

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. France, Vice Chair, called the meeting to order at 6:15 PM on Thursday, December 3, 2009, and opened the proceedings with the Pledge of Allegiance and an invocation by Mr. Wells. 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	X
Diane Brown	Erlanger	-	X	X	X		X	X	X	X		X	X
Barbara Carlin	Kenton Co	X	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	X
Paul Darpel	Edgewood	X		X	X	X	X		X	X	X	X	X
Chuck Eilerman	Covington	X	X	X	X	X		X		X	X	X	X
Tom France, Vice-Chair	Ludlow	X	X	X	X	X	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	X	X	X	X	X	X	X		
Marc Hult	Covington	X	X	X	X	X	X	X	X	X		X	X
Kent Marcum	Fort Wright	X	X	X		X	X	X		X	X	X	X
Brandon Raybourne	Elsmere	X	X		X		X		X	X	X	X	X
Mark Rogge	Crescent Springs	X	X	X		X	X	X	X	X	X	X	X
Phil Ryan, Treasurer	Park Hills	X	X		X	X		X	X	X	X	X	X
Maura Snyder	Indepen		X	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		X	X
John Wells, Chair	Fort Mitchell	X	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 Mr. Mike Ionna, Associate Planner.

AGENDA:

Mr. France read a letter into the record with regard to a request to table issue 1990R. A motion was made by Mr. Ryan and seconded by Ms. Snyder to table the matter for a period of up to six months. All in favor. None opposed. The motion carried. Mr. France additionally noted a request to table had been received with regard to issue 1993R. A motion was then made by Mr. Eilerman and seconded by Mr. Hult to table the matter for a period of up to six months. All in favor. None opposed. The motion carried. A

roll call vote was taken with regard to the amended agenda finding Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Ryan, Ms. Snyder, Ms. Brown, Mr. Tewes and Mr. Hult in favor.

APPROVAL OF THE MINUTES:

Mr. Eilerman made the motion to accept the minutes from November with Mr. Rogge seconding the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Rogge, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Marcum, Mr. Raybourne, Mr. Ryan, Ms. Snyder, Ms. Brown, Mr. Tewes and Mr. Hult in favor. Mr. Hilgefurd abstained. 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. Rogge seconded the report. A roll call vote on the matter found Ms. Snyder, Mr. Rogge, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Mr. Hult, Mr. Marcum, Mr. Raybourne, Mr. Ryan and Mr. Tewes in favor. The motion carried.

RECENT ACTIONS BY LEGISLATIVE BODIES:

No action required.

AUDIT REPORT:

Mr. John Chamberlain of Van Gorder, Walker and Co., addressed the Commission with the audit report for the year. Mr. Chamberlain highlighted various aspects of the audit via a power point presentation as to expenditures, revenue and financial statements for the Planning Commission for the FY09. He noted the expenditures for the year totaled \$107,711 while the revenues were \$84,750. Mr. Chamberlain thanked the Commission for the opportunity to work with the Commission and stated they look forward to many more years. Mr. France then asked the Commission to review the submitted report as it would be voted on at the next meeting.

PUBLIC HEARINGS:

1991R

FILE NUMBER: Z-09-11-02/1991R

APPLICANT: City of Covington, per Larry Klein, City Manager

REQUEST: a proposed text amendment to the Covington Zoning Ordinance providing for an unlimited amount of temporary detached signs within all residential zones.

Staff presentation and Staff recommendation by Mr. Mike Ionna.

NKAPC STAFF RECOMMENDATION

Disapproval

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 is not consistent with the Model Sign Regulations, as recommended by the KCPC.

During the update process, the consultant indicated that from previous court rulings, two (2) temporary detached signs in a residential zone would be too few. Staff felt that six (6) temporary detached signs would be too many. Following public input, it was determined that four (4) temporary detached signs would be reasonable, which the consultant felt was a legally defensible number.

Additional Information

1. It should be noted that while the model sign regulations provide for a maximum of four (4) temporary detached signs within residential zones, staff told the various legislative bodies that they had the ability to modify this number during the adoption process. A couple of jurisdictions did. The City of Covington adopted the model regulations with the recommended number of four (4) temporary detached signs. City officials now want to consider a change to that number which requires the submitted application.

