



## KC&MP&ZC MINUTES

---

### KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

May 6, 2004  
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. Paul Darpel - Edgewood  
Mr. Chuck Eilerman - Covington  
Mr. Tom France - Ludlow  
Mr. Al Hadley - Elsmere  
Mr. David Hilgeford - Villa Hills  
\*Mr. Mark Hushabeck - Lakeside Park  
Mr. Phil Ryan - Park Hills  
Mr. Greg Scheper - Crescent Springs  
Ms. Maura Snyder - Independence  
Ms. Alex Weldon - Covington  
Mr. John Wells - Ft. Mitchell  
Mr. Bernie Wessels - Ft. Wright  
Mr. Paul Swanson, Secretary/Treasurer - Erlanger

Mr. Joseph Price, Vice Chairman - Crestview Hills

\*arrived at 9:10 p.m.

COMMISSION MEMBERS NOT PRESENT:

Mr. James Cook - Kenton County

Mr. Mike Denham - Bromley

LEGAL COUNSEL PRESENT:

Mr. David Schneider, Esq.

Mr. Price called the meeting to order at 6:15 p.m. Mr. Price opened the meeting with the Pledge of Allegiance and a prayer by Mr. Phil Ryan.

APPROVAL OF THE MINUTES:

Mr. Price asked for any questions or comments with regard to evening minutes from April. There being none, Mr. Wessels made the motion to approve the minutes. Ms. Snyder seconded the motion. All in favor. None opposed.

FINANCIAL REPORT:

There were no questions or comments with regard to the financial report. A motion was made by Mr. Swanson to accept the report. Mr. Hadley seconded the motion. All in favor. None opposed.

SUBDIVISION ITEMS:

Mr. Bertram noted his withdrawal from voting and consideration with regard to I-4117, I-4118, I-4130, I-4134, I-4135 and I-4149 due a conflict of interest with his employer. Mr. Scheper noted his withdrawal from voting and consideration on item 1672R due to a conflict of interest with his employer. A motion was then made by Mr. Bertram to ratify and approve the actions of Staff since the last regularly scheduled meeting. Ms. Snyder seconded the motion. All in favor. None opposed.

PUBLIC HEARINGS:

1666R

APPLICANT: Corporex, per Steven J. Massicot, Director, on behalf of Transpark, Inc. and William P. Butler.

GENERAL LOCATION: An approximate 1.04-acre area located at the southeast corner of East RiverCenter Boulevard and Scott Street, Covington.

**REQUEST TO BE REVIEWED:** A proposed map amendment to the Covington Zoning Ordinance, changing the area described herein, from GC (General Commercial Zone) to CBD (Central Business District Zone), including the review and action on setback variances, as permitted by the Covington Zoning Ordinance.

Staff presentation and Staff recommendations by Ms. Larisa Keith.

**NKAPC STAFF RECOMMENDATION:**

**Recommendation A:**

To approve the proposed map amendment for the area described herein, from GC to CBD, but only subject to compliance with the following conditions:

1. That the development plan be revised to meet the minimum requirements of the Covington Zoning Ordinance, in regard to fences, walls, and signs.

**Recommendation B:**

To approve the requested variances.

**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:**

**Recommendation A:**

1. The proposed map amendment from GC to CBD is generally consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question for Commercial Office uses and Recreation and Open Space. The proposed CBD Zone permits a variety of commercial uses including office, retail/service and institutional uses, as well as multi family dwelling units with a maximum density of approximately 87 dwelling units per net acre. Both the existing GC and CBD Zones permit office development, as well as several uses other than offices.

2. The proposed map amendment from GC to CBD is generally consistent with the Land Use Element of the 2001 Area-Wide Comprehensive Plan Update, which incorporates several special studies and Chapter 99 Development Plans. The common themes of these studies focus on the highest and best use of land, as well as specific design elements taking into consideration the opportunities of the site as a

gateway feature, ensuring that the scale of development will compliment the scenic views and context of the surrounding areas, while maintaining a public space attractive to pedestrians.

