



## KC&MP&ZC MINUTES

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

September 2, 2004  
9:00 A.M.

NKAPC Meeting Room  
2332 Royal Drive  
Fort Mitchell, Kentucky

### MINUTES

#### COMMISSION MEMBERS PRESENT:

Ms. Barbara Carlin - Kenton County  
Mr. Paul Darpel - Edgewood  
Mr. Tom France - Ludlow  
Mr. Al Hadley - Elsmere  
Mr. Phil Ryan - Park Hills  
Mr. Bernie Wessels - Ft. Wright  
Mr. Joe Price - Vice Chairman - Crestview Hills  
Mr. Paul Swanson, Secretary/Treasurer - Erlanger  
Ms. Alex Weldon, Chairperson - Covington

#### LEGAL COUNSEL PRESENT:

Mr. Matthew Smith, Esq.

Mr. Price called the meeting to order at 9:00 a.m. Mr. Price opened the meeting with the Pledge of Allegiance and an invocation by Mr. Eilerman.

#### APPROVAL OF THE MINUTES:

Approval of the minutes was dispensed with until the evening meeting due to technical problems in distributing the minutes to all commission members.

#### PRELIMINARY PLATS, PLANS AND RELATED ISSUES:

##### W-639 WHISPERING WOODS

APPLICANT: One Eleven Engineering & Surveying, PLLC in behalf of One Eleven Developers, LLC.

LOCATION: An approximate 34 acre area at the northwest intersection of Cody Road and Webster Road, Independence.

REQUEST: To Waive the requirement for Sight Distance for vehicles exiting a previously approved intersection with Webster Road within the Whispering Woods Subdivision.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

#### NKAPC STAFF RECOMMENDATION

To deny the requested Waiver to Section 6.0 E and previously imposed Preliminary Plat condition for WHISPERING WOODS.

#### Bases for 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. Section 6.0 E requires sight distances left for vehicles existing the proposed intersection with Webster Road of 390 feet. The achievable sight distance left for vehicles exiting the proposed intersection with Webster Road is 280 feet.

Mr. Tim Theissen, Mr. Jim Bertram, Mr. Darrin Eyre and Mr. Dan Rabe registered to speak in favor of the issue. No one registered to speak against.

Mr. Theissen addressed the Commission and distributed an outline as to the application. He stated the speed on Webster Road is severely restricted due to the blind curve. He additionally stated the road varies in widths from 13-16 feet. He further noted a reasonable driver would never be able to get to the 35 mph speed limit that is the speed limit of the road. Mr. Theissen further noted the street is in the city of Independence but maintained by the county. He stated under the new law the city now must maintain it. He also noted it makes a lot more sense for the city to stipulate the speed limits for city roads that are being maintained by the city. Mr. Theissen then submitted a second handout with regard to the city

ordinance as to setting speed limits. Mr. Theissen noted the reasonable vehicular traveling speed is 20-25 mph on Webster Road. He then noted the development has stopped on the project due to this error that was found out later. He noted a lot of money has been expended and the issue of the site distance is holding up the project.

Mr. Swanson then asked if there were any road improvements scheduled for Webster Road. Mr. Theissen stated the road is in great shape at the width that it is. He stated the road will not be extended due to the green space on the opposite side of the railroad tracks.

Mr. Rabe addressed the Commission and stated he does not think the development on the other side of the tracks is a done deal yet. He cautioned the Commission to be very careful with site distance.

Ms. Weldon stated she would be more concerned if there was not a street stub just to this development. Mr. Hadley stated he has been on the road and it is basically like a driveway. Mr. Hadley then motioned to grant the waiver based on the physical conditions of the road and that the unposted speed limit is unreasonable. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Price, Ms. Carlin, Mr. Darpel, Mr. France, Mr. Ryan, Mr. Wessels and Ms. Weldon in favor. Mr. Swanson voted against. The motion carried. The handouts distributed by Mr. Theissen were marked as exhibits to be made a part of the record.

#### PP-644 CHEVAL SUBDIVISION

APPLICANT: Jerry F. Keith and Associates, P.S.C., in behalf of Mr. Doug Pinney.

LOCATION: n approximate 24 acre area located on the west side of Green Road, approximately two (2) miles north of S.R. 25, unincorporated Kenton County.

REQUEST: An approximate 24 acre area located on the west side of Green Road, approximately two (2) miles north of S.R. 25, unincorporated Kenton County.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

#### NKAPC STAFF RECOMMENDATION

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

1. That full intersection improvements (right-turn deceleration and left-turn storage lanes) be provided at the entrance intersection (Section 6.1);
2. That Sight Distance right and left for vehicles exiting the proposed intersections with Green Road be in accord with minimum Subdivision Regulation standards. Sight Distance measurements and profiles shall be clearly indicated on subsequent Grading Plans / Improvement Drawings and Specifications (Section 6.0 E);
3. That a public street be provided to stub at the eastern property boundary (preferably in the vicinity of Lot #15 / Lot #14) to provide access to adjacent developable property (Section 6.0 B / Section 7.3 J);

4. That all lots (including the residual parcel) be accessed from the internal street only (Section 6.1);
5. That a minimum fire flow of 500 gpm at 20 psi be provided and certified by a flow test, and fire hydrant spacing be a maximum of 450 feet (Section 7.2);
6. That sidewalks be provided along both sides of the proposed street (Section 7.3F);
7. That sidewalks be provided along the portion of Green Road fronting the Plat (Section 7.3F);
8. That lot width information be provided to determine that no more than five (5) lots contain less than 200 feet of width at the indicated front yard setback;
9. That the minimum pavement thickness be nine (9) inches and comply with Appendix A and B;
10. That all existing structures comply with the setback requirements of the A-1 Zone (Section 6.6);
11. That a resubmitted Preliminary Plat be provided that is signed and stamped by a registered professional engineer (Section 4.0); and
12. That the 35 foot wide parcel between Lot #18 and the Residual Parcel be clarified.

Bases for Recommendation:

The proposed CHEVAL is consistent with the 2001 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, and the Kenton County Zoning Ordinance, except as noted under the above Conditions.

Mr. Doug Pinney, Mr. Jerry Keith and Mr. Ron Mullen registered to speak in favor of the issue. No one registered to speak against.

Mr. Keith addressed the Commission and stated that Mr. Hiles did a good job describing the development in detail. He then went right to the conditions as stated by Staff. He stated Green Road travels 563 cars/day. He stated looking at traffic numbers this development does not justify full intersection improvements. He then stated this development is going to be approximately 18 lots and he does not feel they should be required to have full intersection improvements. He asked the Commission for a waiver as to this condition. As to condition #2 regarding the site distance they do what they can to provide for the site distance. As to condition #3 he stated they will potentially lost a lot if they provide a stub. He then stated the applicant is fully agreeable to the reservation of a street stub. As to condition #4 he noted they would like to see the driveway remain as it is has been for years. Mr. Keith noted they have no problem with condition #5 as to fireflow. With regard to conditions number 6 and 7 he noted they would like a waiver as to the sidewalks along Green Road. He noted they are agreeable with

condition number 8. Mr. Keith noted with regard to conditions#9 and 10 they will meet the subdivision regulations. Mr. Keith then stated as to condition number 11 they will re-submit a signed preliminary plat. He then clarified condition #12 as to the 35-foot parcel.

