

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. Wells, Vice Chair, called the meeting to order at 6:15 PM on Thursday, November 2, 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	X	X	X	X	X	X	X	
Barbara Carlin	Kenton Co	X	X	X	X	X	X	X	X	X	X	X	
Barry Coates	Covington	X	X	X	X	X	X	X	X	X	X	X	
James Cook	Kenton Co	X	X	X	X			X	X	X	X	X	
Paul Darpel	Edgewood	X	X	X	X	X	X	X	X	X	X	X	
Chuck Eilerman	Covington	X	X	X	X	X	X	X	X	X	X	X	
Tom France	Ludlow	X	X	X	X	X		X	X	X	X	X	
Al Hadley	Elsmere	X	X	X	X	X	X	X	X	X	X	X	
David Hilgefurd	Villa Hills	X	X	X		X			X	X	X	X	
Phil Ryan	Park Hills	X	X	X	X	X	X	X	X	X	X		
Maura Snyder	Indepndnce	X	X	X	X	X	X	X	X	X	X	X	
Paul Swanson, Treas	Erlanger	X		X		X	X	X	X	X		X	
Joe Tewes	Bromley	X	X	X	X	X	X	X	X	X	X*		
John Wells, V Chair	Ft Mitchell		X	X	X	X		X	X		X	X	
Bernie Wessels	Cres Spgs	X	X	X	X	X	X		X	X		X	
Gil Whitacre	L'side Park	X	X	X	X	X	X	X	X		X		
Alex Weldon, Chair	Covington	X	X	X		X	X	X	X	X	X		
Lynn Hood	C'view Hills		X	X	X	X		X		X	X	X	
Rick Wolnitzek	Ft Wright		X	X	X	X	X	X	X	X		X	

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

AGENDA:

There were no changes noted to the agenda.

APPROVAL OF THE MINUTES:

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

FINANCIAL REPORT:

There being no questions or comments with regard to the financial report, Mr. Swanson made the motion to approve. Mr. France seconded the motion. 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:

- FILE NUMBER:** TF-2005-36
- APPLICANT:** PBM, Wireless Services, per Patrick McIlvenna, on behalf of Cincinnati Bell Wireless.
- LOCATION:** An approximate 2,000 square foot area located along the south side of Interstate 275, approximately 300 feet northwest of the terminus of Crestview Hills Mall Road, Crestview Hills. The site in question is located on property at 2901 Dixie Highway, Crestview Hills.
- REQUEST:** Location and extent of a Wireless Communications Facility, including a 123 foot monopole (flag pole), including associated ground structures.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the location and extent of a Wireless Communications Facility, including a 123 foot high monopole and associated ground structures, but only subject to compliance with the following conditions:

1. Unless required by state and/or federal regulations, the proposed monopole shall be a uniform gray color.
2. Unless required by state and/or federal regulations, the proposed monopole shall not have any warning or identification lighting.
3. The proposed monopole shall be designed as a flag pole and equipped with an American flag that is proportionate in size to the height of the proposed monopole.
4. The proposed Cincinnati Bell Wireless antennas shall be mounted internally.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendation:

1. The proposed Wireless Communications Facility, in general proximity to the proposed location, is necessary to provide for the ongoing reasonable coverage of the applicants service area.
2. The location and extent of the proposed Wireless Communications Facility, except as noted under conditions, is in conformity with the 2001 Area-Wide Comprehensive Plan Update and the KCPC's Administrative Policy No. 6.

Chapter IX of the 2001 Area-Wide Comprehensive Plan Update, and the KCPC's Administrative Policy No. 6 contain criteria which are to be used when evaluating such facilities. The proposed facility, as conditioned, is consistent with the following criteria items:

- Such facilities should be heavily screened from view and towers should be camouflaged or designed in such a manner to blend into the surrounding area when located in residential areas. Changes in topography of the land can be used effectively to separate such facilities from adjacent residential uses.
- The type of tower (e.g., monopole, carillon, etc.) should be evaluated based upon adjacent land uses and the character of affected areas.
- Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc).
- Extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact.
- Extent to which the proposed cellular antenna tower is camouflaged (i.e., use of "stealth technology").
- Extent to which the proposed facility is integrated with existing structures (i.e., buildings, signs).

