

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
Minutes**

Mr. Wells, Chair, called the meeting to order at 6:15 PM on Thursday, October 7, 2010, 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.

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<b>Member</b>	<b>Jurisdiction</b>	<b>Ja</b>	<b>n</b>	<b>F</b>	<b>e</b>	<b>M</b>	<b>a</b>	<b>r</b>	<b>A</b>	<b>p</b>	<b>r</b>	<b>M</b>	<b>a</b>	<b>y</b>	<b>J</b>	<b>u</b>	<b>n</b>	<b>J</b>	<b>u</b>	<b>n</b>	<b>A</b>	<b>u</b>	<b>g</b>	<b>S</b>	<b>e</b>	<b>p</b>	<b>O</b>	<b>c</b>	<b>t</b>	<b>N</b>	<b>o</b>	<b>v</b>	<b>D</b>	<b>e</b>	<b>c</b>			
Mark Barnett	Taylor Mill	X		X	X	X	X	X							X							X																
Barbara Carlin	Kenton Co	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Barry Coates	Covington	X		X	X				X	X	X				X							X																
James Cook	Kenton Co	X		X					X	X	X				X											X												
Paul Darpel	Edgewood	X		X	X				X	X												X																
Chuck Eilerman	Covington	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Tom France, V.Chair	Ludlow	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	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				X							X																
Lynne Hood	Crestview Hills	X		X	X	X	X	X	X	X	X				X							X			X													
Marc Hult	Covington	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Dan Ruh	Fort Wright	X		X					X						X							X		X														
Ron Cook	Elsmere			X	X	X	X								X																							
Mark Rogge	Crescent Spgs	X		X					X	X	X											X		X														
Phil Ryan, Treasurer	Park Hills	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Maura Snyder	Independence	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Diane Brown	Erlanger	X		X	X	*	*		X	X					X							X		X		X		X										
Joe Tewes	Bromley	X			X	*			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	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	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Mark Hushebeck	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 Matt Smith, Legal Counsel, and the following NKAPC staff: Martin Scribner, AICP, Deputy Director for Current Planning, and Mike Ionna, Associate Planner.

**AGENDA:**

Mr. Eilerman made the motion to approve. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Eilerman, Ms. Brown, Ms. Carlin, Mr. Cook, Mr. France, Mr. Hult, Mr. Rogge, Ms. Snyder and Mr. Wells in favor. The motion carried.

**APPROVAL OF THE MINUTES:**

A motion was made by Mr. Rogge to accept. Ms. Brown seconded the motion. A roll call vote on the matter found Mr. Rogge, Ms. Brown, Mr. Carlin, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Hult and Mr. Wells in favor. Mr. Jim Cook and Ms. Snyder 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:**

Mr. France noted we are 155 into the calendar year and have received 50% of our income and 14% of expenses. He then said all appears well and made the motion to accept. Ms. Hood seconded the motion. A roll call vote on the motion found Mr. France, Ms. Hood, Ms. Brown, Mr. Carlin, Mr. Cook, Mr. Eilerman, Mr. Hult, Mr. Rogge, Ms. Snyder and Mr. Wells in favor. The motion carried.

**RECENT ACTIONS BY LEGISLATIVE BODIES:**

**PUBLIC HEARINGS:**

**2019R**

**APPLICANT:** Abercrombie and Associates inc. per E.J. Foltz on behalf of Miller Valentine Development, Inc.

**LOCATION:** an approximate 8.5-acre area located along the northeast side of Dolwick Drive between Appomattox Street and Mineola Pike in Erlanger; the noted acreage is part of a larger 12.1-acre parcel that includes 3.6 acres in unincorporated Boone County.

**REQUEST:** a proposed map amendment to the Erlanger Zoning Ordinance changing the described area from BP-1 (Business Park) to IP-4 (an Industrial Zone).

Staff presentation and Staff recommendations by Mr. Mike Ionna.

**NKAPC STAFF RECOMMENDATIONS:**

To give a positive recommendation to the Erlanger City Council for the proposed map amendment to the Erlanger Zoning Ordinance changing the described area from BP-1 (Business Park - One) to IP-4 (Industrial - Four Zone) subject to the following conditions:

1. That the proposed map amendment be conditioned on the approval of the proposed map amendment in Boone County to ensure a legal means of access can provided to the site in question.

Mr. E. J. Foltz addressed the Commission and stated he really didn't have any questions or anything to add to staff's presentation. He stated they are asking for some variances for the buildings, for setbacks. He stated the Boone County Commission and joint staff wanted to see the parking lot take place in the back versus the front. He stated there are natural buffers that are going to be kept in place that separate the proposed use from the adjacent use which is required. He further noted there is an irregular line through the property which is not a typical line. He stated because of this meandering of the line the buildings will be varying distances from that line. Mr. Matt Smith clarified the issues as being the map amendment and site plan. As such questions with regard to variance would have to be submitted and applied for at another time. Mr. Wells then asked about the proposed clearing limits. Mr. Foltz stated the plan is not set in stone yet; it's just a general layout of how it's going to be done. He stated this will all be worked out in the Stage II Development. He further noted it's a rough idea of what will have to be cleared to make this work. Mr. France asked about the building setback line. Mr. Foltz stated originally the plan was flip flopped from what it is now. He noted the main point in the center will be the main access point. He stated the radius turn points are large radius turn points so there should not be an issue with those.

