

**CITY OF FORT WRIGHT, KENTUCKY REGULAR COUNCIL MEETING**

**06/07/06 – 6:00PM**

Mayor Weaver opened the Council meeting with the Pledge of Allegiance and a moment of silence. The following members answered roll call, Mr. Jeff Wolnitzek, Mr. Matt Barker, Mr. Dave Hatter, Mr. Joe Nienaber Jr., Mr. Adam Feinauer and Mr. Paul Hiltz. Also present were City Administrator Larry Klein, City Attorney Pete Summe, Police Chief Dan Kreinest, Public Works Director Tim Maloney and City Clerk Joyce Woods. Fire/EMS Chief Steve Schewe was unavailable for this meeting.

Ms. Rosemary Fischer of 1637 Glazier Court addressed Council regarding the back yard at the apartment building at Park and Barrington Roads. Trees have been cut down and debris has been laying in the yard for a very long period of time. Ms. Fischer brought pictures of this area for Council to look at. She advised this debris is killing her shrubs and she wants something done. Mayor Weaver advised that Mr. Klein and Public Works Director Tim Maloney would look into this situation and let her know what would be done.

Motion by Mr. Hiltz, second by Mr. Feinauer to approve the minutes of the 05/03/06 Council meeting. Roll call vote taken, Barker, Nienaber and Hatter voting in favor, Mr. Wolnitzek abstained, no one opposed. Motion passed.

Motion by Mr. Nienaber, second by Mr. Hatter to approve the minutes of the 05/03/06 Municipal Road Aid Public Hearing. Roll call vote taken, Barker and Feinauer voting in favor, Wolnitzek and Hiltz abstained, no one opposed. Motion passed.

Second Reading of Ordinance 9-06 – Amended FYE 2005/2006 Budget  
Mr. Summe read this Ordinance in summary. Motion by Mr. Feinauer, second by Mr. Hiltz to approve. Roll call vote taken, Wolnitzek, Barker, Hatter and Nienaber voting in favor, no one opposed. Motion passed.

Second Reading of Ordinance 10-06 – Proposed FYE 2006/2007 Budget  
Mr. Summe read this Ordinance in summary. Motion by Mr. Feinauer, second by Mr. Hiltz to approve. Wolnitzek, Barker, Hatter and Nienaber voting in favor, no one opposed. Motion passed.

Motion by Mr. Hatter, second by Mr. Nienaber to recess Legislative Session. All members voting in favor, no one opposed. Motion passed.

**PUBLIC HEARING – 6:15PM**

**TOWN CENTER FORM DISTRICT (TCFD) ZONING TEXT AND MAP  
AMENDMENT PROPOSALS**

Mayor Weaver opened the Public Hearing.

Introductory Comments by Larry Klein, City Administrator

Mr. Klein addressed Council and thanked everyone for all the work that was done to prepare for this hearing. He explained the reason for the Public Hearing. NKAPC was selected to perform this study for the cost of \$50,000.00. \$20,000.00 was for an extensive market study to determine the best uses for this corridor.

Kenton County Planning Commission Recommendations – Melissa Jort, NKAPC  
Melissa addressed Council and advised that her purpose at this Public Hearing was to present to City Council the recommendations of the Kenton County Planning Commission (KCPC), which was to approve both the zoning text and map amendments, and the Northern Kentucky Area Planning Commission staff recommendations, which was also to approve the zoning text and map amendments. A copy of the recommendations to approve the zoning text and zoning map from the KCPC and the NKAPC are attached to these Public Hearing Minutes. Also attached is the testimony from the April 6<sup>th</sup> public hearing at KCPC.

There are two applications considered. The 1<sup>st</sup> is a proposed text amendment adding that Town Center/Form District Zone and the associated regulations to the Fort Wright Zoning Ordinance. The 2<sup>nd</sup> is a proposed map amendment adding the Town Center/Form District Zone to an area within the City. On March 31, 2006 the NKAPC staff recommended approval of the proposed text amendment subject to three conditions. Staff also recommended approval of the proposed map amendment subject to one condition. There was a Public Hearing on April 6, 2006 and action taken at their meeting on April 19, 2006.

Presentation of Other Form Districts – Melissa Jort, NKAPC

A copy is attached of the examples used by Ms. Jort.

Power Point Presentation of Form District Example – KY 17 and Highland Pike – Mark Brueggemann CDS Associates, Inc

Presentation of Arlington, Virginia Form District – Keith Logsdon, NKAPC

A copy is attached of the examples used by Mr. Logsdon.

KY 17 Market Study – Doug Harnish, Gem Public Sector Services, Inc.  
Keith Logsdon, NKAPC

The KY 17 Market Study is included in the public hearing minutes by reference and is available at the NKAPC and City of Fort Wright offices.

#### **City Staff Recommendation – Orphanage Road**

A City staff recommendation was presented by City Administrator Larry Klein regarding the proposed map amendment. In discussion with NKAPC staff, if there is consideration tonight for a map amendment to this corridor, it is City staff's recommendation that the map amendment be modified to exclude the area on Orphanage Road between the City property line with Fort Mitchell, going west. This would include the property bordered by Orphanage Road and the entrance/exit ramp to I-275 and the city boundary southwest, because this area, due to its adjacent proximity to I-275, is not as conducive to the concept of the Town Center Form District (TCFD) as it will be to the anticipated second form district to the south. Existing uses in this area comprise uses envisioned for the second form district to the south and therefore should be considered for inclusion when that form district is being prepared.

Mr. Hatter stated that he is not in favor of these changes. He has a problem with the five acre rule, which he believes is much too restrictive. Discussion followed.

#### **Public Comment – Proponents/Opponents/Neutrals**

Speaking in favor of the proposals:

Lynn Toner of Beacon Hill spoke and advised she is in favor of the restrictions and is happy that City Council is imposing them to keep the development looking very nice. She stated that only because the City stayed on the Wal-Mart development it is kept nice.

Eileen Hastings of Mount Vernon Drive spoke and advised as a member of the Vision Committee they have been talking about this for sometime. She gave a few examples of areas that were not pleasing to look at and others that were very nice. She also commented on the feedback she received on the Wal-Mart site that people in the area were very pleased with the outcome.

Tom Litzler of Beaumont Court spoke and advised that he came to the meeting not really knowing how he felt on this proposal. What was done with the Wal-Mart project, because Council stood their ground on this issue, improved traffic and was not the problem he thought it would be. He advised he doesn't think anything will change. You have to look at each case on an individual basis, that's what the Board of Adjustment is for. This area is the heart of the City and it is critical to set standards.

Speaking against the proposal:

Rudy Kreutzjans of General Drive spoke and noted that the Board of Adjustment is limited to what they can do and not a catchall for every problem that comes up. He asked questions of the speakers. He noted that everyone on either side wants this corridor to look good. He thinks this plan is much too restrictive.

Joe Michels of General Drive also spoke and had reservations regarding the plan and agreed it is much too restrictive on what can be done with the land.

Speaking as a neutral:

Roger Schroder, Foreign Auto Salvage, Highland Pike

Motion by Mr. Hatter, second by Mr. Nienaber to close the Public Hearing and reconvene the Regular Council meeting. Roll call vote taken, Wolnitzek, Barker, Feinauer and Hiltz voting in favor, no one opposed. Motion passed.

#### **First Reading of Ordinance 11-06 – Zoning Text Amendment – TCFD**

Mr. Summe read this Ordinance. Motion by Mr. Wolnitzek, second by Mr. Hiltz to approve. Roll call vote taken, Barker and Feinauer voting in favor, Nienaber and Hatter voting no. Motion passed 4 to 2.

#### **First Reading of Ordinance 12-06 – Zoning Map Amendment**

Mr. Summe read this Ordinance. Motion by Mr. Wolnitzek, second by Mr. Barker to approve, but amended, as recommended by City staff, to eliminate the area currently zoned HOC (Highway Oriented Commercial) and bounded by Orphanage Road, I-275, and KY 17, from the TCFD (Town Center Form District) based on the following finding of fact:

- 1) The area described, due to its adjacent proximity to I-275, is not as conducive to the concept of the Town Center Form District (TCFD) as it will be to the anticipated second form district to the south. Existing uses in this area comprise uses envisioned for the second form district to the south and therefore should be considered for inclusion when that form district is being prepared.

Roll call vote taken, Feinauer and Hiltz voting in favor, Hatter and Nienaber voting no. Motion passed.

Motion by Mr. Hatter, second by Mr. Barker to have a short recess. All members voting in favor, no one opposed. Motion passed.

Mr. Jim Titus of Dunn and Titus, addressed Council and stated that there is a planned development of 7.5 acres for 55 plus age group in the planning stages on Madison Pike. This will be a gated community with many amenities; there are plans for 1, 2 and 3 bedroom high end condos ranging in price from \$200,000.00 to \$450,000.00.



#### **Executive Order 4-06 – Reappointment of Police Chief**

Mr. Summe read this Order. Motion by Mr. Hiltz, second by Mr. Feinauer to approve. Roll call vote taken, Wolnitzek, Barker, Hatter and Nienaber voting in favor, no one opposed. Motion passed.

#### **Debt Refinancing Proposals**

Seven debt refinancing proposals were received for consideration by the June 1, 2006, 4PM deadline. After much consideration and discussion it was decided to accept the proposal from The Bank of Kentucky. Motion by Mr. Hiltz, second by Mr. Feinauer to accept the proposal from The Bank of Kentucky. Roll call vote taken, Wolnitzek, Barker, Hatter and Nienaber voting in favor, no one opposed. Motion passed.

#### **Saint Anthony and Marcella Drive Street Improvements**

Because of work to be done on Saint Anthony and Marcella Drive by the Sanitation District the bidding for this street project has been delayed. The Sanitation District cannot confirm a timeframe for the repairs that are to be done on these streets, so it could be many years in the future. City staff's recommendation is to proceed with the bids for reconstruction of Saint Anthony and Marcella Drives.

#### **Administrator Report**

##### **2006 Memorial Day Commemoration**

The Memorial Day Commemoration held on May 29, 2006, was well attended and went very well.

##### **Kennedy and Lake Street Improvements**

The street repair project on Kennedy Road and Lake Street is progressing well. The change order submitted to JPS Construction for an all concrete street on Kennedy Road was \$7000.00 less than asphalt.

##### **Dixie Fix Update**

Information included in the packet on the Open House held on May 8, 2006 for the purpose of receiving public comments on proposed improvements to the Dixie Highway corridor. Other information is also included. This study will conclude at the end of June with a final report.

##### **Vision Committee Survey**

A copy of the survey that was included in the June Top of the Hill Newsletter is included in the packet. The purpose of this survey is to compile results from residents and distribute them to City Council and the Vision Committee for review.

##### **Northern Kentucky Subdivision Regulations Review Committee**

This committee is asking for input from cities and local elected officials. Mr. Klein advised that if you have any input and suggestions or recommendations, please let him know.

## Council Committee Reports

### Community Affairs

Mr. Feinauer just wanted to note that school is out, watch for children playing in the neighborhoods.

Mr. Nienaber reported that we recently had two longtime Fort Wright residents pass away, Bob Hebbeler and Ray Schuler. Our sympathy to their families.

### Legal Matters

Mr. Summe advised there would be a pre-appeal hearing in July for Ms. Classic Car Wash.

### Department Reports

City Clerk Joyce Woods stated that Assistant City Clerk Jennifer Lipson gave birth to a baby girl, Arielle Elizabeth on June 1<sup>st</sup>. Everyone is doing well.

Public Works Director Tim Maloney reported his monthly report was distributed on the desk. The I-75 cleanup project has been completed and all the volunteers from the Kenton County Detention Center did a really good job. The Kennedy-Lake street project is going very well. NKAPC has the permits for the lights that will be installed under the Rivard underpass.

Police Chief Dan Kreinest reported that he wanted to send condolences to Tom Scheben of the Boone County Sheriff's Department on the death of his son in a motorcycle accident.

Motion by Mr. Hatter, second by Mr. Barker to adjourn the meeting. All members voting in favor, no one opposed. Motion passed.

Attest:

Joyce Woods, City Clerk

Respectfully Submitted,

Gene Weaver, Mayor

# City of Fort Wright Public Hearing

June 7, 2006

Comparable Form District Examples

## Lincolnwood, Illinois



### Building Heights

- Maximum Allowable Heights Immediately Adjacent to Sidewalks: 3 Floors/38 Ft.
- Maximum Allowable Heights for Buildings: 5 Floors/65 Ft.
- Minimum Setback for Floors above Three Floors: 10 Ft.

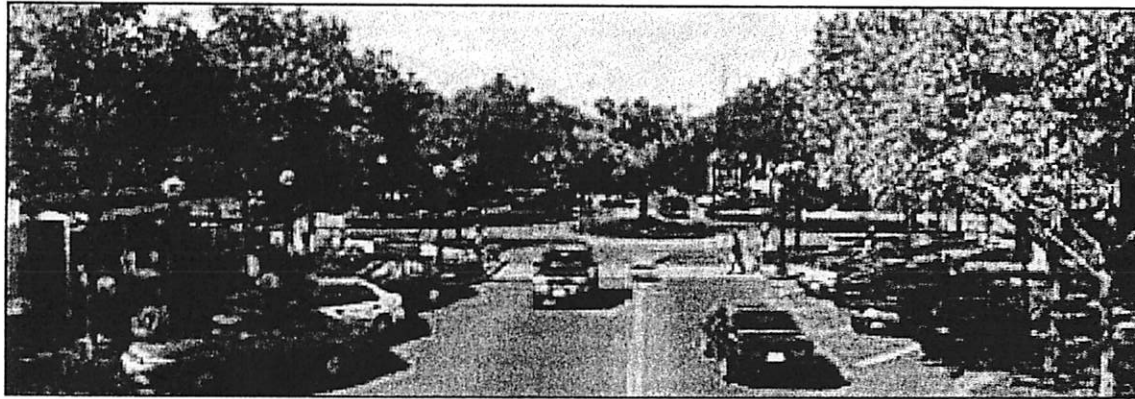
## Fort Wright, Kentucky

### Building Heights

- Each building should have a minimum of 2 stories, and shall not exceed 65 Ft. in height
- Maximum height of a building with only residential uses above the first floor is 90 Ft.

## Cotati, CA

## Fort Wright, KY



### Outdoor Lighting

- An outdoor light fixture shall be limited to a maximum height of 14 feet or the height of the nearest building, whichever is less
- Outdoor lighting shall utilize energy-efficient (high pressure sodium, low pressure sodium, hard-wired compact fluorescent, or other lighting technology that is of equal or greater energy efficiency) fixtures/lamps
- Lighting fixtures shall be shielded or recessed to reduce light bleed to adjoining properties, by
  - Ensuring that the light source (e.g., bulb, etc.) is not visible from off the site; and
  - Confining glare and reflections within the boundaries of the site to the maximum extent feasible

### Lighting

- Lighting for off street parking:
  - Maximum permitted height for luminaries (Commercial): 20 Ft.
  - Maximum permitted height for luminaries (Residential): 12 Ft.
- All outdoor lighting shall be reduced by 25% during non-operating hours in mixed-use areas
- All lighting must be located on poles or at ground level and must be directed toward the property interior

## Ventura, CA



### Urban Standards: Building Placement

- Street Build-to-Line: Either maintain the setback of the building a proposed structure is replacing or maintain average setback of both sides of the entire block
- Side Street Build-to-Line: Same as Street Build-to-Line
- Side Yard Setback: 5 Ft. minimum
- Rear Setback: 25 Ft. minimum

## Fort Wright, KY

### Building Envelope Standards

- Setback from Street Frontages: No minimum
- Build-to-Line maximum– 20 Ft. from the R.O.W. unless outdoor amenities are located within the R.O.W. and the Build-to-Line, in which case no more than 50 Ft. from the R.O.W.
- Side Yard Setbacks: No setbacks requirements, except when adjacent to a residential use above the first floor, then a minimum side yard of 5 Ft. shall be maintained
  - Where adjoining a residential zone outside of the form district a minimum 50 feet from the property line must be maintained.

## Windsor, CA



## Fort Wright, KY

### Building Elevations and Entries

#### •On the Street

•Windows, doors, display windows, or arcades should make up at least 50% of building frontages that face streets in Windsor's Pedestrian-Oriented and Gateway Commercial Districts. Medical, dental and other uses that need more privacy should place these uses away from streets or on upper floors.

#### •Building Entries

•To be visible to pedestrians and cars alike, the main entrance of a building should face a street. Street facing entries may be difficult to achieve under some conditions.....In these instances, main building entrances should be facing a publicly accessible walkway that connects directly to the street.

•Main entrances should be a dominant and recognizable feature of a building. Smaller retail shops should have individual entrances from the street, even when these shops are a part of a larger retail anchor store.

### Building Element Specifications

#### •Ground Story Fenestration

•No blank/uninterrupted walls shall be facing streets, access drives, sidewalks, outdoor amenities, recreational areas or other public uses

•Ground story façades shall have between 50 and 90 percent fenestration (measured as a percentage of the façade that is between 2 and 10 feet above the fronting streets, sidewalks, outdoor amenities or recreational areas) with a combination of two or more of the following animating features

•Display windows at least 50% open to the business interior with a minimum height of 8 feet and having a maximum sill height of 3 feet

#### •Building Entrances

•Buildings shall have at least one public entrance on all façades facing the street and at least one where parking is located

•On corner lots, entrances may be on the front façade or at the corner of the building

## Davidson, NC



## Fort Wright, KY

### Building Materials

- The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps shall blend with the roof colors
- Quality finish materials shall be utilized. Such materials include, but need not be limited to:
  - Brick, masonry, or stone
  - Stucco
  - Wood or concrete siding
- Metal buildings shall be prohibited except as specifically allowed in the planning area regulations
- Where any sloped roofs and structural canopies are used, they shall be covered with:
  - Clay tiles
  - Slate
  - Ribbed metal
  - Asphalt shingles

### Architectural Standards

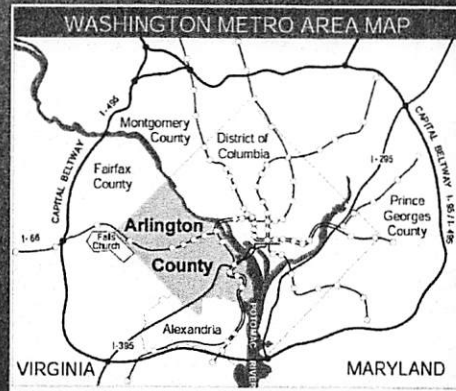
- Materials- The following materials are permitted
  - Brick and tile masonry
  - Stucco
  - Native stone
  - Pre-cast masonry, etc.
- Standards for roofs and parapets--Where clearly visible from streets, sidewalks, outdoor amenities, recreational areas or other public uses.
  - Materials that are permitted:
    - Clay or concrete
    - Tile, slate, metal
    - Shingle



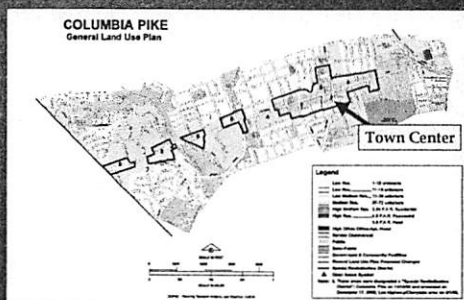
# Advantages & Challenges of Form Based Codes

## Columbia Pike Initiative

January 27, 2006



## Columbia Pike Revitalization District



## What's Been Done

- Columbia Pike Initiative: A Revitalization Plan Volumes 1 & 2 (March 2002)
  - The plan includes 25 recommendations to spur revitalization on the Pike
- Columbia Pike Form Based Code (February 2003)
- Columbia Pike Street Space Plan (February 2004)

### Review Process

- 30-Day Administrative (Staff) Review - Sites less than 40,000 Sq. Ft.
- 55-Day Use Permit Review - Sites greater than 40,000 Sq. Ft.
  - One community meeting
  - Planning Commission review
  - County Board approval

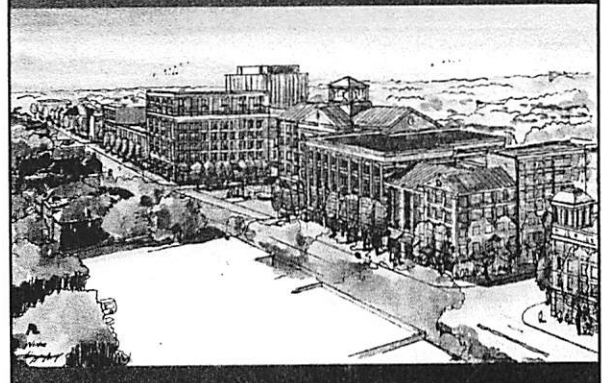
### What We Want:

- It's Got to Be Walkable
- Make it Easy to Build the Right Thing
- Wake Up the Storefronts
- Promote Local Entrepreneurship
- Champion Diversity, Mix Uses, Mix Incomes
- Evolve towards an International Main-street
- Balance Transit, Walking, Biking, Traffic
- Control the Scale, Fit and Form

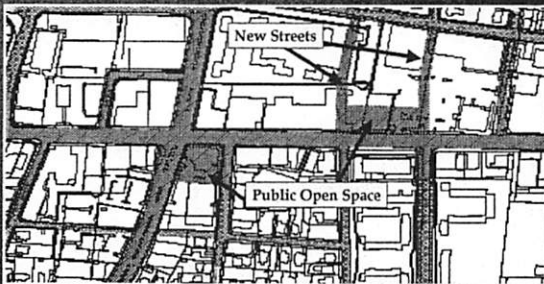
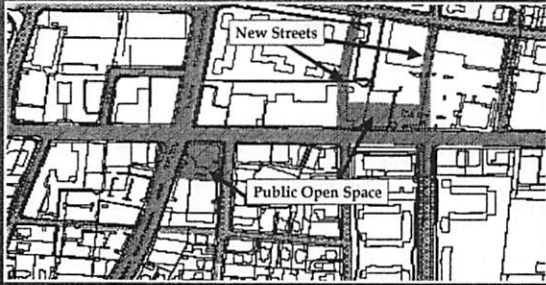
### Town Center Illustrative



### "The Vision"



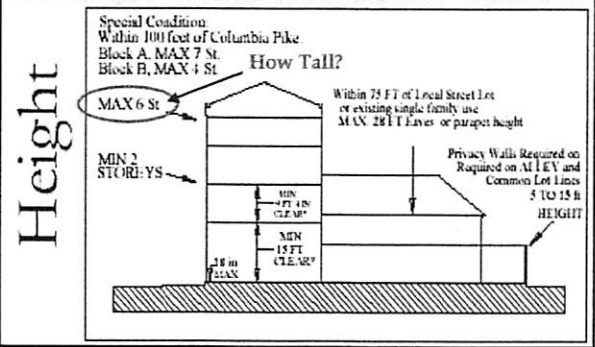
## The Regulating Plan

A black and white historical map of a city grid. The map shows a network of streets and building footprints. Two specific areas are highlighted with labels and arrows. The label 'New Streets' is located in the upper right quadrant, with an arrow pointing to a set of streets. The label 'Public Open Space' is located in the lower right quadrant, with an arrow pointing to a large, open area within the grid. The map is oriented with North at the top.