As proposed, the proposed tower would be located a minimum distance of four hundred ninety (490) feet from any residential dwelling, providing for a reasonable setback, given the character of development that has occurred within the vicinity of the proposed monopole. Additionally, the proposed monopole is located at the edge of an existing off-street parking area, adjacent to Interstate 275. A monopole structure, camouflaged as a flag pole, with internal antennas, will be less intrusive than a self supporting lattice tower or a guyed structure. A monopole structure, camouflaged as a flag pole, would also be compatible with the Crestview Hills City and Police Service buildings located to the southeast of the site in question.

3. The location and extent of the proposed Wireless Communications Facility is in conformity with the KCPC's Administrative Policy No. 6.

The applicant has provided sufficient evidence: (1) that there is no tower within two (2) miles of the proposed location that would meet the applicant's radio frequency coverage objectives; and (2) that there is no alternative site which is better than the one proposed.

4. The waiver pertaining to the requirement that all structures be located a minimum distance from the property line of any adjoining property that is equal to one-half (1/2) the height of the proposed tower, but not less than fifty (50) feet, should be granted. The location of the proposed facility, along the edge of an existing off-street parking area and adjacent to the right-of-way of Interstate 275, is the least obtrusive location.
5. The waiver pertaining to the requirement that fencing must be used to enclose the site should be granted. This waiver request only applies to the proposed monopole. All ground equipment is proposed to be enclosed by an eight (8) foot high wood fence. The proposed monopole is to be located outside the compound area and the base of the monopole will be provided with decorative pavers, consistent with that found elsewhere on the Crestview Hills Town Center property.
6. The waiver pertaining to the requirement that screening be provided around the perimeter of the site should be granted. The proposed compound area is to be located adjacent to the right-of-way of Interstate 275. Within this right-of-way exists mature vegetation that is to remain. Additionally, the city of Crestview Hills has placed new landscaping along their west property line. Given the location of existing vegetation and off-street parking areas, and the limited amount of land available, the screening requirement should be waived.
7. The waiver pertaining to the size of the proposed lease area should be granted. The design of the compound, as submitted, provides reasonable space for future ground mounted equipment. Additionally, enlargement of the proposed lease area would be problematic, given the existence of interstate right-of-way and off-street parking areas.

Mr. Patrick McIlvenna, Mr. Thomas Bossey, Mr. John Schola and Mr. Greg Knoll registered to speak in favor of the issue. No one registered to speak against the issue.

Mr. McIlvenna addressed the Commission and stated Mr. Schwartz did a great job in explaining the details of the application. He stated Cincinnati Bell will comply with all conditions. He stated the Crestview Hills Town Center will maintain the flag. Mr. Wessels asked how many co-locators could be on the pole. Mr. McIlvenna stated there was space for two additional co-locators.

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

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

Mr. Knoll addressed the Commission and stated he was present to state they were very excited about having the pole on the property.

Mr. Wells then read a letter into the record from the City of Crestview Hills in support of the proposal. The letter was marked as an exhibit and made a part of the record on the matter. Mr. Hilgefurd made the motion to approve along with all the waivers based on Staff's recommendation and the testimony heard. Mr. Darpel seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Darpel, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hadley, Ms. Hood, Ms. Snyder, Mr. Swanson Mr. Wessels and Mr. Wolnitzek in favor. The motion carried unanimously.

1847R

- APPLICANT:** Kenton County Fiscal Court per R. Scott Kimmich, Deputy Judge/Executive
- LOCATION:** an approximate 158.5-acre area formerly incorporated as the City of Visalia made up of: an approximate 3.5 acre area located at the southeast corner of the intersection of Decoursey Pike with the KY 536 bridge (Area A); and, an approximate 155 acre area located along the east and west sides of Decoursey Pike, generally between Visalia Road and the KY 536 bridge (Area B), in unincorporated Kenton County
- REQUEST:** proposed map amendments to the Kenton County Zoning Ordinance establishing an RC Zone (a rural commercial designation) on the noted 3.5 acres (Area A) and establishing an A-1 Zone (an agricultural one designation) on the noted 155 acres (Area B)

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the RC Zone for Area A and to approve the A-1 Zone for Area B.