Mr. Wessels then stated the Commission needs to hear a basis for requesting the waivers in order to consider granting the waivers as requested. He suggested that maybe they reconsider and come back with their basis for the waivers.

Mr. Mullen addressed the Commission and stated it is an undue hardship to put full intersection improvements where required. He stated they are proposing to put in street stub access and then later when the area is developed, the full intersection improvements. Mr. Keith then noted they would be willing to do a deceleration lane to get the traffic off Green Road. He stated based on the numbers they are getting from the transportation cabinet they do not feel full intersection improvements are necessary. Much discussion was then had regarding the feasibility of the intersection versus what effect it would have on adjacent areas to be developed in the future and the economics of the improvements. Mr. Pinney had nothing to add.

Mr. Hiles then suggested requesting a reservation of right of way with regard to the development of any adjoining properties. He also recommended reserving the amount of right way to determine how much is needed in the event it is developed in the future. He noted the problem is that they don't know how much right of way would be necessary until that is done. Mr. Wessels also stated the access points for lots 2 and 3 should be internal. Mr. Wessels then motioned to approve with the conditions by Staff with the exception of item #3 as to the street stub and that right of way reservation be provided and that a waiver be granted due to an economic hardship that the sidewalks be provided only along the side containing the stub. He also added a waiver as to sidewalks along Green Road due to the same reasons of economic hardships. Mr. Darpel seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Darpel, Ms. Carlin, Mr. France, Mr. Hadley, Mr. Ryan, Mr. Swanson, Mr. Price and Ms. Weldon in favor. The motion carried unanimously.

**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. Wessels noted his withdrawal from consideration and voting on issue FP-609 due to a conflict of interest with his employer. Mr. Darpel withdrew from consideration and voting on issue I-4204 due to a conflict of interest with a client. Mr. Price then made the motion to ratify and approve the actions of staff since the last meeting. Mr. Hadley seconded the motion. All in favor. None opposed.

**OTHER COMMITTEE BUSINESS:** None.

There being nothing further to come before the Commission, the meeting was recessed at 10:55 a.m.

until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
REGULAR MEETING

September 2, 2004  
6:15 P.M.

NKAPC Meeting Room  
2332 Royal Drive  
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Ms. Barbara Carlin - Kenton County  
Mr. Paul Darpel - Edgewood  
Mr. Chuck Eilerman - Covington  
Mr. Tom France - Ludlow  
Mr. Al Hadley - Elsmere  
Mr. David Hilgefard - Villa Hills  
Mr. Phil Ryan - Park Hills  
Mr. Greg Scheper - Crescent Springs  
Ms. Maura Snyder - Independence  
Mr. John Wells - Ft. Mitchell  
Mr. Bernie Wessels - Ft. Wright  
Mr. Paul Swanson, Secretary/Treasurer - Erlanger  
Mr. Joseph Price, Vice Chairman - Crestview Hills  
Ms. Alex Weldon, Chairperson - Covington

COMMISSION MEMBERS NOT PRESENT:

Mr. James Bertram - Taylor Mill  
Mr. Barry Coates - Covington  
Mr. James Cook - Kenton County  
Mr. Mike Denham - Bromley

## LEGAL COUNSEL PRESENT:

Mr. Matthew Smith, Esq.

Ms. Weldon called the meeting to order at 6:15 p.m. The meeting was opened with the Pledge of Allegiance and an invocation by Mr. Price.

## APPROVAL OF THE MINUTES:

A motion was made by Mr. Eilerman to approve the minutes from August. Mr. Hadley seconded the motion. A roll call vote on the motion found Mr. Eilerman, Mr. Hadley, Ms. Carlin, Mr. France, Mr. Hilgeford, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Wessels, Mr. Swanson and Mr. Price in favor. Mr. Darpel and Ms. Weldon abstained. The motion carried.

## FINANCIAL REPORT:

There were no questions or comments with regard to the financial report.

## ACTIONS SINCE LAST MEETING:

It was noted from the report of the morning meeting that Mr. Smith's name should be in place of Mr. Schneider's and Mr. Darpel's name was not included with those listed as present. A motion was made by Mr. Price to ratify and approve. Mr. Wessels seconded the motion. A roll call vote on the motion found Mr. Price, Mr. Wessels, Ms. Carlin, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgeford, Mr. Ryan, Ms. Snyder, Mr. Wells, Mr. Swanson and Ms. Weldon in favor. Mr. Scheper withdrew from voting due to a conflict with his employer. The motion carried.

## PUBLIC HEARINGS:

The order of the agenda was changed to allow for legal counsel's schedule. A motion was made by Mr. Price and seconded by Mr. Hilgeford to move the issue to the front of the agenda. All in favor. Mr. Scheper abstained. None opposed.

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

\*1691R

APPLICANT: The area generally bounded by Buttermilk Pike, Anderson Road, Beechwood Road, and the railroad tracks, Crescent Springs.

REQUEST: A proposed text amendment to the existing approved Neighborhood Concept Plan, for the area described herein, which is currently zoned MLU (a mixed land use zone).

Staff recommendations and Staff presentation by Mr. Michael Schwartz.

**NKAPC STAFF RECOMMENDATION:**

To approve the proposed amended Neighborhood Concept Plan.

**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 amended Neighborhood Concept Plan is consistent with the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update which identifies the area as a Special development Area. Land areas so designated are intended to identify locations for specialized activities such as: entertainment and amusement-type functions; extensive commercial activities which require good access to the regional highway system; and riverfront commercial development, which relates to the special advantages of the Cincinnati/Northern Kentucky riverfront. This category is also used to identify areas with potential for mixed land uses (e.g., Commercial, Residential, Recreational, and Public/Semi-Public).

The proposed amended Neighborhood Concept Plan provides for a mixture of uses, including retail, service, office and residential activities.

2. The proposed amended Neighborhood Concept Plan makes provision for two likely events. If the existing single-family residential dwellings along Anderson and Beechwood Roads are to remain, the plan provides for less intense land uses (i.e., office and higher density residential) to be developed, which would be more compatible with these existing uses. If the existing single-family residential dwellings along Anderson and Beechwood Roads are to be removed as part of an overall development, the plan provides for more intense (retail, service, and office) land uses. The two scenarios provide for the greatest flexibility while providing for compatible land uses.

1692R

**APPLICANT:** Bear Creek Capital, LLC, per Steven J. Kelly.

**LOCATION:** n approximate 46-acre area located along the southeast side of Anderson Road, extending from Beechwood Road to a point approximately 250 feet east of Buttermilk Pike, Crescent Springs.

**REQUEST:** eview of a proposed Stage I Development Plan, for the area described herein, which is currently zoned MLU (a mixed land use zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

**NKAPC STAFF RECOMMENDATION:**

**Recommendation:**

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

1. That the proposed amended Neighborhood Concept Plan be adopted prior to, or simultaneous with, the approval of the submitted Stage I Development Plan.
2. That the proposed project identification signs be modified so that they are in general accordance with the existing sign regulations of the city.
3. That all of the recommended improvements identified in the Traffic Impact Study be implemented.
4. That unsignalized access points along arterial streets be spaced a minimum distance of six hundred (600) feet apart.