# Main Street Building Envelope Standard

The diagram illustrates the Main Street Building Envelope Standard. It features a cross-section of a building with various height and setback specifications. Key elements include:

- Special Condition:** Within 100 feet of Columbia Pike.
- Block A:** MAX 7 St.
- Block B:** MAX 4 St.
- How Tall?** A section of the building is labeled with height requirements: MIN 2 STORIES, MIN 15 FT CLEARE, MIN 15 FT CLEARE, and MIN 15 FT CLEARE.
- Height:** A vertical arrow on the left indicates the building's height.
- Privacy Walls Required:** A note states: Privacy Walls Required on Required on MLEV and Common Lot Lines 5 TO 15 ft HEIGHT.
- Setback:** A note states: Within 75 FT of Local Street Lvs or existing single family use MAX 20 FT Lvs or parapet height.



# Main Street Building Envelope Standard

The diagram illustrates the Main Street Building Envelope Standard for a building facade. It shows a two-story building with a gabled roof and a lower section to the right. The facade is divided into upper and lower levels. The upper level is labeled 'UPPER FACADE FENESTRATION' with a maximum of 70% and a minimum of 30%. The lower level is labeled 'STREET-FACADE FENESTRATION' with a maximum of 80% and a minimum of 60%. The roof is labeled 'ROOF' with a maximum of 10% and a minimum of 0%. The building is shown on a hatched ground plane. The word 'Elements' is written vertically on the left side of the diagram.

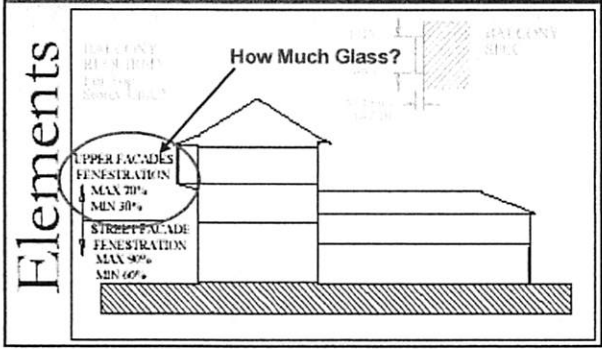
Elements

UPPER FACADE FENESTRATION  
MAX 70%  
MIN 30%

STREET-FACADE FENESTRATION  
MAX 80%  
MIN 60%

ROOF  
MAX 10%  
MIN 0%

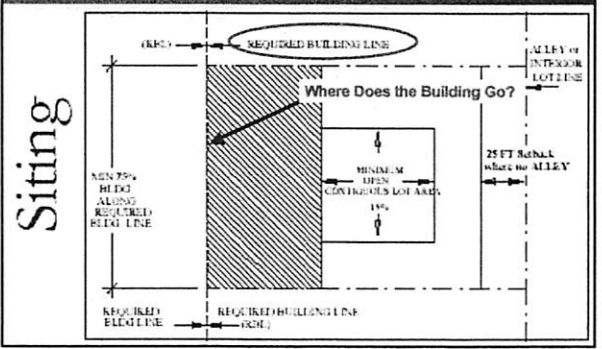
How Much Glass?

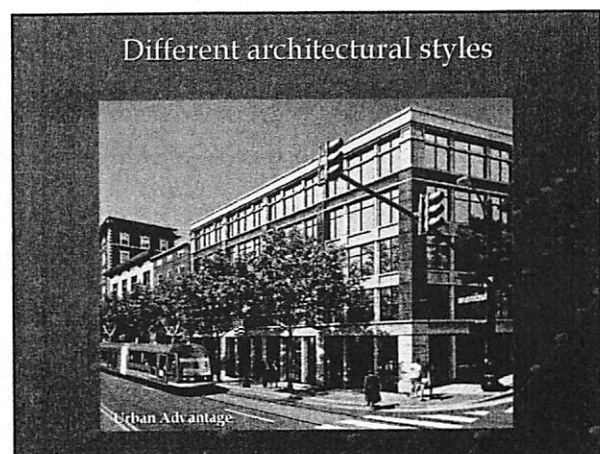
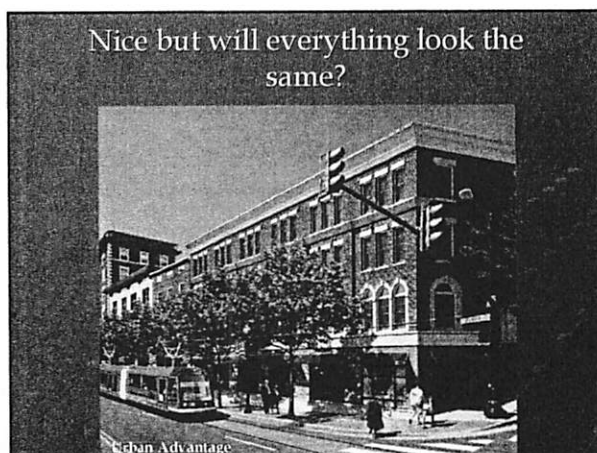
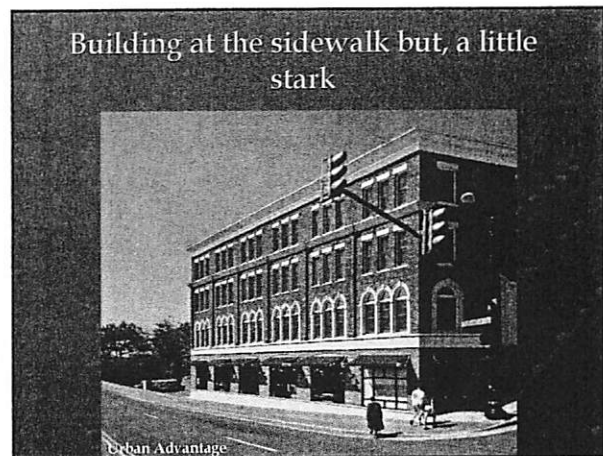
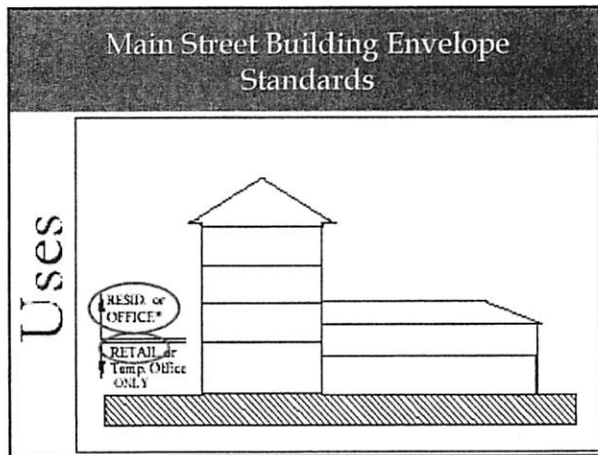


# Main Street Building Envelope Standard

The diagram shows a building footprint (shaded area) situated between two required building lines. Key features include:

- REQUIRED BUILDING LINE**: Indicated by dashed lines at the top and bottom.
- Where Does the Building Go?**: A question pointing to the shaded building area.
- MINIMUM OPEN CORRIDORS FOR ACCESS**: Two arrows indicate the minimum open space required for access to the building.
- ALLEY or INTERIOR LOT LINE**: Located on the right side of the diagram.
- 25 FT Setback where no ALLEY**: A dimension indicating the setback from the interior lot line when there is no alley.
- MIN 75% BLDG ALONG REQUIRED BLDG LINE**: A note on the left side indicating the minimum percentage of the building must be along the required building line.





### Different architectural styles



WDG Architects

Safeway Proposal

### What Do You Need to Know?

- Location – Regulating Plan (map)
- Form – Building Envelop Standards
- Architectural / Streetscape Standards

### Capstone Site

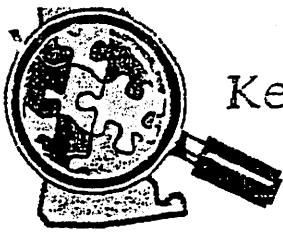


### Capstone



Columbia Station





# Kenton County Planning Commission

MANY COMMUNITIES / ONE FUTURE

April 20, 2006

Mayor and City Council  
City of Fort Wright  
409 Kyles Lane  
Fort Wright, KY 41011

Dear Mayor and Council:

NUMBER: 1803R

Attached please find a copy of the Kenton County Planning Commission's action taken at its meeting on April 19, 2006 (public hearing held on April 6) regarding proposed text amendments to the Fort Wright Zoning Ordinance, submitted by Larry Klein on behalf of the city. Copies of the Commission's action have been sent to the applicant and those persons or agencies, which may be affected by this matter.

If you have any questions regarding this issue, please do not hesitate to contact us. Thank you.

Sincerely,

Alexandra K. Weldon, Chair

MJ/db  
attachment

cc: Mr. David Schneider Sr., KCPC Attorney  
Mr. Pete Summe, City Attorney  
Mr. Larry Klein, City Administrator



**KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
STATEMENT OF RECOMMENDATION**

NUMBER 1303R

**WHEREAS**

The City of Fort Wright, per Larry Klein, City Administrator, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATION ON: Proposed text amendments to the Fort Wright Zoning Ordinance adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the City's Zoning Ordinance; AND

**WHEREAS**

A PUBLIC HEARING AND SPECIAL MEETING WERE HELD ON THIS APPLICATION ON THURSDAY, APRIL 6, 2006, AND APRIL 19, 2006 AT 6:15 P.M. RESPECTIVELY, IN THE NORTHERN KENTUCKY AREA PLANNING COMMISSION'S FIRST FLOOR MEETING ROOM, 2332 ROYAL DRIVE, FORT MITCHELL, KY, AND A RECORD OF THAT HEARING IS ON FILE AT THE OFFICES OF THE KENTON COUNTY PLANNING COMMISSION, 2332 ROYAL DRIVE, FORT MITCHELL, KENUCKY.

**NOW, THEREFORE,**

THE KENTON COUNTY PLANNING COMMISSION SUBMITS THE FOLLOWING RECOMMENDATIONS, ALONG WITH SUPPORTING INFORMATION AND COMPREHNSIVE PLAN DOCUMENTATION:

**KCPC RECOMMENDATION:**

To approve the proposed text amendments adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the City's Zoning Ordinance, but only subject to compliance with the following conditions:

1. That the definition of Open Space within Section 10.31., I, 2., be consistent with Section 10.31., F (Definitions).
2. That Section 10.31., I, 2., e., (2), be revised to read as follows:

When an area is to be preserved as private or common open space, prior to the recording of a plat or the issuance of a grading/zoning/building permit, whichever occurs first, the developer and recipient entity may apply a recorded conservation easement to the area of the proposed open space, and submit documentation assuring its permanent protection, preservation and maintenance by the city or other responsible entity as approved by the city.

3. That the term "Recreational Corridor" within Section 10.31., J., 3., e, be replaced with "Riparian Buffer".



COMPREHENSIVE PLAN DOCUMENTATION:

- Date of Adoption by the Kenton County & Municipal Planning & Zoning Commission: December 18, 2001

SUPPORTING INFORMATION/BASES FOR KCPC RECOMMENDATION:

1. The proposed text amendments adding a Town Center Form District Zone (TCFD), along with the necessary cross references (see Attachments A, C and D) is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statutes (KRS) 100.203 (1).

Essential nexus is established within the proposed Form District regulations in regard to the conditions as set forth under KRS 100.203 (1). In response to this, the language of the Form District regulations specifically include the purpose of protecting watercourses and areas subject to flooding, specifying what areas are to be left unoccupied as open spaces, the intensity of uses including setbacks and impervious surface area ratios, as well as requirements that will directly impact major thoroughfares, intersections, and transportation arteries. Other elements include multi-modal connectivity, the creation of usable public spaces by creating recreational opportunities, outdoor amenities and streetscapes, interesting architectural design and access management.

2. The proposed Town Center Form District regulations have been tailored to meet the specific land use recommendations for a portion of Madison Pike (KY 17) as identified within the amended 2001 Area Wide Comprehensive Plan Update. The Town Center Form District regulations were prepared in response to the potential for an identifiable "core" within the area of the intersection of Madison Pike and Highland Avenue. In addition, the proposed Town Center Form District Zone is consistent with the Greenway, Transportation and Implementation recommendations as contained within the amended 2001 Area Wide Comprehensive Plan Update.
3. The proposed text amendments are reasonable and efficient by providing for a streamlined permitting process, enabling applicants to develop "by-right" under the proposed regulations. In addition, the proposed text amendment provides for all land uses, which are existing and in conformance with the Fort Wright Zoning Ordinance at the time of the adoption of the TCFD regulations to be considered permitted uses under the proposed regulations.
4. The proposed text amendments are appropriate by utilizing a prescriptive approach which outlines the design of development visually. The specificity of the regulations is intended to provide clear and concise standards while providing flexibility in the design of development. The proposed regulations are also presented graphically so they may be more readily understood by public, public officials and design professionals.
5. Section 10.31, F., of the proposed text amendments provide a definition of Open Space. Section 10.31., I., 2., provides a slightly different definition which is to be applied to that section of the zoning ordinance. It is therefore recommended that the definition of Open Space within Section 10.31., I., 2., be consistent with Section 10.31., F (Definitions).

6. The proposed text amendments, as submitted, require fifteen (15%) of the buildable area of a development within the TCFD be retained as open space. The proposed regulations provide a number of features that can be classified as open space (i.e. Riparian buffers, landscaped roadway medians, undisturbed hillsides, etc). The regulations also state that where an area is to be preserved as private or common open space, a conservation easement shall be submitted ensuring its permanent protection, preservation and maintenance as a condition for obtaining credit towards the required open space. In response to a legal opinion provided to staff by Mr. Dave Schneider Sr. on February 23, 2006, it was recommended that the dedication of easements for open space be made voluntary defensible by Kentucky Revised Statutes Chapter 100. It is therefore recommended that Section 10.31.. I. 2., e., (2), be revised to read as follows:

When an area is to be preserved as private or common open space, prior to the recording of a plat or the issuance of a grading/zoning/building permit, whichever occurs first, the developer and recipient entity may apply a recorded conservation easement to the area of the proposed open space, and submit documentation assuring its permanent protection, preservation and maintenance by the city or other responsible entity as approved by the city.

7. The proposed text amendments specify requirements for development alongside Riparian Buffer areas. However, in one section of the proposed text, the proposed regulations refer to the Recreational Corridor. This is an error in terminology, the regulation was intended to refer to the Riparian Buffer areas. It is therefore recommended that the term "Recreational Corridor" within Section 10.31., J., 3., e, be replaced with "Riparian Buffer".

ALEXANDRA K. WELDON, CHAIR  
KENTON COUNTY PLANNING COMMISSION



Building Codes Administration • Infrastructure Engineering • Current Planning • LULU/GIF Administration • Long-Range Planning

**TO:** Ms. Alexandra Weldon, Kenton County Planning Commission

**FROM:** Michael D. Schwartz, AICP <sup>Mike</sup>  
Deputy Director for Current Planning  
[mschwartz@nkapc.org](mailto:mschwartz@nkapc.org)

**RE:** Staff Recommendations for the April 6, 2006 Public Hearing

**DATE:** March 31, 2006

The NKAPC staff respectfully submits the attached recommendation for review prior to the public hearing scheduled before the Kenton County Planning Commission on Thursday evening, April 6th at 6:15 pm. This includes staff comments on the following agenda item:

**FILE NUMBER:** Z-06-03-01/1803R  
**APPLICANT:** City of Fort Wright per Larry Klein, City Administrator  
**REQUEST:** Proposed text amendments to the Fort Wright Zoning Ordinance adding a Town Center Form District (TCFD) Zone and associated regulations including appropriate cross references to other sections of the city's zoning ordinance.

Staff will be prepared to address your comments and/or questions regarding the noted project during the public hearing. If you need additional information or clarification prior to that time, don't hesitate to contact me.

**cc:** Mayor and City Council, City of Fort Wright  
Mr. Larry Klein, City Administrator

Kenton County Planning Commission  
NKAPC Staff Comments, Findings, and Recommendations  
Issue to be heard: Thursday, April 6, 2006

**FILE NUMBER:** Z-06-03-01/1803R  
**APPLICANT:** City of Fort Wright per Larry Klein, City Administrator  
**LOCATION:** N.A.  
**REQUEST:** Proposed text amendments to the Fort Wright Zoning Ordinance adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the City's Zoning Ordinance.

**Considerations:**

1. On January 15, 2004, the City of Fort Wright requested that the Northern Kentucky Area Planning Commission (NKAPC), along with GEM Public Sector Services (GEM), undertake a detailed land use and economic study of the Madison Pike (KY 17) Corridor within the City. GEM's role was to prepare a market analysis, including a detailed retail analysis, to help guide the other planning initiatives directed by the NKAPC. NKAPC Staff conducted an inventory of existing conditions, conducted public input and committee meetings, and developed planning initiatives and recommendations discussed throughout the plan. The purpose of this study was to prepare a community-based plan built on collaboration between city officials, residents, and stakeholders within the corridor. It is the desire of the City of Fort Wright to provide a tool that can be used to guide public and private decisions and to trigger new quality and sustainable development along the corridor.
2. Two committees were formed as part of the planning process: (1) a Steering Committee comprised of residents, property owners within the corridor, and representatives of the city, who provided input and guidance; and (2) a Stakeholders Committee comprised wholly of the property owners within the corridor, who provided a forum for dissemination of information on the planning process to those most directly involved in the outcome of the planning process. During the planning process, the primary function of this committee was disseminating data from GEM's market analysis. A total of five (5) meetings were held with both committees throughout the preparation of the *Madison Pike Corridor Land Use and Economic Development Plan* between February 17, 2004 and July 22, 2004. The city took action to formally adopt the plan in Fall 2004.
3. On November 3, 2004, the City of Fort Wright, per Larry Klein, City Administrator, submitted an application for NKAPC and KCPC review and recommendation/action on proposed amendments to the 2001 Area-Wide Comprehensive Plan Update, (1) amending the Recommended Land Use Map for an approximate 630 acre area located along Madison Pike (KY 17) from the southernmost point of the city limits of Fort Wright on Old Madison Pike, northward to Howard Litzler Drive, from Industrial, Commercial – Retail/Service, Commercial – Office, Recreation and Open Space, Physically Restricted Development Area, Community Facilities – Other Community Facilities, and Residential Development at a density ranging from 2.1 to 7.0 dwelling units per net acre, to a Special Development Area; (2) text amendments to the Land Use Element adding recommendations for the proposed Special Development Area, specifically in reference to the *Madison Pike Corridor Land Use and Economic Development Plan*; (3) text amendments to the Transportation Element adding recommendations for new transportation planning concepts; and (4) text amendments to the Implementation Element including Form District standards and riparian buffering (P-04-11-01/1710R). On November 24, 2004, the NKAPC staff recommended approval of the proposed map and text amendments. On December 2, 2004, the KCPC held a public hearing and took action to approve the amendments to the comprehensive plan.

4. The proposed text amendment adding a Town Center Form District (TCFD) Zone and associated regulations, were recommended to assist in the implementation of the Comprehensive Plan, as amended. Section 100.203 of Kentucky Revised Statutes (KRS) Chapter 100.203 (1) gives cities and counties the power to enact zoning text, which must be uniform throughout the zone. KRS 100.203 (1) reads as follows:

KRS 100.203 - Content of zoning regulations - Cities and counties may enact zoning regulations which shall contain:

- (1) A text, which shall list the types of zones which may be used, and the regulations which may be imposed in each zone, which must be uniform throughout the zone. In addition, the text shall make provisions for the granting of variances, conditional use permits, and for nonconforming use of land and structures, and any other provisions which are necessary to implement the zoning regulation. The city or county may regulate:
  - (a) The activity on the land, including filling or excavation of land, and the removal of natural resources, and the use of watercourses, and other bodies of water, as well as land subject to flooding;
  - (b) The size, width, height, bulk, location of structures, buildings and signs;
  - (c) Minimum or maximum areas or percentages of areas, courts, yards, or other open spaces or bodies of water which are to be left unoccupied, and minimum distance requirements between buildings or other structures;
  - (d) Intensity of use and density of population floor area to ground area ratios or other means;
  - (e) Districts of special interest to the proper development of the community, including, but not limited to, exclusive use districts, historical districts, planned business districts, planned industrial districts, renewal, rehabilitation, and conservation districts, planned neighborhood and group housing districts.
  - (f) Fringe areas of each district, by imposing requirements which will make it compatible with neighboring districts.
  - (g) The activities and structures on the land at or near major thoroughfares, their intersections, and interchanges, and transportation arteries, natural or artificial bodies of water, public buildings and public grounds, aircraft, helicopter, rocket and spacecraft facilities, places having unique interest or value, floodplain areas, and other places having a special character of use affecting or affected by their surroundings.

Form District regulations differ from conventional zoning regulations by focusing on the design or "form" of development and not necessarily on use. Form districts promote compatibility of adjacent uses and preservation of desirable elements such as stream corridors and steep slopes. They also address various aspects such as: establishing an identifiable "core" or "town center" that would provide a mixture of uses including shopping, offices and residences as a focal point for several neighborhoods with a high level of roadway, transit, bicycle and pedestrian access and special attention to compatibility of infill and redevelopment of individual and integrated sites.

5. The proposed Town Center Form District regulations are a design oriented approach to land use regulation, with design standards for shop fronts, public spaces, streetscapes, and other details. The *Madison Pike Corridor Land Use and Economic Development Plan* recommended three or four such Form Districts to address special areas with potential to create unique development along the Madison Pike Corridor. The Town Center Form District regulations were prepared in response to the potential for an identifiable core in the area of the intersection of Madison Pike and Highland Avenue.