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 establishment of the A-1 Zone is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the majority of the area for Agricultural and Rural Uses. The proposed A-1 Zone will allow agricultural uses, detached single-family residential dwellings, mobile homes, greenhouses and nurseries, stables and riding academies, bed and breakfast establishments, and qualified manufactured homes, on a minimum lot area of one (1) acre.
2. The establishment of the RC Zone is consistent with the Recommended Land Use Map of the 2001 Area-Wide Comprehensive Plan Update which identifies the area as being within a Crossroads Community District. The proposed RC Zone will allow a variety of retail, service, and office uses intended to meet the needs of the nearby population.

3. The establishment of the A-1 and RC Zones is consistent with the existing land use and the character of development that currently exists.

Mr. Jeff Clare, Mr. Kurt Koenig and Mr. Dennis Williams registered to speak in favor of the issue. Mr. Paul Hensley registered to speak against.

Mr. Clare addressed the Commission and stated he is not a resident in the area but owns 7 or 8 properties within the area. He stated his only concern was whether or not a homeowner could rebuilt if his home burned down.

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

Mr. Williams addressed the Commission and stated he is the attorney for the developer. He stated the improvement drawings were granted in June of 2006. He stated the developer has worked diligently to bring the water treatment plant to the area. He further noted they feel they have been good stewards with the development and wanted to wait until something was decided as to the proposal prior to moving forward with the development.

Mr. Hensley addressed the Commission and stated he has lived in Visalia his whole life. He stated he owns four pieces of property in the former Visalia. He cited concerns with the sewer system that will come right under the underpass and run along the corner of his property.

Mr. Wells asked Mr. Koenig for clarification about the sewer system. Mr. Koenig stated he didn't know if he could fully answer the concern and questions by Mr. Hensley as to the sewer line running across the corner of his property. Mr. Koenig stated he does not own that property and stated all approvals are as of record and are ready for approval by Staff. Following a brief discussion amongst the Commissioners, Mr. Hilgeford made the motion to approve the application as stated by Staff. Mr. Cook seconded the motion. A roll call vote on the matter found Mr. Hilgeford, Mr. Cook, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Ms. Snyder, Ms. Hood, Mr. Swanson, Mr. Wells, Mr. Wessels, and Mr. Wolnitzek in favor. The motion carried unanimously.

1851R

FILE NUMBER: Z-06-10-03/1851R
APPLICANT: City of Covington, per Jay Fossett
REQUEST: proposed text amendments to the Covington Zoning Ordinance: (1) modifying the minimum lot area per dwelling unit within the RU-2B Zone; (2) adding hotel/motel as a permitted use within the CC Zone; (3) modifying the off-street parking requirements for residential zones; (4) increasing the maximum height of fences within residential zones; (5) increasing the maximum height of fences within commercial zones; (6) providing for exceptions to area and yard regulations; and (7) allowing class 8 signs within the CT Zone.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

Approval of all of the proposed text amendments.

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 are allowed to be included within the text of the zoning ordinance as authorized by Kentucky Revised Statute (KRS) 100.203(1).
2. The proposed text amendment modifying the minimum lot area per dwelling unit within the RU-2B Zone (see Attachment A) is reasonable in that it will allow the conversion of existing single, two, and multi-family residential buildings within the RU-2B Zone. Such conversions will provide for a positive economic impact on the city.
3. The proposed text amendment adding hotel/motel as a permitted use within the CC Zone (see Attachment B) is consistent with the intent and purpose of the CC Zone, and is, therefore, appropriate.

There are several existing hotels/motels currently located within the CC Zone. The proposed text amendment would change their status from nonconforming uses to permitted uses. It is the belief of staff that the omission was an oversight and the proposed text amendment would correct that oversight.

