

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Ms. Weldon, Chair, called the meeting to order at 6:15 PM on Thursday, November 6, 2008, 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	2008											
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mark Barnett	Taylor Mill	X	X	X	Xx	X		X	X	X	X	X	
Barbara Carlin	Kenton Co	X	X	X	Xx	X	X	X	X	X	X	X	
Barry Coates	Covington	X	X	X	Xx	X	X	X	X	X	X	X	
James Cook	Kenton Co	X	X		Xx	X		X	X		X		
Paul Darpel	Edgewood	X		X	Xx		X	X	X	X	X	X	
Chuck Eilerman	Covington	X	X	X	Xx	X	X	X	X	X		X	
Tom France	Ludlow	X	X	X	Xx	X	X	X	X	X	X	X	
David Hilgefurd	Villa Hills	X	X	X	x	X			X	X	X	X	
Lynn Hood	Crestview Hills	X	X	X	Xx	X			X	X	X	X	
Kent Marcum	Fort Wright	X			Xx	X			X	X	X		
Brandon Raybourne	Elsmere	X	X	X	Xx	X	X			X	X		
Mark Rogge	Crescent Springs	-	-	X	x	X	X	X	X	X		X	
Phil Ryan	Park Hills		X	X	X	X	X	X	X	X	X	X	
Maura Snyder	Indepen	X	X	X	X	X	X		X	X			
Paul Swanson, Treasurer	Erlanger	X		X	Xx	X			X	X	X	X	
Joe Tewes	Bromley	X	X	X	Xx	X	X	X	X	X	X	X	
John Wells, Vice Chair	Fort Mitchell	X	X		Xx		X	X	X	X	X	X	
Alex Weldon, Chair	Covington		X	X	Xx	X		X			X	X	-
Bernie Wessels	Crescent Springs	X	-	-	-	-	-	-	-	-	-	-	-
Gil Whitacre	Lakeside Park	X	X		X	X	X		X			X	

“X” denotes attendance at the regular meeting and “x” denotes attendance at the continuation meeting.

“*” denotes arrival after roll call was taken.

“-“ denotes not on the planning commission.

Also present were Mr. Matt Smith, Legal Counsel, and the following NKAPC staff: Michael Schwartz, AICP, Deputy Director for Current Planning, and Andy Videkovich, Principal Planner, and Sharmili Sampath, Senior Planner, and Scott Hiles, Deputy Director for Infrastructure Planning.

AGENDA:

Ms. Weldon suggested moving issue 1945R to the top of the agenda since the Commission’s alternate attorney was present to reside over the issue due to a conflict in Mr. Smith’s firm representing the commission on the issue. Mr. Eilerman made the motion to approve the change to the agenda. Ms. Hood seconded the motion. All in favor. None opposed. There were no further changes to the agenda.

APPROVAL OF THE MINUTES:

Mr. France noted on page 8 of the minutes that in regard to Area C it should read so it is in compliance with other areas. He then noted it was the city who asked for the area to be rezoned. A motion was then made by Mr. Tewes to approve the minutes as amended for October. Mr. France seconded the motion. A roll call vote on the motion found Mr. Tewes, Mr. France, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. Hilgefurd, Ms. Hood, Mr. Rogge, Mr. Ryan, Mr. Swanson, Mr. Whitacre, Mr. Wells and Ms. Weldon in favor. The motion carried.

FINANCIAL REPORT:

Mr. Swanson made the motion to accept the report. Mr. Wells seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Wells, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Rogge, Mr. Ryan, Mr. Tewes, Mr. Whitacre and Ms. Weldon 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. Coates recused himself from the following issue due to a conflict of interest with his employer.

