

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING**

**Minutes**

Ms. Weldon, Chair, called the meeting to order at 6:15 PM on Thursday, March 1, 2007, and opened the proceedings with the Pledge of Allegiance and an invocation by Mr. Eilerman. The meeting was held in the Commission Chambers of the NKAPC Building in Fort Mitchell. Attendance of members (for this meeting as well as those during the year to date) was as follows.

|                            |                 | 2007 |     |     |     |     |     |     |     |     |     |     |     |
|----------------------------|-----------------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Member                     | Jurisdiction    | Jan  | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
| Mark Barnett               | Taylor Mill     | x    | x   |     |     |     |     |     |     |     |     |     |     |
| Barbara Carlin             | Kenton Co       | x    | x   | x   |     |     |     |     |     |     |     |     |     |
| Barry Coates               | Covington       | x    | x   | x   |     |     |     |     |     |     |     |     |     |
| James Cook                 | Kenton Co       | x    | x   | x   |     |     |     |     |     |     |     |     |     |
| Paul Darpel                | Edgewood        | x    | x   |     |     |     |     |     |     |     |     |     |     |
| Chuck Eilerman             | Covington       | x    | x   | x   |     |     |     |     |     |     |     |     |     |
| Tom France                 | Ludlow          | x    | x   | x   |     |     |     |     |     |     |     |     |     |
| Al Hadley                  | Elsmere         | x    | x   | x   |     |     |     |     |     |     |     |     |     |
| David Hilgeford            | Villa Hills     | x    | x   | x   |     |     |     |     |     |     |     |     |     |
| Phil Ryan                  | Park Hills      | x    | x   | x   |     |     |     |     |     |     |     |     |     |
| Maura Snyder               | Independence    | x    | x   | x   |     |     |     |     |     |     |     |     |     |
| Paul Swanson,<br>Treasurer | Erlanger        | x    | x   | x   |     |     |     |     |     |     |     |     |     |
| Joe Tewes                  | Bromley         | x    | x   | x   |     |     |     |     |     |     |     |     |     |
| John Wells, Vice<br>Chair  | Fort Mitchell   |      | x   | x   |     |     |     |     |     |     |     |     |     |
| Bernie Wessels             | Crescent Spgs   | x    | x   | x   |     |     |     |     |     |     |     |     |     |
| Gil Whitacre               | Lakeside Park   | x    | x   |     |     |     |     |     |     |     |     |     |     |
| Alex Weldon, Chair         | Covington       | x    |     | x   |     |     |     |     |     |     |     |     |     |
| Lynne Hood                 | Crestview Hills | x    | x   |     |     |     |     |     |     |     |     |     |     |
| Kent Marcum                | Fort Wright     | x    | x   | x   |     |     |     |     |     |     |     |     |     |

Also present were Matt Smith, Legal Counsel, and the following NKAPC staff: Michael Schwartz, AICP, Deputy Director for Current Planning and Andy Videkovich, Associate Planner.

**AGENDA:**

Ms. Weldon stated a request to table had been received with regard to issues 1865R to table for up to six months and for W-676 to table until the April meeting. A motion was made by Mr. Ryan to table issue 1865R for a period of up to six months and seconded by Ms. Snyder. All in favor; none opposed. A motion was then made by Mr. Eilerman to table issue W-676 until the April meeting and seconded by Mr. Wells. All in favor; none opposed.

**APPROVAL OF THE MINUTES:**

The minutes for April were distributed in the Commissioner’s packets. There were no changes or corrections noted. A motion was made by Mr. Hadley to accept the minutes and seconded by Mr. Ryan. A roll call vote on the motion found Mr. Hadley, Mr. Hilgefurd, Mr. Ryan, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Marcum, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. The motion carried.

**FINANCIAL REPORT:**

There were no questions or comments with regard to the report. A motion was made by Mr. Hadley and seconded by Mr. France to accept the report as submitted. All in favor; none opposed.

**ACTIONS SINCE LAST MEETING:**

The memorandum regarding the actions taken by Staff over the past month was distributed for informational purposes only. There were no questions or comments.

**PUBLIC HEARINGS:**

\*Mr. France recused himself from any consideration and voting due to a potential conflict of interest.

**1856R**

- APPLICANT:** Real Estate Development Services, Inc., per James W. Berling, on behalf of Patricia Workman, Judi Rice, Ralph and Margaret Glaser, and Ralph and Joy Glaser.
- LOCATION:** an approximate 38-acre area on the west side of Staffordsburg Road between Maverick Road and Visalia Road, approximately 1,200 feet south of Maverick Road, Unincorporated Kenton County.
- REQUEST:** a proposed map amendment to the Kenton County Zoning Ordinance changing the described area from A-1 (an agricultural one zone) and R-1B (a single-family residential zone) to R-1C (PUD) (a single-family residential zone with a planned unit development overlay zone) (this issue was tabled at the Commission’s December 7, 2006 meeting).

