

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Ms. Weldon, Chairperson, called the meeting to order at 6:15 PM on Thursday, January 4, 2007, and opened the proceedings with the Pledge of Allegiance and an invocation by Mr. Eilerman. The meeting was held in the Commission Chambers of the NKAPC Building in Fort Mitchell. Attendance of members (for this meeting as well as those during the year to date) was as follows.

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

Also present were Matthew Smith, Legal Counsel, and the following NKAPC staff: Michael Schwartz, AICP, Deputy Director for Current Planning and Scott Hiles, Deputy Director for Infrastructure Engineering.

AGENDA:

There were no changes to the agenda for the evening. A motion was made by Mr. Hadley to accept the agenda as submitted. Mr. France seconded. All in favor. None opposed.

APPROVAL OF THE MINUTES:

The minutes for December were distributed in the Commissioner's packets. A motion was made by Mr. Hadley to approve. Mr. Wells seconded the motion. A roll call vote on the matter found

Mr. Hadley, Mr. Wells, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Marcum, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Swanson and Ms. Weldon in favor. The motion carried.

FINANCIAL REPORT:

Mr. Ryan asked about the insurance coverage for the Commission and asked if the insurance coverage included director coverage. Ms. Weldon stated it did include the director coverage and noted if Mr. Ryan needed more information on that she could get it for him. There were no further questions or comments with regard to the report. A motion was made by Mr. Eilerman and seconded by Mr. Hadley to accept. All in favor of accepting the report as submitted. 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:

1855R

APPLICANT: City of Covington, per Frank Warnock

REQUEST: a proposed text amendment to the Covington Zoning Ordinance modifying the minimum lot area for lots containing existing multi-family residential dwellings within the RU-2B Zone (this issue was tabled at the commission's December 7th meeting).

Staff presentation and recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

Disapproval of the proposed amendment modifying the minimum lot area for lots containing existing multi-family residential dwellings within the RU-2B Zone.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. The proposed text amendment modifying the minimum lot area for lots containing existing multi-family residential dwellings within the RU-2B Zone is not appropriate.
2. While multi-family residential structures are permitted within the RU-2B Zone, the proposed text amendment would apply to a small amount of properties within the city. There are currently 235 parcels that are zoned RU-2B and contain a multi-family residential building. This amounts to 9 percent of the total number of parcels that are currently zoned RU-2B and 1 percent of the total number of parcels within the city. Amendments to the zoning ordinance should be for the benefit of the city rather than to a minority of property owners.

Mr. Tom Miller registered to speak for the issue. Ms. Sherry Carren registered to speak as a neutral party on the issue.

Mr. Miller addressed the Commission and stated he was present to represent the city's aspect of the text amendment as one of the city solicitors. He additionally noted that he is a former owner of a property that would have been affected by the text amendment. He stated the city feels it is a good amendment. He further stated they are dealing with areas in the urban core which have historically smaller lots. He noted that initially the city only asked that the amendment apply to existing multi-family dwellings. He then asked that the Commission review the application and give their blessing on the matter.

Ms. Carren addressed the Commission and stated she has some concerns about the RU-2 Zone in certain areas of Covington. She further stated she has concerns also with single-family lots having multi-family structures on them.

Following the public hearing on the matter Mr. Eilerman made the motion to approve the application based on the discussion and testimony. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Hadley, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Marcum, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. The motion carried unanimously.

1859R

APPLICANT: Aztec Properties, LLC, per Michael Zimmerman

LOCATION: an approximate .4 acre area located along the southwest side of Ireland Avenue, between Harris Street and Anderson Road, approximately 250 feet southeast of Harris Street in Crescent Springs.

REQUEST: a proposed map amendment to the Crescent Springs Zoning Ordinance changing the described area from R-1F (a single-family residential zone) to PO (a professional office zone).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

To approve the proposed map amendment from R-1F to PO.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. The proposed map amendment from R-1F to PO is consistent with the Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026*, which identifies the site in question, as well as all adjacent areas, for Commercial – Office uses. The proposed PO Zone will allow the development of office uses on a minimum lot area of 22,500 square feet.