1945R

APPLICANT: James H. Huff
LOCATION: An approximate 1.1 acre area located along the east side of Beechwood Road, at its intersection with Royal Drive, Fort Mitchell.
REQUEST: a proposed map amendment to the Fort Mitchell Zoning Ordinance changing the described area from R-1C (a detached single-family residential zone with a maximum density of approximately 3.5 dwelling units per net acre) to R-3a (a two- and multi-family residential zone with a maximum density of 15.0 dwelling units per net acre)

Staff presentation and Staff recommendations presented by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from R-1C to R-3a.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendations:

1. While the Land Use Plan Element of the *Comprehensive Plan Update 2006-2026* identifies the site in question for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre, the proposed map amendment from R-1C to R-3a provides for a residential development at a density that can act as a buffer between the interstate highway and the lower density located to the south and east of the site in question.

The site in question is located immediately adjacent to Interstate 71/75 and has access to the Buttermilk Pike/I-71/75 interchange via Royal Drive and Grandview Drive, which are collector roadways.

The site in question can serve as a transitional use between the more intense land use activities to the north and west of the site in question, and the less intense residential areas to the south and east of the site in question. The area located to the west of the site in question, across Beechwood Road, is currently zoned R-3a and LHS which permits multi-family residential dwellings, at a maximum density of 15.0 dwelling units per net acre, and a variety of retail and service type uses.

2. The current R-1C Zone on the site in question is inappropriate and the proposed R-3a Zone is appropriate.

During the early 1990's, Interstate 71/75 was widened bringing the pavement of this roadway approximately twelve (12) feet closer to the north property line of the site in question. The site in question is also close to being at-grade with the interstate highway.

The current R-1C Zone would allow three (3) dwellings on the site in question. The proposed R-3a Zone would allow 16 dwelling units on the site in question. This increase in density can act as a buffer between the interstate highway and the detached single-family residential dwellings located to the south and east of the site in question.

Additionally, the NKAPC staff is aware of a noise study that was conducted by RNK Environmental, Inc. This study indicates that the noise levels of the adjacent interstate highway system exceed Federal Highway Administration Criteria for residential areas and that the noise levels are unhealthy as they are similar to a factory setting. The proposed R-3a Zone, by allowing multi-family residential dwellings, can more readily allow the type of building construction necessary to block the adjacent highway noises.

3. The recommendation of approval is consistent with the rationale of previous recommendations made by the NKAPC staff for office uses on the site in question.

The NKAPC staff recommended that the Comprehensive Plan designation for the site in question be changed from Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre to Commercial – Office on the following dates: November 8, 1991 (P-91-10-01/1020R); May 1, 1992 (P-92-03-01/1035R); and October 29, 1993 (P-93-10-01/1109R).

The NKAPC staff also recommended approval of proposed map amendments changing the site in question from R-1C to PO on the following dates: January 2, 1987 (Z-86-12-04/753R); October 29, 1993 (Z-93-10-02/1110R); May 28, 1999 (Z-99-05-02/1404R); November 24, 1999 (Z-99-11-02/1445R); November 23, 2005 (Z-05-11-05/1786R); and July 27, 2007 (Z-07-07-04/1886R).

Additional Information

1. The submitted Stage I Development Plan meets the minimum requirements of the Fort Mitchell Zoning Ordinance, except for the following:
 - a. Section 9.17 provides for specific landscaping requirements for multi-family residential developments that are adjacent to single-family residential developments. While the submitted Stage I Development Plan provides for the required landscaping buffer width, insufficient information pertaining to the specific landscaping has been provided to determine compliance with this requirement.
 - b. Section 10.8, D., 7. prohibits structures from exceeding forty (40) feet in height. While the submitted Stage I Development Plan indicates that the proposed buildings will be two (2) stories in height, insufficient information has been submitted to determine compliance with this requirement.
 - c. Section 10.8, F., 3. states that no lighting shall be permitted which would glare from this zone onto any street, or into any residential zone. Insufficient information has been submitted to determine compliance with this regulation.
 - d. Section 11.3, C. states that major access points on opposite sides of arterial and collector streets shall be located opposite each other, otherwise turning movement restrictions may be imposed by the planning commission or zoning administrator, whichever is applicable. The Transportation Plan Element of the *Comprehensive Plan Update 2006-2026* identifies Beechwood Road and Royal Drive as collector streets. The submitted Stage I Development Plan identifies that access to the site in question will be gained via the existing curb cut onto Beechwood Road. This existing curb cut is off-set from Royal Drive by approximately forty (40) feet. To provide for a coordinated access along Beechwood Road, a collector street, the access to the site in question will have to be relocated to a point directly across from Royal Drive.
2. The Kenton County Subdivision Regulations will require that the access drive serving the site in question be designed, constructed, and inspected to a private street standard,