Staff presentation and recommendations by Mr. Andy Videkovich.

**NKAPC STAFF RECOMMENDATION**

To disapprove the proposed map amendment.

**Comprehensive Plan Documentation:**

- Date of Adoption by the Kenton County Planning Commission: December 13, 2006

**Supporting Information/Bases For Recommendations:**

1. The proposed map amendment from A-1 and R-1B to R-1C (PUD), is not consistent with the Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026* which identifies the site in question for Residential Development at a density ranging from 2.0 dwelling units per net acre and under and Agricultural and Rural Uses.

The proposed R-1C (PUD) Zone will allow residential development to occur at a maximum density of approximately 3.5 dwelling units per net acre. As indicated on the submitted Stage I Development Plan, the density of the proposed development will be approximately 3.1 dwelling units per net acre.

2. The proposed map amendment from A-1 and R-1B to R-1C (PUD) is not consistent with the following Development Concepts, as contained within the text of the *Comprehensive Plan Update 2006-2026*:

The density of development for undeveloped land should be based on considerations such as: (a) the density of adjacent developed areas, of which the undeveloped land would be a logical extension; (b) access to major transportation facilities; (c) the nature of adjacent activities; and (d) residential development in rural areas should be designed to maintain existing rural character of open space and the appearance of low density.

*Such a concept would result in development which is compatible with surrounding land uses and which would not result in generating high volumes of traffic through low density areas.*

The proposed development will be at a higher density than the surrounding area. Furthermore, a development with 105 lots will have an affect on roadway capacity and safety. The submitted development plan does not indicate any roadway improvements to Staffordsburg Road or Taylor Mill Road.

3. The proposed map amendment from A-1 and R-1B to R-1C (PUD) does not meet the following minimum requirements of the Kenton County Zoning Ordinance:
  - a. Section 10.13 states that the purpose of the PUD Overlay Zone is to "...[facilitate] a more economic arrangement of buildings, circulation systems, land uses, and utilities..." The submitted development plan does not have a street connection between the east and west portions of the site in question, disrupting the overall circulation within the site in question. This is not in compliance with the stated purpose of the PUD Overlay Zone.
  - b. Section 10.13, I., states that off-street parking shall be in accordance with Article XI of the Kenton County Zoning Ordinance. Section 11.2, K., requires that each dwelling unit be provided with a minimum of two (2) off-street parking spaces. Insufficient information has been submitted to determine compliance with this regulation.
  - c. Section 10.13, J., of the Kenton County Zoning Ordinance states that the location, height and type of all fences, walls and signs shall be as approved in the plan.

Insufficient information has been submitted to determine compliance with these regulations.

- d. Section 11.3, A., of the Kenton County Zoning Ordinance sets forth regulations pertaining to access control. At those access points where vehicles turning to and from the arterial and collector streets will affect the roadway capacity, reserved turn lanes shall be constructed by the developer. The two (2) access points serving 105 lots will affect roadway capacity and safety without provisions of a left turn storage lane. Insufficient information has been submitted to determine compliance with this regulation.
- e. Section 11.3, F., of the Kenton County Zoning Ordinance sets forth regulations pertaining to access onto arterial streets.
  - i. Section 11.3, F., 1., b., (1), of the Kenton County Zoning Ordinance states that access points onto local streets intersecting an arterial street shall be spaced a minimum distance of one hundred (100) feet, measured from point of curb return to point of curb return, from the arterial street. Lot 98 is the first lot off of Staffordsburg Road. The width of this is close to one hundred (100) feet. Therefore the placement of a driveway on this lot may not meet the spacing requirements on a local street that intersects with an arterial street.

### **Additional Information**

- 1. Although the NKAPC staff is recommending disapproval of the proposed map amendment, if the Planning Commission or legislative body approves the map amendment, the following conditions should be included in that action:
  - a. That the parking requirements meet the regulations as set forth in Section 11.2 of the Kenton County Zoning Ordinance.
  - b. That all fences, walls, and signs meet the minimum requirements of the underlying R-1C Zone.
  - c. That left turn storage lanes and acceleration/deceleration lanes be constructed at the entrances to the site in question on Taylor Mill Road and Staffordsburg Road.
  - d. That the appropriate spacing of the curb cuts for lot 98 be in accordance with the Access Control Regulations contained within the Kenton County Zoning Ordinance.
  - e. That sidewalks be provided along the portion of Staffordsburg Road that is adjacent to the site in question.
  - f. That Street E be built to the same specifications as Streets B and D.

- g. That a street connection be provided between the east and west portions of the site in question.