The two most recent studies identify two clear recommendations for development in the area including the site in question. The first of which is meeting the market needs and locating the highest and best land uses on the property. According to the Market Study Analysis for the Renaissance Kentucky Project Area (February 2001) that focused on an area just south of the site in question, recommendations included the following: 1) that the best use for ground level space in the project area was retail; 2) that upper level space should focus on uses other than retail; 4) that current existing office space is excessive based on demand; 5) that the best use for the majority of upper-level space in the project area is residential. The findings in this study support the uses in the proposed development plan and further support uses permitted both within the GC and CBD Zones.

The Downtown Covington Core Planning Initiative (July 2001) identifies the Roebling Suspension Bridge "Yoke" area as an important compliment to the scale and massing of RiverCenter and the buildings along the west side of Scott Boulevard. The construction of the mid-rise Roebling Row apartments provides an appropriate scale and architectural character to complete the eastern boundary. This general area including the site in question is identified in the Urban Analysis Diagram for Civic Quality Greenspace and as a Scenic View Corridor and Gateway. Further, the area of the Roebling Suspension Bridge and Scott Boulevard was identified as an area for gateway opportunities. Specifically, that consideration should be given to recapturing green space and the former catering office and Coach and Four-restaurant site at the east and west sides of the bridge approach. Given the findings in this study, it is important that any development that takes place in the area must give proper homage to design elements key in public space planning. These include landscaping, building scale and magnitude, pedestrian facilities, safety, and aesthetics, such as those present in the scenic view of the Roebling Bridge area. The revised development plan includes specifics in regard to additional landscaping that is proposed along the southern portion of the site in question. Additionally, it identifies an outdoor plaza above the proposed parking garage facility, and pedestrian entrance to the retail businesses from the northwest corner of the site, along both Scott Street and RiverCenter Boulevard.

3. The proposed development plan meets the minimum requirements of the Covington Zoning Ordinance and the approved Chapter 99 Central Covington Development plan with the exception of the following:

a. Space and height standards, including setbacks, are set forth in the Covington Zoning Ordinance within the CBD Zone and the Central Covington Development Plan. The applicant has requested a variance for setback requirements.

b. Section 158.118 (K) and (W) of the Covington Zoning Ordinance set forth regulations for off street parking requirements. Multi family dwellings are required to have one and one half parking spaces per dwelling unit and retail and personal service stores are required to have 5.5 spaces per 1,000 square feet of gross leasable area. Based on the 9,500 square feet of retail area and 72 residential dwelling units

proposed on the submitted development plan, 161 spaces are required. However, Section 158.115 (B) states that exceptions may be made for projects occurring within the Central Covington Development Plan, where the city has acquired the property and has contractual agreement for redevelopment with a preferred developer. In these cases the number of spaces required shall be equal to the number of spaces provided in the approved redevelopment plan. The submitted development plan identifies that 146 spaces are planned. It is the opinion of staff that this is sufficient parking for the proposed residential units and the majority of the retail space. Any overflow has opportunity for parking at the parking garage or parking lot immediately adjacent to the site in question.

c. Section 158.139 of the Covington Zoning Ordinance sets forth regulations for fences and walls. Insufficient information has been submitted to determine compliance with these regulations.

d. Section 158.151 of the Covington Zoning Ordinance sets forth regulations pertaining to signs. Insufficient information has been submitted to determine compliance with these regulations.

#### Recommendation B:

1. KRS Chapter 100.203 (5) and Section 158.190 (G) of the Covington Zoning Ordinance empowers the planning commission, when requested by the applicant, to hear and finally decide applications for variances when a proposed development plan requires a map amendment and one (1) or more variances.

Before any variance(s) is granted, the planning commission, per Section 158.206 (4) of the Covington Zoning Ordinance, must find that the granting of the variance(s) will not adversely affect the public health, safety, or welfare, will not alter the essential character of the area, will not cause a hazard or nuisance, and will not allow an unreasonable circumvention of the zoning regulations. In making these findings the planning commission shall consider the following:

a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.

b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

2. The applicant has requested the following variances:

Submitted Development Plan CBD Zone, per Covington Zoning Ordinance Central Covington Development Plan

Maximum Building Height 17 stories (above grade at tower front entrance) None None

Minimum side yards Zero (along RiverCenter Boulevard) 10 feet (along Roebling Yoke) 1 ½ feet per

floor for residential structures 15 feet

Minimum front yard Zero Zero 25 feet

Minimum rear yard Zero Zero 25 feet

Minimum lot coverage Insufficient information None 80% for non-office use: where entire floor is non-office but parking lot coverage