unless a waiver(s) is submitted and approved by the planning commission. This standard includes curb and gutter (both sides), sidewalks (both sides), storm drainage, and a turn-around.

The development plan will have to be revised to meet all of the requirements of the Fort Mitchell Zoning Ordinance.

Ms. Weldon noted several letters were received in regard to the issue. She then read the letters into the record and marked them as exhibits to be made a part of the record on the matter.

Mr. Gene Webber addressed the Commission and stated they are now going to the 12 units instead of the 16. He stated he believed this development provides a buffer from the noise in the area. He further stated the lighting would be provided for as well as necessary landscaping. He then requested the Commission consider his application and allow for a zone change.

Mr. Bruce addressed the Commission and stated his concerns with traffic. He stated on Pleasant Ridge it is difficult to get out of your own driveway due to the traffic. He stated it is used as a cut through but there are too many cars now on Pleasant Ridge. He further stated his solution is to have the land donated to the city to be used as a nature center. He stated further if this is approved other properties could follow. He further stated the areas around 75 are primarily residential and they could be turned into something like this.

Mr. R.B. Davis addressed the Commission and stated he has seen an increase in traffic. He asked if there is any obligation for the property owner to put in sidewalks. He stated as far as the noise study he doesn't feel there is any comparison with the noise of visiting a park to actually living in the area. He noted he likes the ideas of the park and he wished someone would have gotten that together sooner.

At this time the public hearing was recessed to allow for discussion amongst the Commissioners. There were no questions or comments. Mr. Hilgefurd stated he sat through all the meetings on this issue and has uniformly discouraged any commercial property of any type south of 75. He stated further that Mr. Huff has the right to develop his property. He then stated having seen all the rest of the proposals this is by far the least effecting in terms of traffic and everything else. He then stated this is not a commercial development into a residential areas. He stated for those reasons he feels this is a good compromise. Mr. Wells stated he has been a resident of Ft. Mitchell for 23 years. He noted noise really wasn't an issue to him but commercial construction and creep was. He stated this would stop any chance of commercial creep on this side of the expressway and for this reason he feels it is the best thing he has seen for the property. Mr. Hilgefurd then made a motion to approve based on Staff's report and the additional information submitted. He further noted he strongly recommends that Royal Drive be lined up. Ms. Hood seconded the motion. A roll call vote on the issue found Mr. Hilgefurd, Ms. Hood, Mr. Barnett, Ms. Carlin, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Rogge, Mr. Ryan, Mr. Swanson, Mr. Tewes, Mr. Whitacre, Mr. Wells and Ms. Weldon in favor. The motion carried unanimously.

1943R

APPLICANT: City of Covington, per Jay Fossett

LOCATION: a small area study of approximately 251 acres inclusive of areas east of Interstate 71/75, west of the railroad, south of 11th Street and north of the

REQUEST: properties just south of 19th Street.
a proposed amendment to *COMPREHENSIVE PLAN UPDATE 2006-2026: An Area-Wide Vision for Kenton County*: (1) amending the Recommended Land Use Map as it relates to the referenced area from Special Development Area, Other Community Facilities, Industrial, Residential Development (at a density ranging from 7.1 to 14.0 dwelling units per net acre and at a density ranging from 14.1 to 30.0 dwelling units per net acre), Railroad, and Right of Way to Small Area Study; and, (2) amending the County-Wide Plan Element text to summarize the Linden Gateway Small Area Study and incorporate the study report

Staff presentation and Staff recommendation by Mr. Andy Videkovich and Sharmili Sampath.

