



KC&MP&ZC MINUTES

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION REGULAR MEETING

March 6, 2003
9:00 A.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Mr. Tim Theissen - Chairman - Edgewood
Mr. Al Hadley - Elsmere
Mr. Mark Hushebeck - Lakeside Park
Mr. Eugene Meyer - Covington
Mr. Phil Ryan - Park Hills
Mr. Greg Scheper - Crescent Springs
Mr. Bernie Wessels - Fort Wright
Mr. Paul Swanson, Secretary/Treasurer - Erlanger
Mr. Joe Price - Vice Chairman - Crestview Hills

LEGAL COUNSEL PRESENT:

Mr. Dave Schneider, Esq.

Mr. Theissen, Chairman, called the meeting to order at 9:00 a.m. Mr. Theissen opened the meeting with the pledge of allegiance and a prayer by Mr. Joe Price.

APPROVAL OF THE MINUTES:

Mr. Theissen stated the minutes were distributed in the Commissioners packets. There being no corrections or comments, Mr. Wessels motioned to approve the minutes from February. Mr. Price seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Price, Mr. Hadley, Mr. Hushabeck, Mr. Meyer, Mr. Ryan, Mr. Scheper and Mr. Theissen in favor. Mr. Swanson abstained. The motion carried.

Mr. Theissen then noted that a request to table had been received regarding issue W-624. He stated a letter had been received from Elizabeth Horowitz, attorney for Grand Communities, requesting the tabling of the matter. Mr. Theissen then gave a brief background history on the issue for incoming Commission members. He then marked the letter as an exhibit to the record of the meeting. Mr. Price made the motion to approve the tabling of the issue. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Hadley, Mr. Hushabeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Mr. Wessels, Mr. Swanson and Mr. Theissen in favor. The motion carried.

SUBDIVISION ITEMS:

a. PRESENTATION OF PRELIMINARY PLATS, OTHER PLATS, AND OTHER ISSUES REQUIRING COMMISSION ACTION AT A REGULAR MEETING FOR REVIEW:

PP-629 ALLEN ESTATES

APPLICANT: Cardinal Engineering, in behalf of Howell Enterprises.

GENERAL LOCATION: An approximate 3.5-acre area along the north side of Independence Station Road (C.R. 1307), contiguous on the east with Independence Ridge Subdivision and an unnamed street stub therein, Independence.

REQUEST FOR ACTION: To approve a Preliminary Plat consisting of seven (7) residential building lots, including public improvements such as street, storm drainage sanitary sewer and water system.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATION:

To approve a Preliminary Plat for ALLEN ESTATES, but only subject to compliance with the following CONDITIONS:

CONDITIONS:

1. That the proposed street extension be constructed as close as practical to the western property boundary (Section 7.3 J);

2. That a minimum fire flow of 500 gpm at 20 psi be provided/ensured by certified flow test and fire hydrant spacing be a maximum of 450 feet (Section 7.2);
3. That proposed "Lot A" and "Lot B" be combined with proposed Lot #3 and Lot #4, respectively (Section 6.6);
4. That Lot #1 contain twenty (20) feet of frontage along the proposed street (Section 6.6); and
5. That stormwater runoff controls be provided (Section 7.0).

BASES:

The proposed ALLEN ESTATES is consistent with the recommendations of the 2001 Area-Wide Comprehensive Plan Update, the Kenton County Subdivision Regulations, and the Independence Zoning Ordinance, except as noted under the above Conditions.

Mr. Joe Kramer and Mr. Jeff Pohlgeers registered to speak in favor of the issue. No one registered to speak against.

Mr. Kramer addressed the Commission on behalf of the applicant and stated the Staff did a great job on the application. Mr. Theissen then noted that two letters had been received with regard to the issue; one from the Hillside Trust/Eric Russo and the second from the Independence Fire District/Richard A. Meshenslauger. He then marked both as exhibits to be made a part of the record. Mr. Kramer continued and then reviewed each condition on the issue. He noted that the applicant had no problem with condition #1 and noted they would do their best. He further noted they have no problem meeting condition #2 and the requirements. He also stated that lot A is almost 3/4 of a buildable lot. He stated by creating a non-buildable lot they retain the possibility of having a buildable lot later when the Walden property opens up for development. He further noted they would like the option of holding onto lots A and B as non-buildable lots. Mr. Kramer stated they accept condition #4. With regard to condition #5 Mr. Kramer stated there is an existing pond on lot four but it stays dry most of the time. He stated the reason they are asking for the waiver is they don't feel there is enough buildable area to construct a detention basin. He stated he looked into building a detention basin on lot A but then he would have a hard time getting water out at a later date. He then stated lot one is completely wooded and they do not want to tear down a lot of trees to build a detention basin. He stated with regard to the Hillside Trust that he does not feel it is a good idea of combining the down spouts. He state they could do that but he feels it would be a better idea to drain it toward the wooded area. He reiterated that lot four is not suitable for building a detention basin due to the elevation. He further noted that because of the slopes it is going to be difficult to construct a detention basin. Mr. Hiles then noted that the regulations require that free-standing properties be buildable lots and not unusable. Mr. Wessels stated for planning purposes there is no guarantee the Walden property will be available at a later time for development. Mr. Hiles further noted with regard to the storm water issue that even if it is accomplished, you're not accomplishing much. He stated he doesn't see a way to partner with the adjoining property owner as to the drainage due to the location of being on the ridge. Mr. Theissen stated he agreed with Staff as far as leaving the