Mr. Jim Berling and Mr. Al Nageleisen registered to speak in favor of the issue. Ms. Valerie Scheer, Ms. Cathy Donahue, Ms. Roseanne Lorenz and Mr. Charles Lorenz registered to speak against the issue.

Mr. Jim Berling addressed the Commission and stated they chose to table the issue to implement some of the issues discussed at the meeting in December. He stated there will be a walking trail in the nine acres of green space. He noted the development was purposefully cut into two smaller developments and they feel it's a better development. He noted it provides 3-4 more acres of green space than the last proposal. He further noted they will commit to putting in whatever turn lanes KDOT requires. It was additionally noted that every lot will have two parking spaces in addition to garages. Mr. Berling noted they are in agreement with conditions A-G but have an exception to G in that they would request that they be provided to do what KDOT requires in that respect.

Mr. Nageleisen addressed the Commission and stated in regard to the green space that the total for the development is now 25%. It was further noted that the lot sizes are the exact same as the development to the south. Mr. Nageleisen stated it will be a class A development with a lake and walking trails.

Ms. Scheer addressed the Commission in opposition and stated in the county's adopted plan it shows 536 going right through this development. She asked about the entrances to the development and noted there are only two. She stated the City of Independence is within walking distance of the proposed development. She further noted the roads cannot handle the additional cars and traffic that will be generated. Ms. Scheer further noted the developer is basing his plan on a comprehensive plan from 2001 and noted it should be updated to match the current plan. She additionally stated there are a lot of misinformation with the plan and the cart should not be put before the horse.

Ms. Donahue addressed the Commission in opposition and asked if the development was going to be a burden to the community. She noted the schools are nearly at capacity now and they are having trouble getting the class sizes they want due to the number of students. Ms. Donahue noted the schools and the city should get together to discuss the proposed development to plan for the developments.

Ms. Lorenz addressed the Commission in opposition and stated they realize they can't stop the development but asked that it be planned well. She noted that more planning as far as roads, safety, etc. should be done. She noted she feels the development is too densely populated.

Mr. Lorenz addressed the Commission in opposition and stated he is opposed due to the fact that the roads cannot handle the traffic load. He stated there is a dangerous curve in the area where the existing buildings are to be torn down. He stated there is an endless convoy at times of concrete trucks now. He noted there is too much development going on right now. He further noted he is not crazy about a pump station going in practically in his backyard. Mr. Lorenz then stated the only difference with the density of this plan is six homes were taken out of the development to add land to the open green space. He stated he can't see how this is an improvement to the area.

Mr. Berling noted in rebuttal that a connecting road will be built if that is what the Commission wants.

He stated as far as the bad bend they have moved the entranceway in lieu of that turn. Mr. Nageleisen then stated that he spoke with KDOT personally with regard to 536 and he was told if and when the new road went in it would be to the south and it would not affect this property. He further noted that no monies have been allocated at this time for those improvements. Mr. Eilerman asked Mr. Videkovich about the density as compared to the development down the road. Mr. Videkovich stated that development does have the same lot sizes but the density is less as compared to the proposed development.

Following a brief discussion amongst the Commissioners, Mr. Eilerman made the motion to disapprove based on the Comprehensive Plan, Staff recommendations and the fact that it is not in compliance with the density of the Comprehensive Plan. Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. Eilerman, Ms. Carlin, Mr. Hilgeford, Mr. Marcum, Mr. Ryan, Ms. Snyder, Mr. Swanson, Mr. Wells, and Ms. Weldon in favor. Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Tewes and Mr. Wessels voted against. The motion carried with a vote of 9-5.

**1863R**

**APPLICANT:** JACS Property, per Joe Schreiber

**LOCATION:** an approximate 1.7-acre area located at the southeast corner of the intersection of Harris Street with Ireland Street in Crescent Springs

**REQUEST:** a proposed map amendment to the Crescent Springs Zoning Ordinance changing the described area from R-1F (a single-family residential zone at a maximum density of approximately 7.3 dwelling units per net acre) to R-2 (a multi-family residential zone at a maximum density of 15.0 dwelling units per net acre)

Staff presentation and recommendations by Mr. Michael Schwartz.

**NKAPC STAFF RECOMMENDATION**

To approve the proposed map amendment from R-1F to R-2, but only subject to compliance with the following conditions:

1. That the amount of required landscaping be reviewed at the time of submission for a zoning/building permit.
2. That the extension of Queen City Avenue be built and inspected to public street standards, pursuant to the Kenton County Subdivision Regulations.
3. That a portion of Queen City Avenue be vacated prior to, or simultaneous with the action on this proposed map amendment.
4. That the development plan be revised to meet the minimum requirements of Article XIII, Fence Regulations, or that relief be approved by the board of adjustment.
5. That the development plan be revised to indicate that the proposed Class 8 sign will be located a minimum of five (5) feet from any property line.