The language of the proposed Town Center Form District Zone specifically includes the purpose of protecting watercourses and areas around them which are subject to flooding, specifying areas that are to be left unoccupied as open spaces, the intensity of uses including setbacks and impervious surface area ratios, as well as requirements that will directly impact major thoroughfares, intersections, and transportation arteries. Other elements include multi-modal connectivity, the creation of great public spaces through recreation opportunities, outdoor amenities and streetscapes, interesting architectural design and access management. Elements within the Town Center Form District that will be used to achieve these purposes include:

- Building Envelope Standards
  - Hillside Protection
  - Riparian Protection, Open Space and Outdoor Amenities
  - Transportation Standards
  - Parking, Loading and Unloading
  - Streetscape Standards
  - Architectural Standards
  - Street Wall Standards
  - Retaining Wall Standards
  - Colors
  - Accessory Structures
  - Lighting Standards
  - Signage Standards
6. The application and processing requirements under the proposed TCFD Zone are streamlined, providing an incentive to property owners who wish to develop in accordance with the proposed regulations. Development within the TCFD Zone is development “by-right” which entails only an administrative review of a Stage II Development Plan carried out by NKAPC staff and the City of Fort Wright. The TCFD Zone requires that applicants attend a pre-application conference with NKAPC staff to discuss the requirements of the TCFD Zone and resolve any issues prior to the submission of a formal application. All land uses, existing and in conformance with the Fort Wright Zoning Ordinance at the time of the adoption of the TCFD regulations are considered permitted uses.
7. NKAPC Staff, together with the Steering Committee and the city, began work on the proposed Town Center Form District Zone in May 2005. A total of seven (7) meetings were held between May 25, 2005 and January 30, 2006 to review and discuss the proposed regulations. NKAPC Staff researched and examined numerous examples of Form District type regulations elsewhere in the country to assist in developing the proposed text amendments, including Metro Louisville’s new Land Development Code, which was adopted by the city in 2003 and re-classified the entire Metro Government jurisdiction into a series of form district zones.

#### **NKAPC Staff Recommendation:**

To approve the proposed text amendments adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the City’s Zoning Ordinance, but only subject to compliance with the following conditions:

1. That the definition of Open Space within Section 10.31., I., 2., be consistent with Section 10.31., F (Definitions).
2. That Section 10.31., I., 2., e., (2), be revised to read as follows:

When an area is to be preserved as private or common open space, prior to the recording of a plat or the issuance of a grading/zoning/building permit, whichever occurs first, the developer and recipient entity may apply a recorded conservation easement to the area of the proposed open space, and submit documentation assuring its permanent protection, preservation and maintenance by the city or other responsible entity as approved by the city.

3. That the term "Recreational Corridor" within Section 10.31., J., 3., e, be replaced with "Riparian Buffer".

**Comprehensive Plan Documentation:**

- Date of Adoption by the Kenton County & Municipal Planning & Zoning Commission: December 18, 2001

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

1. The proposed text amendments adding a Town Center Form District Zone (TCFD), along with the necessary cross references (see Attachments A, C and D) is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statutes (KRS) 100.203(1).

Essential nexus is established within the proposed Form District regulations in regard to the conditions as set forth under KRS 100.203 (1). In response to this, the language of the Form District regulations specifically include the purpose of protecting watercourses and areas subject to flooding, specifying what areas are to be left unoccupied as open spaces, the intensity of uses including setbacks and impervious surface area ratios, as well as requirements that will directly impact major thoroughfares, intersections, and transportation arteries. Other elements include multi-modal connectivity, the creation of usable public spaces by creating recreational opportunities, outdoor amenities and streetscapes, interesting architectural design and access management.

2. The proposed Town Center Form District regulations have been tailored to meet the specific land use recommendations for a portion of Madison Pike (KY 17) as identified within the amended 2001 Area Wide Comprehensive Plan Update. The Town Center Form District regulations were prepared in response to the potential for an identifiable "core" within the area of the intersection of Madison Pike and Highland Avenue. In addition, the proposed Town Center Form District Zone is consistent with the Greenway, Transportation and Implementation recommendations as contained within the amended 2001 Area Wide Comprehensive Plan Update.
3. The proposed text amendments are reasonable and efficient by providing for a streamlined permitting process, enabling applicants to develop "by-right" under the proposed regulations. In addition, the proposed text amendment provides for all land uses, which are existing and in conformance with the Fort Wright Zoning Ordinance at the time of the adoption of the TCFD regulations to be considered permitted uses under the proposed regulations.
4. The proposed text amendments are appropriate by utilizing a prescriptive approach which outlines the design of development visually. The specificity of the regulations is intended to provide clear and concise standards while providing flexibility in the design of development. The proposed regulations are also presented graphically so they may be more readily understood by public, public officials and design professionals.
5. Section 10.31, F., of the proposed text amendments provide a definition of Open Space. Section 10.31., I., 2., provides a slightly different definition which is to be applied to that section of the

zoning ordinance. It is therefore recommended that the definition of Open Space within Section 10.31.. I., 2., be consistent with Section 10.31.. F (Definitions).

6. The proposed text amendments, as submitted, require fifteen (15%) of the buildable area of a development within the TCFD be retained as open space. The proposed regulations provide a number of features that can be classified as open space (i.e. Riparian buffers, landscaped roadway medians, undisturbed hillsides, etc). The regulations also state that where an area is to be preserved as private or common open space, a conservation easement shall be submitted ensuring its permanent protection, preservation and maintenance as a condition for obtaining credit towards the required open space. In response to a legal opinion provided to staff by Mr. Dave Schneider Sr. on February 23, 2006, it was recommended that the dedication of easements for open space be made voluntary defensible by Kentucky Revised Statutes Chapter 100. It is therefore recommended that Section 10.31.. I., 2., e., (2), be revised to read as follows:

When an area is to be preserved as private or common open space, prior to the recording of a plat or the issuance of a grading/zoning/building permit, whichever occurs first, the developer and recipient entity may apply a recorded conservation easement to the area of the proposed open space, and submit documentation assuring its permanent protection, preservation and maintenance by the city or other responsible entity as approved by the city.

7. The proposed text amendments specify requirements for development alongside Riparian Buffer areas. However, in one section of the proposed text, the proposed regulations refer to the Recreational Corridor. This is an error in terminology, the regulation was intended to refer to the Riparian Buffer areas. It is therefore recommended that the term "Recreational Corridor" within Section 10.31., J., 3., e, be replaced with "Riparian Buffer".

**It should be emphasized that the opinion offered herein is that of the professional staff of the Northern Kentucky Area Planning Commission and should not be interpreted as a legal opinion. We recommend that you consult with your legal counsel concerning legal aspects of this matter.**

Respectfully submitted,

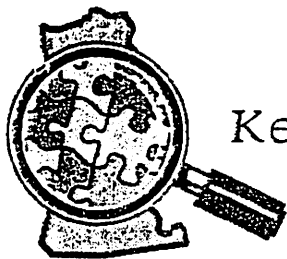
Northern Kentucky Area Planning Commission



Michael D. Schwartz, AICP  
Deputy Director, Current Planning

MS/db





# Kenton County Planning Commission

MANY COMMUNITIES / ONE FUTURE

April 24, 2006

Mayor and City Council  
City of Fort Wright  
409 Kyles Lane  
Fort Wright, KY 41011

Dear Mayor and Council:

NUMBER: 1804R

Attached please find a copy of the Kenton County Planning Commission's action taken at its meeting on April 19, 2006 (public hearing held on April 6) regarding proposed map amendments to the Fort Wright Zoning Ordinance, submitted by Larry Klein on behalf of the city, and a summary of the evidence and testimony presented by the proponents and opponents. Copies of the Commission's action have been sent to the applicant and those persons or agencies, which may be affected by this matter.

If you have any questions regarding this issue, please do not hesitate to contact us. Thank you.

Sincerely,

Alexandra K. Weldon, Chair

MJ/db  
attachment

cc: Mr. David Schneider Sr., KCPC Attorney  
Mr. Pete Summe, City Attorney  
Mr. Larry Klein, City Administrator

**KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
STATEMENT OF RECOMMENDATION**

NUMBER: 1804R

**WHEREAS**

The City of Fort Wright, per Larry Klein, City Administrator, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: Proposed map amendments to the Fort Wright Zoning Ordinance changing an approximate 238-acre area located along both sides of Madison Pike (KY 17) between Kyles Lane and I-275 in Fort Wright, from IP and I-1 (industrial zones), HOC, CC, NC (commercial zones), OP (an office park zone), R-RE (a residential rural estate zone), and R-1C (P) NC, R-1D (P) OP, R-1D (P) IP (single family residential zones with phased commercial, office, and industrial zones) to TCFD (Town Center Form District) Zone; AND

**WHEREAS**

A PUBLIC HEARING AND SPECIAL MEETING WERE HELD ON THIS APPLICATION ON THURSDAY, APRIL 6, 2006, AND APRIL 19, 2006 AT 6:15 P.M. RESPECTIVELY, IN THE NORTHERN KENTUCKY AREA PLANNING COMMISSION'S FIRST FLOOR MEETING ROOM, 2332 ROYAL DRIVE, FORT MITCHELL, KY.; AND A RECORD OF THAT HEARING IS ON FILE AT THE OFFICES OF THE KENTON COUNTY PLANNING COMMISSION, 2332 ROYAL DRIVE, FORT MITCHELL, KENTUCKY.

**NOW, THEREFORE,**

THE KENTON COUNTY PLANNING COMMISSION SUBMITS THE FOLLOWING RECOMMENDATIONS, ALONG WITH SUPPORTING INFORMATION AND COMPREHENSIVE PLAN DOCUMENTATION:

**KCPC RECOMMENDATION – FORT WRIGHT ZONING ORDINANCE:**

To approve the proposed map amendment, but only subject to compliance with the following condition:

1. That the proposed text amendments adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the city's Zoning Ordinance (Application #Z-06-03-01/1803R) be adopted prior to, or simultaneously with, the adoption of this proposed map amendment.

**COMPREHENSIVE PLAN DOCUMENTATION:**

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

**SUPPORTING INFORMATION/BASES FOR KCPC RECOMMENDATION:**

1. The proposed map amendment is consistent with the Implementation recommendations as contained within the 2001 Area-Wide Comprehensive Plan Update, as amended, which recommends the use of Form District Standards as an alternative land use regulation to conventional zoning regulations. Form District regulations differ from conventional zoning regulations by focusing on the design or "form" of development and not necessarily on use. Form districts promote compatibility of adjacent uses and preservation of desirable elements such as stream corridors and steep slopes. They also address various aspects such as: establishing an identifiable "core" or "town center" that would provide a mixture of uses including shopping,

offices and residences as a focal point for several neighborhoods with a high level of roadway, transit, bicycle and pedestrian access and special attention to compatibility of infill and redevelopment of individual and integrated sites.

2. The proposed map amendment is consistent with the Land Use recommendations within the 2001 Area-Wide Comprehensive Plan Update, as amended, which identify the site in question as a Special Development Area. Specific land use recommendations for the area of the site in question are as follows:

Area	Land Use recommendations
7	Retail, office, and residential mixed use to be designed in coordination with Areas 8 and 9. This site is a prime retail node location and is to be comprised primarily of small retail and service neighborhood type establishments. This is the best location for additional specialty shops.
8	Part of the "Town Center" in coordination with Areas 7 and 9. This area is recommended to incorporate a mix of uses including retail, office and residential development. However, this area is prime for the location of higher density residential, possibly senior housing, to be designed in conjunction with adjacent areas to provide and permit retail services.
9	This area should be designed in conjunction with Area 8; to include small scale retail, office and residential use mixes. Given the attractiveness of Area 7 for retail development, this area will be more appealing for development if it is coordinated with both Area 7 and 8.
10	This corridor study does not recommend a change for this area at this time but rather recommends that the entire area be identified to be phased and marketed as one site due to its high potential for redevelopment for larger retail and service type facilities such as a sports complex or a movie theatre, with orientation to open space uses identified for Area 4. Topography, access to fiber optic and relatively large size of the site if properties are consolidated, also make this a potential site for high tech business and industrial office, with ancillary retail and service uses.
11	Transit Authority of Northern Kentucky (TANK) facility should be broadened as a regional hub for transit service. Ancillary to this, other compatible and supporting retail and office uses are recommended.
13	This site is prime for retail uses, primarily restaurants, with some potential for "store front" office style development.

The proposed map amendment will allow the area of the site in question to support mixed use development, including a combination of retail and service type facilities, offices, and higher density residential development supported by public transit service. The proposed Town Center Form District (TCFD) Zone will allow such uses to occur as part of a unified development that will serve both nearby residents and visitors to the area.

3. The proposed map amendment is consistent with the Greenway recommendations within the 2001 Area-Wide Comprehensive Plan Update, as amended, which identifies Areas #7, 8 and 9 for hillside protection Areas # 10 and 11 for riparian protection. Areas containing slopes equal to or greater than fifteen percent (15%) are identified as Hillside Protection Areas on the Greenway Map. The proposed map amendment is reasonable and logical by requiring that grading for structures within the site in question be restricted to slopes thirty five percent (35%) or less in order to protect steep slopes during development and protect public health and safety. Areas for riparian protection are identified along the main stem of Banklick Creek within the site in question. The Banklick Creek is the principal watershed in Kenton County and has been officially

designated as an impaired waterway by the Commonwealth of Kentucky, with impaired uses being aquatic life and swimming. The proposed map amendment represents a logical attempt to conserve the Banklick Creek by protecting both water quality and quantity with Riparian Buffers, while providing an opportunity for public amenities such as multi-use recreational trails, additional tree plantings, and stream restoration efforts as part of any future development.

4. The proposed map amendment is consistent with the Transportation recommendations within the 2001 Area-Wide Comprehensive Plan Update, as amended, which recommends the following within the site in question:

**Non-Traversable Median:** The plan recommends that a non-traversable median (also known as a non-mountable median) be constructed along the entire length of Madison Pike within the corridor. The median would extend from the existing median on the bridge over Banklick Creek northward to Howard Litzler Drive. The purpose of this median is to eliminate left-turn movements onto the roadway, except at designated controlled locations.

**Cross Access Drives/Frontage Roads:** The plan recommends the interconnectivity of land uses that minimize the need to traverse between land uses using the arterial street system. Cross access/frontage interconnectivity must also accommodate pedestrian transportation, either along the roadway or via separate pedestrian/multi-use paths.

**Roundabouts:** The plan recommends the minimization and/or elimination of signalized intersections. The recommendation to use a non-traversable median throughout the corridor means that several properties will have access to signalized intersections for exiting left-turn movements only via cross-access drives/frontage roads across adjoining properties. To resolve these access issues, this plan is recommending the use of two (2) modern roundabouts within the corridor. One is proposed to be located north of Highland Pike to serve TANK, Lakeview Drive and other properties in the vicinity. The second roundabout is proposed to be located south of Dudley Pike.

The proposed map amendment is reasonable to allow the site in question to be developed while ensuring appropriate access management controls are in place to handle the anticipated increase in both pass-through and traffic seeking destinations from projected new development within the Madison Pike corridor. The proposed map amendment will respond to these identified needs by creating a travel environment that enhances mobility through the corridor for all modes and that will efficiently provide access to all properties within the corridor.

5. The proposed map amendment is consistent with the recommended Form and Function and Implementation Strategy outlining the timing and priority for the area of the site in question. The specific recommendations for the area of the site in question are as follows:

Area	Form and Function	Implementation Strategy
7	These areas are recommended to be the "Town Center" for the corridor. Areas 7, 8, and 9 have potential to be the center of mixed-use lifestyle activity. Basic elements of that include: coordinated access, connectivity, pedestrian oriented environments, shared parking, mixed uses, open space and outdoor amenities that compliment development, more traditional type buildings that are 2-4 stories in height with interesting facades and that are set closer to	Immediate

	the roadway, identifiable landscaping and signage and lighting that are similar in character.	
8	Same as Area 7	Immediate
9	Same as Area 7	Immediate
10	This area is recommended to function in relation to the existing transit center and to benefit from the environmental characteristics. This area is prime for a transit oriented type development that will connect with and compliment the town center. Larger scale development with coordinated access, oriented toward and connected to the Banklick Creek is recommended. Redevelopment should only occur in this area with a well thought out and coordinated plan due to the number of properties involved.	Long term
11	Same as Area 10	Immediate
13	This area is currently mostly developed. Uses in this area affect the overall traffic flow and customer attraction to the corridor and should be incorporated and considered as part of other development	Long term

The proposed map amendment adding the Town Center Form District Zone and associated regulations is a reasonable and appropriate mechanism for achieving the intended form and function of development with the site in question. The proposed map amendment will effectuate these recommended and optimum operations that are expected from implementation and generally meet the timing and priority for each site.

6. The Fort Wright Zoning Ordinance currently does not contain a TCFD Zone. The City of Fort Wright has submitted an application for NKAPC and KCPC review and recommendation on a proposed text amendment to the Fort Wright Zoning Ordinance adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the city's Zoning Ordinance. It is recommended that the proposed text amendment adding a Town Center Form District (TCFD) Zone (Z-06-03-01/1803R) be adopted prior to, or simultaneously with, the adoption of this proposed map amendment.

ALEXANDRA K. WELDON, CHAIR  
KENTON COUNTY PLANNING COMMISSION

**ATTACHMENT 1804R****SUMMARY OF THE EVIDENCE AND TESTIMONY PRESENTED BY THE  
PROPOSERS/OPPONENTS OF THE PROPOSED MAP AMENDMENTS**

(NOTE: This summary was compiled by the Commission's secretary in compliance with 100.211(1). It is believed to be accurate, but has not been reviewed or approved by the Commission. A summary will be found in the officially approved minutes, which will be available following the next meeting of the Commission.)

**ISSUE**

The request of the City of Fort Wright per Larry Klein, City Administrator, for a proposed map amendments to the Fort Wright Zoning Ordinance changing the described area from IP and I-1 (industrial zones), HOC, CC, NC (commercial zones), OP (an office park zone), R-RE (a residential rural estate zone), and R-1C (P) NC, R-1D (P) OP, R-1D (P) IP (single family residential zones with phased commercial, office, and industrial zones) to TCFD (Town Center Form District) Zone.

**PROPOSERS**

The proposers on the issue gave a brief history of the proposal going back two years. It was noted that a lot of work and effort had gone into the project. The proposers stated this is an opportunity to do something different and unique to Northern Kentucky. It was additionally noted there was a market study performed as part of the project which was a vital portion of the project. The proposers stated it is not their intent to hinder any property owner or development but to mesh along with area development. It was also noted the issue has been studied to death and the proposers feel the Commission received their information on the subject in plenty of time to review all the information. It was also noted that to delay it would not accomplish anything. The proposers stated it will be a lot of change but they have to start somewhere. The proposers also stated they would like to see a quality development along Madison Pike similar to the Crestview Town Center. It was further noted the people in the area were invited to the various meetings and focus groups on the matter. The proposers stated this is probably one of the hottest areas for the development in Kenton County if not in all of Northern Kentucky. The proposers stated the City of Ft. Wright is the first city to come before the Commission with a Form District but they do not feel they will be the last. The proposers further noted there have been approximately 15-20 public meetings with regard to the issue. The proposers stated they are trying to raise the bar on development in Kenton County as well as Northern Kentucky. The proposers stated they feel the proposal is in agreement with the Comprehensive Plan. It was further noted a market study was conducted to examine what types of businesses would flourish in the corridor. It was noted they realize there are a lot of requirements in the documents but also feel the city has put its money where its mouth is.

**OPPONENTS/NEUTRAL PARTIES**

The opponents stated he knows the city has spent a great deal of time on the process but is concerned that he would have to find an additional 3 acres to go along with his 2+ acres to meet the requirements under the new zone in order to develop it. The opponent noted this would be a practical impossibility. It was also noted the zone would require sidewalks and the terrain does not lend itself to this so it would be an impractical impossibility. It was also that to ask the public to address a comprehensive presentation in a 30 minute presentation is questionable due process. It was noted it is something that probably requires more than 30 minutes due to the complexity. The neutral parties on the issue stated the city has done a marvelous job in looking out for the citizens and this is something the city needs. A question was raised as to the 35% grade. The neutral parties noted they do not want any more development that would

jeopardize the existing cut hillsides. It was also noted the opponents do not want to see more blasting as was done previously because it is not a small hillside, it's a small mountain.

#### NKAPC STAFF RECOMMENDATION:

To approve the proposed map amendment, but only subject to compliance with the following condition:

1. That the proposed text amendments adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the city's Zoning Ordinance (Application #Z-06-03-01/1803R) be adopted prior to, or simultaneously with, the adoption of this proposed map amendment.

#### Comprehensive Plan Documentation:

- Date of Adoption by the Kenton County & Municipal Planning & Zoning Commission: December 18, 2001

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

1. The proposed map amendment is consistent with the Implementation recommendations as contained within the 2001 Area-Wide Comprehensive Plan Update, as amended, which recommends the use of Form District Standards as an alternative land use regulation to conventional zoning regulations. Form District regulations differ from conventional zoning regulations by focusing on the design or "form" of development and not necessarily on use. Form districts promote compatibility of adjacent uses and preservation of desirable elements such as stream corridors and steep slopes. They also address various aspects such as: establishing an identifiable "core" or "town center" that would provide a mixture of uses including shopping, offices and residences as a focal point for several neighborhoods with a high level of roadway, transit, bicycle and pedestrian access and special attention to compatibility of infill and redevelopment of individual and integrated sites.
2. The proposed map amendment is consistent with the Land Use recommendations within the 2001 Area-Wide Comprehensive Plan Update, as amended, which identify the site in question as a Special Development Area. Specific land use recommendations for the area of the site in question are as follows:

Area	Land Use recommendations
7	Retail, office, and residential mixed use to be designed in coordination with Areas 8 and 9. This site is a prime retail node location and is to be comprised primarily of small retail and service neighborhood type establishments. This is the best location for additional specialty shops.
8	Part of the "Town Center" in coordination with Areas 7 and 9. This area is recommended to incorporate a mix of uses including retail, office and residential development. However, this area is prime for the location of higher density residential, possibly senior housing, to be designed in conjunction with adjacent areas to provide and permit retail services.
9	This area should be designed in conjunction with Area 8; to include small scale retail, office and residential use mixes. Given the attractiveness of Area 7 for retail development, this area will be more appealing for development if it is coordinated with both Area 7 and 8.
10	This corridor study does not recommend a change for this area at this time but rather

	recommends that the entire area be identified to be phased and marketed as one site due to its high potential for redevelopment for larger retail and service type facilities such as a sports complex or a movie theatre, with orientation to open space uses identified for Area 4. Topography, access to fiber optic and relatively large size of the site if properties are consolidated, also make this a potential site for high tech business and industrial office, with ancillary retail and service uses.
11	Transit Authority of Northern Kentucky (TANK) facility should be broadened as a regional hub for transit service. Ancillary to this, other compatible and supporting retail and office uses are recommended.
13	This site is prime for retail uses, primarily restaurants, with some potential for "store front" office style development.