conditions as they are. At this time the public hearing was closed. There being no further questions or comments, Mr. Wessels motioned to approve based on the recommendations and conditions of Staff and also to deny the request for a waiver of the storm water runoff controls. Mr. Meyer seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Meyer, Mr. Hadley, Mr. Hushabeck, Mr. Ryan, Mr. Scheper, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

b. CONSIDERATION OF ACTIONS TAKEN ON PLATS BY COMMISSION'S DULY AUTHORIZED REPRESENTATIVE, SINCE THE COMMISSION'S LAST REGULAR MEETING (e. g., GRADING PLANS, IMPROVEMENT DRAWINGS, FINAL DEVELOPMENT/STAGE II PLANS, FINAL PLATS, IDENTIFICATION PLATS, etc.) - See listing of plans and plats recommended for approval on separate handout.

Mr. Theissen asked for any conflicts on actions taken over the past month. Mr. Wessels noted a conflict with issue I-3957. There were no additional conflicts. Mr. Wessels motioned to ratify and approve. Mr. Swanson seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Swanson, Mr. Hushabeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

c. CONSTRUCTION REVIEW PROGRAM - See listing of subdivisions for construction inspections in progress on separate handout.

PUBLIC HEARINGS ON SCHEDULED PUBLIC FACILITIES: None.

OTHER COMMITTEE BUSINESS:

There being nothing further to come before the Commission, the meeting was recessed at 9:55 a.m. until 6:15 p.m.

KENTON COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION
REGULAR MEETING

March 6, 2003
6:15 P.M.

NKAPC Meeting Room
2332 Royal Drive
Fort Mitchell, Kentucky

MINUTES

COMMISSION MEMBERS PRESENT:

Ms. Barbara Carlin - Kenton County
Mr. Barry Coates - Covington
Mr. James Cook - Kenton County
Mr. Mike Denham - Bromley
Mr. Tom France - Ludlow
Mr. Al Hadley - Elsmere
Mr. David Hilgefurd - Villa Hills
Mr. Mark Hushabeck - Lakeside Park
Mr. Eugene Meyer - Covington
Mr. Phil Ryan - Park Hills
Mr. Greg Scheper - Crescent Springs
Ms. Maura Snyder - Independence
Ms. Alex Weldon, Covington
Mr. John Wells - Ft. Mitchell
Mr. Bernie Wessels - Ft. Wright
Mr. Paul Swanson, Secretary/Treasurer - Erlanger
Mr. Joseph Price, Vice Chairman - Crestview Hills
Mr. Tim Theissen - Chairman - Edgewood

COMMISSION MEMBERS NOT PRESENT:

Mr. James Bertram - Taylor Mill

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. Joe Price.

APPROVAL OF THE MINUTES:

Mr. Theissen noted the minutes from February had been distributed in the Commissioner's packets and asked for any questions or comments. There were none. Mr. Price motioned to approve. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Price, Mr. Hadley, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Denham, Mr. France, Mr. Hilgefurd, Mr. Hushabeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Ms. Weldon, Mr. Wells, Mr. Wessels and Mr. Theissen in favor. Mr. Swanson abstained. The motion carried.

Mr. Theissen stated the financial report had been distributed for the month. Mr. Dennis Gordon briefly addressed the Commission regarding the report with special emphasis to the new Commission members to let them know they could call should they have any questions. He also noted the new format to be used beginning next month for the financial report. He also distributed a copy of the new report with the usual report as it currently appears. He noted if anyone had any questions they should feel free to call and he would be available to answer any questions.

SUBDIVISION ITEMS:

a. CONSIDERATION OF PRELIMINARY PLATS AND OTHER PLATS AND ISSUES REQUIRING COMMISSION ACTION AT A REGULAR MEETING.

b. 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. See handout.

c. 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.

Mr. Theissen read into the record the report of actions from the morning meeting. There were no conflicts noted. Mr. Theissen then asked for a motion to ratify and approve. Mr. Wessels made the motion to ratify and approve. Mr. Hadley seconded the motion. A roll call vote on the issue found Mr. Wessels, Mr. Hadley, Mr. Coates, Mr. Cook, Mr. Denham, Mr. France, Mr. Hilgefurd, Mr. Hushabeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Ms. Weldon, Mr. Wells, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

CONSIDERATION OF CONSTRUCTION REVIEW PROGRAM - See listing of subdivision for construction inspections in progress on separate handout.

PUBLIC FACILITIES: None.

