

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. France, Vice Chair, called the meeting to order at 6:15 PM on Thursday, October 1, 2009, and opened the proceedings with the Pledge of Allegiance and an invocation by Mr. France. 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	2009												
		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		
Diane Brown	Erlanger	-	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		
James Cook	Kenton Co	X	X		X	X	X	X	X	X	X			
Paul Darpel	Edgewood	X		X	X	X	X		X	X	X			
Chuck Eilerman	Covington	X	X	X	X	X		X		X	X			
Tom France, Vice-Chair	Ludlow	X	X	X	X	X	X	X	X	X	X	X		
David Hilgeford	Villa Hills		X	X	X	X	X		X	X	X			
Lynn Hood	Crestview Hills	X	X	X	X	X	X	X	X	X	X	X		
Marc Hult	Covington	X	X	X	X	X	X	X	X	X	X			
Kent Marcum	Fort Wright	X	X	X		X	X	X		X	X			
Brandon Raybourne	Elsmere	X	X		X		X		X	X	X			
Mark Rogge	Crescent Springs	X	X	X		X	X	X	X	X	X	X		
Phil Ryan, Treasurer	Park Hills	X	X		X	X		X	X	X	X	X		
Maura Snyder	Indepen		X	X	X	X	X	X	X	X	X	X		
Paul Swanson	Erlanger	X	-	-	-	-	-	-	-	-	-	-	-	-
Joe Tewes	Bromley	X	X	X	X	X		X	X	X				
John Wells, Chair	Fort Mitchell	X	X	X	X	X	X		X	X	X			
Gil Whitacre	Lakeside Park	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.

AGENDA:

There were no changes or modifications to the agenda for the month of October. A motion was made by Mr. France to accept the agenda with Mr. Eilerman seconding the motion. A roll call vote on the matter found Mr. France, Mr. Eilerman, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Hilgefurd, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Ryan, Ms. Snyder and Mr. Wells in favor. The motion carried.

APPROVAL OF THE MINUTES:

Mr. Raybourne noted he should be listed as present and voting for all issues with the exception of the last one where he recused himself due to a conflict. A motion was made to approve the minutes from September as amended by Ms. Snyder and seconded by Mr. Barnett. A roll call vote on the matter found Ms. Snyder, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Ryan and Mr. Wells in favor. The motion carried.

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.

RECEIPTS AND EXPENDITURES:

Ms. Snyder made the motion to accept the report. Mr. Ryan seconded the report. A roll call vote on the matter found Ms. Snyder, Mr. Ryan, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Marcum, Mr. Raybourne, Rogge, Mr. Ryan, and Mr. Wells in favor. The motion carried.

RECENT ACTIONS BY LEGISLATIVE BODIES:

No action required.

PUBLIC HEARINGS:

1980R

FILE NUMBER: Z-09-09-01/1980R

APPLICANT: City of Edgewood, per Roger Rolfes

REQUEST: A proposed text amendment to the Edgewood Zoning Ordinance authorizing the zoning administrator to allow a storage building to be larger than 100 square feet in area and located further than 20 feet from the principal permitted building in the event of extenuating circumstances such as topography or obstructions.

Staff presentation and Staff recommendation by Mr. Mike Schwartz.

NKAPC STAFF RECOMMENDATION

To disapprove the proposed text amendment.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. Since the existing regulation provides for: (1) a specific maximum size of the accessory structure; and (2) a specific maximum distance for the location of the accessory structure, any modification to these requirements would be deemed a variance under the definition found in KRS 100.111 (24).
2. Under KRS 100.241, the zoning administrator does not have the authority to grant variances. This authority is limited to the Board of Adjustment. As such, the proposed text amendment is inappropriate.

Mr. Rolfes addressed the Commission and stated he understood Staff's recommendation to not honor the request of the city. He stated they are not looking to amend the size of the building and all they are looking for is an option to allow a different location for the placement of an outdoor building under extenuating circumstances. He stated the fee is the amount that came from the one stop shop but stated this seems to be high in this case. He stated there should be some way to make an exception to make this work. He stated no system is perfect and there is no way you can write ordinances to fit every need. He noted they are just asking for relief on the location of the building and that the size is something to be determined by the BOA. He stated the city feels comfortable enough to come before the Commission and ask for approval to do this.