2. The proposed map amendment from R-1F to PO is reasonable and appropriate. The site in question is part of a larger property with frontage on Buttermilk Pike. The portion of the property fronting on Buttermilk Pike is currently zoned PO. The proposed map amendment from R-1F to PO will place the entire property in the same zoning district.
3. The proposed map amendment from R-1F to PO is consistent with previous actions taken by the NKAPC staff, the KCPC, and the city of Crescent Springs.

In two separate applications, areas located along the northeast side of Buttermilk Pike, south of Harris Street, have been rezoned from R-1F (P) PO to PO.

- a. On August 13, 1998, Richard Shelley, submitted an application for NKAPC and KCPC review and recommendation on a proposed map amendment changing an approximate 16,000 square foot area located at the northeast corner of the intersection of Buttermilk Pike with Harris Street, from R-1F (P) PO to PO (Z-98-08-03/1366R). On August 28, 1998, the NKAPC staff recommended approval of the proposed map amendment, subject to two conditions. On September 3, 1998, following a public hearing, the KCPC recommended approval of the proposed map amendment, subject to one condition. On January 11, 1999, Crescent Springs City Council adopted Ordinance Number 1998-15, approving the map amendment, subject one condition.
- b. On February 7, 2005, Melissa Gaines, on behalf of Mary Haskamp, Executrix, submitted an application for NKAPC and KCPC review and recommendation on a proposed map amendment changing an approximate .4 acre area located along the northeast side of Buttermilk Pike, between Harris Street and Anderson Road, approximately 100 feet southeast of Harris Street, from R-1F (P) PO to PO (Z-05-02-04/1727R). On February 25, 2005, the NKAPC staff recommended approval of the proposed map amendment, subject to three conditions. On March 3, 2005, following a public hearing, the KCPC recommended approval of the proposed map amendment, subject to three conditions. On March 28, 2005, Crescent Springs City Council adopted Ordinance Number 2005-7, approving the map amendment, subject three conditions.

No one registered to speak for or against the issue.

A motion was then made by Mr. Wessels to approve with the recommendations of Staff as well as adding an information comment to include how the property is viewed for further development. Mr. Darpel seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Darpel, 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. Marcum, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. The motion carried unanimously.

*Mr. Darpel recused himself from the following issue due to a conflict of interest.

W-671

APPLICANT: Erpenbeck Consulting Engineers, Inc., on behalf of Adare Development Group, LLC

LOCATION: an approximate 8-acre area located on the south side of Brightleaf Boulevard, approximately 1,000 feet east of Turkeyfoot Road in Erlanger

REQUEST FOR

ACTION: to waive the requirements of Section 4.1 E of the Kenton County Subdivision Regulations that requires intersection road improvements be made to Brightleaf Boulevard at the proposed entrance to the new subdivision.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

To grant the requested Waiver to Section 4.1 and not require a left-turn storage lane at the proposed Brightleaf Boulevard intersection (a right-turn deceleration lane at the proposed Brightleaf Boulevard intersection will still be required).

Bases:

Exceptional physical conditions exist.

The proposed Brightleaf Boulevard intersection serves a total of twenty lots. The *Trip Generation Manual* published by the Institute of Transportation Engineers (ITE) indicates that the twenty lots will generate less than three left turns entering the subdivision at the proposed Brightleaf Boulevard intersection during the PM peak hour. Requiring the construction of a left-turn storage lane at the proposed Brightleaf Boulevard intersection is unnecessary given the limited number of left-turn movements entering the subdivision.

An analysis of the vehicular traffic patterns in the vicinity of the subdivision indicate that the vast majority of traffic will be traveling in the easterly direction along Brightleaf Boulevard during the PM peak hour when the majority of vehicles would be entering the subdivision. It is anticipated that vehicular traffic will travel from the Interstate system and arterial roadways such as Turkeyfoot Road to the residential development both to the east of Narrows Road and south of Brightleaf Boulevard.

Brightleaf Boulevard is classified as a collector street and designed to gather traffic from the surrounding residential areas and deliver it to and from arterial streets such as Turkeyfoot Road with limited interruptions from abutting curb cuts. Therefore, in order to protect the intended functionality of Brightleaf Boulevard and limit the number of slowed and/or stopped vehicles traveling along its route in the easterly direction, a right-turn deceleration lane at the proposed Brightleaf Boulevard intersection is warranted.

