



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

January 4, 2001
6:15 P.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. Tim Theissen - Chairman - Edgewood
Mr. James Bertram - Taylor Mill
Ms. Barbara Carlin - Kenton County
Mr. Barry Coates - Covington
Mr. James Cook - Kenton County
Mr. John Dorsey - Fort Mitchell
Mr. Russell England - Independence
Mr. Al Hadley - Elsmere
Mr. David Hilgefurd - Villa Hills
Mr. Eugene Meyer - Covington
Mr. Joseph Price - Crestview Hills
Mr. Frank Smith - Lakeside Park
Mr. William Snyder - Bromley
Mr. James Sucher - Crescent Springs
Mr. Bernie Wessels - Fort Wright
Mr. Paul Swanson, Secretary/Treasurer - Erlanger

COMMISSION MEMBERS NOT PRESENT:

Mr. Jay Bayer - Park Hills

Mr. Jeff Gaiser - Ludlow

Mrs. Alex Weldon, Vice Chair - Covington

*arrived at 6:25

LEGAL COUNSEL PRESENT:

David A. Schneider, Esq.

Mr. Theissen, Chairman, called the meeting to order at 6:15 p.m. Mr. Theissen opened the meeting with the Pledge of Allegiance and a prayer by Mr. Price.

APPROVAL OF THE MINUTES:

Mr. Theissen stated the minutes were distributed to the Commissioners and asked for any questions or comments regarding both the morning and evening meeting minutes. As there was no morning meeting held in January, both sets of minutes needed approval at the evening meeting. There being no questions or comments, Mr. Price made a motion to accept the minutes. Mr. Hadley seconded. A roll call vote on the matter found Mr. Price, Mr. Hadley, Mr. Bertram, Mr. Coates, Mr. Dorsey, Mr. England, Mr. Hilgefurd, Mr. Meyer, Mr. Smith, Mr. Snyder, Mr. Sucher, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. Ms. Carlin abstained. The motion carried.

FINANCIAL REPORT:

Mr. Theissen stated the financial report was distributed in the packets to the Commissioners. There were no questions or comments regarding the report.

SUBDIVISION ITEMS:

CONSIDERATION OF PRELIMINARY PLATS AND OTHER PLATS AND ISSUES REQUIRING COMMISSION ACTION AT A REGULAR MEETING: None.

CONSIDERATION OF ACTIONS TAKEN ON GRADING PLANS, IMPROVEMENT DRAWINGS AND SPECIFICATIONS, (STAGE II PLANS), FINAL PLATS, AND IDENTIFICATION PLATS BY THE COMMISSION'S DULY AUTHORIZED REPRESENTATIVE SINCE THE COMMISSION'S LAST REGULAR MEETING: The commission took action to concur with the actions taken by their duly authorized representative.

CONSIDERATION OF THE REPORT OF ACTIONS TAKEN BY THE SUBDIVISION/
PUBLIC FACILITY REVIEW COMMITTEE AT A MEETING PRIOR TO, BUT ON
THE SAME DAY, AS THE REGULAR MEETING: None.

PUBLIC FACILITIES: None.

PUBLIC HEARINGS

1485R

APPLICANT: City of Crestview Hills, per Mr. Kevin Celarek, City Administrator.

GENERAL LOCATION: N.A.

REQUEST FOR ACTION: Proposed text amendment to the Crestview Zoning Ordinance amending regulations pertaining to parking or storing of trailers, mobile homes, campers, inoperable vehicles, and other such type equipment.

Staff presentation and Staff recommendation by Mr. Paul Drury.

NKAPC STAFF POSITION:

NKAPC STAFF RECOMMENDATION - CRESTVIEW HILLS ZONING
ORDINANCE:

To approve the proposed text amendment.

COMPREHENSIVE PLAN DOCUMENTATION / SUPPORTING INFORMATION /
BASES FOR NKAPC STAFF RECOMMENDATION -- COMPREHENSIVE PLAN
DOCUMENTATION:

o Date of Adoption by the Kenton County and Municipal Planning and Zoning
Commission: December 11, 1996.

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed text amendment amending regulations pertaining to parking or storing of trailers, mobile homes, campers, inoperable vehicles, and other such type equipment (See Attachment A) 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 amendment amending regulations pertaining to parking or storing of trailers, mobile homes, campers, inoperable vehicles, and other such type equipment (see Attachment A) is reasonable.

Mr. Price questioned Mr. Drury regarding the 14-day time limit and whether or not it is a consecutive 14 days. Mr. Drury stated a trailer or R.V. cannot be parked any longer than

14 consecutive days, which is a typical amount of time for vacationing travelers.

Mr. Meier, Mayor of Crestview Hills, addressed the Commission regarding the issue. He stated the city is in agreement with Staff. Mr. Wessels questioned Mr. Meier as to how the situation is being handled for residents who have been storing trailers on their lots for over ten years. Mr. Meier stated that those residents would typically receive a notice regarding the violation. Mr. Swanson stated there were problems in Erlanger regarding a similar ordinance and the definition of the term "hard surface." Mr. Meier stated that issue would have to be up the zoning administrator for clarification but that he didn't think they would have a problem.

Following a brief discussion regarding the issue, Mr. Price made a motion to approve and added the word "consecutive" after "14" and before "days" in the wording of the amendment. Mr. Dorsey seconded. A roll call vote on the matter found Mr. Price, Mr. Dorsey, Mr. Bertram, Ms. Carlin, Mr. Coates, Mr. England, Mr. Hadley, Mr. Hilgeford, Mr. Meyer, Mr. Smith, Mr. Sucher, Mr. Snyder, Mr. Wessels, Mr. Swanson, Ms. Weldon and Mr. Theissen in favor. The motion carried 16-0.