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 submitted Stage I Development Plan, except as noted under conditions, is consistent with the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question as a Special Development Area. Land areas so designated are intended to identify locations for specialized activities such as: entertainment and amusement-type functions; extensive commercial activities which require good access to the regional highway system; and riverfront commercial development, which relates to the special advantages of the Cincinnati/Northern Kentucky riverfront. This category is also used to identify areas with potential for mixed land uses (e.g., Commercial, Residential, Recreational, and Public/Semi-Public).

The submitted Stage I Development Plan identifies an approximate 290,000 square foot retail/service center. The size of such a facility will require access to the regional transportation system - specifically Interstate 71/75 via the arterial streets of Anderson Road and Buttermilk Pike.

2. Section 10.21, N. states that a proposed development plan shall be evaluated based upon its agreement with an officially adopted Neighborhood Concept Plan. On April 9, 1990, Crescent Springs City Council adopted a Neighborhood Concept Plan covering the site in question. As it pertains to land use, the submitted Stage I development Plan is not consistent with the existing approved Neighborhood Concept Plan, which recommends that the eastern portion of the site in question be developed with office/residential uses.

The submitted Stage I Development Plan, would however, be consistent with the proposed amended Neighborhood Concept Plan which states that the western portion of the area should be encouraged to be developed in a combination of retail and office activities. The proposed amended Neighborhood Concept Plan also states that should the existing single-family residential activities located along Anderson and Beechwood Roads remain, the central and eastern portions of the area should be encouraged to be developed in less intense uses, such as office and higher density residential. If, however, a plan were formulated for a coordinated development that eliminates those single-family residential activities, it would not be inconsistent with this Neighborhood Concept Plan to develop the entire area for retail, service, and office uses.

The submitted Stage I Development Plan provides for a coordinated development that indicates the acquisition of all of the existing single-family residential dwellings along Anderson and Beechwood Roads.

In order for the submitted Stage I Development Plan to be consistent with the approved Neighborhood Concept Plan, it is recommended that the proposed amended Neighborhood Concept Plan be adopted prior to, or simultaneous with, the approval of the submitted Stage I Development Plan.

3. The submitted Stage I Development Plan does not meet the following requirements of the Crescent Springs Zoning Ordinance:

a. Section 10.21, K. states that the location, height, and type of all signs shall generally be in accordance with Article XIV of the Crescent Springs Zoning Ordinance and as approved in the plan.

Article XIV of the Crescent Springs Zoning Ordinance provides for pole signs ranging in area from sixty (60) square feet to two hundred (200) square feet and maximum heights ranging from twenty (20) feet to forty (40) feet.

The submitted Stage I Development Plan indicates a three hundred (300) square foot, forty (40) foot high project identification sign along Anderson Road. This proposed sign is fifty (50) percent larger than any other sign currently permitted within the city.

The submitted Stage I Development Plan indicates a 1,100 square foot, eighty (80) foot high project identification sign between outlots 6 and 7. This proposed sign is four hundred fifty (450) percent larger and one hundred (100) percent taller than any other sign currently permitted within the city.

Based on these figures, the proposed project identification signs are not in general accordance with the existing sign regulations of the city. It is therefore recommended that the proposed project identification signs be modified so that they are in general accordance with the existing sign regulations of the city.

b. Section 10.21, N. states that a proposed development plan shall be evaluated based upon the amount of traffic that would be generated by the proposed operation and the ability of the existing street system

to adequately handle said traffic and the extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.

As part of this application, the applicant submitted a Traffic Impact Study that identifies several recommended improvements. To mitigate the potential impacts on the adjacent roadway system, it is recommended that all of the recommended improvements identified in the Traffic Impact Study be implemented.

c. Section 11.3, F., 1., a. states that unsignalized access points along arterial streets shall be spaced a minimum distance of six hundred (600) feet apart. The submitted development plan indicates that curb cuts along Anderson Road will be spaced less than six hundred (600) feet apart with the least spacing distance at approximately one hundred eighty (180) feet apart.

#### Additional Information:

The submitted development plan indicates the construction of a new roadway through the proposed development and connecting with Anderson Road/Beechwood Road, at its intersection with Bromley-Crescent Springs Road. The construction of this roadway connection will necessitate the redesign of the off-street parking area of an existing multi-family residential building. Insufficient information has been submitted to indicate that sufficient off-street parking will be provided for the existing multi-family residential building.

No one registered to speak in favor of issue 1691R. Mr. Leonard Rowekamp registered to speak against.

Mr. Rowekamp addressed the Commission and stated the city feels this is not good planning and that the city is reacting to one rather than the whole. He stated they do not have a problem with the text amendment but stated the application is not in compliance with the Comprehensive Plan.

Following a very brief discussion on the matter Mr. Wessels made the motion to approve on the basis of Staff's recommendations. Mr. France second the motion. A roll call vote on the matter found Mr. Wessels, Mr. France, Ms. Carlin, Mr. Darpel, Mr. Eilerman, Mr. Hadley, Mr. Hilgefurd, Mr. Ryan, Ms. Snyder, Mr. Wells, Mr. Swanson, Mr. Price and Ms. Weldon in favor. Mr. Scheper withdrew due to a conflict of interest with his employer. The motion carried.

Mr. Schwartz then gave background history and information on issue 1692R. Those registering to speak in favor of issue 1692R were Mr. Steve Kelly, Ms. Elizabeth Horowitz and Mr. Jim Sucher. Those registering to speak against were Mr. Tom Miller, Mr. Leonard Rowekamp, Mr. Tom Holliker, Mr. John Bohlgeers, Mr. Tom Calvert, Mr. Tim Hanner, Ms. Patty Reis, Mr. Ed Williams, Mr. Richard Feldman and Mr. Joe Menez.

Ms. Horowitz addressed the Commission and submitted a letter specifically asking the Commission to

consider their request along with Staff's. She stated it included more detail than was previously submitted. She stated they are asking that the signs be approved as part of the overall plans. She further stated they are asking that the conditions with regard to improvements along Buttermilk be modified to be more specific. She then noted they are asking for approval of curb cuts as depicted on the Stage I Plan and that Staff's condition be removed. She further requested that the letter submitted be marked as an exhibit to be made a part of the record.

Mr. Kelly addressed the Commission and stated the development and development plan show a little less than the original 300,000 square feet of retail as previously stated with seven outlots. He stated the grading will be towards the interstate. He also stated they are building a buffer between the residential and commercial uses. He then distributed a handout depicting the signage proposed on the project. He stated the height of the signage is built more as a landmark designed by an architect. He noted the signage for the outlots will all be the same height. He further noted they have had conversations with KDOT as to the project. He then noted they are proposing certain improvements with the project. He stated they are proposing to widen Anderson Road all the way to the truck entrance on the proposed site to allow for more space for turnaround, etc. He further noted they are looking to rebuild Beechwood Road from the railroad tracks. He then noted the dates for Buttermilk improvements would be 2005 and 2006. He stated the city of Crescent Springs has always asked them to look for another way across the railroad tracks.

Mr. Sucher addressed the Commission and asked if the developer would be required to screen adjacent areas. He also asked how his property would be affected by the development. Mr. Sucher stated the current traffic problems are caused by residents. He additionally noted the business traffic probably accounts for 5%. He noted he is glad to see the development come to the area.