The proposed map amendment will allow the area of the site in question to support mixed use development, including a combination of retail and service type facilities, offices, and higher density residential development supported by public transit service. The proposed Town Center Form District (TCFD) Zone will allow such uses to occur as part of a unified development that will serve both nearby residents and visitors to the area.

3. The proposed map amendment is consistent with the Greenway recommendations within the 2001 Area-Wide Comprehensive Plan Update, as amended, which identifies Areas #7, 8 and 9 for hillside protection Areas # 10 and 11 for riparian protection. Areas containing slopes equal to or greater than fifteen percent (15%) are identified as Hillside Protection Areas on the Greenway Map. The proposed map amendment is reasonable and logical by requiring that grading for structures within the site in question be restricted to slopes thirty five percent (35%) or less in order to protect steep slopes during development and protect public health and safety. Areas for riparian protection are identified along the main stem of Banklick Creek within the site in question. The Banklick Creek is the principal watershed in Kenton County and has been officially designated as an impaired waterway by the Commonwealth of Kentucky, with impaired uses being aquatic life and swimming. The proposed map amendment represents a logical attempt to conserve the Banklick Creek by protecting both water quality and quantity with Riparian Buffers, while providing an opportunity for public amenities such as multi-use recreational trails, additional tree plantings, and stream restoration efforts as part of any future development.

4. The proposed map amendment is consistent with the Transportation recommendations within the 2001 Area-Wide Comprehensive Plan Update, as amended, which recommends the following within the site in question:

**Non-Traversable Median:** The plan recommends that a non-traversable median (also known as a non-mountable median) be constructed along the entire length of Madison Pike within the corridor. The median would extend from the existing median on the bridge over Banklick Creek northward to Howard Litzler Drive. The purpose of this median is to eliminate left-turn movements onto the roadway, except at designated controlled locations.

**Cross Access Drives/Frontage Roads:** The plan recommends the interconnectivity of land uses that minimize the need to traverse between land uses using the arterial street system. Cross access/frontage interconnectivity must also accommodate pedestrian transportation, either along the roadway or via separate pedestrian/multi-use paths.

**Roundabouts:** The plan recommends the minimization and/or elimination of signalized intersections. The recommendation to use a non-traversable median throughout the corridor means that several properties will have access to signalized intersections for exiting left-turn



movements only via cross-access drives/frontage roads across adjoining properties. To resolve these access issues, this plan is recommending the use of two (2) modern roundabouts within the corridor. One is proposed to be located north of Highland Pike to serve TANK, Lakeview Drive and other properties in the vicinity. The second roundabout is proposed to be located south of Dudley Pike.

The proposed map amendment is reasonable to allow the site in question to be developed while ensuring appropriate access management controls are in place to handle the anticipated increase in both pass-through and traffic seeking destinations from projected new development within the Madison Pike corridor. The proposed map amendment will respond to these identified needs by creating a travel environment that enhances mobility through the corridor for all modes and that will efficiently provide access to all properties within the corridor.

5. The proposed map amendment is consistent with the recommended Form and Function and Implementation Strategy outlining the timing and priority for the area of the site in question. The specific recommendations for the area of the site in question are as follows:

Area	Form and Function	Implementation Strategy
7	These areas are recommended to be the "Town Center" for the corridor. Areas 7, 8, and 9 have potential to be the center of mixed-use lifestyle activity. Basic elements of that include: coordinated access, connectivity, pedestrian oriented environments, shared parking, mixed uses, open space and outdoor amenities that compliment development, more traditional type buildings that are 2-4 stories in height with interesting facades and that are set closer to the roadway, identifiable landscaping and signage and lighting that are similar in character.	Immediate
8	Same as Area 7	Immediate
9	Same as Area 7	Immediate
10	This area is recommended to function in relation to the existing transit center and to benefit from the environmental characteristics. This area is prime for a transit oriented type development that will connect with and compliment the town center. Larger scale development with coordinated access, oriented toward and connected to the Banklick Creek is recommended. Redevelopment should only occur in this area with a well thought out and coordinated plan due to the number of properties involved.	Long term
11	Same as Area 10	Immediate
13	This area is currently mostly developed. Uses in this area affect the overall traffic flow and customer attraction to the corridor and should be incorporated and considered as part of other development	Long term

The proposed map amendment adding the Town Center Form District Zone and associated regulations is a reasonable and appropriate mechanism for achieving the intended form and function of development with the site in question. The proposed map amendment will effectuate these recommended and optimum operations that are expected from implementation and generally meet the timing and priority for each site.

6. The Fort Wright Zoning Ordinance currently does not contain a TCFD Zone. The City of Fort Wright has submitted an application for NKAPC and KCPC review and recommendation on a proposed text amendment to the Fort Wright Zoning Ordinance adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the city's Zoning Ordinance. It is recommended that the proposed text amendment adding a Town Center Form District (TCFD) Zone (Z-06-03-01/1803R) be adopted prior to, or simultaneously with, the adoption of this proposed map amendment.

Exhibits: Staff presentation. Staff recommendation.

Bases for Staff Recommendation:

The NKAPC Staff Recommendation is on file at the NKAPC office.

# Legend

 Town Center Form District



0 500 1,000 2,000 Feet



Building Codes Administration • Infrastructure Engineering • Current Planning • LULU GIS Administration • Long-Range Planning

**TO:** Ms. Alexandra Weldon, Kenton County Planning Commission

**FROM:** Michael D. Schwartz, AICP <sup>Mike</sup>  
Deputy Director for Current Planning  
[mschwartz@nkapc.org](mailto:mschwartz@nkapc.org)

**RE:** Staff Recommendations for the April 6, 2006 Public Hearing

**DATE:** March 31, 2006

The NKAPC staff respectfully submits the attached recommendation for review prior to the public hearing scheduled before the Kenton County Planning Commission on Thursday evening, April 6th at 6:15 pm. This includes staff comments on the following agenda item:

**FILE NUMBER:** Z-06-03-02/1804R

**APPLICANT:** City of Fort Wright per Larry Klein, City Administrator

**LOCATION:** An approximate 238-acre area located along both sides of Madison Pike (KY 17) between Kyles Lane and I-275 in Fort Wright

**REQUEST:** Proposed map amendments to the Fort Wright Zoning Ordinance changing the described area from IP and I-1 (industrial zones), HOC, CC, NC, NC-2 (commercial zones), OP (an office park zone), R-RE (a residential rural estate zone), and R-1C (P) NC, R-1D (P) OP, R-1D (P) IP (single family residential zones with phased commercial, office, and industrial zones) to TCFD (Town Center Form District) Zone

Staff will be prepared to address your comments and/or questions regarding the noted project during the public hearing. If you need additional information or clarification prior to that time, don't hesitate to contact me.

**cc:** Mayor and City Council, City of Fort Wright  
Mr. Larry Klein, City Administrator

Kenton County Planning Commission  
NKAPC Staff Comments, Findings, and Recommendations  
Issue to be heard: Thursday, April 6, 2006

**FILE NUMBER:** Z-06-03-02/1804R  
**APPLICANT:** City of Fort Wright per Larry Klein, City Administrator  
**LOCATION:** An approximate 238-acre area located along both sides of Madison Pike (KY 17) between Kyles Lane and I-275 in Fort Wright.  
**REQUEST:** Proposed map amendments to the Fort Wright Zoning Ordinance changing the described area from IP and I-1 (industrial zones), HOC, CC, NC (commercial zones), OP (an office park zone), R-RE (a residential rural estate zone), and R-1C (P) NC, R-1D (P) OP, R-1D (P) IP (single family residential zones with phased commercial, office, and industrial zones) to TCFD (Town Center Form District) Zone.

**Considerations:**

1. On January 15, 2004, the City of Fort Wright requested that the Northern Kentucky Area Planning Commission (NKAPC), along with GEM Public Sector Services (GEM), undertake a detailed land use and economic study of the Madison Pike (KY 17) Corridor within the City. GEM's role was to prepare a market analysis, including a detailed retail analysis, to help guide the other planning initiatives directed by the NKAPC. NKAPC Staff conducted an inventory of existing conditions, conducted public input and committee meetings, and developed planning initiatives and recommendations discussed throughout the plan. The purpose of this study was to prepare a community-based plan built on collaboration between city officials, residents, and stakeholders within the corridor. It is the desire of the City of Fort Wright to provide a tool that can be used to guide public and private decisions and to trigger new quality and sustainable development along the corridor.
2. Two committees were formed as part of the planning process: (1) a Steering Committee comprised of residents, property owners within the corridor, and representatives of the city, who provided input and guidance; and (2) a Stakeholders Committee comprised wholly of the property owners within the corridor, who provided a forum for dissemination of information on the planning process to those most directly involved in the outcome of the planning process. During the planning process, the primary function of this committee was disseminating data from GEM's market analysis. A total of five (5) meetings were held with both committees throughout the preparation of the *Madison Pike Corridor Land Use and Economic Development Plan* between February 17, 2004 and July 22, 2004. The city took action to formally adopt the plan in Fall 2004.
3. On November 3, 2004, the City of Fort Wright, per Larry Klein, City Administrator, submitted an application for NKAPC and KCPC review and recommendation/action on proposed amendments to the 2001 Area-Wide Comprehensive Plan Update, (1) amending the Recommended Land Use Map for an approximate 630 acre area located along Madison Pike (KY 17) from the southernmost point of the city limits of Fort Wright on Old Madison Pike, northward to Howard Litzler Drive, from Industrial, Commercial – Retail/Service, Commercial – Office, Recreation and Open Space, Physically Restricted Development Area, Community Facilities – Other Community Facilities, and Residential Development at a density ranging from 2.1 to 7.0 dwelling units per net acre, to a Special Development Area; (2) text amendments to the Land Use Element adding recommendations for the proposed Special Development Area, specifically in reference to the *Madison Pike Corridor Land Use and Economic Development Plan*; (3) text amendments to the Transportation Element adding recommendations for new transportation planning concepts; and (4) text amendments to the Implementation Element including Form District standards and

riparian buffering (P-04-11-01/1710R). On November 24, 2004, the NKAPC staff recommended approval of the proposed map and text amendments. On December 2, 2004, the KCPC held a public hearing and took action to approve the amendments to the comprehensive plan.

4. The site in question, totaling approximately 238 acres, is located along both sides of Madison Pike (KY 17) between Kyles Lane and Interstate 275. The Banklick Creek flanks the eastern border of the site.
5. The site in question currently contains a variety of industrial, commercial and residential zoning districts, as follows:

Zoning type	Zoning districts	Permitted uses
Industrial	IP (Industrial Park)	Manufacturing, warehousing, professional office, and research uses within a planned and architecturally unified development.
	I-1 (Industrial-One)	Manufacturing, processing, packaging of a variety of light industrial uses, as well as, for instance, automotive repair, offices, and warehousing.
Commercial	HOC (Highway Oriented Commercial)	A variety of retail and service businesses which are primarily oriented towards serving the traveling/transient public or which require immediate access to the regional transportation system.
	CC (Community Commercial)	A variety of convenience goods and service uses which are provided to a work population and the residences of adjacent neighborhoods.
	NC (Neighborhood Commercial)	A variety of neighborhood retail and service business uses.
Office	OP	Professional, research, and similar uses within a planned and architecturally unified development.
Residential	R-RE (Residential Rural Estate)	Single-family residential dwellings (detached); Agricultural uses; Sale of products that are produced on the premises; Greenhouses and nurseries, Stables and riding academies, both public and private; Qualified manufactured homes.
	R-1C (P) NC	A single family residential zone phased with a neighborhood commercial zone to be applied when the necessary conditions for such development are realized.
	R-1D (P) OP	A single family residential zone phased with a office park zone to be applied when the necessary conditions for such development are realized.
	R-1D (P) IP	A single family residential zone phased with an industrial park zone to be applied when the necessary conditions for such development are realized.

6. The area of the site in question currently contains a variety of existing land uses, as follows:
  - a. Single family residential uses (along the west side of Madison Pike, south of Kyles Lane; along the north and south sides of Lakeview Avenue; and along the south side of Orphanage Road, west of Madison Pike);
  - b. Retail service commercial uses (at the northwest corner of the intersection of Highland Avenue and Madison Pike; along the east side of KY 17 south of Highland Avenue, and along the north and south sides of Orphanage Road; and along the west side of KY 17, north and south of Lakeview Avenue);
  - c. A driving range (along the east side of Madison Pike, south of Kyles Lane).
  - d. Industrial and office uses (along the east side of Madison Pike, south of Kyles Lane).
  - e. Areas of vacant land (along the east and west sides of Madison Pike).

7. The submitted request is to rezone the site in question to the Town Center Form District (TCFD) Zone. The purpose of the TCFD Zone is to represent a high quality commercial development area that is aesthetically pleasing, visually unified and has a balanced functionality between pedestrian and vehicular uses. The vision for this area is one with buildings scaled and massed appropriately together and set closer to the street and to each other, inviting pedestrians to walk from place to place, with mixed uses that will serve a multitude of purposes for both the resident and visitor, and always with the intention of furthering the public health, safety, and general welfare. The provisions of this section are intended to ensure that new development within the designated TCFD Zone is consistent with the desired pattern and characteristics of the district, promoting the following as applicable:
- a. Safe access that will facilitate traffic movement on Madison Pike;
  - b. A circulation system that balances multi-modal uses;
  - c. A mixture of moderately intense uses including civic, shopping, restaurants, offices and residences;
  - d. An aesthetically pleasing appearance of building mass, placement and materials, lighting, landscaping, and vehicular areas;
  - e. Coordinated development between adjacent properties including shared parking, vehicular and pedestrian movement and appearance;
  - f. Development in areas containing steep slopes and floodplains need to designed so as to minimize erosion, landslides and/or flood damage. Any grading or disturbance in such areas shall be mitigated and restored.
8. The Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, as amended, identifies the site in question as a Special Development Area (SDA). Areas identified as Special Development Area include locations that are appropriate for specialized activities including: entertainment and amusement-type functions, extensive commercial activities that require good access to the regional highway system, and areas with potential for mixed land uses (e.g. Commercial/Residential/Recreational/Commerce Park and Public/Semi Public).

The site in question is referred to in the plan as Areas #7, 8, 9, 10, and 11 (see Table 5-4). Sections of the plan read as follows:

## **CHAPTER V LAND USE**

### **SPECIFIC STUDIES, CHAPTER 99 DEVELOPMENT PLANS, AGRICULTURAL DISTRICTS, AND HISTORIC PRESERVATION**

#### **SPECIFIC STUDIES**

The *Madison Pike Corridor Land Use and Economic Development Plan* was prepared and adopted by the City of Fort Wright in response to specific changes in the Madison Pike area of the City of Fort Wright. Chapter V, LAND USE, within the Land Use Plan Element Description, identifies the Madison Pike Corridor as a Special Development Area. The following summary is directly related to this Special Development Area. The *Madison Pike Corridor Land Use and Economic Development Plan* is included as a part of this Plan Update (a copy of this study is on file in the NKAPC offices and at the City of Fort Wright), and are again adopted as part of this Plan Update. The recommendations of this study are summarized below.

#### **Summary of Land Use and Zoning Recommendations**

Potential zoning designations, including the priority and timing of these changes appropriate for the implementation of recommendations, have been identified in Table 5-3. These zones are currently contained within the Fort Wright Zoning Ordinance. Modifications to these zones may be necessary to further implement the recommendations of this plan (i.e. specific permitted uses and development plan review process). Table 5-3 outlines these potential zones and the purposes of these zones. The timing and priorities for potential amendments fall within three (3) timeframes: immediate, short-term and long-term. These timeframes will be used in Table 5-4 following the discussion of potential zoning designations. They are defined as follows:

- Immediate:** Amendments should be implemented as soon as possible to minimize or eliminate the possibility of development that is not in conformance with the recommended land uses. Additionally, these areas are already beginning to actively implement other actions recommended in the Plan.
- Short-term:** Amendments should occur more slowly because of specific conditions within the area that may change more gradually over time. An example of this is the Lakeview area that is currently occupied by several different types of land uses that would be non-conforming if the zoning were changed immediately. Areas like this are best identified on the zoning map with the Phased (P) zoning overlay; therefore, at the proper time of development, the appropriate land uses and corresponding zoned will be implemented. Phased zoning is an alternative to identify areas where existing land uses are still integral to the area but where future transition of the land use is anticipated into the land use identified on the 2001 Area-Wide Comprehensive Plan. The intent of this regulation is to encourage redevelopment of a specified area for the use and/or density designated within the comprehensive plan when the necessary conditions for such development are realized.
- Long-term:** These areas are not likely to redevelop in the near future. Amendments are not appropriate immediately because of existing businesses, or because market conditions identify that more than one zone may be appropriate for the area. The use of phased zoning may also be appropriate in some of these areas.

**PROPOSED ZONES**  
**TABLE 5-3**

Zone	Purpose
CC (Community Commercial)	To allow businesses, within a planned and architecturally unified development, which provide convenience goods and services to the work population and the residences of adjacent neighborhoods; to allow development at a small scale with a town-like setting; and to supplement or serve adjacent areas without having an adverse impact on adjacent areas, but always with the intention of furthering the public health, safety and general welfare.
HC (Highway Commercial)	To provide for a zoning district that would allow the development of individual retail and service businesses that are primarily oriented towards serving the traveling/transient public; or that require immediate access to the regional transportation system.
OP (Office Park)	To allow professional, research and similar uses within a planned and architecturally unified development; to allow development in a



	low intensity/low rise setting; and to supplement or serve adjacent areas without having an adverse impact on adjacent areas, but always with the intention of furthering the public health, safety and general welfare.
CO (Conservation)	To provide for a zoning district that would permit appropriate open space and recreational activities within specialized areas having unique natural characteristics; and to supplement specialized areas with outdoor amenities or gateway areas.
Residential	All existing residential zones, as appropriate to ensure compatibility with adjoining and nearby land uses and the goals of this plan.

The following recommended land uses are based on data gathered for each of the areas in regard to several items, including: (1) the economic analysis; (2) recent changes in land use within the corridor; (3) special environmental characteristics; and (4) transportation issues. The boundaries of each area were selected based on its location in the corridor, current land use, transportation access, and topographic or geomorphic barriers.

Dividing the area into twenty-three (23) sub-areas facilitated land use planning for the corridor. Each sub-area was evaluated in regards to existing and future land use and how it related to all adjoining sub-areas. Map 5I, Recommended Land Use Guide, contains the location and identification for each of these sub-areas. Descriptions of future land use recommendations follow and are referenced based on Map 5I.

Table 5-4 on page 6 summarizes the recommended land uses, along with transportation, greenway, form and function, and timing recommendations. The Recommended Land Use column references the area map (Map 5I) and is a general description of the areas depicted on that map. The Greenway column identifies whether or not an area, in some part, is within areas identified on the Greenway Map. This includes the riparian buffer, the recreational corridor, or areas of hillside protection. The Transportation column summarizes information regarding access and roadway improvements. The Form and Function column identifies the recommended and optimum operations that are expected from implementation. The Implementation Strategy outlines the timing and priority for each site.

### **Greenways Implementation**

As previously identified in Table 5-4, certain areas should be required to have riparian and hillside protection, as well as to implement portions of the recreational corridor. The following section outlines the implementation of those tools.

#### **Riparian Buffers**

The recommended Greenway Map (Map 5J) illustrates a riparian buffer along the main stem of Banklick Creek through the corridor study area. Based on presented research, this plan recommends the use of a combination of both variable and uniform widths for riparian buffering. This recommended buffer should be reflective of and interpreted from the Federal Insurance Administration's Flood Insurance Study floodway boundaries. Based on research (See Chapter X, IMPLEMENTATION), the width of riparian buffers proposed in this plan should be identical to the identified floodway boundary widths, but not smaller than fifty (50) feet in width.

**SUMMARY OF RECOMMENDATIONS**  
**TABLE 5-4**

Area #	Recommended Land Use	Greenway	Transportation	Form and Function	Implementation Strategy
7	Retail, office, and residential mixed use to be designed in coordination with Areas 8 and 9. This site is a prime retail node location and is to be comprised primarily of small retail and service neighborhood type establishments. This is the best location for additional specialty shops.	Hillside Protection	Access to Areas 7, 8, and 9 is to be coordinated to utilize the existing intersection of Highland Pike and Valley Plaza Drive and the planned cross-access/frontage road along Madison Pike. Full access, including left-hand turns, is to be provided at an intersection/roundabout located in the vicinity of Lakeview Drive and the entrance to TANK. Additional right-in and right-out access may be utilized within this area provided adequate spacing is available between intersections. Pedestrian access throughout this area and to adjoining areas across Highland Pike and Madison Pike are important features of the transportation network.	These areas are recommended to be the "Town Center" for the corridor. Areas 7, 8, and 9 have potential to be the center of mixed-use lifestyle activity. Basic elements of that include: coordinated access, connectivity, pedestrian oriented environments, shared parking, mixed uses, open space and outdoor amenities that compliment development, more traditional type buildings that are 2-4 stories in height with interesting facades and that are set closer to the roadway, identifiable landscaping and signage and lighting that are similar in character.	Immediate

Continued on next page...

Area #	Recommended Land Use	Greenway	Transportation	Form and Function	Implementation Strategy
8	Part of the "Town Center" in coordination with Areas 7 and 9. This area is recommended to incorporate a mix of uses including retail, office and residential development. However, this area is prime for the location of higher density residential, possibly senior housing, to be designed in conjunction with adjacent areas to provide and permit retail services.	Hillside Protection	Same as Area #7	Same as Area #7	Immediate
9	This area should be designed in conjunction with Area 8; to include small scale retail, office and residential use mixes. Given the attractiveness of Area 7 for retail development, this area will be more appealing for development if it is coordinated with both Area 7 and 8.	Hillside Protection	Same as Area #7	Same as Area #7	Immediate

Continued on next page...

Area #	Recommended Land Use	Greenway	Transportation	Form and Function	Implementation Strategy
10	This corridor study does not recommend a change for this area at this time but rather recommends that the entire area be identified to be phased and marketed as one site due to its high potential for redevelopment for larger retail and service type facilities such as a sports complex or a movie theatre, with orientation to open space uses identified for Area 4. Topography, access to fiber optic and relatively large size of the site if properties are consolidated, also make this a potential site for high tech business and industrial office, with ancillary retail and service uses.	Riparian Buffers and Recreational Corridor	Full access, including both left and right turns should be provided by the signalized intersection/roundabout at Lakeview Drive and the entrance to TANK. Within this area there should be potential for an additional right-in and right-out access.	This area is recommended to function in relation to the existing transit center and to benefit from the environmental characteristics. This area is prime for a transit oriented type development that will connect with and compliment the town center. Larger scale development with coordinated access, oriented toward and connected to the Banklick Creek is recommended. Redevelopment should only occur in this area with a well thought out and coordinated plan due to the number of properties involved.	Long term
11	Transit Authority of Northern Kentucky (TANK) facility should be broadened as a regional hub for transit service. Ancillary to this, other compatible and supporting retail and office uses are recommended.	Riparian Buffers and Recreational Corridor	TANK will have access via a full intersection/roundabout at their entrance road. In addition, there is potential for right-in and right-out movements to better accommodate the use of this area.	Same as Area #10	Immediate

Continued on next page...