Mr. Wells asked if there was a way to change the amount of distance in the ordinance. Mr. Rolfes stated they would be open to that.

Mr. Schottlekotte addressed the Commission and stated he immediately questioned the text amendment. He stated after hearing Mr. Rolfes he is wondering if the language submitted was the exact language. Mr. Schwartz then clarified that is what was submitted to Staff. He stated it applies to both location and size that is something for both to decide. He stated a concern is if he is an adjoining owner he would like the opportunity for his thoughts to be heard instead of an arbitrary decision by the BOA.

Mr. Rolfes stated in rebuttal that the document stated the building may be no more than 100 square feet. He stated they can work with Staff on it. Mr. Smith, legal counsel, stated he agreed with Staff to continue this process and put the commissioner's requests into it.

Mr. Hilgefjord then stated he felt no conclusion would be reached and the commission should just deny it and let the city determine it. Mr. Darpel then stated he would rather approve it with restrictions rather than just deny it and throw it out. Mr. Smith then stated the way it is worded it would have to be denied with our recommendations. The public hearing was then recessed for

discussion. Public hearing closed. Mr. Hilgeford then made the motion to deny for reasons stated by Staff but to include recommendations as submitted by Staff of alternative wording. Mr. Darpel further recommended that a discretionary discussion can be put in the case of extenuating circumstances or topographical conditions and the objecting neighbors can be notified and that it does not apply to the size of the building. Mr. Darpel then seconded the motion. A roll call vote on the matter found Mr. Hilgeford, Mr. Darpel, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Ryan, Ms. Snyder and Mr. Wells in favor. The motion carried.

1981R

FILE NUMBER: Z-09-09-02/1981R

APPLICANT: City of Ludlow per Joseph A. Schutzman, Codes Administrator

REQUEST: proposed text amendments to the Ludlow Zoning Ordinance adding an Historic Preservation Overlay Zone.

Staff presentation and Staff recommendation by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATION

To approve the proposed text amendments adding an Historic Preservation Overlay Zone to the Ludlow Zoning Ordinance.

Comprehensive Plan Documentation:

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

Supporting Information/Bases for NKAPC Staff Recommendations:

1. The proposed text amendments adding an Historic Preservation Overlay Zone to the Ludlow Zoning Ordinance 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 amendments adding an Historic Preservation Overlay Zone to the Ludlow Zoning Ordinance are consistent with the Goals and Objectives within the *Comprehensive Plan Update 2006-2026*.

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.

...It should also encompass an effort to preserve, conserve, and enhance unusual man-made projects or natural features, which have some unique historical, architectural, or natural value...

The proposed text amendments will allow for the regulation and preservation of historically significant structures and places administered through the City of Ludlow staff and the City's Historic Preservation Board.

3. The proposed text amendments are consistent with the Land Use Element of the *Comprehensive Plan Update 2006-2026*.

“Historic preservation and the establishment of historic districts play an important role in Kenton County. Historic properties are cultural resources that provide more benefits than merely preserving our past for future generations to experience and enjoy. They provide economic development and tourism opportunities that otherwise may not exist within our urban areas.”

4. The *Comprehensive Plan Update 2006-2026* provides for three Quality of Life Components – Capacity Planning, Contemporary Places, and Green Infrastructure. The Development Concepts that are contained within the comprehensive plan were developed with these three Quality of Life Components in mind. The proposed text amendments are consistent with the following Land Use Development Concept which helps to implement the Capacity Planning and Contemporary Places, Quality of Life components:

The preservation and restoration of housing should be encouraged in selected areas. Such a concept would provide quality housing for the existing and future population, and would preserve structures which have architectural and/or historical significance. Such a concept would aid in preserving a valuable resource, provide much needed variation in residential types and densities, and maintain and enhance the viability of such urban areas.