NKAPC STAFF RECOMMENDATION

To approve the proposed map and text amendments to the *COMPREHENSIVE PLAN UPDATE 2006-2026* (see Attachment A).

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. The Linden Gateway Small Area Study was recommended within the Comprehensive Plan Update 2006-2026 to be completed in the short term to study the impact of the widening of 12th Street/Martin Luther King Jr. Boulevard and the new St. Elizabeth Medical Center Covington. The proposed amendments to the Comprehensive Plan Update 2006-2026 are therefore appropriate in order to provide specific recommendations which will guide future development in the historic neighborhoods of Peasenburg and Westside in Covington.
2. The proposed amendments to the Comprehensive Plan Update 2006-2026 are consistent with previous inclusions within the Plan Update. It has been common practice to incorporate plans and studies into the Plan Update, including such things as Neighborhood Plans, Chapter 99 Plans, and Transportation Plans. The language that is proposed to be added to the Plan Update provides a summary description consistent with the contents of the Linden Gateway Small Area Study.

The Small Area Study designation within the Comprehensive Plan Update 2006-2026 identifies areas where a comprehensive approach to planning at a “neighborhood” level has been used with the intent to implement and refine the recommendations found in the comprehensive plan; to provide a level of planning more directly conducive to implementation because they have more specific and refined recommendations for future development; and, to become part of the adopted comprehensive plan and therefore part of the basis upon which future development decisions must be based. Given that the City of Covington has been proactive in adopting the Linden Gateway Small Area Study with specific implementation strategies, the proposed Small Area Study designation is

appropriate and meets the intent and purpose of the Small Area Study designation within the Comprehensive Plan.

3. The proposed amendments to the Comprehensive Plan Update 2006-2026, stemming from the Linden Gateway Small Area Study, will amend the Recommended Land Use map for properties generally located east of Interstate 71/75, west of the railroad, south of 11th Street and north of the properties just south of 19th Street, from Special Development Area, Other Community Facilities, Industrial, Residential Development (at a density ranging from 7.1 to 14.0 dwelling units per net acre and at a density ranging from 14.1 to 30.0 dwelling units per net acre), Railroad and Right of Way to Small Area Study. The proposed amendment is appropriate for incorporating the study report into the Comprehensive Plan.
4. The small area study included an important public participation component. The planning process emphasized the importance of soliciting community input through one-on-one key person interviews, task force meetings, public meetings, website comments and presentations to other interested groups such as the Covington Business Council. The Linden Gateway Small Area Study therefore meets the recommendations of the Comprehensive Plan that the planning efforts within Small Area Studies be derived through the public input process which is focused on a designated study area.
5. The goals of the Linden Gateway Small Area Study, are consistent with, and help to promote the Goals and Objectives and Development Concepts as contained within the Comprehensive Plan Update 2006-2026, relative to the following:

HOUSING

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

GOODS AND SERVICES

To ensure that the amount and location of facilities providing goods and services is based on need.

TRANSPORTATION

To develop a transportation system which strives to reduce energy consumption and which provides convenient access to and from residential areas, employment centers, education and health care facilities, and centers providing goods and services.

EMPLOYMENT

To provide for a stable and diversified employment capability.

RESOURCES AND ENVIRONMENT

To ensure the most efficient and reasonable utilization of the area's physical resources

while ensuring that any short-term uses of man's environment will be to the long-range benefit of all.

The plan identifies a vision and concept for guiding future growth within the study area. Higher density residential development is recommended for areas around 12th Street/Martin Luther King Jr. Boulevard and around the St. Elizabeth Medical Center Covington. The inclusion of a variety of housing types within the study area is appropriate for ensuring equal opportunity in choice of housing by Covington residents.

The Mixed Use category provides the option to mix office, retail, service, and residential uses. Mixed use developments are appropriate for providing opportunities for residents and visitors to live, work and play within walking distance and helps in creating a sense of place within the community.