3. The proposed development plan incorporates innovative building design that does not include one continuous wall face along the northern or western portion of the site in question, along Scott Street and RiverCenter Boulevard. While the proposed variance includes a zero setback, in actuality, the proposed development plan identifies only two small portions along the northern property boundary where the setback would actually be zero. The proposed plaza is approximately eight feet from the property line at its closest point and is only approximately two stories above grade. The portion of the development that will be closest to the property line includes the proposed retail uses along Scott Street and RiverCenter Boulevard. It is important, in this area, to maintain pedestrian elements of design that include window front shopping, which would not be practical with a large setback. Therefore the proposed zero front and side yard setbacks along Scott Street and RiverCenter Boulevard are not an unreasonable circumvention of the zoning ordinance or Central Covington Development Plan development controls.

4. The area adjacent to the south of the site in question consists of landscaped right of way and street system that that places the nearest adjacent property line approximately 150 feet away. The area adjacent to the east of the site in question consists of landscaped right of way and street system that that places the nearest adjacent property line approximately 80 feet away. The submitted development plan identifies a proposed side yard setback of ten (10) feet to the south and a zero rear yard setback to the west. The proposed side yard setback includes a ten (10) feet landscape buffer. The proposed pool deck is proposed to be approximately two stories above grade, and the proposed tower is approximately sixty-two (62) feet from the southern property line. These circumstances are unique to the site and therefore the requested variance is not an unreasonable circumvention of the zoning ordinance or Central Covington Development Plan development controls.

5. Additionally, the site in question is surrounded by streets on all sides. The majority of the surrounding properties are bounded at least on one side by additionally buildings and not right of way or open space. Therefore, the requested variance arises from special circumstances that do not generally apply to land in the general vicinity.

6. The strict application of setbacks for the site in question would deprive the applicant of reasonable use of the land and likely not lead to improvements as proposed. If the site in question is allowed to be improved, it could lead to other improvements to existing conditions within the area.

7. Granting the requested variances will not adversely affect the public health, safety, or welfare, will not alter the essential character of the area, will not cause a hazard or nuisance, and will not have a significant negative impact on adjacent properties.

Mr. Steve Massico and Mr. Martin Butler registered to speak in favor of the issue. No one registered to speak against.

Mr. Butler addressed the Commission and stated that Staff did an excellent job in presenting the proposal. He then distributed a packet of information with regard to the application.

Mr. Massico addressed the Commission and stated the project is a multi-story condo retail project. He stated the plaza area is at the equivalent level of a two-story building. He stated there will be landscaping in that area as well. He further noted the majority of the frontage is low-rise structure. He stated they are proposing to set back ten feet and as the building curves it will increase. He also noted the entrance to the residential portion is set back from the street to allow for drop off. He additionally stated there are almost four parking levels. Mr. Massico further noted the retail for a restaurant is included so there will be activity in the plaza area. He further noted there were three architectural firms competing for the design that would make a statement. He stated every unit is proposed to have balconies. He also noted that retail does not work if it's pushed back twenty-five feet from the street. Mr. Massico noted there will be assigned parking for the residents. Mr. Martin then stated the zone change is pretty clear and it is by a request of the city. He further noted the driving force is for more density to increase the residential. Mr. Martin also noted he feels the parking will be more than adequate with the two spaces per unit as proposed. He additionally stated the intent of the design is to take advantage of the views both towards Cincinnati and back over Covington. The packet of information submitted was marked as an Exhibit to be made a part of the record on the matter.

Following a brief discussion on the matter, Ms. Weldon made the motion to approve the map amendment based on Staff's recommendations and report. Mr. Eilerman seconded the motion. A roll call vote on the motion found Ms. Weldon, Mr. Eilerman, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Denham, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Hushebeck, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Swanson, Mr. Price in favor. The motion carried unanimously.

1667R

APPLICANT: City of Covington, per Ms. Annalee Duganier.

GENERAL LOCATION: Along the eastern side of Eastern Avenue to the Licking River, and between the CSX Railroad track to the east-west alley south of East 16th Street, and along the right-of-way of Oakland Avenue from the alley south of East 16th Street to Delmar Place, including 510, 602, to 6,12 Thomas Street and 516 East 18th Street, Covington.