Area #	Recommended Land Use	Greenway	Transportation	Form and Function	Implementation Strategy
13	This site is prime for retail uses, primarily restaurants, with some potential for "store front" office style development.	N/A	N/A	This area is currently mostly developed. Uses in this area affect the overall traffic flow and customer attraction to the corridor and should be incorporated and considered as part of other development	Long term

As these widths are measured intermittently and vary in size, any proposed construction on a parcel in the corridor that is located within the identified floodway (even in part) should demonstrate that no disturbance would occur within the designated boundaries.

#### Recreational Corridors

The recommended Greenway Map, Map 5J, also identifies an additional recreational corridor adjacent to the proposed riparian buffer. This recreational area will serve many functions for the corridor. It will serve as an additional buffer for Banklick Creek with managed clearing for recreational uses. This area should be approximately seventy-five (75) feet in width to accommodate trail improvements as well as outdoor seating and other appropriate amenities. This area should not be completely restricted like the riparian buffer. Disturbance should be permitted in this area for recreational uses. Additionally, in areas where businesses are located adjacent to, or on the same property as the identified recreational buffer, they should orient the building to make use of and connect to the recreational corridor. This can be accomplished, for example, through double-faced or double-entrance buildings, in addition to connecting typical pedestrian and bicycle access (sidewalks and bike lanes) to the recreational corridor. This will enhance retail business use by increasing foot traffic and providing outdoor spaces convenient to workers. This design will assist in achieving a sense of place and higher quality of life.

This corridor has also been identified within the Doe Run Park Master Plan as a potential area for a greenway or "Parkway" system. The Concept Plan for Doe Run Lake and its surrounding environs includes developing Madison Pike (KY 17) with multi-use recreational trails, additional tree plantings, and stream restoration efforts to conserve the Banklick Creek. This will work to restore the Banklick Creek's value as a natural stream corridor.

#### Hillside Protection Areas

The following recommendations are intended to preserve the natural character of hillsides within the corridor to the greatest extent possible. Implementation of the recommendations contained in this section are intended to achieve the goal of preserving the visual and environmental quality of the corridor while encouraging development that conforms with the terrain instead of altering it. Further assistance is available from organizations such as the Hillside Trust that provide limited professional review of complex development proposals on hillside sites.

### Hillside Disturbance

It is recommended that areas identified for Hillside Protection be addressed in conjunction with development within the corridor. A geology and soil type of the typical hillside in Kenton County makes slippage an issue whenever hillside property is disturbed. This could potentially impact adjacent property owners. It also potentially increases the siltation of streams and waterways draining the sites.

Significant views of and from hillsides as seen from I-275 and along Madison Pike should be protected as much as possible. For this reason, priority should be given to development on slopes at lower elevations in order to protect the scenic and ecological contribution that hillsides make to the corridor.

In an effort to accurately define the slope of a property, it is recommended that the measuring method referred to as "actual slope" be used instead of averaging the slope of a property into a single value. This entails breaking the property into detailed slope categories in order to determine a better representation of the actual slope. The amount of hillside disturbance associated with development should be limited in Hillside Protection Areas by factoring a disturbance limit according to each slope category. Disturbance limitations should increase with the steepness of the actual slope.

Areas containing slopes equal to or greater than fifteen percent (15%) are identified as Hillside Protection Areas on the Greenway Map. The design of development in these areas should retain as much of the hillside's natural topographic character as possible by minimizing grading and the resulting creation of artificial slopes. Development within these areas should consolidate all disturbance areas where there is the least slope. Development should also minimize grade changes, cleared areas, and the volume of cut or fill. It is recommended that the amount of disturbance associated with development be limited in these areas through reductions in the proportion of a property that can be graded.

### Grading

Grading for structures in the corridor should be restricted to slopes thirty five percent (35%) or less in order to protect steep slopes during development and protect public health and safety. Although an analysis of the hillside slopes in the corridor using geographic information systems did not reveal any hillsides greater than thirty five percent (35%) slope, it is recommended that deep or extensive excavations and fills be minimized. When grading operations are necessary on hillside sites, the smallest practical areas of land should be exposed at any one time during development and the length of exposure should be kept to the shortest practicable amount of time. Restrictions should be placed on construction or site development in, or immediately adjacent to, areas determined to be prone to land sliding.

Any necessary hillside cuts should be limited and any hillside scars resulting from grading should be concealed, to the extent possible. The grade at the top of any cuts should be maintained in its natural slope. The retention of existing trees should be maximized on hillside development sites and any slopes exposed in Hillside Protection Areas should be replanted with native trees and plants. The practice of terracing hillsides should be regulated in order to provide additional or larger building sites and minimize negative impacts of grading.

### Roads and Utilities

Road construction on hillsides should be designed parallel to slope contours with consideration given to consolidating areas of natural topography and vegetation. Access should be located in the least sensitive area that is feasible. Utilities and other facilities should be located to utilize common corridors wherever possible. Shared driveway access and private roads should be utilized where significant reduction of grading can be accomplished compared to separate driveway access for each individual lot.

### Commercial, Industrial and Multi Family Development

It is recommended that structures be clustered to retain as much of the natural topographic character of the slope as possible. Development should be designed with a foundation type that is compatible with existing slope conditions to minimize disturbance and modification of the topography of the site. Where feasible, earth retention measures should be incorporated into the structure. Standard prepared building pads such as slab on grade which would result in the grading of more than 10 feet outside the building footprint area should be minimized. The use of common access drives is recommended where possible to minimize disturbance. Development should be designed to minimize lot coverage and incorporate under-structure parking and multilevel structures where permitted. The use of retaining walls that allow the maintenance of existing natural slope areas is preferred over graded artificial slopes. The use of pole-type construction which conforms to the existing topography is recommended where feasible and piled deck support structures are preferred for parking or garages rather than fill-based construction types. Buildings built on the steeper portions of hillsides should be sized and located so that they least disrupt the natural character of the hillside.

### Single-Family Dwellings

Single-family structures should conform to the natural contour of the slope. The foundation should be tiered to conform to the existing topography and step down the slope with earth retention incorporated into the structure where feasible. Standard prepared building pads such as slab on grade should be avoided. Garages on sites sloping uphill should be placed below the main floor elevation where feasible to reduce grading and to fit structures into existing topography. Garages on sites sloping downhill from the street may be required to be placed as close to the right-of-way as feasible and at or near street grade. On slopes in excess of twenty five percent (25%), driveways should be designed to minimize disturbance and should provide the most direct connection between the building and the public or private street. Changes in existing grade outside the building footprint should be minimized. Building foundation walls should be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. The structure should be tiered to conform to the existing topography and to minimize hillside disturbance.

### Transportation Recommendations:

The Madison Pike (KY 17) corridor through the City of Fort Wright is a major component of the transportation system in Kenton County and Northern Kentucky. The successful implementation of land use and other components of this plan will rely significantly on the manner in which transportation needs within the corridor are handled. Population is projected to increase significantly by the year 2020 within the central portion of Kenton County south of the corridor.

Since Madison Pike (KY 17) provides one of the primary routes to this growth area, it is anticipated that traffic volume within the corridor will continue to increase. The utilization of this route as a crossroads will continue. Furthermore, the projected increase in retail/service, office, recreational, and industrial land development within the corridor proper will require this area to handle higher levels of traffic. Improvements will need to be made within the corridor to accommodate both types of traffic: pass-through traffic to other destinations and traffic seeking destinations within the corridor. To meet these identified needs, transportation recommendations for the corridor are intended to create a travel environment that enhances mobility through the corridor for all modes and that will efficiently provide access to all properties within the corridor.

#### Access Management

To the extent possible, access management principals should be used as a basis for roadway recommendations and multi-modal accessibility recommendations within the corridor. The intent is to maximize capacity of the existing roadway for the benefit of all users, including adjoining property owners reliant on access for business development and success. Maximizing capacity entails maintenance of traffic flow even while traffic volumes increase, a situation that is anticipated to occur in the corridor. The challenge for the development of the corridor is to accomplish this without further widening the existing roadway. The current roadway configuration may be difficult to widen because of physical and structural constraints (e.g. Banklick Creek, expense of modifying the I-275 bridge, etc.) Furthermore, significant widening of the existing roadway may negatively impact other existing features of the corridor that this plan recommends to be enhanced as a benefit to the City, such as Banklick Creek.

The following recommendations have been formed to enhance capacity while at the same time create a multi-modal system to support anticipated land development. It is important to note that these recommendations are intended to function as an integrated system. The effectiveness of implementation of any single recommendation will be minimized without implementation of others. Map 5K illustrates the recommendations.

#### Highland Avenue (KY 1072) Extension

The extension of Highland Avenue, which is currently in the Ohio-Kentucky-Indiana Regional Council of Government's *2030 Regional Transportation Plan* and the Kentucky Transportation Cabinet's *Six-Year Plan*, is considered one of the key improvements for the corridor. This extension, which will provide access to Fidelity Investments and to Taylor Mill Road (KY 16), will also provide access and accommodate the construction of a system of interconnecting access roads to serve land on the eastern side of Banklick Creek (See Map 5K).

#### Non-Traversable Median

The plan recommends that a non-traversable median (also known as a non-mountable median) be constructed along the entire length of Madison Pike within the corridor. The median would extend from the existing median on the bridge over Banklick Creek northward to Howard Litzler Drive. The purpose of this median is to eliminate left-turn movements onto the roadway, except at designated controlled locations. It is anticipated that this access control measure alone will significantly increase capacity by minimizing left-turn conflict points. Another feature of this median is the aesthetic enhancement of the corridor derived from landscaping.



**Three-Quarter Intersections:** In conjunction with the non-traversable median there may be potential for the use of a limited number of three-quarter intersections. Three-quarter intersections would have one left-turn movement from Madison Pike along with right-in/right-out. Left turn movements exiting a site along Madison Pike would be prohibited at these locations. These intersections should work well in locations where access to a signalized intersection or to another intersection allowing the full range of left turn movements is available via cross access drives or frontage roads.

#### Minimizing and Eliminating Traffic Control Signals

Seven (7) traffic control signals currently exist within the corridor. This amount is approximately equal to the KYTC recommended number of three (3) per mile for this 2.4-mile section of Madison Pike (KY 17).

It is recommended that no additional "permanent" traffic control signals be located within the corridor. During the development of the corridor, while other transportation recommendations are being implemented, there may be a need for "temporary" traffic control signals to accommodate left-turn movements. Temporary signalization accommodates land development while other access control measures, to be discussed in following sections, are being implemented. It will be important that the City, in conjunction with KYTC District 6, that may accommodate the removal of existing traffic control signals. As the corridor develops and traffic control and access measures are implemented, conditions may arise allowing existing signals to be removed. One location that looks promising in this regard is Kyles Lane, where traffic volume has decreased since the reconstruction of Highland Pike.

#### Cross Access Drives/Frontage Roads

Interconnectivity of land uses that minimize the need to traverse between land uses using the arterial street system is a key component of these access control recommendations. Map 5J identifies general locations where these facilities are to be located. It is important to note that this plan does not stipulate whether interconnectivity is accomplished via cross-access drives or frontage roads. That decision should be based upon site design parameters during the land development process. The important element of this recommendation is that all property developed within the corridor be connected to adjoining properties within the corridor. Cross access/frontage interconnectivity must also accommodate pedestrian transportation, either along the roadway or via separate pedestrian/multi-use paths.

#### Roundabouts

As stated above, transportation access and maintaining traffic capacity along Madison Pike are vital to development opportunities in the corridor. One dynamic of access management this plan stresses is the minimization and/or elimination of signalized intersections. Alternative options previously described to provide access along Madison Pike may need the addition of up to three (3) new signalized intersections at Old Madison Pike, between Old Madison Pike and Dudley Pike, and in the vicinity of Lakeview Drive. While cross-access drives/frontage road systems also previously described will provide effective access management, the need to add signalized intersections may diminish positive gains of these connections. Furthermore, the recommendation to use a non-traversable median throughout the corridor means that several properties will have access to signalized intersections for exiting left-turn movements only via cross-access drives/frontage roads across adjoining properties. To resolve these access issues, this plan

is recommending the use of two (2) modern roundabouts within the corridor. One is proposed to be located north of Highland Pike to serve TANK, Lakeview Drive and other properties in the vicinity. The second roundabout is proposed to be located south of Dudley Pike.

**Northern Roundabout:** The location of this proposed roundabout would be at the existing main entrance to TANK. At this location, the features of the roundabout would provide left-turn movements necessary for TANK. It is hoped that this roundabout will replace the need for access directly onto the proposed Highland Pike Extension for TANK. Redevelopment of Area 10 would entail access be designed to utilize this roundabout for all exiting left-turn movements.

**Southern Roundabout:** The exact location of this roundabout is flexible, as it depends on options available after the potential relocation of Old Madison Pike, as previously discussed. In the event that topographic conditions associated with the hillside adjacent to the existing intersection preclude relocation northward, the southern roundabout would have to be located at the existing intersection. If the Old Madison Pike intersection can be relocated, the roundabout can be located further northward. A more northward location that can more directly serve Areas 17, 18 and 19 (see Map 5I) is more desirable because its closer proximity would enhance the development potential of those sites.

This plan is recommending the use of modern roundabouts because they have several characteristics that will be advantageous to the corridor including: continuous traffic flow, minimization of traffic conflict points, accommodation of left turns/reduction of signalized intersections, benefit to pedestrian traffic, and a unique identifying feature.

#### Form District Standards

Form District regulations should be tailored to meet the unique needs of the corridor, and to meet requirements as set forth in KRS 100.203, under districts of special interest to the development of the community. The corridor has many unique characteristics that should be addressed on a particular scale. These include the topography, location of a major waterway (the Banklick Creek), the intersection of two major transportation arteries (I-275 and KY 17), limited areas for development in an area of high demand for retail and service uses, and the unique location of the corridor that is one of the most visible parts of the community.

The Form District regulations should focus on form and not necessarily use. The overall elements are recommended to three or four form districts to address special areas and create unique development. Three major land use themes or "forms" are logical within the corridor. These include potential for an identifiable core or "Town Center", intensive commercial corridor uses, and some residential potential. Details common throughout these land use forms that are appropriate to be continued throughout the entire corridor and within all of the Form Districts include elements of multi-modal connectivity, the creation of great public spaces through recreation opportunities, outdoor amenities and streetscapes, interesting architectural design and access management. All of the elements referred to within the Chapter X, Implementation, are recommended to be evaluated for the specific characteristics within the corridor and included as Form District regulations within the city's zoning ordinance.

9. The Transportation Plan Element of the 2001 Area-Wide Comprehensive Plan Update identifies Madison Pike as an arterial street providing for two-way traffic within four driving lanes (two lanes in each direction) and a median, which allows for exclusive left turn storage lanes. A

proposed two-lane road extension of Highland Avenue at Kyles Lane has been planned by the Kentucky Transportation Cabinet, with construction expected to begin this summer.

10. The *Kenton County Bicycle Plan*, adopted in June 1999, identifies a primary bikeway along Madison Pike. The term bikeway is generally used to describe all transportation systems designed to accommodate bicycle travel. It is anticipated that this bikeway will be located alongside the Banklick Creek in an area identified as a Recreational Corridor within the *Madison Pike Corridor Land Use and Economic Development Plan*.

#### NKAPC Staff Recommendations:

To approve the proposed map amendment, but only subject to compliance with the following condition:

1. That the proposed text amendments adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the city's Zoning Ordinance (Application #Z-06-03-01/1803R) be adopted prior to, or simultaneously with, the adoption of this proposed map amendment.

#### Comprehensive Plan Documentation:

- Date of Adoption by the Kenton County & Municipal Planning & Zoning Commission: December 18, 2001

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

1. The proposed map amendment is consistent with the Implementation recommendations as contained within the 2001 Area-Wide Comprehensive Plan Update, as amended, which recommends the use of Form District Standards as an alternative land use regulation to conventional zoning regulations. Form District regulations differ from conventional zoning regulations by focusing on the design or "form" of development and not necessarily on use. Form districts promote compatibility of adjacent uses and preservation of desirable elements such as stream corridors and steep slopes. They also address various aspects such as: establishing an identifiable "core" or "town center" that would provide a mixture of uses including shopping, offices and residences as a focal point for several neighborhoods with a high level of roadway, transit, bicycle and pedestrian access and special attention to compatibility of infill and redevelopment of individual and integrated sites.
2. The proposed map amendment is consistent with the Land Use recommendations within the 2001 Area-Wide Comprehensive Plan Update, as amended, which identify the site in question as a Special Development Area. Specific land use recommendations for the area of the site in question are as follows:

Area	Land Use recommendations
7	Retail, office, and residential mixed use to be designed in coordination with Areas 8 and 9. This site is a prime retail node location and is to be comprised primarily of small retail and service neighborhood type establishments. This is the best location for additional specialty shops.
8	Part of the "Town Center" in coordination with Areas 7 and 9. This area is recommended to incorporate a mix of uses including retail, office and residential development. However, this area is prime for the location of higher density residential, possibly senior housing, to be designed in conjunction with adjacent areas to provide and permit retail services.
9	This area should be designed in conjunction with Area 8; to include small scale retail.

	office and residential use mixes. Given the attractiveness of Area 7 for retail development, this area will be more appealing for development if it is coordinated with both Area 7 and 8.
10	This corridor study does not recommend a change for this area at this time but rather recommends that the entire area be identified to be phased and marketed as one site due to its high potential for redevelopment for larger retail and service type facilities such as a sports complex or a movie theatre, with orientation to open space uses identified for Area 4. Topography, access to fiber optic and relatively large size of the site if properties are consolidated, also make this a potential site for high tech business and industrial office, with ancillary retail and service uses.
11	Transit Authority of Northern Kentucky (TANK) facility should be broadened as a regional hub for transit service. Ancillary to this, other compatible and supporting retail and office uses are recommended.
13	This site is prime for retail uses, primarily restaurants, with some potential for "store front" office style development.

The proposed map amendment will allow the area of the site in question to support mixed use development, including a combination of retail and service type facilities, offices, and higher density residential development supported by public transit service. The proposed Town Center Form District (TCFD) Zone will allow such uses to occur as part of a unified development that will serve both nearby residents and visitors to the area.

3. The proposed map amendment is consistent with the Greenway recommendations within the 2001 Area-Wide Comprehensive Plan Update, as amended, which identifies Areas #7, 8 and 9 for hillside protection Areas # 10 and 11 for riparian protection. Areas containing slopes equal to or greater than fifteen percent (15%) are identified as Hillside Protection Areas on the Greenway Map. The proposed map amendment is reasonable and logical by requiring that grading for structures within the site in question be restricted to slopes thirty five percent (35%) or less in order to protect steep slopes during development and protect public health and safety. Areas for riparian protection are identified along the main stem of Banklick Creek within the site in question. The Banklick Creek is the principal watershed in Kenton County and has been officially designated as an impaired waterway by the Commonwealth of Kentucky, with impaired uses being aquatic life and swimming. The proposed map amendment represents a logical attempt to conserve the Banklick Creek by protecting both water quality and quantity with Riparian Buffers, while providing an opportunity for public amenities such as multi-use recreational trails, additional tree plantings, and stream restoration efforts as part of any future development.
4. The proposed map amendment is consistent with the Transportation recommendations within the 2001 Area-Wide Comprehensive Plan Update, as amended, which recommends the following within the site in question:

**Non-Traversable Median:** The plan recommends that a non-traversable median (also known as a non-mountable median) be constructed along the entire length of Madison Pike within the corridor. The median would extend from the existing median on the bridge over Banklick Creek northward to Howard Litzler Drive. The purpose of this median is to eliminate left-turn movements onto the roadway, except at designated controlled locations.

**Cross Access Drives/Frontage Roads:** The plan recommends the interconnectivity of land uses that minimize the need to traverse between land uses using the arterial street system. Cross access/frontage interconnectivity must also accommodate pedestrian transportation, either along the roadway or via separate pedestrian/multi-use paths.

Roundabouts: The plan recommends the minimization and/or elimination of signalized intersections. The recommendation to use a non-traversable median throughout the corridor means that several properties will have access to signalized intersections for exiting left-turn movements only via cross-access drives/frontage roads across adjoining properties. To resolve these access issues, this plan is recommending the use of two (2) modern roundabouts within the corridor. One is proposed to be located north of Highland Pike to serve TANK, Lakeview Drive and other properties in the vicinity. The second roundabout is proposed to be located south of Dudley Pike.

The proposed map amendment is reasonable to allow the site in question to be developed while ensuring appropriate access management controls are in place to handle the anticipated increase in both pass-through and traffic seeking destinations from projected new development within the Madison Pike corridor. The proposed map amendment will respond to these identified needs by creating a travel environment that enhances mobility through the corridor for all modes and that will efficiently provide access to all properties within the corridor.

5. The proposed map amendment is consistent with the recommended Form and Function and Implementation Strategy outlining the timing and priority for the area of the site in question. The specific recommendations for the area of the site in question are as follows:

Area	Form and Function	Implementation Strategy
7	These areas are recommended to be the "Town Center" for the corridor. Areas 7, 8, and 9 have potential to be the center of mixed-use lifestyle activity. Basic elements of that include: coordinated access, connectivity, pedestrian oriented environments, shared parking, mixed uses, open space and outdoor amenities that compliment development, more traditional type buildings that are 2-4 stories in height with interesting facades and that are set closer to the roadway, identifiable landscaping and signage and lighting that are similar in character.	Immediate
8	Same as Area 7	Immediate
9	Same as Area 7	Immediate
10	This area is recommended to function in relation to the existing transit center and to benefit from the environmental characteristics. This area is prime for a transit oriented type development that will connect with and compliment the town center. Larger scale development with coordinated access, oriented toward and connected to the Banklick Creek is recommended. Redevelopment should only occur in this area with a well thought out and coordinated plan due to the number of properties involved.	Long term
11	Same as Area 10	Immediate
13	This area is currently mostly developed. Uses in this area affect the overall traffic flow and customer attraction to the corridor and should be incorporated and considered as part of other development	Long term

The proposed map amendment adding the Town Center Form District Zone and associated regulations is a reasonable and appropriate mechanism for achieving the intended form and function of development with the site in question. The proposed map amendment will effectuate these recommended and optimum operations that are expected from implementation and generally meet the timing and priority for each site.

