marked as exhibits 1, 2 and 3 to be made a part of the record.

OLD BUSINESS: None.

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

COMMISSION ITEMS:

Standing Committee Reports:

Subdivision Regulations Review Committee:

Mr. Theissen noted a memo was distributed to all Commissioners from Mr. Gordon regarding items to be reviewed at the next subdivision review committee meeting. He stated the next meeting would be held on October 7 (there will be no meeting in September). Mr. Swanson stated they would welcome any new members to the committee. He stated anyone interested in volunteering on the subdivision review committee is welcome.

By-Laws:

Nothing to report.

Model Zoning Ordinance:

Mr. Wessels stated they have a final draft for news rack regulations in place. He stated a copy would be sent out to news distributors for input. He stated there would be no meeting in September. The next meeting will be held October 1st at 12 noon.

COMMENTS/REQUESTS TO THE COMMISSION:

Mr. Theissen noted that Mr. Price has been sick and that he had knee replacement surgery recently. He noted that while in the hospital he had suffered an embolism. Mr. Theissen wished Mr. Price well. He also noted that Donna Bresser, the receptionist for the planning commission, had suffered a diabetic attack and was currently in the hospital. Both are wished a speedy recovery.

Mr. Wessels addressed the Green Umbrella topic that was brought up at last month's meeting. He stated he has concerns with joining because when they present issues they present it as representing the Commission. He stated he feels it is important to remain a neutral party. Mr. Swanson agreed with Mr. Wessels and reiterated those same concerns. Mr. Theissen also joined the sentiments expressed and stated the Commission needs to remain neutral on matters. It was then decided that the Commission would not join the Green Umbrella organization.

There being no further business to come before the Commission, the meeting was adjourned at 9:10 p.m. None opposed.