REQUEST TO BE REVIEWED: Review of the proposed Austinburg Special Redevelopment Area Development Plan, a Chapter 99 Plan (KRS 99.020).

Staff presentation and Staff recommendations by Ms. Larisa Keith.

NKAPC RECOMMENDATION:

The Austinburg Special Redevelopment Area Development Plan is generally consistent with the 2001 Area-Wide Comprehensive Plan Update.

## 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 general objectives of the submitted Austinburg Special Redevelopment Area Development Plan are to: a) Reduce criminal activity; b) Increase percent of homeownership; c) Create and maintain neighborhood association; d) Promote Madison Avenue as North/South route; e) Work with investment property owners on maintaining value; f) Remove blighting influences from the neighborhood; g) Work with City staff to ensure code enforcement; h) Ensure that City commits to supporting only parks and recreational uses for the east side of floodwall and develop long-term plan for land uses; and i) Recognize the value of neighborhood, schools, churches and hospitals. These objectives are consistent with the Goals and Objectives Element of the 2001 Area-Wide Comprehensive Plan Update.

2. The Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update identifies the Austinburg Special Redevelopment Area for Residential Development at a density ranging from 7.1 to 14.0 dwelling units per net acre and Recreation and Open Space. The following potential amendments to the City of Covington Zoning Ordinance within the Austinburg Special Redevelopment Plan would be generally in conformance with these land use designations: a) an extension of the existing Recreation and Open Space (ROS) zone southward to include the existing Austinburg Park, and westward to include the parcels at 410 and 408 East 15th Street, to accommodate expansion of park land; and b) amending the Conservation Zone (CO) to restrict agriculture.

Potential amendments for residential development within the Austinburg Special Redevelopment Area Development Plan include the creation of a new zone to replace the Residential One-G (R1-G) that will allow for single family residential lot sizes smaller than 5,000 square feet, but large enough to be able to provide off-street parking for each residence. Residential lot sizes ranging from approximately 3,000 to 6,500 square feet would be generally consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update.

The Austinburg Special Redevelopment Area Development Plan identifies an additional potential amendment to the Covington Zoning Ordinance for the properties on Eastern Avenue between Oliver and East 17th Streets. The potential amendment includes changing the area from the existing R-1G Zone to a zone that accommodates small-scale neighborhood retail. There are currently several nonconforming uses within this area. While this potential map amendment may not be consistent with the Recommended Land Use Map, which identifies the area for Residential Development at a density ranging from 7.1 to 14.0, it is consistent with the following Goals and Objectives of the 2001 Area-Wide Comprehensive Plan Update:

"To locate and design centers providing goods and services so as to maximize consumer safety and convenience while minimizing any adverse environmental effects.

Centers providing goods and services should be conveniently accessible to the population. Different types of centers should be provided which serve the unique needs and desires of different types of consumers - examples are as follows: centers oriented to service immediately surrounding residents with daily convenience needs... In all cases, design of new or redeveloped facilities, providing goods and services, should contain adequate off-street parking facilities, reasonable control of ingress and egress, landscaping, reasonable separation of vehicular and pedestrian traffic, etc. Such centers should be located and designed so as to minimize any adverse environmental effects."

The Austinburg Special Redevelopment Area Development Plan further notes that Comprehensive Plan amendments coinciding with the potential zoning map amendments will be proposed during the next Update, to be adopted in 2006, and that details for the potential map amendments will be determined during the course of the City's Zoning Ordinance rewrite.

3. The Austinburg Special Redevelopment Area Development Plan identifies structures of historical significance and the importance of design guidelines for infill housing to make sure new development is conducted properly to enhance the historic character of the neighborhood. This concept is consistent with the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update.

4. The Austinburg Special Redevelopment Area Development Plan appears to meet the requirements as set forth in Kentucky Revised Statute Chapter 99.

Ms. Duganier registered to speak in favor of the issue. Mr. Michael Smith, Ms. Jean Falk, Ms. Beth Morgan, Mr. Gailen Bridges and Ms. June Hedger registered to speak against.

Mr. Smith addressed the Commission and stated he represents three family members who have property in the area. He encouraged the Commission to consider the rezoning for the area. He stated there has been an increase in urban blight in the last twenty years. He further noted it is good house stock in the area. He also noted he has been involved in several public hearings on the matter and is asking the Commission to support the neighborhood. Mr. Smith also added he felt the neighborhood could be brought back.