6. The Fort Wright Zoning Ordinance currently does not contain a TCFD Zone. The City of Fort Wright has submitted an application for NKAPC and KCPC review and recommendation on a proposed text amendment to the Fort Wright Zoning Ordinance adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the city's Zoning Ordinance. It is recommended that the proposed text amendment adding a Town Center Form District (TCFD) Zone (Z-06-03-01/1803R) be adopted prior to, or simultaneously with, the adoption of this proposed map amendment.

**It should be emphasized that the opinion offered herein is that of the professional staff of the Northern Kentucky Area Planning Commission and should not be interpreted as a legal opinion. We recommend that you consult with your legal counsel concerning legal aspects of this matter.**

Respectfully submitted,

**Northern Kentucky Area Planning Commission**



Michael D. Schwartz, AICP  
Deputy Director, Current Planning

MJ/db

0 500 1,000 2,000 Feet



Legend  
Town Center Form District

# KENTON COUNTY PLANNING COMMISSION REGULAR MEETING

## Minutes

Mr. Wells, Vice Chairman, called the meeting to order at 6:15 PM on Thursday, April 6, 2006, 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.

		2006											
Member	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mark Barnett	Taylor Mill	x	x	x	x								
Barbara Carlin	Kenton Co	x	x	x	x								
Barry Coates	Covington	x	x	x	x								
James Cook	Kenton Co	x	x	x	x								
Paul Darpel	Edgewood	x	x	x	x								
Chuck Eilerman	Covington	x	x	x	x								
Tom France	Ludlow	x	x	x	x								
Al Hadley	Elsmere	x	x	x	x								
David Hilgefard	Villa Hills	x	x	x									
Phil Ryan	Park Hills	x	x	x	x								
Maura Snyder	Independence	x	x	x	x								
Paul Swanson, Treasurer	Erlanger	x		x									
Joe Tewes	Bromley	x	x	x	x								
John Wells, Vice Chair	Fort Mitchell		x	x	x								
Bernie Wessels	Crescent Spgs	x	x	x	x								
Gil Whitacre	Lakeside Park	x	x	x	x								
Alex Weldon, Chair	Covington	x	x	x									
Lynn Hood	Crestview Hills		x	x	x								

Also present were David Schneider, Legal Counsel, and the following NKAPC staff: Michael Schwartz, AICP, Deputy Director for Current Planning; Melissa Jort-Conway, AICP, Senior Planner; and Andy Videkovich, Associate Planner.

### AGENDA:

There were no changes made to the agenda for the evening. A motion was made by Ms. Snyder to approve the agenda. Mr. Wessels seconded the motion. Mr. Ryan then noted the first issue on the agenda was misnumbered and should read 1798R and not 1789R. The motion was amended



to reflect the noted change to the first issue. Mr. Wessels seconded the amended motion. All in favor; none opposed.

### **APPROVAL OF THE MINUTES:**

The minutes for March were distributed in the Commissioner's packets. There were no changes or corrections noted. A motion was made by Mr. Hadley to approve the minutes from March. Ms. Snyder seconded the motion. A roll call vote on the motion found Mr. Hadley, Ms. Snyder, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Ryan, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Wolnitzek and Mr. Wells in favor. The motion carried.

### **FINANCIAL REPORT:**

There were no questions or comments with regard to the report. A motion was made by Ms. Snyder and seconded by Mr. Wessels 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. Gil Whitacre recused himself from the following issue due to a conflict of interest with his employer.

**1798R**

**APPLICANT:** Vicky Smock, Gary Haynes, David Haynes, Linda Haynes, Diamond Properties II, LLC, and Gailen Bridges.

**LOCATION:** An approximate 2.4-acre area located along the east side of Madison Pike (KY 17) between Harris Pike and Sidney Drive, approximately 500 feet south of Harris Pike, Independence.

**REQUEST:** A proposed map amendment to the Independence Zoning Ordinance changing the described area from R-1C (a single family residential zone) to NC (a neighborhood commercial zone) (this issue was tabled at the commission's March 2, 2006 meeting).

Staff presentation and recommendations by Mr. Michael Schwartz.

### **NKAPC STAFF RECOMMENDATION**

To approve the proposed map amendment from R-1C to NC, but only subject to compliance with the following condition:

1. That signage be prohibited from being installed on the southern property, identified as 11119 Madison Pike.

## **Comprehensive Plan Documentation:**

- Date of Adoption by the Kenton County & Municipal Planning & Zoning Commission: December 18, 2001

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

1. The proposed map amendment from R-1C to NC is consistent with the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question for Commercial – Office uses. The proposed map amendment would allow the site in question to be developed with office uses.
2. The proposed map amendment is consistent with the concept of a Community Service Area, as described in the Land Use Plan Element of the 2001 Area-Wide Comprehensive Plan Update. The Shaw Road/Harris Pike and Madison Pike Community Service Area is anticipated to be the largest Community Service Area identified in this Plan Update, which was described as follows:

### **CHAPTER V- LAND USE**

#### **Land Use Plan Element Description**

#### **Urban Service Area/Non Urban Service Area**

#### **Community Service Areas**

Shaw Road/Harris Pike and Kentucky State Route 17 (Madison Pike) – This area is anticipated to be the largest Community Service Area identified in this Plan Update. It includes the location of the intersection of new Kentucky State Route 17 and Harris Pike. In this area, a section of Harris Pike and Shaw Road (Kentucky State Route 536) will be widened to five lanes to accommodate traffic. This Plan Update recommends that access be prohibited on Harris Pike between the new Kentucky State Route 17 to Madison Pike (Old Kentucky State Route 17). South of the intersection of Harris Pike and Kentucky State Route 17, the road will be reconstructed to follow the existing Kentucky 17 to Nicholson. Plans are underway by the Kentucky Transportation Cabinet to make improvements to the entire length of Kentucky State Route 536 from Boone County, through Kenton County, and ending at the AA Highway in Campbell County. This route will then provide an east-west corridor and connect the southern portions of Kenton and Campbell Counties to the AA Highway and Interstate 71/75.

This access and planned commercial – retail/service and office uses will make this the major commercial node in the City of Independence. The scope of services planned to be provided at this location will serve the needs of a large portion of the projected residential population of the Independence area during the next twenty years. In addition to commercial–retail/service and office uses, higher residential densities are recommended adjacent to these commercial uses, to increase the population to be served in the immediate area.

It is the intent of the Area-Wide Comprehensive Plan Update to allow for a mix of uses in the area of the site in question. The addition of office uses at this location would be beneficial by being easily accessible from existing Madison Pike, the new S.R. KY 17, and Harris Pike, and also by taking advantage of their proximity to existing goods and services and public amenities such as public transit.

3. The proposed map amendment from R-1C to NC is consistent with the recommendations for commercial - office development as contained within the Land Use Element of the 2001 Area-Wide Comprehensive Plan Update. Sections of the plan read as follows:

Commercial  
Office

Land so classified reflects existing or recommended areas for concentration of office and related uses. These areas are designated on the basis of locations which are easily accessible from the major corridors of transportation and which might also take advantage of proximity to other related uses (e.g. major public office buildings, hospitals, etc.) It is recognized that office-type development is little affected by noise associated with major thoroughfares, often has the potential for interesting architectural treatment, and can provide a transition between more intense and less intense land use activities.

The proposed map amendment will allow the site in question to be developed with commercial - office uses while adequately buffering the adjacent single-family residential development to the east of the site from incompatible land uses.

4. The proposed map amendment from R-1C to NC represents a logical extension of the NC Zone immediately north of the site in question. It is reasonable and appropriate that the area between existing Madison Pike and the right-of-way of new S.R. KY 17 be occupied with office type commercial development.
5. Except for the items that have been waived for the map amendment process, the submitted Stage I Development Plan meets the minimum requirements of the Independence Zoning Ordinance, except for the following:
  - a. Section 14.7 allows class 7 signs to be utilized for a shopping complex (3 or more businesses located in a unified building or attached group of buildings) within a NC Zone. Section 14.6, G. identifies a class 7 sign as a business and identification ground sign. Since the site in question will only have two businesses, a class 7 sign cannot be utilized. Additionally, a business or identification sign must be located on the same premises as the business. The submitted development plan indicates that any free standing signage will be placed on separate parcel, separate from the location of the proposed offices. Therefore, it is recommended that signage be prohibited from being installed on the southern property, identified as 11119 Madison Pike.

Mr. Wells read a letter into the record from Susan Cook in opposition to the issue. The letter was then marked as an exhibit and made a part of the record on the matter.

Mr. Gailen Bridges, Ms. Vicky Smock and Mr. Gary Haynes registered to speak in favor of the issue. Mr. Jeremy Deters registered to speak against.

Mr. Bridges addressed the Commission and stated the proposal is in accordance with the plan and Staff's report. He stated the property will be surrounded by a 5 lane highway and other commercial property as well as a school. Mr. Bridges stated the area in question would not be desirable for residential and is no longer feasible for residential. He further noted they are not out to upset the neighborhood and also noted that no one from the neighborhood was present to speak. In addition, Mr. Bridges noted the existing properties would be used for 9-5 type uses. It was further noted the same buildings and curb cuts would be utilized in the proposal. He additionally noted it is a nice transition to the end of the zone. The others registered to speak in favor had nothing to add.

Mr. Deters addressed the Commission on behalf of the Kenton County Board of Education. Mr. Deters stated condemnation proceedings have been started against three of the parcels indicated in Staff's report. He noted the long term plan of the Board of Education is for parking for the nearby school. He noted that Staff in its presentation indicated the land area was 2.4 acres but added the state actually owns the middle portion of the property making the land area actually 1.9 acres. He stated the Haynes property has not been filed on as far as the condemnation proceedings.

Mr. Schwartz clarified that if the school acquires any of the properties they are exempt from zoning requirements. He further indicated Staff's report did not reflect a parcel of 2.4 acres but an area of that amount.

Mr. Bridges addressed the Commission in rebuttal and stated old Kentucky 17 is not going to be much of a thoroughfare except to get to what is existing there. He stated it would not be a cut through.

Mr. Deters addressed the Commission in rebuttal and stated the Board cannot steal anyone's property. He then stated from a condemnation standpoint property can be acquired and judged by a jury of peers as to possession. He then noted he takes exception to the statement that the Board is stealing anything.

Following a brief discussion on the matter Mr. Cook made the motion to approve. Mr. Wolnitzek seconded the motion. A roll call vote on the matter found Mr. Cook, Mr. Wolnitzek, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. France, Mr. Hadley, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels and Mr. Wells in favor. Mr. Eilerman voted against. Mr. Whitacre withdrew. The motion carried.

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

**1803R**

<b>APPLICANT:</b>	City of Fort Wright per Larry Klein, City Administrator
<b>LOCATION:</b>	N.A.
<b>REQUEST:</b>	Proposed text amendments to the Fort Wright Zoning Ordinance adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the City's Zoning Ordinance.

Staff presentation and recommendations by Mrs. Melissa Jort-Conway, Mr. Keith Logsdon and Ms. Sharmili Sampath.

### **NKAPC STAFF RECOMMENDATION**

To approve the proposed text amendments adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the City's Zoning Ordinance, but only subject to compliance with the following conditions:

1. That the definition of Open Space within Section 10.31., I., 2., be consistent with Section 10.31., F (Definitions).

2. That Section 10.31., I., 2., e., (2), be revised to read as follows:

When an area is to be preserved as private or common open space, prior to the recording of a plat or the issuance of a grading/zoning/building permit, whichever occurs first, the developer and recipient entity may apply a recorded conservation easement to the area of the proposed open space, and submit documentation assuring its permanent protection, preservation and maintenance by the city or other responsible entity as approved by the city.

3. That the term "Recreational Corridor" within Section 10.31., J., 3., e, be replaced with "Riparian Buffer".

### **Comprehensive Plan Documentation:**

- Date of Adoption by the Kenton County & Municipal Planning & Zoning Commission: December 18, 2001

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

1. The proposed text amendments adding a Town Center Form District Zone (TCFD), along with the necessary cross references (see Attachments A, C and D) is allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statutes (KRS) 100.203 (1).

Essential nexus is established within the proposed Form District regulations in regard to the conditions as set forth under KRS 100.203 (1). In response to this, the language of the Form District regulations specifically include the purpose of protecting watercourses and areas subject to flooding, specifying what areas are to be left unoccupied as open spaces, the intensity of uses including setbacks and impervious surface area ratios, as well as requirements that will directly impact major thoroughfares, intersections, and transportation arteries. Other elements include multi-modal connectivity, the creation of usable public spaces by creating recreational opportunities, outdoor amenities and streetscapes, interesting architectural design and access management.

2. The proposed Town Center Form District regulations have been tailored to meet the specific land use recommendations for a portion of Madison Pike (KY 17) as identified

within the amended 2001 Area Wide Comprehensive Plan Update. The Town Center Form District regulations were prepared in response to the potential for an identifiable "core" within the area of the intersection of Madison Pike and Highland Avenue. In addition, the proposed Town Center Form District Zone is consistent with the Greenway, Transportation and Implementation recommendations as contained within the amended 2001 Area Wide Comprehensive Plan Update.

3. The proposed text amendments are reasonable and efficient by providing for a streamlined permitting process, enabling applicants to develop "by-right" under the proposed regulations. In addition, the proposed text amendment provides for all land uses, which are existing and in conformance with the Fort Wright Zoning Ordinance at the time of the adoption of the TCFD regulations to be considered permitted uses under the proposed regulations.
4. The proposed text amendments are appropriate by utilizing a prescriptive approach which outlines the design of development visually. The specificity of the regulations is intended to provide clear and concise standards while providing flexibility in the design of development. The proposed regulations are also presented graphically so they may be more readily understood by public, public officials and design professionals.
5. Section 10.31, F., of the proposed text amendments provide a definition of Open Space. Section 10.31., I., 2., provides a slightly different definition which is to be applied to that section of the zoning ordinance. It is therefore recommended that the definition of Open Space within Section 10.31., I., 2., be consistent with Section 10.31., F (Definitions).
6. The proposed text amendments, as submitted, require fifteen (15%) of the buildable area of a development within the TCFD be retained as open space. The proposed regulations provide a number of features that can be classified as open space (i.e. Riparian buffers, landscaped roadway medians, undisturbed hillsides, etc). The regulations also state that where an area is to be preserved as private or common open space, a conservation easement shall be submitted ensuring its permanent protection, preservation and maintenance as a condition for obtaining credit towards the required open space. In response to a legal opinion provided to staff by Mr. Dave Schneider Sr. on February 23, 2006, it was recommended that the dedication of easements for open space be made voluntary defensible by Kentucky Revised Statutes Chapter 100. It is therefore recommended that Section 10.31., I., 2., e., (2), be revised to read as follows:

When an area is to be preserved as private or common open space, prior to the recording of a plat or the issuance of a grading/zoning/building permit, whichever occurs first, the developer and recipient entity **may** apply a recorded conservation easement to the area of the proposed open space, and submit documentation assuring its permanent protection, preservation and maintenance by the city or other responsible entity as approved by the city.

7. The proposed text amendments specify requirements for development alongside Riparian Buffer areas. However, in one section of the proposed text, the proposed regulations refer to the Recreational Corridor. This is an error in terminology, the regulation was intended to refer to the Riparian Buffer areas. It is therefore recommended that the term

"Recreational Corridor" within Section 10.31., J., 3., e, be replaced with "Riparian Buffer".

**1804R**

**APPLICANT:** City of Fort Wright per Larry Klein, City Administrator

**LOCATION:** An approximate 238-acre area located along both sides of Madison Pike (KY 17) between Kyles Lane and I-275 in Fort Wright.

**REQUEST:** Proposed map amendments to the Fort Wright Zoning Ordinance changing the described area from IP and I-1 (industrial zones), HOC, CC, NC (commercial zones), OP (an office park zone), R-RE (a residential rural estate zone), and R-1C (P) NC, R-1D (P) OP, R-1D (P) IP (single family residential zones with phased commercial, office, and industrial zones) to TCFD (Town Center Form District) Zone.

Staff presentation and Staff recommendations by Mrs. Melissa Jort-Conway.

### **NKAPC STAFF RECOMMENDATION**

To approve the proposed map amendment, but only subject to compliance with the following condition:

1. That the proposed text amendments adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the city's Zoning Ordinance (Application #Z-06-03-01/1803R) be adopted prior to, or simultaneously with, the adoption of this proposed map amendment.

### **Comprehensive Plan Documentation:**

- Date of Adoption by the Kenton County & Municipal Planning & Zoning Commission: December 18, 2001

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

1. The proposed map amendment is consistent with the Implementation recommendations as contained within the 2001 Area-Wide Comprehensive Plan Update, as amended, which recommends the use of Form District Standards as an alternative land use regulation to conventional zoning regulations. Form District regulations differ from conventional zoning regulations by focusing on the design or "form" of development and not necessarily on use. Form districts promote compatibility of adjacent uses and preservation of desirable elements such as stream corridors and steep slopes. They also address various aspects such as: establishing an identifiable "core" or "town center" that would provide a mixture of uses including shopping, offices and residences as a focal point for several neighborhoods with a high level of roadway, transit, bicycle and pedestrian access and special attention to compatibility of infill and redevelopment of individual and integrated sites.
2. The proposed map amendment is consistent with the Land Use recommendations within the 2001 Area-Wide Comprehensive Plan Update, as amended, which identify the site in

question as a Special Development Area. Specific land use recommendations for the area of the site in question are as follows:

Area	Land Use recommendations
7	Retail, office, and residential mixed use to be designed in coordination with Areas 8 and 9. This site is a prime retail node location and is to be comprised primarily of small retail and service neighborhood type establishments. This is the best location for additional specialty shops.
8	Part of the "Town Center" in coordination with Areas 7 and 9. This area is recommended to incorporate a mix of uses including retail, office and residential development. However, this area is prime for the location of higher density residential, possibly senior housing, to be designed in conjunction with adjacent areas to provide and permit retail services.
9	This area should be designed in conjunction with Area 8; to include small scale retail, office and residential use mixes. Given the attractiveness of Area 7 for retail development, this area will be more appealing for development if it is coordinated with both Area 7 and 8.
10	This corridor study does not recommend a change for this area at this time but rather recommends that the entire area be identified to be phased and marketed as one site due to its high potential for redevelopment for larger retail and service type facilities such as a sports complex or a movie theatre, with orientation to open space uses identified for Area 4. Topography, access to fiber optic and relatively large size of the site if properties are consolidated, also make this a potential site for high tech business and industrial office, with ancillary retail and service uses.
11	Transit Authority of Northern Kentucky (TANK) facility should be broadened as a regional hub for transit service. Ancillary to this, other compatible and supporting retail and office uses are recommended.
13	This site is prime for retail uses, primarily restaurants, with some potential for "store front" office style development.

The proposed map amendment will allow the area of the site in question to support mixed use development, including a combination of retail and service type facilities, offices, and higher density residential development supported by public transit service. The proposed Town Center Form District (TCFD) Zone will allow such uses to occur as part of a unified development that will serve both nearby residents and visitors to the area.

3. The proposed map amendment is consistent with the Greenway recommendations within the 2001 Area-Wide Comprehensive Plan Update, as amended, which identifies Areas #7, 8 and 9 for hillside protection Areas # 10 and 11 for riparian protection. Areas containing slopes equal to or greater than fifteen percent (15%) are identified as Hillside Protection Areas on the Greenway Map. The proposed map amendment is reasonable and logical by requiring that grading for structures within the site in question be restricted to slopes thirty five percent (35%) or less in order to protect steep slopes during development and protect public health and safety. Areas for riparian protection are identified along the main stem of Banklick Creek within the site in question. The Banklick Creek is the principal watershed in Kenton County and has been officially designated as an impaired waterway by the Commonwealth of Kentucky, with impaired



uses being aquatic life and swimming. The proposed map amendment represents a logical attempt to conserve the Banklick Creek by protecting both water quality and quantity with Riparian Buffers, while providing an opportunity for public amenities such as multi-use recreational trails, additional tree plantings, and stream restoration efforts as part of any future development.

4. The proposed map amendment is consistent with the Transportation recommendations within the 2001 Area-Wide Comprehensive Plan Update, as amended, which recommends the following within the site in question:

**Non-Traversable Median:** The plan recommends that a non-traversable median (also known as a non-mountable median) be constructed along the entire length of Madison Pike within the corridor. The median would extend from the existing median on the bridge over Banklick Creek northward to Howard Litzler Drive. The purpose of this median is to eliminate left-turn movements onto the roadway, except at designated controlled locations.

**Cross Access Drives/Frontage Roads:** The plan recommends the interconnectivity of land uses that minimize the need to traverse between land uses using the arterial street system. Cross access/frontage interconnectivity must also accommodate pedestrian transportation, either along the roadway or via separate pedestrian/multi-use paths.

**Roundabouts:** The plan recommends the minimization and/or elimination of signalized intersections. The recommendation to use a non-traversable median throughout the corridor means that several properties will have access to signalized intersections for exiting left-turn movements only via cross-access drives/frontage roads across adjoining properties. To resolve these access issues, this plan is recommending the use of two (2) modern roundabouts within the corridor. One is proposed to be located north of Highland Pike to serve TANK, Lakeview Drive and other properties in the vicinity. The second roundabout is proposed to be located south of Dudley Pike.

The proposed map amendment is reasonable to allow the site in question to be developed while ensuring appropriate access management controls are in place to handle the anticipated increase in both pass-through and traffic seeking destinations from projected new development within the Madison Pike corridor. The proposed map amendment will respond to these identified needs by creating a travel environment that enhances mobility through the corridor for all modes and that will efficiently provide access to all properties within the corridor.

5. The proposed map amendment is consistent with the recommended Form and Function and Implementation Strategy outlining the timing and priority for the area of the site in question. The specific recommendations for the area of the site in question are as follows:

<i>Area</i>	<b>Form and Function</b>	<b>Implementation Strategy</b>
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7	These areas are recommended to be the "Town Center" for the corridor. Areas 7, 8, and 9 have potential to be the center of mixed-use lifestyle activity. Basic elements of that include: coordinated access, connectivity, pedestrian oriented environments, shared parking, mixed uses, open space and outdoor amenities that compliment development, more traditional type buildings that are 2-4 stories in height with interesting facades and that are set closer to the roadway, identifiable landscaping and signage and lighting that are similar in character.	Immediate
8	Same as Area 7	Immediate
9	Same as Area 7	Immediate
10	This area is recommended to function in relation to the existing transit center and to benefit from the environmental characteristics. This area is prime for a transit oriented type development that will connect with and compliment the town center. Larger scale development with coordinated access, oriented toward and connected to the Banklick Creek is recommended. Redevelopment should only occur in this area with a well thought out and coordinated plan due to the number of properties involved.	Long term
11	Same as Area 10	Immediate
13	This area is currently mostly developed. Uses in this area affect the overall traffic flow and customer attraction to the corridor and should be incorporated and considered as part of other development	Long term

The proposed map amendment adding the Town Center Form District Zone and associated regulations is a reasonable and appropriate mechanism for achieving the intended form and function of development with the site in question. The proposed map amendment will effectuate these recommended and optimum operations that are expected from implementation and generally meet the timing and priority for each site.