1488R

APPLICANT: City of Taylor Mill, per Jill Cain Bailey, City Administrator.

GENERAL LOCATION: N.A.

REQUEST FOR ACTION: Proposed text amendments to the Taylor Mill Zoning Ordinance (1) pertaining to the parking or storing of trailers, mobile homes, campers, inoperable vehicles, and other such type equipment and commercial vehicles; and (2) adding provisions identifying that violations of the zoning ordinance are subject to civil penalties.

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF POSITION:

NKAPC STAFF RECOMMENDATION - TAYLOR MILL ZONING ORDINANCE:

RECOMMENDATION A: To approve the proposed text amendment pertaining to the parking or storing of trailers, mobile homes, campers, inoperable vehicles, and other such type equipment and commercial vehicles.

RECOMMENDATION B: To approve the proposed text amendment adding provisions identifying that violations of the zoning ordinance are subject to civil penalties.

COMPREHENSIVE PLAN DOCUMENTATION / SUPPORTING INFORMATION / BASES FOR NKAPC STAFF RECOMMENDATION -- COMPREHENSIVE PLAN DOCUMENTATION:

o Date of Adoption by the Kenton County and Municipal Planning and Zoning Commission: December 11, 1996.

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

RECOMMENDATION A:

1. The proposed text amendment pertaining to the parking or storing of trailers, mobile homes, campers, inoperable vehicles, and other such type equipment and commercial vehicles (see Attachment A) 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 amendment pertaining to the parking or storing of trailers, mobile homes, campers, inoperable vehicles, and other such type equipment and commercial vehicles (see Attachment A) is appropriate in that it provides reasonable regulations for the protection of residential areas within the city.
3. The recommendation of approval is consistent with previous recommendations made by the NKAPC and the KC&MP&ZC and would bring the Taylor Mill Zoning Ordinance into conformity with the majority of zoning ordinances used in Kenton County.

A similar application has been reviewed within the City of Fort Mitchell (Z-99-12-03/1450R). In this issue, the NKAPC staff and the KC&MP&ZC recommended approval of the proposed text amendment.

All jurisdictions within Kenton County prohibit the outside storage of trucks within residential zones, except for the cities of Bromley, Crestview Hills, Latonia Lakes, and Park Hills.

RECOMMENDATION B:

1. The proposed text amendment adding provisions identifying that violations of the zoning ordinance are subject to civil penalties (see Attachment B) 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 amendment adding provisions identifying that violations of the zoning ordinance are subject to civil penalties (see Attachment B) is consistent with the Local Government Code Enforcement Board Act, Kentucky Revised Statute (KRS) 68.8801 through 68.8839.
3. The recommendation of approval is consistent with previous recommendations made by

the NKAPC staff and the KC&MP&ZC.

Similar applications have been reviewed within the City of Fort Mitchell (Z-99-12-03/1450R), the City of Erlanger (Z-00-07-02/1472R), and the City of Lakeside Park (Z-00-11-02/1486R). In all of these issues, the NKAPC staff and the KC&MP&ZC recommended approval of the proposed text amendments.

No one registered to speak on the issue.

Mr. Wessels questioned Staff as to the weight of the vehicles. He further stated that if someone had a pick up truck that he uses for work and has no lettering regarding the business on the van, he would not be able to park his van in front of his home. Mr. Wessels additionally stated he doesn't think this is the intent of the ordinance, but that the ordinance will be excluding a lot of vehicles. Mr. Theissen stated he would be willing to recommend that the city increase the weight limit from 6,000 lbs. To 10,000 lbs. to have some flexibility with the ordinance. He further stated the weight limit increase could be recommended as a condition of approval of the ordinance. Mr. Snyder stated the gross vehicle weight is different than the gross vehicle weight rating. Following a brief discussion regarding the issue, Mr. Theissen suggested the issue should possibly be tabled to allow the city to come back before the Commission regarding the issue. He further stated that he felt there were potential problems with the amendment. Mr. Theissen then stated that attachment "A" would be tabled. He then requested a motion to table attachment "A" and approve attachment "B." Mr. Bertram motioned to approve. Ms. Weldon seconded. A roll call vote on the motion found Mr. Bertram, Ms. Weldon, Ms. Carlin, Mr. Coates, Mr. Dorsey, Mr. England, Mr. Hadley, Mr. Hilgeford, Mr. Meyer, Mr. Price, Mr. Smith, Mr. Sucher, Mr. Snyder, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried 16-0.

As a follow up regarding the issue, Mr. Schneider asked Staff for clarification regarding section "E" of the ordinance.

OLD BUSINESS: None.

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

Mr. Schwartz asked Mr. Theissen if he was prepared to appoint members to the task force of the Comprehensive Plan. The following Commission members expressed an interest in being appointed to the task force: Mr. Wessels, Mr. Dorsey, Mr. Price, Mr. Theissen and Mr. Swanson. Those members were then appointed.

COMMISSION ITEMS:

Mr. Theissen stated the current officers were nominated to continue in their present positions on the Commission. There being no other nominations, Mr. Theissen then asked for a motion to accept the nominations. Mr. England motion to accept. Mr. Sucher seconded. All in favor responded with "aye"; none opposed. Mr. England then motioned to elect the current officers. Mr. Hilgefurd seconded. All again responded with "aye"; none opposed.

COMMENTS/REQUESTS TO THE COMMISSION:

Mr. Schneider gave as brief report regarding the Carson lawsuit and the Banklick Creek matter. He further stated the matter was thrown out by the Kenton Circuit Court and brought back on appeal. Mr. Schneider additionally stated that the Court of Appeals ruled on the matter before Christmas to uphold the rulings of the Kenton Circuit Court.

There being no further matters to come before the Commission, Mr. Theissen then adjourned the meeting at 6:55 p.m.