Green infrastructure opportunities are also identified in terms of park locations based on the population size and assessment of existing facilities, linkage of green areas and on-site stormwater management techniques. The study also identifies the importance of historic preservation in the area by pursuing a National Register nomination. This would provide the opportunity for homeowners to apply for tax credits that will help with improvements to the existing housing stock.

6. The goals of the Linden Gateway Small Area Study are consistent with, and help to promote the Guiding Themes as they are contained within the Comprehensive Plan Update 2006-2026, as follows:

QUALITY OF LIFE COMPONENTS:

CAPACITY PLANNING

Capacity planning consists of analyzing the level of service infrastructure such as roads, sewers, water, schools, parks, police, fire, and emergency services can provide. With this information, planners can determine if the infrastructure can accommodate new development.

The study provides implementation recommendations for infrastructure including specific implementation tasks that pertain to development of existing and future parks and bus transit re-routing to serve the employees at the St. Elizabeth Medical Center Covington.

CONTEMPORARY PLACES

Contemporary places are new developments and/or enhancements of existing places within our community that have energy, vitality, and character. These places should be designed and developed with permanence in mind in order to meet current needs and have the ability to change with new trends.

The study recommends mixed uses along the 12th Street/Martin Luther King Jr. Boulevard and further recommends the establishment of a form district to ensure that new infill development is compatible in character with that of the surrounding historic neighborhood. Additional park areas within the study area and along 12th Street/Martin

Luther King Jr. Boulevard are identified along with the emphasis on incorporating courtyards and plazas within infill development to improve the vitality of the area.

GREEN INFRASTRUCTURE

Green infrastructure views the natural environment as essential for the well being of the community. Elements of the natural environment perform many roles including clean the air, provide oxygen, offer numerous recreational activities, and provide habitat for all native flora and fauna. To enhance the sustainability of this component the natural environment must receive the same thought and care that is given to our built environment.

Effort has been made within the study to emphasize the importance of green infrastructure by encouraging the incorporation of green infrastructure elements such as green roofs and rain gardens to promote on-site stormwater management. Several park locations have been identified and the linkage of these parks with Linden Grove Cemetery is encouraged. This study also supports any efforts to improve Linden Grove cemetery for recreational uses so as to function as a community asset.

Mr. Narone addressed the Commission as a resident of the area within boundaries of the study. He stated he was a task force member. He noted he was present to ask for the Commission's support of the issue. He thanked individuals as well as the city and NKAPC Staff for their work on the issue.

Mr. Klein addressed the Commission and stated the task force and Staff has done a great job. He noted there has been much citizen input on the issue and he encouraged the Commission to adopt these changes.

At this time the hearing was recessed to allow for discussion amongst the Commissioners. There were no questions or comments Mr. Eilerman commended Staff and especially Sharmili for their work on the task force. He then made a motion to amend the comprehensive plan as stated by Staff. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Rogge, Mr. Ryan, Mr. Swanson, Mr. Tewes, Mr. Whitacre, Mr. Wells and Ms. Weldon in favor. The motion carried unanimously.

*At this time (7:58 p.m.) a ten minute break was taken.

1944R

APPLICANT: City of Covington, per Jay Fossett
REQUEST: proposed text amendments to the Covington Zoning Ordinance: deleting the VP-O (Viewshed and Hillside Protection Overlay) Zone and modifying the current hillside protection regulations, which are provided for as a general regulation

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

Approval of the proposed amendments deleting the VP-O (Viewshed and Hillside Protection Overlay Zone) and modifying the current hillside protection regulations, which are provided for as a general regulation.

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 amendments deleting the VP-O (Viewshed and Hillside Protection Overlay) Zone and modifying the current hillside protection regulations, which are provided for as a general regulation, 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 amendments deleting the VP-O (Viewshed and Hillside Protection Overlay) Zone and modifying the current hillside protection regulations, which are provided for as a general regulation, are appropriate and reasonable.