6. That a pedestrian connection be provided between the site in question and Ireland Street.

**Comprehensive Plan Documentation:**

- Date of Adoption by the Kenton County Planning Commission: December 13, 2006

**Supporting Information/Bases For NKAPC Staff Recommendation:**

1. The proposed map amendment from R-1F to R-2 is consistent with the following Development Concepts, as contained within the Land Use Plan Element of the *Comprehensive Plan Update 2006-2026*:

The density of development for undeveloped land should be based on considerations such as: (a) the density of adjacent developed areas, of which the undeveloped land would be a logical extension; (b) access to major transportation facilities; (c) the nature of adjacent activities; and (d) the unique characteristics of the development site. (e) residential development in rural areas should be designed to maintain existing rural character of open space and the appearance of low density.

Such a concept would result in development which is compatible with surrounding land uses and which would not result in generating high volumes of traffic through low density areas.

The increase or decrease of density can function as a transition between incompatible land uses.

Such a concept would enable a transition between land uses of different intensity thereby minimizing conflict between land uses.

Residences should be in close proximity to parks, schools, commercial areas, and other community facilities.

Placing residences in close proximity to local amenities encourages walkability and alternative modes of transportation

The site in question is adjacent to, and will have the same access as, other existing multi-family residential dwellings. Additionally, the site in question is located approximately 1,000 feet from a parochial school and a major shopping center (Buttermilk Towne Center).

2. The proposed map amendment from R-1F to R-2 is consistent with the Crescent Springs City Section, as contained within the *Comprehensive Plan Update 2006-2026*, which reads as follows:

Redevelop the area on the north side of Anderson Road across from the new Buttermilk Towne Center. Redevelopment would include opportunities for professional office space as well as a residential element.

The site in question is located within this general area and the proposed map amendment from R-1F to R-2 would allow this residential component to be constructed.

3. The proposed map amendment from R-1F to R-2 is consistent with previous recommendations pertaining to the site in question and areas in the vicinity of the site in question:
  - a. On July 15, 1999, Joseph and Carolyn Spille, submitted an application for NKAPC and KCPC review and recommendation on a proposed map amendment changing an approximate .5 acre area located at the southeast corner of the intersection of Harris Street with Queen City Drive, from R-1F to R-2 (Z-99-07-09/1423R). On July 30, 1999, the NKAPC staff recommended approval of the proposed map amendment, subject to two conditions. On August 5, 1999, following a public hearing, the KCPC recommended approval of the proposed map amendment, subject to two conditions. Crescent Springs City Council subsequently took action to approve the map amendment.
  - b. On February 5, 2001, Joe Schreiber, on behalf of Rex Marquette, submitted an application for NKAPC and KCPC review and recommendation on a proposed map amendment changing an approximate 1.4 acre area located at the southeast corner of the intersection of Harris Street with Ireland Street, from R-1F to R-2 (Z-01-02-03/1494R). On February 23, 2001, the NKAPC staff recommended approval of the proposed map amendment, subject to one condition. On March 1, 2001, following a public hearing, the KCPC recommended approval of the proposed map amendment, subject to one condition. Crescent Springs City Council subsequently took action to disapprove the map amendment.
  - c. On April 10, 2003, Joe Schreiber, submitted an application for NKAPC and KCPC review and recommendation on a proposed map amendment changing an approximate 1.4 acre area located at the southeast corner of the intersection of Harris Street with Ireland Street, from R-1F to R-2 (Z-03-04-04/1619R). On April 25, 2003, the NKAPC staff recommended approval of the proposed map amendment. On May 1, 2003, following a public hearing, the KCPC recommended approval of the proposed map amendment, subject to one condition. Crescent Springs City Council subsequently took action to disapprove the map amendment.
4. The submitted development plan meets the minimum requirements of the Crescent Springs Zoning Ordinance, except for the following:
  - a. Section 9.17 provides regulations for landscaping. While the submitted development plan meets the minimum area requirements for landscaping, staff did not evaluate the amount of required landscaping. Therefore, it is recommended that the amount of required landscaping be reviewed at the time of submission for a zoning/building permit.
  - b. Section 9.22 states that any proposed development requiring the construction of streets and sidewalks, which does not constitute a subdivision, shall be required to be designed

and constructed in accordance with the adopted Subdivision Regulations. Therefore, it is recommended that the extension of Queen City Avenue be built and inspected to public street standards, pursuant to the Kenton County Subdivision Regulations.