Mixing of residential and commercial use is desirable. It is imperative that such mixing be well planned.

In such instances, critical attention needs to be paid to off-street parking needs/requirements and continuous assurance of compliance with all regulations of commercial use type changes within such structures. Shared parking provisions should be encouraged to ensure efficient use of our land resources.

Commercial concentrations should be developed as planned areas containing the general characteristics of a “unified shopping area”.

Such a concept would minimize traffic control problems and safety hazards thus maximizing consumer shopping convenience. Some criteria would include: (a) Shared parking; (b) Coordinated signage; (c) Access points with adjoining developments.

The proposed text amendments will continue to permit a variety of residential, commercial, and office uses. In addition to the underlying zoning requirements, the Historic Preservation Overlay Zone will ensure that any alterations of appearance, new construction, demolitions and relocations conform to the Architectural Design Guidelines.

Mr. Schutzman addressed the Commission and stated he wanted to clarify that the ordinances mentioned they found some technical errors with it and they are working that out. He stated the first step is bringing the text amendment. He stated Ludlow has a unique history. He then stated

through the efforts of the preservation board they wanted to ensure that the façade remains and that there is something that preserves those historic features. He then stated technically those were not approved and they are not sure why. The city attorney then addressed the Commission and stated the city did go through this process once before and what he has found is that they fear some of the formalities may not have occurred so they are going back to square one and starting over to do it properly.

Ms. Brenda Boone addressed the Commission and stated Mr. Patrick would be making comments on behalf of the Preservation Board.

Mr. Patrick addressed the Commission and stated they are in favor and are working with the city to redefine the ordinances. He then noted he was available to answer any questions.

Ms. Cindy Shaker stated she had nothing to add.

The public hearing was then recessed for discussion. The public hearing was closed. Mr. Barnett made the motion to approve on the basis of Staff's recommendations and the testimony heard. Mr. France seconded the motion. A roll call vote on the matter found Mr. Barnett, Mr. France, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. Hilgefard, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Ryan, Ms. Snyder and Mr. Wells in favor. The motion carried.

Unfinished Business:

Reports from Committees:

By-Laws – Nothing to report.

Executive- No meeting held but Mr. Wells stated they would be meeting soon.

Model Zoning Ordinance – No report.

Subdivision Regulations Review – Nothing to report.

Report from legal counsel – Nothing to report.

Announcements from Staff – Mr. Schwartz gave an update on the Hills project. He stated there was a survey on the website that would be open until October 11, 2009. Mr. Darpel asked if the survey was anonymous or if the results would be known. Mr. Schwartz was to check on that information but he thought it was to be anonymous. He noted the public forum would be held December 2 from 6:30-8:30 at Notre Dame Academy in the new theatre. Mr. Schwartz also gave an update on the Park Hills Small Area Study. He further stated there will be 4 informational meetings to be held so everyone knows what is going on. He noted with regard to continuing education for those not aware the Ky. Revised Statute provides a list of topics that can be considered continuing education. He stated Staff also provided a list of items that are also included. He further noted they received a request for continuing education credit for a seminar held on project management. He stated it was for 16 and a half hours. He noted this does not directly fit with the list of topics for continuing education. He stated he is bringing it before the

Commission to decide if it is acceptable. He noted it is for a BOA member. Legal counsel cautioned the Commission that when you get requests such as this you have to have some parameters otherwise you may get requests for other things as well. Mr. France then made a motion to accept based on the discussion. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. France, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. Hilgeford, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Ryan, Ms. Snyder and Mr. Wells in favor. The motion carried.

Correspondence – Nothing to report.

New Business: None.

Public Comments:

Mr. Schutzman addressed the Commission as the zoning administrator for Ludlow and stated within the last week the mayor and he met on the exact topic as the first item on the storage buildings. He stated he got many ideas from the meeting so he appreciated the input from the Commission.

There being nothing further to come before the Commission, Mr. Darpel made the motion to adjourn. Mr. Ryan seconded the motion. The meeting then adjourned at approximately 7:47 p.m.

APPROVED:

Chair

Date