No one registered to speak for or against the issue. The public hearing was recessed for discussion. There being none the public hearing was closed. Mr. Hilgefurd made the motion to deny the request as stated by Staff. Mr. Cook seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Cook, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. France, Mr. Hult, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Mr. Ryan, Ms. Snyder and Mr. Tewes in favor. Ms. Brown and Mr. Eilerman voted against. The motion carried.

1992R

FILE NUMBER: Z-09-11-03/1992R

APPLICANT: AU Development, LLC, per Holly B. Wiedemann, on behalf of the Covington Board of Education

LOCATION: an approximate 1.1 acre area located at the southeast corner of the intersection of East 15th Street with Scott Street in Covington

REQUEST: a proposed map amendment to the Covington Zoning Ordinance changing the described area from RU-2 (an urban residential zone that prohibits multi-family residential dwellings) to RU-2B (an urban residential zone that permits multi-family residential dwellings)

Staff presentation and Staff recommendation by Mr. Mike Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the proposed map amendment from RU-2 to RU-2B.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendations:

1. The proposed map amendment from RU-2 to RU-2B is consistent with the *Comprehensive Plan Update 2006-2026* which identifies the general vicinity of the site in question for Residential Development at a density ranging from 14.1 to 30.0 dwelling units per net acre. The proposed RU-2B Zone permits the development of residential development at a maximum density of approximately 22 dwelling units per net acre.
2. The proposed map amendment from RU-2 to RU-2B is reasonable and appropriate. The existing RU-2 Zone only permits the development of single-family residential development while the proposed RU-2B Zone also permits the development of multi-family residential dwellings. The allowance of multi-family residential dwellings within the proposed RU-2B Zone will accommodate the conversion of the school building into multi-family residential housing.
3. The proposed map amendment from RU-2 to RU-2B is consistent with the Goals and Objectives Element of the *Comprehensive Plan Update 2006-2026* as it applies to: (1) Housing – Residential Development; and (2) Resources and Environment. The proposed map amendment will allow the former school building to be converted into a multi-family residential dwelling for people who qualify for low-income housing tax credits. This is consistent with the goals and objectives to: (1) provide safe and sanitary housing to all residents; (2) provide a variety of housing types and residential development to accommodate different needs and desires of the population; and (3) 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.
4. The proposed map amendment from RU-2 to RU-2B is consistent with the Goals and Objectives Element of the *Comprehensive Plan Update 2006-2026* as it applies to Resources and Environment. The proposed map amendment will allow the former school building to be converted into a multi-family residential dwelling for people who qualify for low-income housing tax credits. This is consistent with the goals and objectives to: (1) provide safe and sanitary housing to all residents; and (2) provide a variety of housing types and residential development to accommodate different needs and desires of the population.
5. The proposed conversion of the former school building, which was constructed in 1938, into a multi-family residential dwelling is consistent with the *Comprehensive Plan Update 2006-2026* which encourages the retention and rehabilitation of historic structures.
6. The submitted development plan meets the minimum requirements of the Covington Zoning Ordinance.

Additional Information:

Section 2.03.02 of the Covington Zoning Ordinance states that within the RU-2B Zone, the minimum lot area per dwelling unit is 2,000 square feet. The site in question has an area of 47,863 square feet. Therefore, the site in question can have 24 dwelling units. However, this same section provides a footnote which states that in the case of an existing residential building, one dwelling unit shall be permitted for each 1,000 square feet of gross floor area in the building, not including the basement. It is the opinion of the NKAPC staff that this exception is intended to provide for the conversion of existing lower density buildings into higher density buildings. Based on this requirement, and the building area of

approximately 32,500 square feet, approximately 32 dwelling units can be provided within the existing building.

Ms. Holly Wiedemann addressed the Commission for AU Development. She highlighted and gave background information on Au Development. Ms. Wiedemann showed examples of various projects they have done throughout Kentucky. She noted they have won awards on state, local and national levels. She further noted every project they have done someone has contacted them and that no marketing was done. Ms. Wiedemann stated the proposed development will be developed into 26 units with a common use area. She further noted this will be an affordable living building and will have a building manager. She stated they are providing housing to persons of up to 60% of the medium income. She then noted they realize the importance of being a good neighbor. She additionally stated they are proposing bringing over 4 million to the area and will bring 75 construction jobs to the area.

Ms. Krista Athe addressed the Commission and stated she is a member of the Covington Board of Education but is present on behalf of herself. She stated AU has been very engaged with the community for about a year and are very interested in the community. She then noted she feels quite confident in the development and she hopes the Commission feels the same.