Ms. Weldon read a letter into the record from Mr. Jim Viox with regard to the issue. The letter was marked as an exhibit and made a part of the record on the matter.

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

Mr. Raybourn addressed the Commission and stated that the letter read by Ms. Weldon from Mr. Viox was the result of a conversation he had with Mr. Viox on the issue. He stated they felt they were doing a good thing for all involved to move the entrance into the subdivision from Narrows

to Brightleaf Blvd. He then stated to put in a right deceleration lane would cost between \$45,000 and 50,000 for only 20 lots. He stated they felt it would be completely unnecessary. He further noted they would have to move a large catch basin in order to put in the deceleration lane. Mr. Raybourn additionally stated they have some problems with the strict interpretation of the subdivision regulations. He then stated they can move the entrance back to Narrows Road but would rather not do that based on the complaints of the neighbors in the city as well as others with the entrance on Narrows. He also stated they feel they have been trying to do the right thing but to put in the turn lanes is not financially feasible for a subdivision of 20 lots. Mr. Wessels then asked if the subdivision would be planning to expand in the future or if it would stay as proposed. Mr. Raybourn stated it is a subdivision of 20 lots and would always remain that way. Mr. France then stated the state makes a good point in stating no turn lane is required at Narrows and Brightleaf. He noted since the state did not require one there he felt it was a pretty good indication the turn lanes would not be necessary. Following a brief discussion on the matter Mr. France then made the motion to grant the waivers for the right and left turn lanes based on Staff's recommendation and also due to the financial burden that would be placed on the developer, along with the letter from the city on the matter. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. France, Mr. Hadley, Mr. Barnett, Ms. Carlin, MR. oats, Mr. Rook, Mr. Eilerman, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Marcum, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. Mr. Darpel recused himself from any voting on the matter. The motion carried.

Ms. Weldon clarified the approval of the minutes as being for both sets (the regular meeting and the special meeting). She then asked for a motion on the minutes from the special meeting. Mr. Eilerman made the motion to approve with Mr. Barnett giving the second. A roll call vote on the matter found Mr. Eilerman, Mr. Barnett, Ms. Carlin, Mr. Coats, Mr. Cook, Mr. Darpel, Mr. France, Mr. Hadley, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Marcum, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. The motion carried unanimously.

Reports from Committees:

Subdivision Regulations Review –Nothing to report.

By-Laws – Nothing to report.

Model Zoning Ordinance – Nothing to report.

Executive- Nothing to report.

Report from legal counsel – Nothing to report.

Announcements from Staff – Nothing to report.

Mr. Wessels asked Mr. Hiles to comment briefly on the joint subdivision regulations. Mr. Hiles commented briefly on the region-wide vs. county-wide subdivision regulations. He stated they have just completed the first phase which deals primarily with how things are processed. He stated as soon as it is tweaked they will get that to the Commission and then begin working on Phase II.

Correspondence – None.

New Business:

Ms. Weldon noted that letters had been sent out to the mayors of the city's that had their representatives who were present at all meetings for the year. Those Commission members were noted and recognized with a certificate stating their commitment to the Commission.

Election of Officers:

Mr. Hadley announced that Bernie Wessels would not be running for Chairman and that his name would be withdrawn. Ms. Weldon then noted that she and Mr. Wells would be running unopposed and Mr. Ryan and Mr. Swanson would be running for treasurer.

A motion was then made by Mr. Hadley and seconded by Mr. Swanson to elect Ms. Weldon and Mr. Wells respectively. A roll call vote on the matter found all in favor. None opposed.

A vote was then taken with regard to treasurer. Mr. Smith, legal counsel, and Mr. Michael Schwartz then counted the votes. Mr. Smith stated there were nine (9) votes for Mr. Swanson and eight (8) for Mr. Ryan and one for someone not nominated so that vote was disregarded.

Ms. Weldon then commented that there were some upcoming opportunities for continuing education credits and those Commissioners who were deficient would be notified. She also stated those Commissioners who were not interested in continuing to serve on a committee to please contact her, otherwise she would assume those presently serving would continue to do so.

There being nothing further to come before the Commission, a motion was then made by Ms. Snyder to adjourn. The motion was seconded by Mr. Wells. All in favor. None opposed. The meeting then adjourned at 7:54 p.m.