Prior to the adoption of the current zoning ordinance, hillside protection requirements were part of the general regulations section of the ordinance. When the current Covington Zoning Ordinance was being developed, it was determined that there should be an overlay zone for hillside protection and viewshed protection. It was understood that the city would have to follow up with the appropriate mapping analysis to identify those areas that have steep hillsides and exceptional views.

The NKAPC staff, utilizing its Geographic Information System (GIS), identified those areas within the city that had a slope of twenty (20) percent or more or were identified on the comprehensive plan as being a Physically Restrictive Development Area (PRDA). The result of this analysis created numerous polygons that would have created an unreadable zoning map. It was determined that mapping these areas for inclusion as part of the VP-O zone would be infeasible and inappropriate.

The proposed text amendments will allow the city to regulate development on hillside areas in a uniform and consistent manner.

Mr. Kuhlman addressed the Commission and stated he has been involved in the protection of the hillsides now for two years. He stated he is encouraging the Commission to move forward on this issue. He stated this will send a clear message that Covington is concerned with its hillsides.

Mr. Bray addressed the Commission and stated the map currently is a maze of zones. He stated there is no clear picture of where the PRDA regions are. He stated the benefits of the shading for maps as proposed will provide an easy to read map with PRDA regions clearly identified. He further noted it benefits residents and developers and also eliminates the need for zone by zone hearings. He then asked for support of the amendment.

Ms. Linda Hugenburg addressed the Commission as a representative of the Covington Neighborhood Collaborative. She then read a very brief note on behalf of the collaborative in

support of the text amendment. She then submitted the letter to be made a part of the record on the matter.

Ms. Gina Estes addressed the Commission and stated she supported this back in March and is now present to offer support of the shaded mapping for the hillside mapping for PRDAs. She noted it is an important issues for all residents of Covington and noted there is an increased interest in protecting the city's hillsides. She stated the map shaded is far more effective and she therefore encourages passage of the text amendment.

Mr. Edwin Faulkner addressed the Commission and stated he is the president of the Pointe Benton development. He stated he urges support the text amendment and noted this will go a long way in preventing issues such as that has occurred in Pointe Benton.

Ms. Susan Barnett addressed the Commission and stated this would be a very complex and city-wide process and noted this is the most simplistic way to map the PRDA areas.

Mr. Klein addressed the Commission and stated these regulations only apply on areas of 20% slope or greater. He noted as to the removal of trees it applies to trees 8 inches in diameter or larger and as far as documenting trees of this size and the species in an area to be effected. He further stated mapping of the trees does not need to be done by a professional and can be done by any arborist.

Mr. Gray addressed the Commission and noted he teaches at Notre Dame. He noted he took his science class and it took 15 girls about an hour to survey a 3,100 meter area with approximately 65 trees 8 inches or larger.

At this time the public hearing was recessed to allow for discussion amongst the Commissioners. There were no questions or comments. Mr. Barnett then made the motion to approve based on Staff recommendations and the testimony heard. Mr. Eilerman seconded the motion. A roll call vote on the matter found Mr. Barnett, Mr. Eilerman, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Rogge, Mr. Swanson, Mr. Tewes, Mr. Whitacre, Mr. Wells and Ms. Weldon in favor. Mr. Ryan abstained. The motion carried with a vote of 14-1.

W-658

LOCATION: approximately 50 feet east of the intersection of Pienza Way and Rolling Hills within the Tuscany subdivision in Covington.

REQUEST FOR ACTION: a waiver to requirements of Section 5.3 of the Kenton County Subdivision Regulations; granting the request would allow approximately 65 feet of depressed curb along Rolling Hills instead of the required roll curb.

Staff presentation and Staff recommendation by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION

To deny the requested Waiver to Section 5.3 and require approximately 65 feet of depressed curb along Rolling Hills to be replaced with a full roll curb.