Mr. Richard Athe passed.

Mr. Jerry Dusing addressed the Commission and stated he was present for Linda Jackson, superintendent of the Covington Schools. He stated the site in question is clearly compliant with the comprehensive plan. He stated this projected use is compatible and complimentary to the area and will be the crown jewel of the area.

Ms. Linda Jackson addressed the Commission and stated this is her second year as superintendent and noted when the decision was made to close schools due to budget crunches she made a promise to find a quality use for the building. She stated she has done her research on AU and this will achieve that.

Mr. Paul Gallagher addressed the Commission and stated he has a property adjacent to this property. He stated his interest in this is the development will have 26 units and there will be a gluttony of cars. He stated this is too many units for the area because there is not enough parking now. He further noted it is being billed as a low income housing development and it does not work when you have a lot of people. He asked when putting 26 low income families together is a good thing.

Mr. Luther Biggs addressed the Commission and stated he is opposed because Covington has so much low income housing. He further stated this will hurt the neighborhood and bring it down.

Ms. Laura Knight addressed the Commission and stated the issue seems to be the change of the zone. She stated she is not against the zone change and is in support of AU. She further noted her concern is once it is approved, what happens if AU gets the property and then the property is opened up to a much larger development. She stated she does feel the Covington Board of Education has the neighborhood's best interest at heart for now. She stated her fear is if AU does not retain ownership some other unscrupulous owner may obtain it.

Mr. Daniel Hampton addressed the Commission and stated he is the chairman of the Hellentown Neighborhood Association. He noted AU gave a briefing a month ago and they were impressed with the work that they do. He stated the property management came and gave a presentation to their association and they were very impressed with both companies. He then stated the concern is the actual use itself. He noted some residents have \$250-300,000 homes that will have affordable housing across the street.

Ms. Elizabeth Biggs addressed the Commission and stated when you get that many people together it's hard to control them. She noted they have done so much work to their home and had to work on it for a year. She noted AU does beautiful work. She further stated she has lived in Covington her entire life and everyone deserves a home but she wants people who truly want to live there.

Ms. Wiedemann addressed the Commission in rebuttal and stated they are committed to being good neighbors. She noted the parking shouldn't be a problem. She stated most of the area is paved and they would like to restore some of that back. She stated the property values of surrounding areas have improved with their developments. She further noted this is not government subsidized housing. She additionally stated they have a 100% funding track record with all their properties. Mr. Eilerman asked about the parking issue. She noted parking has never been an issue with any of their developments and that can certainly be monitored with this development.

Mr. Gallagher addressed the Commission in rebuttal and stated people have more cars now than he has ever seen and putting that many people into the neighborhood seems like a lot. He further stated he thinks they will make good neighbors, it's just too many cars.

The public hearing was recessed for discussion. The public hearing was closed. A motion was made by Mr. Eilerman to approve based on Staff recommendations and the information and testimony presented, and that the fact that it is in compliance with the comprehensive plan. Mr. Raybourne seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Raybourne, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Hilgefurd, Mr. Hult, Mr. Marcum, Mr. Rogge, Mr. Ryan, Ms. Snyder and Mr. Tewes in favor. The motion carried.

UNFINISHED BUSINESS:

Reports from Committees:

By-Laws –Mr. France noted there was nothing to report beyond discussing the ongoing budget.

Executive- Nothing to report.

20/20 Sourcebook (Model Zoning Ordinance) – No report.

Subdivision Regulations Review – Nothing to report.

Report from legal counsel – Nothing to report.

Announcements from Staff – Mr. Schwartz noted there will be no continuing education next Tuesday but there will be one held on January 12, 2010.

Correspondence – Nothing to report.

NEW BUSINESS:

Appointments to a Nominating Committee for the January 2010 election of officers. Mr. France asked if anyone wished to serve on the nominating committee. Mr. Ryan stated Ms. Snyder always does a nice job. It was then determined that Ms. Snyder would head the nominating committee along with Mr. Ryan and Mr. Rogge assisting her in that.

Public Comments: None.

There being nothing further to come before the Commission, Mr. Coates made the motion to adjourn with Mr. Tewes seconding the motion. The meeting was then adjourned at 8:15 p.m.

APPROVED:

Chair

Date