Mr. Miller addressed the Commission and stated he is asking the Commission to deny the application. He stated the development will have a tremendous impact on the community. He further stated it will create safety concerns for those students walking to school on Beechwood Road. He noted there are not buses and this is a concern. He stated there are two moderately successful developments in the area and to add another would make it worse.

Mr. Hollaker addressed the Commission and stated he is present concerning the traffic problems the development is going to create on Beechwood Road. He stated he recommends that an independent traffic study be done with regard to the proposal. He noted the City of Ft. Mitchell deals with their own traffic and they don't feel they should have to deal with Crescent Springs traffic. He further noted he has never seen access to a mall through a residential neighborhood. He then asked if the application could be tabled to allow for an independent traffic study to be done. Ms. Weldon read a letter into the record received from Mr. Hollaker and marked it as an exhibit to be made a part of the record. He further noted that he is not convinced the traffic study is useful because there are so many flaws in it and he asked that the Commission vote against the application. He stated if the Commission does vote in favor of the application he feels some conditions should be placed on the proposal until all improvements are completed.

Mr. Rowekamp addressed the Commission and stated that the Commission needs to remember that in December almost the very same plan was disapproved. He stated they are now coming back with the very same proposal. He noted Staff had previously stated the signage was inappropriate at 80 feet and now they are requesting a 100 foot sign. He stated what needs to be looked at is the development compatible with the area as a whole. He further noted in December it was found that it was not. He noted that nothing had changed with the current proposal. He additionally noted the KCF traffic study stated that the bridge was to likely be a major access point to and from the development. He stated the bridge appeared on the plan back in December but four months later the bridge was deleted from the plan. He then stated that now the bridge is back on the plan and "proposed". He then noted the traffic study placed 20% of the traffic as using that bridge. Mr. Rowekamp then submitted minutes from a TANK Board meeting from August of 2004 wherein it is stated that they are no longer interested in accepting proposals with regard to the bridge issue from Bear Creek. He then submitted a memo dated September 2, 2004 with regard to the KZF traffic study. He then asked the Commission to act consistently as in December and reject the plan.

Mr. Bohlgeers addressed the Commission and stated the primary concern is the traffic. He stated he can't see how 13 - 15,000 cars every day can be added without creating havoc. He then noted that everyone says repeatedly that there is no money for improvements on Buttermilk Pike yet the developer says it can be done or that it is being worked on. He noted the road was bad then and is bad today. He further noted if the development goes through the current problems will be compounded. He additionally noted he would have no problem with the development if the infrastructure could support it.

Mr. Calvert addressed the Commission and stated he has a number of concerns with the project. He stated they would have liked to have done a more extensive traffic study but time would not allow for that. He noted what was done was a limited study.

Mr. Williams addressed the Commission and stated the study was limited due to the timeline. He then noted if the bridge is not made a part of the plan the level of service would be an F for the area. He stated if Buttermilk Crossing does not go in then that traffic will have to be looked at.

Mr. Calvert then stated the Toebben Company is very concerned about the traffic and would like the time to do a more in depth study before the Commission makes a ruling. He stated he spoke to a Mr. Bezold with the Transportation Cabinet and was told there are not enough funds to do the improvements on Buttermilk. He then asked that the matter be tabled or recommended disapproval altogether.

Mr. Hanner addressed the Commission and stated he has been asked to submit a prepared statement on behalf of the Kenton County Board of Education. He then read the letter into the record.

Ms. Patty Reis addressed the Commission and stated she lives in the mobile home park that was just bought by Bear Creek. She stated there is a huge drainage issue with the area and that the drainage has been a problem the eight years she lived there. She noted this should be addressed if the development is going through.

Mr. Feldman addressed the Commission and read a letter into the record regarding the issue. He stated he is concerned with the change in the velocity if this development goes in. He stated mud is filling up the creek due to some activity further up. He also added he does not want to stop progress but does want to stop the water. He stated the plan should not be approved without looking into the drainage issue.

Mr. Menez addressed the Commission and stated the applicant's application seems to be incomplete due to the impact it will have on the area. He stated the second concern is the students walking to school in the area everyday with only one crossing guard. He then suggested that the matter be voted down until a more involved traffic study is done.

Mr. Kelly addressed the Commission in rebuttal and stated it is zoned MLU. He stated they do plan a signalized intersection and they are looking into the traffic issues. He stated it has always been their intention to do a bridge and they are still looking into this with TANK.

Ms. Horowitz stated in rebuttal that in terms of the bridge issue to condition approval on something is an issue that can be legally challenged. She further stated she feels it is a public opportunity to have the bridge done since the developer has agreed to pay for it. She also noted this is an opportunity to try to solve some of the traffic problems in the area.

Mr. Hilgefurd stated there are some real problems with the application. He stated he sees nothing but more negatives with the development. He also stated he found the original KZF study to be so flawed that it almost bends to the developer. He further stated it is a tremendous injustice to the cities as to the traffic it will create. He also noted if the city wants to modify their standards as to signage they should do so to make it fair to all business owners in the city.

Mr. Wessels stated he would rather see one type of signage with everyone's name on it versus signage such as the fast food restaurant signs. Ms. Snyder noted that Staff stated there was nothing new to the plan this time around. She noted the last time Staff recommended disapproval. Mr. Eilerman noted the bridge is a big issue.

Following discussion on the matter Mr. Hadley made a motion to approve based on the recommendations of Staff with conditions 1 and 2 to remain with condition 3 that all improvements identified in the traffic impact study that are not of the nature of an off-site improvement along Buttermilk Pike be implemented and condition 4 be eliminated and in its place add "that the entrance to the development be aligned across from Ireland Avenue" (as clarified by Mike Schwartz). Mr. France seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. France and Mr. Wessels in favor. Ms. Carlin, Mr. Darpel, Mr. Eilerman, Mr. Hilgefurd, Mr. Ryan, Ms. Snyder, Mr. Wells, Mr. Swanon, Mr. Price and Ms. Weldon voted against. The motion failed by a vote of 3-10. Ms. Snyder then made the motion to disapprove with Mr. Price seconding the motion. A roll call vote found Ms. Snyder, Mr. Price, Ms. Carlin, Mr. Darpel, Mr. Eilerman, Mr. Hilgefurd, Mr. Ryan, Mr. Wells, Mr. Swanson and Ms. Weldon in favor. Mr. France, Mr. Hadley and Mr. Wessels voted against. The motion carried by a vote of 10-3.

At this time a ten minute break was taken. Mr. Hilgeford left the meeting.

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

\*1684R

APPLICANT: Centerline Development, LLC, per Mr. Tim Reese

LOCATION: An approximate 35-acre area located on the west side of Bromley-Crescent Springs Road, between Amsterdam Road and Pleasant Valley Circle, approximately 500 feet north of Amsterdam Road, Unincorporated Kenton County.

REQUEST: A proposed map amendment to the Kenton County Zoning Ordinance, changing the area described herein, from R-1A, R-1C, and MHP-R-1F (single-family residential zones) to R-1D (PUD) (a single-family residential zone with a planned unit development overlay).

Staff presentation and Staff recommendations by Ms. Larisa Keith.