Mr. Smith stated this is a ten or fifteen year plan and not something he would develop all at one time. He stated he is asking for the industrial zone because that is where he belongs. He stated he operates a very nice company that has won national awards. He stated they are not just an impound service. He stated he doesn't feel that they fit that stigma. He stated he feels this is a good fit for his company because it keeps him out of the way and somewhat

Mr. Brendamour addressed the Commission and stated he owns a building which is severely impacted by the proposed business. He stated zoning is there to protect uses. He stated there a quite a number of mobile homes that will have to drive past an impound lot to get to there homes. He further noted as you drive down Dolwick you eventually come to another office there that has Toyota in it. He stated this development would negatively impact that business as well. He stated he feels the negative impact of driving through a negative use will impact the high end developments in the area. He stated in his complex they were not allowed to put up any metal buildings and this will have metal. He stated it shouldn't be allowed to go from business to industrial because it will have a negative impact on the existing uses.

Ms. Steelman addressed the Commission and stated she is speaking on behalf of Airport Industries. She stated this development plan does not fit the standard for the land use plan. She stated this development plan does not fit the core vision of the area as stated by the comprehensive plan. She stated the land in question is currently zoned as a business park. She stated since this has been deemed a long term plan she questioned what does this mean for the in between - will there be buildings built, will it sit. She stated this facility is not the most economic or feasible use for the site. She noted other uses may provide more jobs and allow for more business to come in and would benefit the area better than the proposed use. She stated there is no need for this type of business in Kenton County at this time. She also stated you have to ask if this is the most desirable use for the space. She stated she would like to propose spot zone changing is not appropriate for the area. She stated the most appropriate would be

for it to remain as a business park and not zoned industrial. Mr. Wells noted legally this could not be considered for spot zoning because it is over 5 acres at 8.5 acres. Wells further noted the comprehensive plan that is in place does require this to be industrial so he wanted to clear that up as well.

Mr. Foltz addressed the Commission in rebuttal and stated he is in favor of staff's recommendations. He noted this is the first application for this area that has been applied for. He stated they are going along with the comprehensive plan for the area. He stated they are trying to make the best use of the property, generate some income and benefit the community. He stated they are doing the best with the ground they have to work with and the rest will remain untouched.

Mr. Brendamour stated in rebuttal that he thinks the negative effect of putting this kind of use in the pathway of a business park will not only effect across the businesses across the street but on down the street on the businesses in the area. He further stated he feels this is very negative for the area.

At this time the public hearing was recessed for discussion. Mr. Eilerman asked what type of landscape buffers will be included in the development. Mr. Ionna stated they would have to adhere to the landscape requirements of the zoning ordinance. Mr. France clarified that one of the conditions of approval is that Boone County also has to change an agricultural zone to industrial because that area provides the access for the site. The public hearing was then closed.

A motion was then made by Mr. Rogge to approve based on staff's recommendation with the condition that it meets the approval of the Boone County planning commission for access. Mr. Hult seconded the motion. A roll call vote on the motion found Mr. Rogge, Mr. Hult, Ms. Brown, Ms. Carlin, Mr. Cook, Mr. Eilerman, Mr. France, Ms. Hood, Ms. Snyder and Mr. Wells in favor. The motion carried.

**Unfinished Business:** - Nothing to report.

**Reports from Committees:**

*By-Laws* -Nothing to report.

*Executive-* Mr. Wells stated no bonds have been called in the last fifty years and in the last eight months three different subdivisions have had bonds called. He stated they anticipate having all the bond money in very shortly, possibly tomorrow. He stated they have worked out an agreement between the commission, the city of Independence and the homeowner's association for bids to complete the process. He noted they are anticipating a shortfall and will know exactly how much once the bids are obtained and it will then be discussed how that shortfall is going to be taken care of. He stated they will then come to an agreement how any shortfall once determined will be paid for. He stated they have high hopes of having the bids to move forward to get the streets completed for those citizens yet this season.

*2020 Sourcebook (model zoning ordinance)* - Nothing to report.

*Subdivision Regulations* - Nothing to report.

*Report from legal counsel* – Nothing to report.

*Announcements from Staff* – Mr. Scribner noted this past Monday a quick update was given to city council for the small area study for Independence. He stated the steering committee has met about six times and have put together an outline for proposed zone regulations for adoption. He stated they are scheduled to have this ready for city council in early next year.

Mr. Scribner also noted the cd roms in front of the commissioners were being provided for the issue to be heard at next month’s meeting so the commissioners would have an opportunity to review the issue prior to that time.

He also noted there would be a continuing education event held October 20 from 12-1p.m or from 6-7p.m. He asked that those interested in attending to please r.s.v.p

Next Wednesday an audio conference will be held that will count for an hour and a half of continuing education credit.

Mr. Wells noted he has one short letter he feels he should read. He stated it was sent to Dennis Gordon. He then read the letter from the Home Builders Association of Northern Kentucky. He stated they are requesting a draft of the building regulations immediately. Mr. Wells then stated there was a response this afternoon from Gary Edmondson stating basically that a draft will not be made available but when the subdivision regulations are finalized they will then get a copy.

Ms. Hood asked what the status is of the 1099 issue because her term is up and she needs to know if it needs to be signed or not. Mr. Scribner then stated they have received word that the 1099 needs to be signed. Mr. Wells stated he thinks it’s a personal thing to sign it or not sign it and then go from there.

*Correspondence:* None.

*New Business:* - None.

*Public Comments:* None.

There being nothing further to come before the Commission, a motion was made by Ms Snyder and seconded by Mr. Hult to adjourn. All in favor. None opposed. The meeting then adjourned at 7:50 p.m..

APPROVED:

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Chair

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Date