Ms. Falk addressed the Commission and stated she owns property in the area proposed. She stated she has been to four meetings on the issue and was told she did not have to worry but has since her address in the paper as one that would be affected. She asked for a variance or something because there is no blight in the area of her property. She then distributed a handout of her property which was marked as an exhibit to be made a part of the record on the matter.

Ms. Duganier stated the most important aspect of the plan is that is a collaborative effort. She stated this area was identified as one of the most blighted and in need of the most help. She further noted twenty-

four properties were identified to be acquired. She noted they wanted to clear up the non-conforming uses in the area as well as the blighted areas. She stated the city would prefer not to use eminent domain but stated most of the mobile homes are non-conforming. She stressed this is a long-range plan and are excited to get it going so the city can move forward. Mr. Price then asked about a time frame for the project. Ms. Duganier stated it would be approximately five years or more. Mr. Schneider then clarified what was specifically being requested of the Commission and stressed the focus should remain there.

Ms. Morgan addressed the Commission against the issue and stated she has lived in the mobile home park for twenty-seven years. She stated she feels the city simply wants to get rid of the mobile home park. She further noted she likes where she lives. She additionally stated it is not blight unless a lot of people see the area and this area does not see a lot of traffic.

Mr. Bridges addressed the Commission and distributed a handout that was marked as an exhibit to be made a part of the record on the matter. He stated he and his wife own the Covington Mobile Home Park and have owned it the past twenty years. He stated the only reason they are non-conforming is because the city sets the definition for non-conforming. He stated the whole thing is a fraud. He stated the city wants to do away with twenty-seven homes to possibly build five or six homes. He stated the whole public meeting process has been a fraud. He then briefly highlighted various aspects of his handout. Mr. Bridges stated the only residences targeted are the mobile homes. He additionally stated Ms. Duganier stated to him after a meeting that these homes are being targeted because they do not belong in an urban development area. He noted she said children are more suited for the suburbs. Mr. Bridges then stated that he and his wife filed a complaint against the city and Ms. Duganier because to make such a statement is against Federal law. He then asked that the Commission reject the request.

Ms. Duganier addressed the Commission in rebuttal to address the comments made by Mr. Bridges. She stated while she realizes this is not related to what is being requested, she felt she needed to respond and state that she never made the comments he is saying she made.

Following a brief discussion on the matter, Ms. Weldon made the motion to approve 1667R. She also added an additional information comment that this is in no way an agreement on the eminent domain issue. Mr. Hadley seconded the motion. A roll call vote on the motion found Ms. Weldon, Mr. Hadley, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Scheper, Mr. Wells and Mr. Price in favor. Mr. Bertram, Ms. Carlin, Mr. Darpel, Mr. Hilgefurd, Mr. Ryan, Ms. Snyder, Mr. Wessels, and Mr. Swanson against. The motion found a vote of 8-8. Mr. Hilgefurd then made the motion to reconsider the previous vote. Ms. Weldon seconded the motion. All in favor. None opposed. Mr. Hilgefurd then stated that in certain situations the use of Chapter 99 is warranted when the specifics of what is intended is spelled out. He stated he does not feel the city has made this clear. Mr. Eilerman stated he agrees and that this affects a large number of people. He stated it is clear from the motion that the Commission does not support eminent domain but it is a decision that will ultimately be decided elsewhere and not at the Commission. Mr. Eilerman then made the motion to approve based on the recommendations of Staff. Ms. Weldon seconded the motion. A second roll call on the motion found Mr. Eilerman, Ms. Weldon, Mr. Coates, Mr. Hadley, Mr. Scheper, Mr. Wells and Mr. Price in favor. Mr. Bertram, Ms. Carlin, Mr. Darpel. Mr. France, Mr. Hilgefurd, Mr. Ryan, Ms. Snyder, Mr. Wessels and Mr. Swanson against. The motion

carried with a vote of 9-7. Mr. Hilgeford then made a motion to disapprove. Mr. Ryan then seconded the motion. A roll call vote on this motion found Mr. Hilgeford, Mr. Ryan, Mr. Bertram, Ms. Carlin, Mr. Darpel, Mr. France, Ms. Snyder, Mr. Wessels, Mr. Swanson and Mr. Price in favor. Mr. Coates, Mr. Eilerman, Mr. Hadley, Mr. Scheper, Ms. Weldon and Mr. Wells voted against. The motion passed with a vote of 10-6.