#### NKAPC STAFF RECOMMENDATION:

To approve the proposed map amendment from R-1A, R-1C, and MHP-R-1F to R-1D (PUD), but only subject to compliance with the following conditions:

1. That the proposed zone change be to the R-1C (PUD) Zone rather than the requested R-1D (PUD) Zone.
2. That the area proposed to be a public access easement be enlarged to consist of the entire area identified as Recreation and Open Space, which includes flood prone areas, as identified within the 2001 Area-Wide Comprehensive Plan Update, so as to remain publicly accessible as part of the "park-link" system.
3. That the area identified for public access and other common area of the proposed development be dedicated to a public and/or private entity for operation and maintenance.
4. That the development plan be revised to meet the minimum requirements of the Kenton County Zoning Ordinance and Subdivision Regulations.

#### 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 map amendment from R-1A, R-1C, and MHP-R-1F to R-1D (PUD), as conditioned, is

generally consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question for Physically Restricted Development Area and Recreation and Open Space.

Areas that are identified as PRDA does not imply that such areas should not be developed, 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 development. 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 the development of these areas be adequately controlled through local land use regulations

2. The recommended R-1C (PUD) Zone is more appropriate than the requested R-1D (PUD) Zone. The recommended R-1C (PUD) Zone would permit a density that is more consistent with that of surrounding development. The proposed development plan identifies the development of 149 dwellings, yielding a density of approximately 4.8 dwelling units per net acre. The recommended R-1C (PUD) Zone will allow the development of approximately 110 dwelling units at a maximum density of approximately 3.5 dwelling units per net acre. Surrounding areas to the north are zoned R-1C and MHP-R-1F. However, the adjacent property within the MHP- R-1F Zone is developed at approximately 1.7 dwelling units per acre. Areas to the south are currently zoned R-1D, which permits a maximum density of 4.8 dwelling units per net acre. Areas to the west are zoned R-1C and R-1D, and areas to the east of the site in question are zoned R-1A, which permits a maximum density of one (1) dwelling unit per net acre. The 2001 Area-Wide Comprehensive Plan Update states that 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. The recommended R-1C (PUD) Zone is more consistent with that of the surrounding areas.

The Planned Unit Development (PUD) Overlay Zone will also provide flexibility in the design and, to the greatest extent possible, allow for the preservation of the open space adjacent to the Banklick Creek as well as existing hillside areas in the area of the proposed ponds while providing suitably located recreation and other public and common facilities. The recommended R-1C (PUD) Zone allows for the clustering of dwelling units that will allow the preservation of hillside and floodplain areas.

3. The Land Use Map of the 2001 Area-Wide Comprehensive Update identifies the eastern portion of the site, along the creek and encompassing the floodplain areas and additional areas for Recreation and Open Space uses. The provision for passive recreation opportunities in the area of the proposed public access easement is consistent with the Goals and Objectives section of the Area-Wide Comprehensive Plan Update. A section of the Plan reads as follows:

## RECREATION AND OPEN SPACE

1. To provide an adequate amount and variety of recreational opportunities to satisfy the full range of

needs of the population.

Concerted effort should be made to provide a wide variety of types of recreational facilities programs to meet the year round desires and needs of various age and interest groups.

2. To provide basic recreation and open space facilities and programs which are conveniently located and accessible to the population.

Effort should be made to provide for recreation and open space facilities which are both region oriented, containing a variety of active and passive recreation pursuits, and neighborhood oriented, which are primarily aimed at satisfying the day-to-day desires and needs of immediately surrounding residents.

3. To achieve the goals of this element without duly disrupting the goals of other elements.

Effort should be made to ensure the incorporation of design for recreation and open spaces as an integral part of emerging urban development or redevelopment. Such effort should result in recreation and open space areas which complement and enhance surrounding development, rather than take on the appearance of appendages added out of necessity. Constant effort should be made to protect recreational areas from intrusion of other type uses so that they may continue to serve their intended function adequately.

The Area-Wide Comprehensive Plan Update identifies the area of the proposed map amendment as part of the "park-link system", one part of which stretches from the Boone/Kenton County line and extends along the Ohio and Licking riverfronts, along tributaries, and south along Banklick Creek. The purpose of the park-link system is to connect existing and proposed parks, historic sites and districts, and scenic areas, with hiking trails, bike paths, and pedestrian walkways along streams and rivers.

Additionally, the Land Use Map identifies the portion of the site along the creek as flood plain or flood prone areas. These areas are those that are susceptible to being inundated by water from any source and are important to preserve as part of the overall water quality and water quantity management. The Environmental Characteristics Chapter within the 2001 Area-Wide Comprehensive Plan Update states that areas subject to periodic flooding is so significant that all new development is discouraged or should be stringently controlled where flood prone areas exist. Furthermore, the identification of such characteristics is important in order to preserve noteworthy features of the land in conjunction with reasonable amounts of development.

The easternmost and westernmost portions of the site in question contain many natural environment characteristics that should be conserved and preserved. In addition, the site provides opportunities for the provision of passive recreational and pedestrian uses to the surrounding community. However, enough consideration has not been given to the area along the eastern portion of the site in question. The proposed public access easement does not extend through the property and does not allow for future connections of the park link system to the north that are identified on the Land Use Map of the Area-Wide Comprehensive Plan Update. Retaining the entire area identified as Recreation and Open Space, which includes the floodplain and floodway, as part of the park-link system and allowing for public access, as conditioned, would be consistent with the Comprehensive Plan. Therefore the condition that

the area identified as a public access easement be enlarged to consist of the entire area identified as Recreation and Open Space, which includes flood prone areas, within the 2001 Area-Wide Comprehensive Plan Update, so as to remain publicly accessible as part of the "park-link" system.

4. Section 10.12, L., of the Kenton County Zoning Ordinance states that at least twenty percent (20%) of the total acreage of the proposed PUD be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. The submitted development plan identifies the location of a proposed recreational area, a public access easement along a portion of the existing creek, and hiking/walking trails. The total area designated for common open space is not noted, but it appears to meet the 20% requirement. Insufficient information has been submitted to determine the authority responsible for maintaining and managing the open space.

5. The proposed map amendment from R-1A, R-1C, and MHP-R-1F to R-1D (PUD) meets the minimum requirements of the Kenton County Zoning Ordinance, except for the following:

a. Section 10.13, H, states that the height of structures shall be as approved in the plan. The submitted development plan does not provide for the maximum height of structures. The maximum height of structures within the recommended underlying R-1C Zone is thirty-five (35) feet. Therefore, it is recommended that the height of structures not exceed thirty-five (35) feet.

b. Section 10.13, I, states that off-street parking shall be in accord with Article XI of the Kenton County Zoning Ordinance. Section 11.2, L. requires that multi-family dwellings must be provided with a minimum of one and one-half (1 ½) parking spaces for every one (1) bedroom dwelling unit and two parking spaces for every dwelling unit with two (2) or more bedrooms. Insufficient information has been submitted to determine compliance with this requirement.

c. Section 11.1,C, sets forth the requirements for access to off street parking spaces. Each required parking space shall be connected with a deeded rights of way by means of aisles or access drives. The parking area shall be so designed to ensure that all maneuvering into and out of each parking space shall take place entirely within property lines of lots, garages, and/or storage areas. The submitted development plan identifies 220 parking spaces that are located within the right of way of the proposed street and therefore does not meet this requirement.