4. The proposed text amendment modifying the off-street parking requirements for residential zones (see Attachment C) is appropriate in that it provides reasonable alternative parking locations within the residential zones.
5. The proposed text amendment increasing the maximum height of fences within residential zones (see Attachment D) is reasonable. The increase in the maximum height from six (6) feet to seven (7) feet will provide additional privacy and security of the rear yard.
6. The proposed text amendment increasing the maximum height of fences within commercial zones (see Attachment E) is reasonable. The increase in the maximum height from six (6) feet to seven (7) feet will provide additional privacy and security of the rear yard.
7. The proposed text amendment providing for exceptions to area and yard regulations (see Attachment F) is appropriate in that it will allow condominium and landminium developments along with the subdivision of commercial and industrial developments into smaller pieces for financing purposes.

8. The proposed text amendment allowing class 8 signs within the CT Zone (see Attachment G) is reasonable. The use of a relatively small ground sign will provide for added advertising of businesses within the CT Zone. Additionally, given the setback requirement, only a small percentage of existing businesses within the CT Zone will be eligible to install a class 8 sign.

Mr. Jay Fossett and Mr. Ella Frye registered to speak in favor of the issue. No one registered to speak against.

Mr. Fossett addressed the Commission and stated this will help the city redevelop the downtown residential area. He then introduced Mr. Keith Bales as the new Zoning Director for the City. He stated he was available to answer any questions.

Ms. Frye addressed the Commission and stated she is the former Development Director for the city. She noted she specifically came to the meeting in support of the application.

Mr. Eilerman then made the motion to approve all seven text amendments based on the recommendations of Staff. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Eilerman, Ms. Hood, Mr. Barnett, Ms. Carlin, Mr. Coats, Mr. Cook, Mr. Darpel, Mr. France, Mr. Hadley, Mr. Hilgeford Ms. Snyder, Mr. Swanson, Mr. Wells, Mr. Wessels and Mr. Wolnitzek in favor. The motion carried unanimously.

Old and Unfinished Business:

Reports from Committees:

Subdivision Regulations Review – Nothing to report.

Comprehensive Plan Update – Nothing to report.

By-Laws – No meeting held.

Model Zoning Ordinance – Ms. Weldon stated a meeting would be held on 10/12 at 4:00 p.m.

Executive- Nothing to report.

Report from legal counsel – Mr. Smith gave a brief update on the lawsuit filed against the Commission. He stated the attorney assigned is working on having the individual Commissioners removed as well as the briefing on the matter. Mr. Barnet stated he made a request at the last meeting to receive a copy of the complaint. Several other Commissioners voiced their request for a copy as well. Mr. Smith stated he would see that they received copies of the complaint.

Mr. Smith also asked that everyone update their address information for the list of Commissioners.

Announcements from Staff – Mr. Schwartz asked the Commission to authorize the chair to make an application regarding the update of the comprehensive plan. He also asked how the Commissioners wished to receive their copy of the plan. He noted it could be done in three different ways: to obtain it off the website, to receive a CD or to receive a hard copy. He then added that to provide hard copies to all Commissioners would cost the commission approximately \$3-4,000. Mr. Hilgefurd made the motion to authorize the chair the make the request and to place the matter on the agenda. Mr. France seconded the motion. All in favor. None.

Mike further noted a nominating committee needed to be appointed for the nominations for the new officers. Mr. Darpel nominated the same nominating committee as the previous year (Mr. Hadley, Ms. Snyder).

Correspondence – None.

New Business: - Mr. Wells announced that Mr. Wolnitzek would be retiring from the Commission at the end of the year. He thanked Mr. Wolnitzek for his expertise in serving on the Commission. Mr. Wells then stated the new appointee for the City of Ft. Wright would be Kent Marcum.

There being nothing further to come before the Commission, a motion was then made by Mr. Darpel and seconded by Ms. Snyder adjourn. All in favor. None opposed. The meeting then adjourned at approximately 7:55 p.m.

APPROVED:

Chair

Date