\*\* At this time a break was taken from 9:00 until 9:10 p.m.

1668R

APPLICANT: City of Elsmere, per Mayor Bill Bradford.

GENERAL LOCATION: AREA A: An approximate 14.7-acre area located along the southeast and northwest sides of Garvey Avenue, between Comanche Trail and Fuchs Road, approximately 600 feet southwest of Comanche Trail; and AREA B: An approximate .3-acre area located along the southeast side of Garvey Avenue, between Comanche Trail and Fuchs Road, approximately 900 feet southwest of Comanche Trail, Elsmere.

REQUEST TO BE REVIEWED: Proposed map amendments to the Elsmere Zoning Ordinance: (1) changing AREA A, as described herein, from R-1F (a detached single-family residential zone with a maximum density of approximately 7.3 dwelling units per net acre) and IP-3 (an industrial park three zone) to R-2 (a two and multi-family residential zone with a maximum density of approximately 9.9 dwelling units per net acre); and (2) changing AREA B, as described herein, from R-1F to IP-3.

Staff presentations and Staff recommendations by Mr. Michael Schwartz.

Mr. Bill Faye, Mr. Steve List, Mr. Don Koop, Mr. Bill Bradford and Mr. Kenneth Davenport registered to speak against. No one registered to speak in favor. Mr. Price read an e-mail received from Mr. Alan List against the issue.

Mr. Bradford addressed the Commission and stated Staff did a good job but he is against the proposal. He stated he was not in favor of more housing in the area either. He stated he would like it to remain as industrial. He further noted that an industrial classification would not be as hard on city services as residential would be.

Mr. Faye addressed the Commission and stated he wishes everything would stay the same in keeping it single family. He further noted that Elsmere has enough low cost housing and that he would not like to see multi-family housing in the area.

Mr. List addressed the Commission on behalf of his parents and stated he would to see it remain as it is as just one zone.

Mr. Koop addressed the Commission and stated he agrees with those who spoke before him. He stated it is zoned industrial for a reason and that is the backbone of the city in the future.

Mr. Davenport addressed the Commission and stated if it is made multi-family he would feel squashed with mobile homes on one side and apartments on the other. He further noted there would be an increased need for policing, etc. in the area if it is changed.

Mr. Hadley then made the motion to deny with Mr. Schwartz offering the language on the motion as follows: to disapprove the proposed map amendment for Area A; and (2) to disapprove the proposed map amendment for Area B. The basis for the motion is as follows:

Recommendation A: 1. The proposed zoning is inappropriate due to the uncertainty related to the location of the relocated Garvey Avenue. 2. The existing zoning is appropriate as it will provide the necessary tax base for the city. Additionally, the existing R-1F Zone provides a sufficient buffer between the industrial area and the adjoining residential areas.

Recommendation B: 1. The existing R-1F zone is consistent with the Recommended Land Use Plan Map of the 2001 Area Wide Comprehensive Plan Update which identifies the site for Residential Development at a density ranging from 7.1 to 14.0 dwelling units per net acre. The existing R-1F Zone permits detached single-family residential dwellings on a minimum lot area of 6,000 square feet (approximately 7.3 dwelling units per net acre). Ms. Weldon then seconded the motion. A roll call vote on the motion found Mr. Hadley, Ms. Weldon, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Denham, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Hushebeck, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Price in favor. The motion carried.

1670R

APPLICANT: City of Covington, per Annalee Duganier.

GENERAL LOCATION: An approximate 1.5 acre area located at the intersection of Decoursey Avenue with East 40th Street, Covington.

REQUEST TO BE REVIEWED: A proposed map amendment to the Covington Zoning Ordinance, changing the area described herein, from R-1G (a single-family residential zone with a maximum density of approximately 8.7 dwelling units per net acre) to NC-2 (a neighborhood commercial two zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

Ms. Annalee Duganier registered to speak in favor of the issue. Mr. Greg Neff registered to speak as a neutral party.

Ms. Duganier addressed the Commission and stated they are proposing the change because it is a neighborhood commercial area. She stated they are all uses that fall under commercial uses. She further stated it is not entirely accurate to say the properties are totally surrounded by commercial.