d. Section 10.13, J, states that the location, height, and type of all fences, walls, and signs shall be as approved in the plan. The submitted development plan does not indicate the provision for any fences, walls, nor specify the type and size of the proposed entrance signs. It is therefore recommended that the location, height and type of all fences, walls and signs be in general conformity with the recommended underlying R-1C Zone.

e. Section 9.25 of the Kenton County Zoning Ordinance sets forth flood protection development controls. This section limits development of areas within the floodplain and floodway. Section 9.25, C., 5. states that no person city county or other political subdivision of the state shall commence filling of

any area with earth, debris, or any other material or raise the level of any area in any manner, or place a building, barrier, or obstruction of any sort on any area, including making any alteration or relocation of a waterway, located within the floodway, which would result in any increase in the flood levels during the occurrence of a 100-year flood discharge. The submitted development plan identifies disturbance and construction areas within the designated floodway and floodplain as identified by the Kenton County Zoning Ordinance. Insufficient information has been submitted to determine compliance with these requirements.

**Additional Information:**

1. Section 9.24 B., 2., states that for any area identified as Physically Restricted Development Area a geotechnical analysis by a qualified, registered civil engineer and geologist must be submitted for review.
2. Additional approval by the Kenton County Planning Commission may be required if a reduction in the amount of right-of-way submitted on the development plan is proposed, in order to meet the requirement that all maneuvering into and out of each parking space shall take place entirely within property lines of lots, garages, and/or storage areas.
3. As of August 1, 2003, Sanitation District No. 1 has taken over the authority, by law, of reviewing stormwater calculations and approving land disturbance permits for all land disturbing activities one (1) acre or greater, to determine compliance with the newly adopted storm water regulations.

PP-642

**APPLICANT:** Jerry F. Keith and Associates, P.S.C., in behalf of Centerline Development, L.L.C.

**LOCATION:** An approximate 35-acre area located on the west side of Bromley-Crescent Springs Road, between Amsterdam Road and Pleasant Valley Circle, approximately 500 feet north of Amsterdam Road, unincorporated Kenton County.

**REQUEST:** To approve a Preliminary Plat consisting of 149 attached single-family residential units, including public improvements such as streets, storm drainage, sanitary sewer, and water systems.

Staff recommendations and Staff presentation by Ms. Larisa Keith.

**NKAPC STAFF RECOMMENDATION:**

To approve a Preliminary Plat for STONEBRIDGE, but only subject to compliance with the following **CONDITIONS:**

1. That map amendment Z-04-07-01/1684R be approved by the Kenton County Fiscal Court;
2. That Bromley Crescent Springs Road be widened to a minimum of 22 feet from the northern Plat boundary to Amsterdam Road (Section 7.3I and Section 7.11);
3. That a minimum fire flow of 500 gpm at 20 psi be provided and certified by a flow test, and fire

hydrant spacing be a maximum of 300 feet (Section 7.2);

4. Sidewalks be provided along both sides of all internal streets as well as along the portion of Bromley Crescent Springs Road fronting the Plat (Section 7.3F);

5. That Sight Distances right and left for vehicles exiting the proposed intersection with Bromley Crescent Springs Road be in accord with minimum Subdivision Regulation standards. Sight Distance measurements and profiles shall be clearly indicated on subsequent Grading Plans / Improvement Drawings and Specifications (Section 6.0 E); and

6. That a detailed geotechnical investigation be submitted prior to approval of a subsequent Grading Plan, Improvement Plan and /or Stage II Development Plan (Section 6.6).

Bases for Recommendation:

The proposed STONEBRIDGE is consistent with the Kenton County Subdivision Regulations, and the Kenton County Zoning Ordinance, except as noted under the above Conditions.

Ms. Keith read a letter into the record from the Hillside Trust which was then marked as an exhibit. A second letter was also submitted from Richard Feldman which was also marked as an exhibit. Ms. Weldon also read a letter into the record from Charles Meyer which was marked as an exhibit to be made a part of the record on the matter.

Mr. Jim Wolterman, Mr. Tim Reese and Mr. Jerry Keith registered to speak in favor. Mr. Charlie Kruse, Ms. Alice Davidson, Mr. Jim Collett, Mr. Thomas Vergamini, Ms. Angela Schaffer, Mr. Steve Bailey, Mr. Pat Bell, Ms. Sherry Karen, Mr. Jim Sucher and Ms. Christine Watkins registered to speak against.

Mr. Wolterman addressed the Commission and stated this was originally slated for public hearing in August but after meeting with surrounding neighbors they went back and significantly changed the application. He stated they removed the pedestrian walkway and the request of abutting property owners. He stated they basically lessened the intensity of the proposal to bring the best possible plan before the Commission. He stated they need and are requesting an R-1D zone, not what Staff is recommending. He stated the R-1D zone is compatible with the recommended land use of adjacent property. He stated they disagree that R-1C is more compatible as suggested by Staff. He stated they are requesting a map amendment for the property that the zone be changed to R-1D. He stated their position as far as widening the road is that it is entirely unnecessary due to the fact that the road was just improved with hydrants being moved, electric poles being moved, etc. He stated to widen the road in front of their property would require them to move it all again. He then distributed color photos of the area to indicate the topographical aspects. He further noted to do the two feet of road widening would cost approximately \$150,000. He also noted they are requesting a waiver as to the off-street parking. He stated they are just asking that the parking spaces be provided in the right of way so as not to move the disturb line. He then stated third waiver relates to the sidewalks along Bromley-Crescent Springs Road.

He stated due to the topography it is difficult to install sidewalks.

Mr. Kruse addressed the Commission and stated he can't believe anyone would want to build on the site. He stated he feels it is much steeper than they are saying. He also noted he does not think it's right to allow the developer to build this many units in the area. He also noted there are no areas to put in the sidewalks. Mr. Kruse additionally noted his concerns with increase traffic.

Ms. Davidson addressed the Commission and stated her concerns with widening of the road. She noted she does not want the road any closer to her house than it already is. He stated traffic is heavy at certain times of the day. She also noted if the road is widened a wall would have to be removed.

Mr. Collett addressed the Commission and stated they have had problems with multi-family for a number of years. He stated they collect about ten thousand dollars a year to provide fire services. He then noted it is unfair to the rest of the taxpayers in the area. He also noted he has heard nothing about who will provide fire services to the area.

Mr. Vergamini addressed the Commission and asked what entity the developer has contacted with regard to police and fire services. He stated by allowing a development in the urban service area the taxpayers are being penalized. Much discussion was had as to who was responsible for providing police, fire and emergency services to the area.

Ms. Schaffer addressed the Commission and stated she wanted to make the Commission aware of how narrow the road is. She stated she feels this development would add too much traffic. She stated the rock wall in front of her house is approximately 100 years old and they do not want to see it damaged.

Mr. Feldman addressed the Commission and stated the road is too narrow. He described the dangers of driving along this particular road. He noted when the road was repaired they did the best job they could but it was done poorly. He noted without a turning lane it is a disservice to the people in the area.