- c. Section 10.11, D., 2. provides a maximum density of 15.0 dwelling units per net acre. The submitted development plan indicates a density of 14.59 units per net acre. However, this density is only achieved by the vacating of a portion of Queen City Avenue. While the submitted development plan notes the proposed vacation of a portion of Queen City Avenue, it is not clear that this has actually occurred. Therefore, it is recommended that a portion of Queen City Avenue be vacated prior to, or simultaneous with the action on this proposed map amendment.
  - d. Section 13.3, A., 1. does not permit fences along street right-of-ways. However, this section also states that a fence, where used as an ornamental design and developed as an integral part of landscaping on the lot, may be permitted, provided it does not exceed a height of forty-two (42) inches and a total length of forty (40) inches, except that such a fence may be modified, due to exceptional conditions of the lot, subject to the approval of the board of adjustment. The submitted development plan indicates the installation of a 3-1/2 foot high split rail fence along the perimeter of the site in question, more than forty (40) inches in length. Therefore, it is recommended that the development plan be revised to meet the minimum requirements of Article XIII, Fence Regulations, or that relief be approved by the board of adjustment.
  - e. Section 14.10 allows the use of a Class 8 sign within the R-2 Zone. However, Section 14.9, H., 5., c. states that any part of a Class 8 sign must be set back a minimum of five (5) feet from any property line. The submitted development plan indicates the installation of a Class 8 sign, approximately 3 feet from a property line. Therefore, it is recommended that the development plan be revised to indicate that the proposed Class 8 sign will be located a minimum of five (5) feet from any property line.
5. The *Comprehensive Plan Update 2006-2026* encourages alternative modes of transportation. To move that practice forward and to implement the goals and spirit of the comprehensive plan, it is recommended that a pedestrian connection be provided between the site in question and Ireland Street.

**Additional Information:**

1. The Kenton County Subdivision Regulations require that a paved accessway be provided to any development containing more than four (4) units. The submitted development plan indicates that the site in question will be developed with 32 condominium units. While initial ingress/egress is proposed via a public street, the remainder of the access is proposed via a paved driveway. This driveway will be considered to be a private street and, therefore, must be designed and constructed to private street standards.

Mr. Ron Sabo and Mr. Ben Schreiber registered to speak in favor of the issue. Ms. Dawn Johnson , Ms. Helen Broxterman and Mr. Jeff Smith registered to speak against.

Ms. Weldon read a letter into the record received on the issue from Mr. Ted Richardson. The letter was marked as an exhibit and made a part of the record on the matter.

Mr. Sabo addressed the Commission and stated he was representing the property owners on the issue. He stated the previous proposal had been for apartment buildings. He noted this proposal is for a condo development which makes a difference. He stated this is for a use that is in compliance with the Comprehensive Plan. He further stated it would not be a traffic burden to Ireland or Harris Ave. He noted this would benefit the area due to the fact that it would create less traffic than an office development. He further stated they do not have a problem with the conditions. Mr. Sabo then stated he felt strongly about the vacation of Queen City Avenue and feel it will benefit the development. He further stated the development will be all brick and stated it is a nice development. Mr. Wessels then commended the developer on really nice development and stated this is what the city needs. He did note he has some concerns with the traffic flows in the area. Mr. Hadley stated he didn't see any sidewalks on Ireland. Mr. Sabo stated there were none on Ireland but there were sidewalks within the development.

Mr. Schreiber addressed the Commission and stated he had nothing to add.

Ms. Johnson addressed the Commission and stated she has been before the Commission four times to try to stop the development. She stated to her knowledge Queen City is not vacated. She further noted the traffic at Ireland and Harris is horrible. Mr. Johnson asked what kind of impact an additional 80 cars will add. She stated the development will triple the population of the street and noted they are concerned about strangers moving into the area. It was additionally noted they do not have the infrastructure to support any rerouting of traffic. It was noted there are no sidewalks, there are storm water problems and this is not going to work for this area.

Ms. Broxterman addressed the Commission and stated she is worried about traffic with the development. She stated you cannot make a left turn with the current traffic. She additionally stated they have a hard time getting out now and asked that the Commission vote against the proposal.

Mr. Smith addressed the Commission and stated he has appeared four or 5 times opposing the development. He stated the new zoning will only add to the storm water run off. He noted they would like to keep the road open and not have it vacated. Mr. Smith showed various pictures depicting the erosion that has occurred in the area due to the previous development. He stated this will only worsen with additional development. He stated it is in his opinion that the Spille property has illegal discharge of storm water. He then asked that an adequate storm water retention system be implemented prior to additional development going forward. He asked that before anything is done that at least the Sanitation District get involved to look at it further with regard to the erosion problem.

Mr. Sabo addressed the Commission in rebuttal and stated they are representing the developer and will be responsible for the development and hope the Commission can see that. He then noted they are showing a buffer to protect the residents in the area from head lights from the oncoming cars.