6. The Fort Wright Zoning Ordinance currently does not contain a TCFD Zone. The City of Fort Wright has submitted an application for NKAPC and KCPC review and recommendation on a proposed text amendment to the Fort Wright Zoning Ordinance adding a Town Center Form District (TCFD) Zone and associated regulations, including appropriate cross references to other sections of the city's Zoning Ordinance. It is recommended that the proposed text amendment adding a Town Center Form District (TCFD) Zone (Z-06-03-01/1803R) be adopted prior to, or simultaneously with, the adoption of this proposed map amendment.

Following Staff's presentation Mr. Darpel suggested recessing the decision due to the length and complexity of the issue. It was tentatively discussed that a special meeting would be held two weeks from the date of the meeting to ask additional questions and to devote the time necessary to the issue.

Mr. Gene Weaver and Mr. Larry Klein registered to speak in favor of the issue. Mr. Dennis Williams registered to speak against. Mr. Charles Buckloo and Mr. Kent Marcum registered to speak as neutral parties on the issue.

Mr. Weaver addressed the Commission and gave a brief history of the proposal starting back two years. He stated a lot of work and effort had gone into the project. He stated this project came about from the Ft. Wright Vision Committee. He noted this is an opportunity to do something different and unique to Northern Kentucky. He noted there was a market study done as a part of the project which was a vital portion of the project. He stated it is not their intent to hinder any property owner or development but to mesh along with area development. Mr. Weaver stated the issue has been studied to death and feels the Commission received their information on the subject in plenty of time to review all the information. He stated to delay it would not accomplish anything. Mr. Weaver noted they want businesses that will be around a long time in the development. He noted it is a lot of change but stated they have to start somewhere. He further noted they would like to see quality development along Madison Pike similar to the Crestview Town Center. He stated people in the area were invited to the various meetings and focus groups on the matter. He additionally stated this is probably one of the hottest areas for development in Kenton County if not in all of Northern Kentucky. He stated the City of Ft. Wright is the first city to come before the Commission with a form district but he does not feel they will be the last. He then asked the Commission to be open-minded and progressive in their thinking on the matter.

Mr. Klein addressed the Commission and stated this is not an overnight plan for the city and noted it actually started in 2002. He stated there have been 15-20 meetings with regard to the issue. He stated they are trying to raise the bar on development in Kenton County as well as Northern Kentucky. He further stated they feel the proposal is in agreement with the Comprehensive Plan. He noted the city conducted a market study to examine what types of businesses would flourish in the corridor. He then stated they realize there are a lot of requirements in the document but also feel the city has put its money where its mouth is. He then noted they have reduced the amount of parking spaces required and reduced the amount of setback required. Mr. Klein stated they went to great effort to have the businesses existing in the area to be special permitted uses versus non-conforming uses.

Mr. Williams addressed the Commission on behalf of BFW Ltd. He stated he knows the city has spent a great deal of time on the process but he is concerned that he would have to find an additional three acres to go along with his 2+ acres to meet the requirements under the new zone in order to develop it. He noted this would be a practical impossibility. He stated it would require them to provide sidewalks and stated the terrain does not lend itself to this so it would also be a practical impossibility. He further noted to ask the public to address a comprehensive presentation in a 30 minute presentation is questionable due to process. He then noted this is probably something that requires more than 30 minutes due to the complexity of the issue.

Mr. Charles Buckloo had nothing to add.

Mr. Marcum addressed the Commission and stated the city has done a marvelous job in looking out for their citizens and this is something the city needs. He stated he has a question as to the 35% grade. He stated he does not want any more development that would jeopardize the existing cut hillsides. He further stated he does not want to see blasting as was done previously because it is not a hillside, it's a small mountain. He noted these were his only concerns.

There was no rebuttal by the city.  
There was no rebuttal by Mr. Williams.

Mr. Darpel asked again for additional time to discuss the matter if a quorum is available in two weeks time. He asked Staff how much time they had to as far as the map amendment is required. Mr. Schwartz indicated they had until 4/27 but would have to meet prior to that date. Mr. Schwartz then questioned whether or not it would be required to notify effected property owners 30 days in advance. Mr. Schneider stated if the matter was tabled you would be required to notify existing property owners. He then stated you could continue that portion of the public hearing and it would be considered a special meeting. A date of 4/19 was discussed to possibly hold the special meeting if a quorum was available. A motion was then made by Mr. Darpel then made the motion to recess the discussion portion of the issue to 6:15 on Wednesday, April 19. Mr. Wessels seconded the motion. The motion was then amended to allowing those who spoke to summarize their statements at the special meeting. A roll call vote on the matter found Mr. Darpel, Mr. Wessels, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wolnitzek and Mr. Wells in favor. The motion carried unanimously.

\* At this time (9:00) a ten minute break was taken.

#### **1805R**

**APPLICANT:** The City of Covington per William Moller, Assistant City Manager.  
**LOCATION:** An area within the City of Covington consisting of the following two tracts: an approximate 4,300 square foot area located on the west side of Chesapeake Street between West 12<sup>th</sup> and 13<sup>th</sup> Streets, approximately 100 feet south of West 12<sup>th</sup> Street; and, an approximate 0.5 acre area located at the northwest corner of the intersection of Chesapeake Street and West 13<sup>th</sup> Street.  
**REQUEST:** A proposed map amendment to the Covington Zoning Ordinance changing the described areas from R-1G (P) (a single-family residential zone with a phased overlay zone) to I-1 (an industrial zone); and, variances reducing the minimum required setbacks.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

#### **NKAPC STAFF RECOMMENDATION**

##### **Recommendation A:**

To approve the proposed map amendment from R-1G (P) to I-1.

##### **Recommendation B:**

To approve the requested variances.

##### **Comprehensive Plan Documentation:**

- Date of Adoption by the Kenton County and Municipal Planning and Zoning

## **Supporting Information/Bases For Recommendations:**

### **Recommendation A:**

1. The proposed map amendment from R-1G (P) to I-1 is consistent with the Recommended Land Use Map of the 2001 Area Wide Comprehensive Plan Update which identifies the site in question, as being part of a larger area extending to the north, south, and west, for Industrial uses. The proposed I-1 Zone will allow the development of a variety of manufacturing, compounding, processing, packaging, and assembling uses, along with various other industrial uses.
2. The proposed map amendment from R-1G (P) to I-1 is reasonable and appropriate in that it is consistent with the intent and purpose of the Phased (P) Overlay Zone. The Phased Overlay Zone is used in cases where the time or phasing of the zoning of an area is critical to the implementation of the comprehensive plan. The intent of the phased zoning regulations is to encourage redevelopment of a specified area for the use or density designated on the comprehensive plan when the necessary conditions for such development are realized. The sites in question are currently occupied by commercial and industrial buildings and activities. The proposed map amendment would change the zoning to reflect its current use.

### **Recommendation B:**

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

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

- a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.
  - b. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
  - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. The sites in question are currently occupied by commercial/industrial structures. Properties located to the north, south, and east of the sites in question are occupied by

commercial and industrial uses. While the properties located to the west of the sites in question are currently occupied by residential dwellings, they are anticipated to be redeveloped with industrial uses. As such, the proposed variances: (1) will not adversely affect the public health, safety, or welfare; (2) will not alter the essential character of the area; (3) will not cause a hazard or nuisance; and (4) will not allow an unreasonable circumvention of the zoning regulations.

3. The I-1 Zone will require a front yard setback of fifty (50) feet and a rear yard setback of seventy-five (75) feet. The lots in question have a depth ranging from approximately ninety-five (95) feet to one hundred five (105) feet. The required setbacks will not provide for a buildable area on the sites in question. Therefore, the proposed variances for building construction are reasonable and appropriate.
4. The proposed variances for off-street parking facilities will be consistent with existing off-street parking facilities in the vicinity of the sites in question. Properties located to the east and south of the sites in question have their off-street parking areas built to the right-of-way line. Therefore, the proposed variances for off-street parking facilities are reasonable and appropriate.

Mr. George Hammond, Mr. Ralph Hopper, Ms. Connie Hammond and Mr. Gary Flannery registered to speak in favor of the issue. No one registered to speak against or neutral on the issue.

Mr. Hopper addressed the Commission speaking for Mr. Hammond. He stated due to the expansion of 12<sup>th</sup> Street and portions of Mr. Hammond's and Mr. Flannery's businesses being impacted by the expansion they were requesting the map amendment.

All others registered to speak had nothing additional to add.

A motion was then made by Mr. Eilerman to approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Hadley, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Wolnitzek and Mr. Wells in favor.

A motion was then made on the text amendment portion of the issue with regard to the variances. Mr. Eilerman made the motion to approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Hadley, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Wolnitzek and Mr. Wells in favor.

**1806R**

**APPLICANT:** Kenton County Planning Commission, per Alexandra K. Weldon  
**REQUEST:** Proposed review and adoption of the Goals and Objectives of the Comprehensive Plan.

Staff presentations and Staff recommendations by Mr. Michael Schwartz.

#### **NKAPC STAFF RECOMMENDATION**

To approve the proposed goals and objectives (See Attachment A)

**Comprehensive Plan Documentation:**

- Date of Adoption by the Kenton County Planning Commission: December 18, 2001

### **Supporting Information/Bases For Recommendation:**

1. Kentucky Revised Statute 100.187 requires that a comprehensive plan contain a statement of goals and objectives element to serve as a guide for the physical development and economic well-being of the planning unit.
2. Kentucky Revised Statute 100.193 requires that the planning commission prepare and adopt the goals and objectives element to act as a guide for the preparation of the remaining elements of the plan.
3. The goals and objectives are intended to be broad, long-range, and all encompassing in composition. The Comprehensive Plan likens the Goals and Objectives to a "Constitution" - a document which should experience little change over the years, and within which all subsequent lesser laws (in this case, plan elements) should be based and kept current.
4. It is the intent of the proposed goals and objectives to cover those fundamental issues pertaining to the physical development and the economic well-being of both the Incorporated and Unincorporated areas of Kenton County. The area-wide approach of the Comprehensive Plan recognizes that each individual legislative jurisdiction is not responsible for accomplishing each goal and objective statement. However, working collectively through the Kenton County Planning Commission, the Northern Kentucky Area Planning Commission and other cooperative ventures, all legislative jurisdictions within the planning unit will work toward accomplishing these proposed goals and objectives during the planning period.
5. At their March 22, 2006 meeting the Northern Kentucky Area Planning Commission determined that the goals and objectives used in the 2001 Area-Wide Comprehensive Plan Update were still valid and adopted Resolution 803, readopting the Goals and Objectives Element for the 2006 Area-Wide Comprehensive Plan Update.

### **Additional Information**

Pursuant to Kentucky Revised Statute 100.197, "... if the goals and objective statement is not proposed to be amended, it shall not be necessary to submit it to the legislative bodies and fiscal courts for action ...".

There was no one present that registered to speak for, against or neutral on the issue. Mr. Wessels made the motion to approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hadley, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wolnitzek and Mr. Wells in favor. The motion carried.

\*Mr. Whitacre recused himself from any consideration and voting due a conflict with his employer with the following issue.

1807R

**APPLICANT:** City of Independence, per Patricia H. Taney  
**REQUEST:** A proposed text amendment to the Independence Zoning Ordinance adding regulations for retirement communities.

Staff presentations and Staff recommendations by Mr. Michael Schwartz.

### **NKAPC STAFF RECOMMENDATION**

To approve the proposed text amendment, but only subject to compliance with the following conditions:

1. That the following be deleted from subsection G.: 'This 20% common open space shall not be included in the acreage of the proposed community development in calculating the density requirements of the applicable zoning districts.'
2. That the phrase 'as deemed appropriate by the city zoning administrator' in subsection H., 3. be deleted.

### **Comprehensive Plan Documentation:**

- Date of Adoption by the Kenton County & Municipal Planning & Zoning Commission: December 18, 2001

### **Supporting Information/Bases For Recommendation:**

1. The proposed text amendment adding regulations for retirement communities 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 regulations for retirement communities, except as noted under conditions, is reasonable and appropriate.
3. As proposed, subsection G. requires a minimum of twenty (20) percent of a site be retained as open space. This is similar to other flexible zoning districts, namely the Planned Unit Development (PUD) Overlay Zone. Subsection G. also states that this twenty (20) percent open space shall not be allowed to be counted towards the maximum density of the site. This is different than the other flexible zoning districts. The PUD Zone allows the area of the open space to be used in calculating the maximum density of a site. Additionally, traffic generation for senior housing is lower than that of other residential dwelling types. The following provides a comparison of dwelling types and trip generation.

Dwelling Type	Trip Generation (trips per dwelling unit)
Detached single-family	9.57
Apartments	6.72
Townhouses/Condominiums	5.86
Senior Housing	3.71



Given the existing use of open space for calculating maximum density within the PUD Zone, along with the lower trip generation for senior housing, it appears reasonable to allow the open space within a retirement community to be counted towards calculating maximum density.

4. As proposed, subsection H., 3. states that screening shall be provided, as deemed appropriate by the city zoning administrator. In subsection D., the Stage II Development Plan is approved by the planning commission's duly authorized representative. All screening and landscaping will be required to be shown on the Stage II Development Plan. The zoning administrator does not have the authority to override the decision of the planning commission's duly authorized representative. Therefore, it is recommended that the phrase 'as deemed appropriate by the city zoning administrator' in subsection H., 3. be deleted.

#### **Additional Information:**

1. It must be noted that the proposed text amendment would allow the development of a retirement community within any of the Residential (R) Zones, provided that it is listed as a permitted use. The submitted text amendment only adds the regulations for retirement communities and does not include their provision within any specific zoning district. The city will have to submit another text amendment application adding retirement community to the list of permitted uses within a specific residential zoning district.

Mr. Jay Bayer registered to speak in favor of the issue. No one registered to speak against or neutral on the issue.

Mr. Bayer addressed the Commission and distributed a handout with regard to the issue which. The handout was then marked as an exhibit and made a part of the record on the matter. Mr. Bayer stated the only recommendation they would like to add was under parking regulations. He then noted they were recommending one parking space per two employees.

After a brief discussion on the matter Ms. Snyder made a motion to approve along with the additional request as to parking as per the handout distributed. Mr. Ryan seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. Ryan, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Ms. Hood, Mr. Tewes, Mr. Wessels, Mr. Wolnitzek and Mr. Wells in favor. Mr. Whitacre recused himself prior to any vote being taken. The motion carried.

#### **1808R**

**APPLICANT:** City of Covington, per Aaron Wolfe-Bertling  
**LOCATION:** The area bounded by West 12<sup>th</sup> Street, Main Street, Pike Street, Lee Street, West Robbins Street, and the alley between Banklick Street and Russell Street, Covington  
**REQUEST:** Review of the proposed Covington CARD Zone South Redevelopment Plan, a Chapter 99 Plan (KRS 99.020)

Staff presentations and Staff recommendations by Mr. Michael Schwartz.

#### **NKAPC STAFF RECOMMENDATION**

The Covington CARD Zone South Redevelopment Plan is generally consistent with the 2001 Area Wide Comprehensive Plan Update.

**Comprehensive Plan Documentation:**

- Date of Adoption by the Kenton County & Municipal Planning & Zoning Commission: December 18, 2001

**Supporting Information/Bases For Recommendation:**

1. A number of issues were identified in the Covington CARD Zone South Redevelopment Plan, including socio-economic and building and structural deficiencies. In light of these issues, the redevelopment of the development area is necessary to effectuate the public purposes declared in KRS 99.020.
2. The general purpose of the Covington CARD Zone South Redevelopment Plan is to: (1) improve residential opportunities in the corridor to attract people to an urban environment who will own and maintain homes; (2) build upon the natural strengths of the historic housing stock; (3) provide a basis of support to the ongoing redevelopment of Pike Street and Seminary Square; and (4) allow for continued public participation in the development of the corridor. The purpose of the plan is consistent with the Goals and Objectives Element of the 2001 Area Wide Comprehensive Plan Update.
3. The Covington CARD Zone South Redevelopment Plan is generally consistent with the Recommended Land Use Map of the 2001 Area Wide Comprehensive Plan Update.
4. The Covington CARD Zone South Redevelopment Plan identifies implementation steps for the first five years of redevelopment activities. The steps by which the development is proposed to be undertaken are practical and appear to be in the public interest.
5. The Covington CARD Zone South Redevelopment Plan appears to meet the requirements set forth in KRS Chapter 99.
6. Considering all of the aforementioned factors, the carrying into effect of The Covington CARD Zone South Redevelopment Plan will not cause undue hardship to those occupying dwelling accommodations in the development area to such a degree as to outweigh the public purpose defined in KRS 99.020.

Mr. Aaron Wolfe-Bertling registered to speak in favor of the issue. No one registered to speak against or neutral on the issue.

Mr. Wolfe-Bertling addressed the Commission and stated Staff did an excellent job regarding the issue. He stated they are hoping to build new units and attract owner occupants back to the neighborhood. He stated with the 12<sup>th</sup> Street project finally moving forward they city is seeing renewed activity and interest in the area. Mr. Wolfe-Bertling stated all property owners had been notified as part of KRS requirements. He further noted a notice was additionally posted in the paper as well as on the web.

Following a brief discussion on the matter Mr. Eilerman made the motion that the proposal is generally consistent with the Comprehensive Plan. Mr. France seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. France, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Hadley, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Wolnitzek and Mr. Wells in favor. Mr. Wessels voted against. The motion carried.

\*Mr. Whitacre recused himself from any consideration and voting due to a conflict with his employer.

1809R

**APPLICANT:** Kyles Lane Development, LLC, per Chris Montello, on behalf of Robert B. Kennedy, III.

**LOCATION:** An approximate 3.3-acre area located along the northeast side of Kyles Lane, between Madison Pike and Valley Drive, approximately 700 feet northwest of Madison Pike, in Covington.

**REQUEST:** A proposed map amendment to the Covington Zoning Ordinance changing approximately 1.4 acres of the described area from R-1C (a single family residential zone) to R-2b (a two and multi-family residential zone).

Staff presentations and Staff recommendations by Mr. Michael Schwartz.

#### **NKAPC STAFF RECOMMENDATION**

To approve the proposed map amendment from R-2b.

#### **Comprehensive Plan Documentation:**

- Date of Adoption by the Kenton County & Municipal Planning & Zoning Commission: December 18, 2001

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

1. The proposed map amendment from R-1C to R-2b is consistent with the Goals and Objective Element of the 2001 Area-Wide Comprehensive Plan Update, as it pertains to residential development. The specific goals and objectives are as follows:

To provide safe and sanitary housing to all residents.

Effort should be made to eliminate dilapidated and unfit housing; rehabilitate declining housing; conserve the existing supply of sound housing; and add new housing; as necessary.

To provide a variety of housing types and residential development to accommodate different needs and desires of the population.

Effort should be made to encourage a variety of residential densities and housing types to meet the needs and desires of a range of family sizes, age groups, and income levels and to ensure that equal opportunity in choice of housing by all elements of the population is provided throughout the region.

The proposed R-2b Zone will allow the development of two and multi-family residential dwellings within an area characterized by scattered single-family residential dwellings.

2. The proposed map amendment from R-1C to R-2b is consistent with the Residential Development Concepts, as contained within the 2001 Area-Wide Comprehensive Plan Update. The specific development concepts are as follows:

A variety of residential densities is desirable.

Various densities would accommodate a variety of housing types to serve a variety of economic and social desires and capabilities.

The type of development that should occur within an area should be based, in part, upon the unique characteristics of the development site and the character of adjacent development.

Such a concept would insure that the proposed development would be compatibly incorporated into the area and would enable the development to best utilize the area's existing features.

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.

Multi-family residential development should occur in areas which: (a) are located near activity centers or major access ways; and (b) are desirable for residential development, but are characterized by topographic problems, unusual shape, or otherwise unsuitable for single-family residential development.

Such a concept would afford a greater number of people immediate access to activity centers and major streets, would reasonably assure that undue traffic volumes will not be drawn through lower density type development, and would provide for the utilization of "difficult to develop" parcels of land.

The site in question is proposed to be developed with 30 townhome style condominiums at a density of approximately 9.1 dwelling units per net acre. This density would provide a variety not found in the general vicinity of the site in question.

The northeast portion of the site in question, along with areas located to the north and east of the site, is currently zoned R-2b. The proposed map amendment for the southwest portion of the site will allow the entire site to be developed under a single unified zoning district.

The site in question is located approximately 700 feet northwest of Madison Pike, a major north/south arterial roadway, and is characterized by hillsides with slopes ranging from 20 to 30 percent. Typical detached single-family residential development would

necessitate massive grading of the site. Development under the proposed R-2b Zone will allow larger pads to be graded for buildings, thus reducing the overall grading of the site.

Mr. Chris Montello, Mr. Stephen Mecherle, Mr. Rod Sabo and Mr. Steve Smith registered to speak for the issue. Mr. Jesse Bramble, Ms. Rosemary Kerr, Mr. Gary Schnell and Mr. Tom Kerr registered to speak against. Ms. Sandy Mineman registered to speak as a neutral party.

Mr. Montello addressed the Commission representing Kyles Lane Development. He noted they are small development firm in Covington. He stated this is a project they are excited about for a number of reasons but mainly to preserve the area and enhance the area around it. He stated they are trying to create a nice environment for all neighbors as well as increase home ownership in the area.

Mr. Mecherle addressed the Commission and stated he was available to answer any questions.

Mr. Sabo addressed the Commission and stated he was the designer on the project. He noted he would like to reserve any questions or comments for rebuttal.

Mr. Smith addressed the Commission and noted he had nothing to add except under rebuttal.

Mr. Bramble addressed the Commission and noted he lives directly across from the piece of property in question. He noted he's lived there since 1952. He further indicated the driveway is directly across from his driveway. He stated there is still a lot of traffic in the area even with widening Highland. He noted the people coming down the hill are coming at such a high rate of speed that he has to turn his signal on at the curve just so he can get in his driveway. He then stated the development is going to endanger him and his family. He further noted when it snows they close the road at times. Mr. Bramble stated people coming in from other areas and not being used to the road will be difficult.