Mr. Neff chose not to speak.

Ms. Weldon made the motion to approve. Mr. Wells seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Wells, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Denham, Mr.

Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefurd, Mr. Hushebeck, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wessels, Mr. Swanson and Mr. Price in favor. The motion carried unanimously.

\*The two following issues were combined for purposes of the meeting.

\*\*Mr. Denham had to leave the meeting prior to voting on the issue.

1671R

APPLICANT: One Eleven Engineering and Surveying, PLLC, per Mr. Darren Eyre, on behalf of Rodney Eversole.

GENERAL LOCATION: An approximate 1.6-acre area located at the southwest corner of the intersection of Banklick Road with Bristow Road, Unincorporated Kenton County.

REQUEST TO BE REVIEWED: (1) A proposed map amendment to the Kenton County Zoning Ordinance, changing the area described herein, from R-RE (a residential rural estate zone) to R-1C-RCD (a detached single family residential zone with a Residential Cluster Development Overlay Zone), and (2) Review of a proposed amended Stage I Development Plan for the area located to the south of the area described herein.

PP-634R REVISED BRISTOW LAKES SUBDIVISION

APPLICANT: One Eleven Engineering and Surveying, PLLC, in behalf of Rodney Eversole.

GENERAL LOCATION: An approximate 1.6-acre area located at the southwest corner of the intersection of Banklick Road with Bristow Road, unincorporated Kenton County.

REQUEST TO BE REVIEWED: To approve a Revised Preliminary Plat consisting of the addition of seven residential building lots, including two street extensions

Staff presentations and Staff recommendations by Ms. Melissa Jort.

Mr. Bertram, Mr. Mark Wheaton and Mr. Darren Eyre registered to speak in favor of the issue. No one registered to speak against.

Mr. Eyre addressed the Commission and stated the only thing they object to is the elimination of the cul de sac. Mr. Bertram addressed the Commission and stated there is a brand new home as well as the new Northern Kentucky Water District facility beyond the cul de sac. Mr. Bertram stated they chose the zoning to get the density they needed and to also allow for the green space to remain intact.

Following a brief discussion Mr. Hilgefurd made the motion to approve 1671R on the basis that it is in compliance with the Comprehensive Plan as well as Staff's recommendation and report, with the exception of condition #2. Mr. Wells seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Wells, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hushebeck, Mr. Ryan, Mr. Scheper, Ms. Snyder, Ms. Weldon, Mr. Wessels, Mr. Swanson and Mr. Price in favor. The motion carried unanimously. Mr. Wessels then made the motion to approve PP634R as recommended by Staff and to eliminate condition #2. Mr. Hadley then seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hadley, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Mr. Hushebeck, Mr. Ryan, Mr. Scheper, Ms. Snyder, Ms. Weldon, Mr.

Wells, Mr. Swanson and Mr. Price in favor. The motion carried unanimously.

## OLD AND UNFINISHED BUSINESS:

### Reports from Committees:

Subdivision Regulations Review Committee: Mr. Swanson stated there was nothing new to report.

By-Laws: Mr. Price noted there was nothing to report.

Model Zoning Ordinance: Mr. Wessels stated they met on May 5th. He then gave a brief update on the newsrack issue. He stated they agreed to monitor the situation for another six months. He then made a request to the Commission that a letter be drafted to continue the monitoring period.

### Report from Legal Counsel:

Mr. Schneider had nothing to report.

Reports/Announcements from Staff: Nothing to report.

Correspondence: None.

Mr. Price noted the July meeting fell on the 1st of July and asked if any of the Commissioners would like to move the meeting to one week later due to anyone being out of town. It was unanimous that the meeting date remain the same with no change to a week later. Mr. Price also distributed a handout of upcoming seminars for continuing education.

### Election of Officers:

Mr. Bertram nominated Alex Weldon to fill the chairperson's position. Mr. Hadley nominated Mr. Joe Price. Mr. Schwartz then distributed ballots to the Commissioners for voting. He then collected all the ballots and they were counted by Mr. Schneider and himself. Upon tallying of the votes it was announced that Ms. Alex Weldon received a majority of the votes cast and would be the new Chairperson with Mr. Joe Price remaining as Vice Chairman.

There being no further business to come before the Commission, the meeting adjourned at 10:55 p.m.