Following the discussion on the matter Mr. Wessels made the motion to approve based on Staff's recommendations with the modification to condition #3 that it be stricken and read that Queen City

Avenue be extended to the rear property line to the Spille property. Mr. Hadley noted he would like to add modifications as to condition #6 that there be a connection between Ireland Street or Harris Street; as to #7 to have sidewalks on Harris and Ireland. Mr. Wessels then noted that sidewalks would be included on Ireland and Harris pursuant to the subdivision review process and he felt that more than likely that would happen anyway. Following discussion Mr. Wessels noted that he would let that be added and see how the other commissioners felt about it. Mr. France seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. France, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. Hadley, Mr. Hilgefurd, Mr. Marcum, Mr. Ryan, Ms. Snyder, Mr. Swanson, Mr. Tewes, Mr. Wells and Ms. Weldon in favor. The motion carried unanimously.

**1864R**

**APPLICANT:** City of Taylor Mill, per Jill Bailey, City Administrator.

**LOCATION:** N.A.

**REQUEST:** a proposed text amendment to the Taylor Mill Zoning Ordinance amending Article XXI, Moratorium, to extend through August 31, 2007, a moratorium established previously on the subdivision of land, grading of land, and the construction of streets, utilities, new buildings, and additions to existing buildings in an area of approximately 175 acres located along the west side of Old Taylor Mill Road, north of Taylor Creek Drive, for the purpose of conducting a study of potential development.

Staff presentation and Staff recommendations by Mr. Andy Videkovich.

**NKAPC STAFF RECOMMENDATION**

To approve the proposed text amendment.

**Comprehensive Plan Documentation:**

- Date of Adoption by the Kenton County Planning Commission: December 13, 2006

**Supporting Information/Bases For NKAPC Staff Recommendation:**

1. The proposed text amendment 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 provides for a clearly articulated purpose and narrowly defines the scope of the moratorium, which is to prohibit any subdivision of land, grading of land, and the construction of streets, utilities, new buildings and additions to existing buildings within the moratorium area until such time recommendations from a land use study are available and implemented.
3. The proposed text amendment provides a realistic and reasonable time frame for accomplishing the purpose of the moratorium.

Extending the moratorium another six (6) months, for a total of one and a half years, is a reasonable period of time to allow for the completion of the appropriate zoning regulations to implement the recommendations of the land use study.

4. The proposed text amendment is consistent with a previous recommendation made by staff.
  - a. On February 9, 2006, the City of Taylor Mill, per Jill Bailey, City Administrator, submitted a text amendment to the Taylor Mill Zoning Ordinance adding a new article that establishes a moratorium on the subdivision of land, grading of land, and the construction of streets, utilities, new buildings and additions to existing buildings in an area of approximately 175 acres located along the west side of Old Taylor Mill Road, north of Taylor Creek Drive; the moratorium is proposed to extend through August 31, 2006, and is for the purposed of conducting a study of potential development (Z-06-02-04/1800R). On February 24, 2006, the NKAPC staff recommended approval of the proposed text amendment. On March 2, 2006, following a public hearing, the KCPC recommended disapproval of the proposed text amendment. On March 8, 2006, the City of Taylor Mill adopted Ordinance Number 232, adopting the proposed text amendment.
  - b. On July 13, 2006, the City of Taylor Mill, per Jill Bailey, City Administrator, submitted a text amendment to the Taylor Mill Zoning Ordinance adding a new article that establishes a moratorium on the subdivision of land, grading of land, and the construction of streets, utilities, new buildings and additions to existing buildings in an area of approximately 175 acres located along the west side of Old Taylor Mill Road, north of Taylor Creek Drive; the moratorium is proposed to extend through February 28, 2007, and is for the purposed of conducting a study of potential development (Z-06-07-06/1828R). On July 28, 2006, the NKAPC staff recommended approval of the proposed text amendment. On August 3, 2006, following a public hearing, the KCPC recommended approval of the proposed text amendment. On August 9, 2006, the City of Taylor Mill adopted Ordinance Number 238, adopting the proposed text amendment.

Mr. Videkovich stated the moratorium was originally for six months to conduct a study. He stated it was then extended for another six months to further study the area. He noted the city is now requesting another six month to September of 2007 to allow for the completion of the study.

Ms. Jill Bailey and Mr. Dan Bell registered to speak in favor of the issue. No one registered to speak against.

Ms. Bailey addressed the Commission and stated they did contract with Wolper to complete the study which took longer than expected. She stated the second request was made because it was not incorporated into the comprehensive plan. She then noted the final six month extension on the moratorium was requested in order to get the wording of the text complete and they are confident in saying this will be the final extension. Mr. Hilgefurd asked if any request for subdivisions or development was requested during this time. Ms. Bailey stated there were none.