Bases:

1. Depressed curb is permitted where entrance drives serving dumpster pads intersect the street. No such entry drive for a dumpster pad exists in these two locations.
2. The modification, as requested, does not include the findings necessary to grant a waiver to the regulations as set forth within Section 6.5 A, or B, or C, or D.
3. Allowing the depressed curb and abutting parking areas to remain will now allow storm water to pond in the parking areas instead of remaining in the defined gutter line of a full roll curb. This can cause several problems in a heavy rain:
 - a. water backed up into the parking areas will be on top of the depressed curb allowing the water to infiltrate the construction joint along the entirety of the curb and the parking area. Allowing water to infiltrate this joint could cause damage to the parking area, the curb and/or the street.
 - b. water allowed to enter the parking areas could migrate outside of the parking area to a location behind the full roll curb along Rolling Hills.
 - c. water entering the parking areas could render several parking spaces difficult to use if not unusable.

Ms. Weldon read a letter into the record from Mr. Klein on behalf of the city in regard to their opposition for approval of the waiver. She then marked the letter as an exhibit to be made a part of the record on the matter.

Mr. Klein stated if this surface water did damage the street it would be the city's responsibility to fix it. He noted the parking pad is private property. He further stated this is just an honest mistake by the developer but he doesn't feel the city should bear the responsibility of any potential problems the error may cause.

Mr. France stated the slope doesn't appear to him to be that much different from the slope by the grass to warrant the removal of the parking pad and the curb. Mr. Klein noted he does think it is different and water can get in between the joint and cause damage to the street.

Mr. Greg Berling addressed the Commission and stated that he had their engineer survey the area. He then distributed drawings which were marked as exhibits to be made a part of the record. He noted the engineer's opinion is that water will not damage the street. He stated the reason the dumpster area was moved was because the community facility was right across the street and they wanted more parking nearby.

Mr. Darpel reiterated the three conditions necessary for granting a waiver. He stated he doesn't feel that they have heard testimony to meet a condition to grant this waiver. Mr. Darpel then stated if it is granted then they would have to do the same for another applicant. Mr. Swanson stated he feels anyone can then decide to not do something that's required and then come back alter stating it is a burden to do and ask for a waiver. He stated he feels they should follow the regulations.

At this time the public hearing was recessed to allow for discussion amongst the Commissioners. There were no questions or comments. Mr. Hilgefurd then made the motion to disapprove noting

that it is basically arbitrary and the regulations in place are still in place. Mr. Rogge seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Rogge, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Ryan, Mr. Swanson, Mr. Tewes, Mr. Wells and Ms. Weldon in favor. Mr. Whitacre voted against. The motion carried with a vote of 14-1.

Old and Unfinished Business:

Reports from Committees:

Subdivision Regulations Review – No meeting held.

By-Laws – Mr. Wells noted there were two items discussed: the possibility of modifying the By Laws or to leave them the way they are essentially. He noted the commission could take an issue and table the issue to have more time to discuss it. The second item discussed was the procedure for handling large documents submitted on an issue the day of the meeting that were not a part of the application. Mr. Schwartz commented further on the issue as to the process of what occurs when an application is made and the various steps in producing the work content for that application.

Model Zoning Ordinance – No meeting held.

Executive- Nothing to report.

Report from legal counsel – Nothing to report.

Announcements from Staff – Nothing to report.

Correspondence – Nothing to report.

New Business:

Ms. Weldon noted the nominating committee put together a committee consisting of Mr. France with Mr. Marcum helping. She additionally noted the January meeting falls on the 1st and so it will be moved to the 6th of January. She further noted she asked Staff to research the length of service of some long serving commissioners and noted that Mr. Swanson started on the Commission in 1988 and Mr. Hilgefurd has been serving for 20 years now on the Commission. She then presented them both with a small token in honor of their service.

Ms. Weldon then read a letter into the record she prepared to Mayor Callory with regard to her resignation. She noted her thanks for the opportunity to serve on the Commission and how much she had learned throughout her years on the Commission.

Mr. Wells then presented Ms. Weldon with a plaque commemorating her twenty years of service to the Commission.

Public Comments: None.

There being nothing further to come before the Commission, the meeting then adjourned at 9:50 p.m.

APPROVED:

Chair

Date