Ms. Kerr stated she had nothing to add.

Mr. Schnell addressed the Commission and stated he has difficulties getting in and out of his property. He further noted there are a lot of springs in the area and there are drainage problems. He noted they had difficulty building their home and can't see how the developer will build that many homes there.

Mr. Kerr addressed the Commission and asked where the development is going to get their sewer line. He stated he can't see putting that many people up there. He noted there is water everywhere.

Ms. Mineman addressed the Commission and stated she owns the property directly next to the development. She stated she doesn't think there is enough area to build there. He further stated there is a lot of underground water and a lot of water coming down Kyles Lane.

Mr. Sabo addressed the Commission in rebuttal and stated the configuration and location of the development is so they can access the existing sewer line. He stated the sewer line was approved as part of an earlier application. He also noted the configuration and location of the development is to work with the existing grading that was done. He noted as part of any development they are required to have storm water retention and feel it will actually improve the conditions that exist

now. He stated the property could be further subdivided and more driveways and curb cuts added. He noted they are widening the driveway to allow for cars to stack and have room to back up and turn around. He noted a geo tech was done and submitted as part of a past development and used for this development. He further noted part of the requirements call for additional geo tech studies as part of their development.

Mr. Schnell addressed the Commission in rebuttal and questioned the geo tech that was done. He stated to have 100 or so cars coming in and out of that property is going to cause problems. He stated the driveway is not the easiest driveway to get out of. He further stated this is his concern because there will be a lot of people using it.

Following discussion on the matter Mr. Eilerman made the motion to approve based on Staff recommendations and findings. Mr. Wessels seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Wessels, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Ms. Hood, Mr. Tewes and Mr. Wells in favor. Mr. Hadley, Mr. Ryan, Ms. Snyder and Mr. Wolnitzek voted against. Mr. Whitacre withdrew. The motion carried.

\*At this time (11:15) a short break was taken.

**1810R**

**APPLICANT:** One Eleven Developers, LLC, per James J. Bertram, Jr. on behalf of Daniel J. Zalla, Bernard J. Rice, and Marily Rice.

**LOCATION:** An approximate 63-acre area located along the north side of Mount Zion Road, approximately 800 feet west of Bristow Road in Independence.

**REQUEST:** A proposed map amendment to the Independence Zoning Ordinance changing the described area from R-1C (a single-family residential zone) to R-1C (PUD) (a single-family residential zone with a planned unit development overlay zone).

Staff presentations and Staff recommendations by Mr. Michael Schwartz.

#### **NKAPC STAFF RECOMMENDATION**

To disapprove the proposed map amendment from R-1C to R-1C (PUD).

#### **Comprehensive Plan Documentation:**

- Date of Adoption by the Kenton County & Municipal Planning & Zoning Commission: December 18, 2001

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

1. The proposed map amendment from R-1C to R-1C (PUD), as proposed in the submitted Stage I Development Plan, is not consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies the site in question for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre and as a Physically Restrictive Development Area (PRDA). The submitted development plan provides for approximately 26 acres (41% of the total site) and approximately 162,000 square feet devoted to commercial uses. The adoption of the proposed map amendment, along with the submitted Stage I Development Plan, will allow a large

amount of commercial development to occur within an area recommended for residential uses.

2. The proposed map amendment from R-1C to R-1C (PUD), as proposed in the submitted Stage I Development Plan, is not consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update, which identifies a Community Service Area at the intersection of Bristow Road with Richardson Road, approximately 1.25 miles north of the area in question. It is within this area that the comprehensive plan recommends concentrating commercial development. The adoption of the proposed map amendment, along with the submitted Stage I Development Plan, will place a hardship on the redevelopment efforts within the area of the Bristow Road/Richardson Road intersection. Therefore, the proposed R-1C (PUD) Zone is inappropriate.
3. The existing R-1C Zone is appropriate. The Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update identifies the site in question for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre and as a Physically Restrictive Development Area (PRDA). The existing R-1C Zone permits the development of detached single-family residential dwellings on a minimum lot area of 12,500 square feet (approximately 3.5 dwelling units per net acre).
4. There have been no major changes of an economic, physical, or social nature within the vicinity of the site in question which have substantially altered the basic character of the area since the adoption of the 2001 Area-Wide Comprehensive Plan Update.
5. The submitted Stage I Development Plan meets the minimum requirements of the Independence Zoning Ordinance, except for the following:
  - a. Section 10.12, E. states that commercial uses are allowed within a PUD, provided they are intended primarily for the service and convenience of residents of the PUD. The submitted Stage I development Plan indicates approximately 26 acres (41% of the total site) and approximately 162,000 square feet devoted to commercial uses. This intensity is more common in a neighborhood shopping complex rather than one for 93 dwelling units.
  - b. Section 10.12, H. states that setback requirements shall be as approved in the plan. The submitted Stage I Development Plan does not indicate minimum side yard setbacks for the detached single-family residential lots.
  - c. Section 10.12, J. states that fences and walls shall be as approved in the plan. The submitted Stage I Development Plan does not provide sufficient detail to determine what fences and walls would be allowed.
  - d. section 10.12, J. states that signs shall be as approved in the plan. The submitted Stage I Development Plan provides for the following signs:

Residential Area	a minimum of 7 ground mounted signs
	3 signs at a maximum of 60 square feet each
	4 signs at a maximum of 40 square feet each

Commercial Area     a minimum of 2 ground mounted signs  
1 sign at a maximum of 100 square feet  
1 sign at a maximum of 40 square feet  
Façade signs at a maximum of 40 square feet each

The submitted Stage I Development Plan does not indicate the maximum height of such signs.

Currently, the largest sign allowed within a residential zone is twenty-five (25) square feet and within a commercial zone is sixty (60) square feet.

- e. Section 11.3, A. states that at those access points where vehicles turning to and from the arterial and collector street will affect the roadway capacity, reserved turn lanes shall be constructed by the developer. The submitted Stage I Development Plan indicates the construction of a public street onto Mount Zion Road. The submitted Stage I Development Plan does not indicate any turn lanes at this proposed curb cut.
- f. Section 11.3, F., 1., a. states that unsignalized access points on arterial streets shall be spaced a minimum distance of six hundred (600) feet apart. The submitted Stage I Development Plan indicates a proposed curb cut serving the commercial area approximately 500 feet west of an existing curb cut on Mount Zion Road serving a single-family residential dwelling.

#### **Additional Information:**

- 1. While the NKAPC staff has recommended disapproval of the proposed map amendment, should the planning commission or the legislative body take action to approve the proposed map amendment, the following conditions should be included in that action:
  - a. That side yard setbacks for the detached single-family residential lots shall be a minimum of twenty (20) feet with one side being no less than seven (7) feet.
  - b. That fences and walls within the detached single-family residential area be as provided for under the R-1C Zone.
  - c. That fences and walls within the multi-family residential area be as provided for under the R-2 Zone.
  - d. That fences and walls within the commercial area be as provided for under the NC Zone.
  - e. That signs within the detached single-family residential area be as provided for under the R-1C Zone.
  - f. That signs within the multi-family residential area be as provided for under the R-2 Zone.
  - g. That signs within the commercial area be as provided for under the NC Zone.



- h. That an exclusive right turn deceleration lane and an exclusive left turn storage lane be provided at the intersection of the new public street with Mount Zion Road.
- i. That the curb cut serving the proposed commercial area be located a minimum of six hundred (600) feet from any other unsignalized curb cut.
- j. A pedestrian connection shall be provided between the end of the proposed cul-de-sac street and the commercial area.

Mr. Wells read a letter into the record from Mr. Tim and Kathy Kappas with regard to the issue. The letter was then marked as an exhibit and made a part of the record on the matter.

Mr. Tim Theissen, Mr. Jim Bertram and Mr. Darrin Eyre registered to speak in favor. Mr. Larry Brooks, Ms. Jane Smith, Ms. Amy Mullins, Mr. James Turner, Mr. George, Mr. Marvin Smith, Ms. Cindy Voeker, Mr. Tim Kappas, Mr. Wisenflum, Ms. Shaeffer and Ms. Gayle Holten registered to speak against. Mr. Scott Olten and Mr. Henry Martin registered as neutral parties.

Mr. Theissen addressed the Commission representing One Eleven Developers. He stated the largest building is probably set to be a grocery store. He outlined the other various commercial developments to be located in the area. He stated the project is to be located at the intersection of two major arterial roads. Mr. Theissen stated 536 is the reason this development is being done and the development is dependent upon the widening of 536. He also noted the area is in the heart of the fastest developing areas of Kenton County where there is incredible growth off of Mt. Zion Road. He then distributed a handout with regard to the development which was marked as an exhibit and made a part of the record. Mr. Theissen stated the area of commercial development will be a large, basically flat area. He further noted the area needs commercial development. Mr. Theissen stated there is no rule that says you can't build this much commercial development in an area. Mr. Theissen then stated when you look at the Comprehensive Plan you will find it is in compliance. Mr. Theissen then noted they are in agreement with every condition that Staff recommended with the exception of condition "j". He noted this condition is simply not practical as to putting in the pedestrian walkway. He then noted it is a 3-1 slope in that area it is just not practical.

Mr. Bertram addressed the Commission and stated the city needs a commercial development base to support the fire and city expenses, etc. He stated they are building a community, not just a subdivision and that is the point of the PUD.

Mr. Kappas addressed the Commission and stated one of the biggest concerns is there are only 34 homes on the street. He stated there are 30 children on the street and out of those 21 are under the age of 10. He then asked that the traffic be redirected from their community. He noted this is a nice community and stated they are separate from Beechgrove. He further noted that Timber Lane is basically going to be butted between two developments with smaller homes. He stated the sidewalks going in are great but asked that the commercial development be kept away. He then asked for a rejection of the request primarily for the safety of the children of Timber Lane. Mr. Brooks addressed the Commission and stated there is a subdivision going in behind him now that has no restrictions. He stated they bought into the community where no more than five homes could be built that were similar.

Ms. Smith addressed the Commission and stated a concern is the commercial development. She noted they have two Remkes, a Kroger and a Sav A Lot store within the area. She then noted this development will overburden the police and fire departments. She also noted she agrees with the previous statements of those against.

Ms. Mullins addressed the Commission and stated she echoes everything her neighbors are saying. She stated her family moved there nine years ago with their four young children and they moved there because of the safety of the community. She stated she is concerned about the schools and noted her children have already been redistricted two times and does not want to go through that again.

Mr. Turner addressed the Commission and stated he agrees with his neighbors. He stated his concerns with the street being right behind their home.

Mr. Weisenflum addressed the Commission and stated the traffic situation is a major concern. He noted the intersection is already a problem and he can see people cutting through Timber Lane. He cited additional concerns with the safety of the children. He noted it is too much development for the area right now.

Ms. Holten addressed the Commission and stated they have lived there 20 years and knew there would be development some day. She stated she is concerned with the commercial development. She further noted they have plenty of grocery stores in the area and one Remke went out of business because it couldn't be sustained. She then stated if retail must be developed why not something that looks like a community instead of something that has a huge parking lot with box retail. She also noted problems with water runoff and sited concerns with water if too much topography is moved.

Mr. Holten addressed the Commission and stated the real issue is the appropriateness of the request. He stated using the PUD as an overlay appears to be commercial re-zoning. He stated the request is not consistent with the Comprehensive Plan and stated on that basis he is asking for disapproval.

Mr. Martin addressed the Commission and stated eight years ago it took him 15 minutes to get to his farm in Boone County. He stated it now takes him 45 minutes. He further stated the roads will not support what's going on now in the area. He also added what should be built is \$500,000 homes, not the small ones proposed. He further stated they don't need any more Krogers or more retail in the area.

Mr. Theissen addressed the Commission in rebuttal and stated when Timber Lane was built the street stub was there because it's good planning. He stated the interconnection is required. He further noted they showed it on the plan because it is required. He additionally noted this is a concept plan and at some point it will come back regarding the street stubs. He further stated they don't care if the street stub is there or not from a development standpoint but they did it because they are required to. He then stated he feels there is a commercial need in the area and the market is there.

Mr. Wolnitzek stated he has a real problem with sneaking the commercial in with the residential. He stated this scale of commercial development under a residential zone is inappropriate. Mr.

France then stated he felt you should stay true to the zone and this is the wrong place for the development.

Those against stated in rebuttal that they would not object to more upscale homes. He stated they are envisioning being sandwiched between two subdivisions. He further noted they don't need another grocery store and reiterated that one closed down a mile down the road because it couldn't be supported.

Mr. Wessels stated this does seem like a logical site of this development. He stated you have to look to the future. Mr. Hadley stated Independence needs commercial development. Mr. Darpel stated he is in favor of the mixed use but feels it is too much right now. He then stated he understands what they're trying to do but doesn't feel it's in compliance with the Comprehensive Plan.

Mr. France then made the motion to deny based on Staff's report and recommendations and that it is not in compliance with the Comprehensive Plan. Mr. Darpel seconded the motion. A roll call vote on the matter found Mr. France, Mr. Darpel, Mr. Barnett, Mr. Eilerman, Mr. Ryan, Mr. Tewes, Mr. Wolnitzek and Mr. Wells in favor. Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Ms. Hood, Ms. Snyder, Mr. Wessels and Mr. Whitacre voted against. The motion was tied with an 8-8 vote. Mr. Tewes then made the motion to approve with the condition of eliminating the street stub to Timber Lane. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Tewes, Ms. Snyder, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hadley, Ms. Hood, Mr. Ryan, Mr. Wessels and Mr. Whitacre in favor. Mr. Barnett, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Wolnitzek and Mr. Wells voted against. The motion carried with a vote of 10-6.

#### **1811R**

**APPLICANT:** One Eleven Engineering and Surveying, PLLC, per James J. Bertram, Jr., on behalf of Florence R. Cahill, Trustee.

**LOCATION:** An approximate 7.5-acre area located along the west side of Hudson Avenue, between Dixie Highway and Flower Court, approximately 300 feet north of Dixie Highway in Lakeside Park.

**REQUEST:** A proposed map amendment to the Lakeside Park Zoning Ordinance changing the described area from R-1BC (a single family residential zone) to R-1C (a single family residential zone).

Staff presentations and Staff recommendations by Mr. Michael Schwartz.

#### **NKAPC STAFF RECOMMENDATION**

To approve the proposed map amendment from R-1BC to R-1C, but only subject to compliance with the condition that the density of the site in question not exceed 2.0 dwelling units per net acre.

#### **Comprehensive Plan Documentation:**

- Date of Adoption by the Kenton County & Municipal Planning & Zoning Commission: December 18, 2001

## Supporting Information/Bases For NKAPC Staff Recommendation:

1. The proposed map amendment from R-1BC to R-1C, subject to the condition that the density of the site in question not exceed 2.0 dwelling units per net acre, 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 of 2.0 dwelling units per net acre and Under, Community Facilities – Recreation and Open Space, and Water. As conditioned, the proposed R-1C Zone would allow the development of detached single-family residential dwellings at a maximum density of 2.0 dwelling units per net acre.
2. The proposed map amendment from R-1BC to R-1C, subject to the condition that the density of the site in question not exceed 2.0 dwelling units per net acre, is consistent with the density of development within the vicinity of the site in question. The area in the vicinity of the site in question has been developed with detached single-family residential dwellings at a density of approximately 1.4 dwelling units per net acre.
3. The use of the R-1C Zone is appropriate. Approximately 2.7 acres (36%) of the site in question is covered with water. The following provides a comparison of the minimum lot area and setbacks between the existing R-1BC Zone and the proposed R-1C Zone:

R-1BC	R-1C	
Minimum Lot Area	15,000 square feet	12,500 square feet
Minimum Lot Width	100 feet	70 feet
Minimum Front Yard Setback	30 feet	30 feet
Minimum Rear Yard Setback	25 feet	25 feet
Minimum Side Yard setback	15 feet	10 feet

Given the fact that approximately one third of the site in question is covered with water, the site can be more advantageously developed using the lesser area and setback requirements provided for in the R-1C Zone.

Mr. Wells read a letter into the record from Barbara Rettig with regard to the issue. The letter was then marked as an exhibit and made a part of the record. Mr. Schwartz additionally noted the mayor called late to say that he would not be able to attend due to a family emergency.

Mr. Tim Theissen, Mr. Darrin Eyre, Mr. Mike Cahill, Mr. Jim Bertram and Mr. Joe Heil registered to speak in favor. Mr. Steve Schuller and Ms. Betsy Deis registered to speak against. Mr. Tony Clark and Mr. George Best registered as neutral parties.

Mr. Theissen addressed the Commission and distributed a handout showing the conceptual idea of the project. It was then marked as an exhibit and made a part of the record on the matter. He noted the project consisted of nine homes. He noted the homes will maintain a uniform architecture and the lake will be preserved. He then noted they are in agreement with Staff's recommendations and conditions.

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING**

**Minutes**

Ms. Weldon, Chairperson, called the meeting to order at 6:15 PM on Wednesday, April 19, 2006. The meeting was held in the Commission Chambers of the NKAPC Building in Fort Mitchell. Attendance of members for this meeting was as follows: Mark Barnett, Barbara Carlin, Barry Coates, James Cook, Paul Darpel, Chuck Eilerman, Tom France, Al Hadley, Phil Ryan, Paul Swanson, Joe Tewes, John Wells, Bernie Wessels, Alex Weldon.

Also present were David Schneider, Legal Counsel, and the following NKAPC staff: Michael Schwartz, AICP, Deputy Director for Current Planning; Keith Logsdon, AICP, Deputy Director for Long Range Planning, Melissa Jort-Conway, AICP, Senior Planner; and Sharmili Sampath, AICP, Associate Planner.

**PUBLIC HEARINGS:**

**1803R**

**APPLICANT:**

**REQUEST:**

City of Fort Wright per Larry Klein, City Administrator  
Proposed text amendments to the Fort Wright Zoning Ordinance adding a Town Center Form District (TCFD) Zone and associated regulations including appropriate cross references to other sections of the City's Zoning Ordinance

**1804R**

**APPLICANT:**

**LOCATION:**

**REQUEST:**

City of Fort Wright per Larry Klein, City Administrator  
An approximate 238-acre area located along the east and west sides of Madison Pike (KY 17), between Kyles Lane and Interstate 275, Fort Wright.  
Proposed map amendments to the Fort Wright Zoning Ordinance, changing the area described herein, from IP, I-1 (industrial zones), HOC, CC, NC, NC-2 (commercial zones), OP (an office park zone), R-RE (a residential rural estate zone), and R-1C (P) NC, R-1D (P) OP, R-1D (P) IP (single family residential zones with phased commercial, office and industrial zones) to TCFD (Town Center Form District) Zone.

Ms. Weldon stated that the public hearing on these issues was held on April 6, 2006 and that the public hearing was closed. She also stated that no new evidence will be allowed to be presented.

Mayor Gene Weaver was given an opportunity to provide a summary of the public hearing. Ms. Weldon read a letter from Mr. Dennis Williams summarizing the public hearing.

Following a discussion of the issues, Mr. Eilerman made the motion to approve the text amendment application with the conditions stated by Staff based on testimony given and Staff's bases. Mr. France seconded the motion. A roll call vote on the matter found Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, and Mr. Wells in favor.

Mr. Heil addressed the Commission and stated they own Barleycorn's, the adjoining property and they are in favor of the project.

Mr. Schuller addressed the Commission and stated he is in favor of the project.

Ms. Deis addressed the Commission and stated she is in favor of the project.

Mr. Clark addressed the Commission and stated he is across the street from the development. He cited concerns with the possibility of a lot of driveways into the development. He stated there are four new driveways off of Hudson along with Barleycorn's and this seemed like a lot for such a small street. He then noted the driveway is only going to be about ten feet from the other person's driveway. He asked if the lake was going to be filled in.

The remaining registered speakers had nothing to add.

Mr. Theissen addressed the Commission in rebuttal and noted that there are actually common driveways so there've been minimized.

Mr. Clark addressed the Commission in rebuttal and asked if it has to be single family or if it can change to condos later. The applicant stated it has to be single family.

Mr. Darpel then made the motion to approve based on Staff's report. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Darpel, Mr. Hadley, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Wolnitzek and Mr. Wells in favor. The motion carried unanimously.

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

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

***Subdivision Regulations Review*** – Nothing to report.

***By-Laws*** – Nothing to report.

***Model Zoning Ordinance*** – Nothing to report. Mr. Wessels asked if everyone had received his report.

***Executive*** – Nothing to report.

***Report from legal counsel*** – Mr. Schneider stated his concerns with the length of the meetings. He either suggested limiting the number of items on the agenda to limit the length the meetings have been going. He stated due process cannot be held until 2 a.m. and noted the Commission needs to be very careful with being sued by people leaving the meetings or not being allowed their due process. A brief discussion was had as to how the Commission might be able to remedy the matter. It was suggested that the By-Laws or Executive Committee should possibly look into the matter and the possibility of limited the number of items on the agenda each month.

**Announcements from Staff** – Mr. Schwartz noted the continuing education seminar will be held on April 20<sup>th</sup> from 6:15-7:45.

**Correspondence -**

Mr. Wells noted a letter had been received from Christine Meadows. He noted she stated she has lived on Kentucky 17 since 1963 and is concerned about retention and flooding on a regular basis. In her letter she cited concerns with water runoff and flooding. She also enclosed a newspaper article from March 8 with regard to flooding in the area.

**New Business: None.**

There being nothing further to come before the Commission, a motion was then made by Ms. Snyder and seconded by Ms. Hood to adjourn. All in favor. None opposed. The meeting then adjourned at 1:50 a.m.

Chair

Date

Mr. Darpel, Mr. Ryan, Mr. Tewes, and Mr. Wessels voted against. Mr. Swanson and Ms. Weldon abstained. The motion carried with a vote of 8 yes, 4 no, and 2 abstentions.

Mr. Coates withdrew from voting on the proposed map amendment due to a conflict of interest.

Mr. Eilerman made the motion to approve the map amendment application with the condition stated by Staff based on testimony given and Staff's bases. Mr. France seconded the motion. A roll call vote on the matter found Mr. Barnett, Ms. Carlin, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, and Mr. Wells in favor. Mr. Darpel, Mr. Ryan, Mr. Tewes, and Mr. Wessels voted against. Mr. Swanson and Ms. Weldon abstained. The motion carried with a vote of 7 yes, 4 no, and 2 abstentions.

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

**By-Laws** – Mr. Wells gave an overview of the proposed By-Laws amendment which was distributed to the members present. Following a discussion, Mr. Wessels moved, seconded by Mr. France, that the issue be placed on the commission's May 4, 2006 agenda for action by the full commission.

There being nothing further to come before the Commission, the meeting then adjourned at 8:35 p.m.

  
Chair

  
Date