Mr. Bell addressed the Commission and stated he had nothing to add.

Mr. France then stated in light of the fact that nothing has come before the Commission during this time he then made the motion to approve the extension. Mr. Wells seconded the motion. A roll call vote on the matter found Mr. France, Mr. Wells, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. Hadley, Mr. Hilgeford, Mr. Marcum, Mr. Ryan, Ms. Snyder, Mr. Swanson, Mr. Tewes, Mr. Wessels and Ms. Weldon in favor. The motion carried unanimously.

**W-675**

**LOCATION:** an approximate 3.5-acre area located on the east side of Kyles Lane, approximately 700 feet north of Madison Pike, in Covington.

**REQUEST FOR ACTION:** to grant a waiver to Section 5.3 of the Kenton County Subdivision Regulations; granting the request would waive the requirement for sidewalks along the portion of Kyles Lane that fronts the development and along both sides of the subdivision's internal street system.

Staff presentations and Staff recommendations by Mr. Scott Hiles.

**NKAPC STAFF RECOMMENDATION**

To deny the requested Waiver to Section 5.3 and require a five foot wide sidewalk along the portion of Kyles Lane that fronts the development as well as along both sides of the subdivision's internal street system.

**Bases:**

1. Subdivision Regulations Section 5.3 requires sidewalk along both sides of new streets as well as along the portion of Kyles Lane that fronts the development.
2. The modifications, as requested, do not include the findings necessary to grant waivers to the regulations as set forth within Section 6.5 A, or B, or C, or D.
3. While there is currently no existing sidewalk along Kyles Lane, not providing a sidewalk along the entire frontage will eliminate the possibility of a sidewalk extension and interconnection with future development.
4. Requiring that sidewalks be constructed along both sides of new streets as well as along the portion of Kyles Lane that fronts the development is consistent with the Goals and Objectives of the 2001 Comprehensive Plan Update. As stated in Chapter 8, 'Effort should also be made to develop a balanced total transportation system which incorporates and integrates all transportation modes (including air, water, rail, transit, roadway and pedestrian access facilities)'.
5. The proposed development is located adjacent to the *Fort Wright Town Center Form District* area which when redeveloped will include a variety of uses including shopping, retail, outdoor amenities and recreational uses with pedestrian connections and bicycle provisions. Also

located in the vicinity of the proposed development currently are Walmart, TANK and a variety of restaurants and banks.

Future residents of the proposed development will be located less than half a mile walking distance of the future Town Center. According to AASHTO “The majority of pedestrian trips are 0.25 miles or less, with 1 mile generally being the limit that most people are willing to travel on foot. Most people are willing to walk 5 to 10 minutes at a comfortable pace to reach a destination”. Numerous studies have shown that people are more likely to walk if their destination is located within half a mile.

Sidewalk along the portion of Kyles Lane that fronts the development will provide safe pedestrian access for future residents of the proposed development to existing and future amenities reducing the number of vehicular trips on Madison Pike. It will provide seniors, families with children and disabled residents safe and easy access to nearby services.

Mr. Jay Bayer, Mr. Kline, Mr. Steve Megerle and Mr. Brian Vrzygot registered to speak in favor. No one registered to speak against.

Mr. Bayer addressed the Commission and stated that Staff did an excellent job. He stated it is a very difficult site to develop. He further stated they have spent a great amount of time with architects on the site trying to keep the grading to a minimum. He noted they tried to eliminate areas that were very unsafe. He noted with only 30 units on the site they are trying to be very frugal with the development. He additionally noted they are showing sidewalks on one side and noted they feel it is practical to provide one sidewalk down Kyles Lane. He further noted they do feel in providing for the sidewalks will be placing the pedestrians in a dangerous situation. Mr. Bayer stated he feels the best way to get sidewalks on Kyles Lane is to wait until Kyles is upgraded with curb and gutter down the road. He also noted due to topographical conditions and steep grades, economic hardships and the fact that it is an innovative design as well as the safety issue with encouraging pedestrian traffic on Kyles Lane are the reasons for the request.

Mr. Megerle and Mr. Vrzygot had nothing to add.

Mr. Klein addressed the Commission and stated they feel there is a connection between what is happening in Covington and Ft. Wright. He stated they would prefer to see sidewalks on Kyles Lane. He further stated he doesn't think Kyles Lane will ever be improved by the state. He stated they would prefer to see some connection to the property above the development to allow for future connection. Mr. Klein stated he feels sidewalks are important so the development doesn't become an island.

Mr. Bayer addressed the Commission and added that they are requesting the sidewalks be 4 feet wide vs. 5 feet wide internally.