Mr. Bailey addressed the Commission and stated the biggest concern is with the integrity of the hillside. He noted the area-wide comprehensive plan is there for a reason and he does not want that to be lost in all of this. He stated he implores the Commission to follow the recommendations of Staff.

Mr. Bell had nothing to add.

Ms. Karen addressed the Commission and stated she commends the developer for going to the citizens and addressing their concerns. She stated she feels the R-1C zone is more appropriate to the site. She also noted she would like to see something in writing that no fill will take place in the flood plain. She also noted she agrees with all Hillside Trust concerns.

Mr. Sucher addressed the Commission and stated he pays fire maintenance every year. He stated he has no problem with the city. He stated the Crescent Springs police department is the best it's probably ever

been.

Ms. Walkins addressed the Commission and stated the zone change does not meet with the surrounding area. She stated the hill is so steep that it probably should not be built on. She also noted the new home down the street has had two mud slides already that had to be dug out. She additionally noted the rock wall is pre-cival war era and should be left alone.

Mr. Reese addressed the Commission on rebuttal and stated the area is steep and they will make sure it is done right. He stated they have plans to pay somebody for fire protection and noted the police protection will be provided by the county. He noted their goal is to put together a first class project.

Mr. Hadley asked if they could make it work with the R-1C zone. Mr. Reese stated they probably could not. Mr. Wessels then motioned to approve baesd on the recommendations of Staff and eliminating condition #1. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Ms. Carlin, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Swanson and Ms. Weldon in favor. The motion carried unanimously. As to PP-642 Mr. Wessels made the motion to approve as recommended by Staff and removing condition #2 and granting a waiver as to road widening based on the topographical conditions of the area, as well as a waiver as to sidewalks fronting Bromley Crescent Springs Road also due to the topographical conditions. Mr. Darpel seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Darpel, Ms. Carlin, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Wells, Mr. Swanson, Mr. Price and Ms. Weldon in favor. The motion carried unanimously.

At this time Ms. Carlin and Ms. Snyder left the meeting.

1687R

APPLICANT: Kenton County Fiscal Court, per Scott Kimmich.

LOCATION: An approximate 0.7-acre area located at the southwest corner of Kenton Station Road and Decoursey Pike, Unincorporated Kenton County.

REQUEST: A proposed map amendment to the Kenton County Zoning Ordinance, changing the area described herein, from RC (a rural commercial zone) to A-1 (an agricultural-one zone).

Staff presentation and Staff recommendations by Ms. Melissa Jort.

#### NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from RC to A-1.

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 RC to A-1 is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the site in question for Agricultural and Rural Uses. The proposed A-1 Zone will allow the site in question to be occupied by agricultural uses, detached single-family residential dwellings, greenhouses and nurseries, stables and riding academies, bed and breakfast establishments and qualified manufactured homes.
2. The proposed A-1 Zone would allow development that is consistent with the character of the surrounding land uses. Areas to the north, east, and west of the site in question are occupied by detached single-family residential dwellings, agricultural and vacant land, a church, and recreational uses.

Ms. Tammy West and Mr. Wallace Folk registered to speak on the issue.

Ms. West addressed the Commission and stated they have been out of their home due to a fire since 2001. She stated she wants to add onto the home since she recently got married and her family went from four to eight people. She noted she would like to expand the home and move back.

Mr. Folk addressed the Commission and stated he has no problem with the zone change. He noted everyone knows everyone in the area.

Mr. France made the motion to approve. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. France, Mr. Ryan, Mr. Darpel, Mr. Eilerman, Mr. Hadley, Mr. Scheper, Mr. Wells, Mr. Wessels, Mr. Swanson, Mr. Price and Ms. Weldon in favor. The motion carried.

1688R

APPLICANT: Kenton County Planning Commission, per Joe Price.

LOCATION: N. A.

REQUEST: Proposed text amendments to the zoning ordinances of the political jurisdictions within Kenton County pertaining to: (1) floodplain regulations; and (2) enclosure requirements for swimming pools.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

### NKAPC STAFF RECOMMENDATION

RECOMMENDATION A: To approve the proposed text amendment pertaining to floodplain regulations.

RECOMMENDATION B: To approve the proposed text amendment pertaining to enclosure requirements for swimming pools.

## 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 text amendment pertaining to floodplain regulations is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. The proposed text amendment pertaining to floodplain regulations is reasonable and appropriate in that it is consistent with the Federal Emergency Management Agency (FEMA) Recommended Model Flood Damage Prevention Ordinance.
3. The proposed text amendment pertaining to floodplain regulations will allow communities to be eligible for continued participation in the National Flood Insurance Program (NFIP).

RECOMMENDATION B:

1. The proposed text amendment pertaining to enclosure requirements for swimming pools is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203 (1).
2. The proposed text amendment pertaining to enclosure requirements for swimming pools is reasonable and appropriate in that it provides consistency between the zoning ordinance regulations and the 2003 Kentucky Building Code regulations.

Mr. Schwartz noted the swimming pool enclosures is to bring the regulations to state standards. A motion was made by Mr. Hadley 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. Darpel, Mr. Eilerman, Mr. France, Mr. Ryan, Mr. Scheper, Mr. Wells, Mr. Wessels, Mr. Swanson and Ms. Weldon in favor. The motion carried unanimously.

1689R

APPLICANT: City of Erlanger, per P. David Hahn

LOCATION: N. A.

REQUEST: Proposed text amendments to the Erlanger Zoning Ordinance: (1) adding batting cages and miniature golf, provided they are in a completely enclosed building, to the list of permitted uses within the NC (Neighborhood Commercial) Zone; and (2) adding private schools, provided they are located on and accessed via an arterial street, to the list of conditional uses within the IP-1 (Industrial Park - One) Zone.

Staff presentation and Staff recommendations by Mr. Tony Bonano.

#### NKAPC STAFF RECOMMENDATION

Recommendation A: To approve the proposed text amendment to the Erlanger Zoning Ordinance adding batting cages and miniature golf, provided they are in a completely enclosed building, as permitted uses in the NC (Neighborhood Commercial) Zone, but only subject to compliance with the following condition:

1. That the phrase "provided they are in a completely enclosed building" be removed.

Recommendation B: To approve the proposed text amendment to the Erlanger Zoning Ordinance adding "private schools, provided the conditional use is located on an arterial street and the access is provided by the arterial street" as a conditional use in the IP-1 (Industrial Park-One) 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:

##### Recommendation A:

1. The proposed text amendments modifying the list of permitted uses in the NC (Neighborhood Commercial) Zone (see Attachment A) 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 amendment adding batting cages and miniature golf as permitted uses within the NC (Neighborhood Commercial) Zone, except as noted under the condition, is reasonable. The NC (Neighborhood Commercial) Zone currently allows a wide range of similar retail and service uses.
3. Section 10.16, D., 6., "OTHER DEVELOPMENT CONTROLS," states that all business activities permitted within the NC Zone shall be conducted within a completely enclosed building. Requiring the proposed uses to be in a completely enclosed building within the list of permitted uses would be redundant. Therefore the phrase "provided they are in a completely enclosed building" should be removed.

##### Recommendation B:

1. The proposed text amendment modifying the list of conditional uses in the IP-1 (Industrial Park-One) zone see Attachment B) is allowed to be included within the text of the zoning ordinance, as authorized

by Kentucky Revised Statute (KRS) 100.203(1).