Following further discussion on the matter, Mr. Hilgefurd made the motion to grant the waiver but conditioned it to include the following: that all internal sidewalks be 5 feet wide, no internal sidewalks except as indicated in red on the drawing and that nothing be required on the east side of Kyles Lane. Mr. Wells seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Wells, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Marcum, Mr. Ryan, Ms.

Snyder, Ms. Swanson, Mr. Tewes, Mr. Wells, Mr. Wessels and Ms. Weldon in favor. The motion carried unanimously.

\*Ms. Weldon had to leave the meeting at this time (9:33 p.m.).

\*\*Mr. Wessels recused himself from any consideration and voting due to a conflict of interest on the matter.

### **W-681**

**LOCATION:** an approximate 2.3-acre area located on the north side of Highway Avenue, approximately 100 feet east of Swain Court, in Covington.

**REQUEST FOR ACTION:** to grant a waiver to Section 5.3 of the Kenton County Subdivision Regulations; granting the request would waive the requirement for a sidewalk along the portion of Highway Avenue that fronts the development.

Staff presentations and Staff recommendations by Mr. Scott Hiles.

### **NKAPC STAFF RECOMMENDATION**

To deny the requested Waiver to Section 5.3 and require a sidewalk along the north side of Highway Avenue for the portion fronting the proposed development.

### **Bases:**

1. Subdivision Regulations Section 5.3 requires sidewalk along both sides of new streets as well as along the portion of Highway Avenue that fronts the development.
2. The modification, as requested, does not include the findings necessary to grant a waiver to the regulations as set forth within Section 6.5 A, or B, or C, or D.
3. Sidewalk currently exists along the north side (the project side) of Highway Avenue immediately west of the proposed development. Not providing a sidewalk along the portion of Highway Avenue that fronts the development will eliminate the possibility of circulating pedestrian traffic further east.
4. Requiring that sidewalk be constructed along property frontage is consistent with the Goals and Objectives of the 2001 Comprehensive Plan Update. As stated in Chapter 8, 'Effort should also be made to develop a balanced total transportation system which incorporates and integrates all transportation modes (including air, water, rail, transit, roadway and pedestrian access facilities)'.

### **Additional Information:**

It is important to note that sidewalk is required along both sides of the private street serving this development.

Mr. Steve Matterly, Mr. Jerry Keith, Mr. Brian Briscott and Mr. Wes Bitlinger registered to speak on the issue. No one registered to speak against.

Mr. Matterly addressed the Commission and distributed a handout with regard to the issue. He stated there is a right of way that runs along River Road that is currently being explored and is in discussion with the development and the city to provide a bike path. He stated they are asking for a waiver due to the topographical and exceptional conditions. He stated they would have to build a retaining wall for a considerable cost in order to build the connecting sidewalk. He stated the gravel path is a rough sidewalk at best. He further noted there is a very nice sidewalk that is across the street. He stated that strict compliance could result in unsafe conditions. He further noted it would create a false sense of security having the sidewalk in that location. He stated the sidewalks they would be required to put in are currently in the state's right of way and they would need to get permission from KDOT. Mr. Matterly further indicated there is a reason there is a wrought iron gate preventing access in that area due to the topography of the area.

Mr. Bitlinger addressed the Commission and stated the area in question is narrower than it looks. He stated the logical thing is to put the sidewalk in where they are proposing option 1. He then stated he is very excited for the project. He noted this is one of the few streetscapes that overlook Cincinnati. Mr. Bitlinger then noted that at the end of the sidewalk where proposed it literally runs into the flood wall and there is no where to go. He then noted that most of the joggers or walkers stay on the other side of the highway due to the safety issue.

Mr. Keith and Mr. Briscott had nothing to add.

Following additional comments on the issue Mr. Eilerman made the motion to deny based on the recommendations of Staff and the findings that it is not in compliance and standards of the Comprehensive Plan and subdivision requirements. Mr. Swanson seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Swanson, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hadley, Mr. Marcum, Mr. Ryan, Ms. Snyder, Mr. Tewes and Mr. Wells in favor. Mr. Hilgefurd voted against. The motion carried with a vote of 11-1.

### **Old and Unfinished Business:**

#### **Reports from Committees:**

*Subdivision Regulations Review* –Nothing to report.

*By-Laws* – Nothing to report.

*Model Zoning Ordinance* – Nothing to report. *Executive*- Nothing to report.

*Report from legal counsel* – Nothing to report.

*Announcements from Staff* –Nothing to report.

*Correspondence* – None.

### **New Business:**

Following completion of the public hearings on the agenda, Mr. Keith Logsdon gave a brief presentation on the Dixie Fix study.

There being nothing further to come before the Commission, a motion was then made to adjourn. All in favor. None opposed. The meeting then adjourned at approximately 11:10 p.m.

APPROVED:

\_\_\_\_\_

Chair

\_\_\_\_\_

Date