2. The proposed text amendment adding private schools to the list of conditional uses within the IP-1 (Industrial Park-One) Zone, provided they are located on and accessed via an arterial street, is also reasonable. The IP-1 (Industrial Park-One) Zone currently permits schools for industrial or business type training as a permitted use. A private school is appropriate as a conditional use within this zone and meets the definition of a conditional use as set forth by the Erlanger Zoning Ordinance. Requiring that a private school be located on and accessed via an arterial street is appropriate due to the potential traffic that might be generated by this use.

3. Prior to a conditional use being allowed or built, it must be approved by the local board of adjustment, following a public hearing. Such a process will allow for a determination that a proposed private school will not be detrimental to adjoining or nearby properties, as well as to ensure that a private school be protected by any of the uses that are currently permitted within the IP-1 (Industrial Park-One) Zone.

Mr. John Schwartz registered to speak in favor. No one registered to speak against.

Mr. Schwartz addressed the Commission and stated he is going to develop the Pleasure Isle site. He stated he wants to give the children of the area a positive outlet. He stated it will be similar to Sport of All Sorts in Florence. He stated he looks forward to serving and sponsoring area teams.

A motion was made by Mr. Darpel and seconded by Mr. Swanson to approve. A roll call vote on the matter found Mr. Darpel, Ms. Swanson, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Ryan, Mr. Scheper, Mr. Wells, Mr. Wessels, Mr. Price and Ms. Weldon in favor. The motion carried.

1690R

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

LOCATION: N. A.

REQUEST: A proposed text amendment to the Covington Zoning Ordinance, modifying the list of permitted uses in the TSC (Tourist Service Commercial) zone.

Staff presentation and Staff recommendations by Mr. Tony Bonano.

#### NKAPC STAFF RECOMMENDATION

To approve the proposed text amendment to the Covington Zoning Ordinance, modifying the list of permitted uses in the TSC (Tourist Service Commercial) 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 amendment modifying the list of permitted uses in the TSC (Tourist Service Commercial Zone) is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1).
2. The proposed text amendment is consistent with other specialty retail stores found in the TSC Zone. The TSC Zone permits a mix of specialty retail stores (boutiques), such as antiques, bicycle repairs and arts and crafts and ice cream shops, not exceeding 1,000 square feet of retail sales area. The proposed text amendment would compliment similar specialty retail uses designated in the TSC Zone in the MainStrasse area.
3. The proposed text amendment is consistent with the purpose of the TSC Zone by accommodating a limited mixture of uses relating to and serving the surrounding residential uses. It is reasonable and appropriate to allow the proposed use within the Main Strasse area to provide a product/service oriented toward an urban population.

Ms. Annalee Duganier had nothing to add. A motion was made by Mr. Eilerman and seconded by Ryan to approve based on Staff's recommendations. A roll call vote on the matter found Mr. Eilerman, Mr. Ryan, Mr. Darpel, Mr. France, Mr. Hadley, Mr. Scheper, Mr. Wells, Mr. Wessels, Mr. Swanson, Mr. Price and Ms. Weldon in favor. The motion carried unanimously.

1693R

APPLICANT: Mr. James A. Cawood.

LOCATION: An approximate 0.6-acre area located along the south side of West 5th Street, between Russell Street and Montgomery Street, Covington.

REQUEST: A proposed map amendment to the Covington Zoning Ordinance, changing the area described herein, from R-3 (HP) (a low density residential zone with an historic preservation overlay zone), to R-3A (HP) (a low density residential/office zone with an historic preservation overlay zone).

Staff presentation and Staff recommendations by Ms. Melissa Jort.

## NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from R-3 (HP) to R-3A (HP).

## 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 R-3A (HP) 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 14.1 to 30.0 dwelling units per net acre. The proposed R-3A (HP) Zone would allow the development one, two and multi-family dwellings and offices in existing structures.

2. The proposed map amendment from R-3 (HP) to R-3A (HP) meets the location requirements for the R-3A Zone. The R-3A Zone is permitted within 350 feet of a PO Zone and shall not extend more than 800 feet from the boundaries of a PO Zone. Each lot within the R-3A Zone must have the front line in common with the right-of-way line of an arterial street. The proposed R-3A Zone adjoins an R-3 Zone, is located approximately 200 feet from the nearest PO Zone and extends approximately 500 feet from the boundaries of the PO Zone. Each lot within the proposed R-3A Zone has its front line in common with West 5th Street, an arterial street.

3. The proposed map amendment is consistent with the existing R-3A Zone located along the north side of West 5th Street and will therefore provide for compatible uses along both sides of West 5th Street.

Mr. Cawood registered to speak in favor. Mr. Donald Lubbers, Mr. Jerry King, Mr. John Bobo and Mr. Matt King registered to speak against.

Mr. Cawood addressed the Commission and stated he wanted to place an office in the building. The applicant then submitted signatures of all surrounding property owners in favor. He stated the area is in need of this type of business. He also noted he will be putting in a pad in the back of the building for parking.

Mr. Bobo addressed the Commission and stated the area is almost completely residential. He stated the site in question is part of a larger block that runs into Mother of God church. He stated he sees it as a residential area and it has been for a long time. He stated rather than transition the site into commercial it should remain residential.

Mr. Lubbers addressed the Commission and stated they brought the neighborhood from a rough area. He stated when you start turning houses into businesses you have empty places on nights and weekends.

Mr. King stated he has a problem with businesses encroaching into the neighborhood. He stated he feels if you keep giving approvals from one block to the next they will be surrounded by businesses.

Mr. Cawood stated in rebuttal that he disagrees that it is all residential because there are a lot of businesses in the area. He noted that all residents in the area have given their consent and it is already zone residential, he just wants it to be zone residential office.

Mr. Eilerman stated he feels it opens up a pandora's box with converting residential to commercial. He stated it is a bad trend and the parking proposed does not even allow for clients. He stated if this

continues parking will continue to be a problem in the area.

Ms. Weldon stated she thinks there is a big difference between this site and the buildings across the street. She stated the parking issue is important as well as the residential aspect of the neighborhood. Mr. Eilerman then motioned to deny on the basis that it is not consistent with the Comprehensive Plan. Mr. Wells seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Wells, Mr. Darpel, Mr. France, Mr. Hadley, Mr. Ryan, Mr. Wessels, Mr. Swanon and Ms. Weldon in favor. Mr. Scheper and Mr. Price voted against. The motion carried.

#### OLD AND UNFINISHED BUSINESS:

##### Reports from Committees:

##### Subdivision Regulations Review Committee:

Nothing new to report.

##### By-Laws:

Mr. Price had nothing new to report.

##### Model Zoning Ordinance:

Nothing new to report.

##### Report from Legal Counsel:

Mr. Smith stated there was nothing to report.

##### Reports/Announcements from Staff:

Mr. Schwartz noted a letter had been received from Mr. Michaels regarding issue 1657R as to extending the tabling of the matter. Mr. Price moved to accept the request. Mr. Hadley seconded the motion. All in favor. None opposed.

##### Correspondence: None.

There being no further business to come before the Commission, Mr. Wessels motioned to adjourn with Mr. Ryan seconding the motion. The meeting then adjourned at 12:43 a.m.