PUBLIC HEARINGS ON SCHEDULED ITEMS:

Mr. Theissen noted a request to table had been received regarding issue 1610R. He noted a letter had been received from the mayor of Lakeside Park, which he then read into the record and marked as an exhibit. A motion was made by Mr. Wessels to approve the tabling with Mr. Hilgefurd giving the second. A roll call on the motion found Mr. Wessels, Mr. Hilgefurd, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Denham, Mr. France, Mr. Hadley, Mr. Hushabeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Ms. Weldon, Mr. Wells, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

1609R

APPLICANT: City of Erlanger, per Mr. P. David Hahn, Zoning Administrator.

GENERAL LOCATION: N.A.

REQUEST TO BE REVIEWED: A proposed text amendment to the Erlanger Zoning Ordinance adding air conditioning units, provided they are set back a minimum distance of ten (10) feet from any side lot line, to the list of permitted obstructions in the minimum side yard setback.

Staff presentation and Staff recommendations by Ms. Jessica Morris.

NKAPC STAFF RECOMMENDATION:

To approve the proposed text amendment adding air conditioning units but only subject to compliance with the condition that it read as follows:

"In Minimum Side Yard Depth - Overhanging eaves and gutters and air conditioning units, projecting eighteen (18) inches or less into the minimum required side yard;"

COMPREHENSIVE PLAN DOCUMENTATION:

o Date of Adoption by the Kenton County and Municipal Planning and Zoning Commission: December 18, 2001.

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The proposed text amendment to Section 9.10 (F) (4) of the City of Erlanger Zoning Ordinance, adding air conditioning units to the list of permitted obstructions in the minimum side yard setback, except as noted under condition (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. Adding air conditioning units to the list of permitted obstructions in the minimum side yard is consistent with most other zoning ordinances in Kenton County. Additionally, air conditioning units are similar in size and type to other permitted obstructions in minimum required yards.
3. The proposed text amendment requiring air conditioning units to be set back a minimum distance of ten (10) feet from any side lot line for air conditioning units is inappropriate. Currently, some single-family residential zones within the City of Erlanger provide for a minimum side yard width of five (5) feet (R-1C with open space and R-1G) and other single-family residential zones provide for the largest minimum side yard width to be ten (10) feet (R-1E, R-1F, and PO-1). The proposed amendment would not allow air conditioning units to extend into the minimum side yard setback within these zones. Therefore, requiring a minimum side yard set back of ten (10) feet for permitted obstructions is not reasonable in that it creates inconsistency between similar zones.

Mr. Hadley questioned Staff as to whether or not window units fell under the text amendment as proposed. Mr. Schwartz responded and stated the homeowner would not be required to have a permit, but if an adjoining homeowner complained and the zoning administrator found it to be extending too far, then it would not be allowed. Mr. Wessels then asked if the air conditioning unit could be installed on the roof. Mr. Schwartz stated they could in fact be placed on the roofs of homes.

No one registered to speak on the issue. Following the brief discussion on the issue, Mr. Hilgefurd made a motion to approve based on Staff's recommendations. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Hadley, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Denham, Mr. France, Mr. Hushabeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Ms. Weldon, Mr. Wells, Mr. Wessels, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

1611R

APPLICANT: MW and MW Properties, Inc., per Mr. Marvin R. Wischer.

GENERAL LOCATION: An approximate 1.7-acre area bounded by East 32nd Street, Frazier Street, Harold Mason Lane, and Union Street, Covington.

REQUEST TO BE REVIEWED: A proposed map amendment to the Covington Zoning Ordinance, changing the area described herein, from I-2 (an industrial two zone) to GC (a general commercial zone).

*Mr. Coates noted his withdrawal due to a conflict with his employer and the applicant.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

To approve the proposed map amendment from I-2 to GC, but only subject to compliance with the condition that the development plan be revised to meet the minimum requirements of the Covington Zoning Ordinance.

SUPPORTING INFORMATION/BASES FOR NKAPC STAFF RECOMMENDATION:

1. The existing I-2 Zone is not appropriate for the site in question. The existing I-2 Zone would permit the development of a variety of manufacturing, compounding, and processing uses, carpet cleaning, bulk storage, contractor's offices, forge plants, laboratories, and other industrial type uses on the site in question. Areas surrounding the site in question are predominantly occupied by single and two-family residential dwellings. The types of uses permitted within the existing I-2 Zone would be incompatible with the residential uses that surround the site.

2. The proposed GC Zone would be more appropriate than the existing I-2 Zone. The proposed GC Zone would permit the development of a variety of retail and service type businesses, offices, banks, hotels, restaurants, trade businesses (i.e., plumbing, electrical, etc.), and dwelling units above the ground floor. These types of uses, if properly designed and buffered, can be compatible with, and provide a service to, surrounding residential uses within an urban environment.

3. The submitted development plan indicates existing conditions. Insufficient information has been submitted to determine compliance with the minimum requirements of the Covington Zoning Ordinance.

Mr. Marvin Wischer registered to speak as the applicant. No others registered to speak on the issue. Mr. Theissen asked if the proposed use would take up the entire building. Mr. Wischer stated he planned to open a Dollar Store which would take up 80% of the building. Mr. Theissen stated when zones are changed from one zone to another there are parking and landscaping requirements that need to be met. Mr. Wischer stated he was aware of that since he had been through this process before. Mr. Scheper asked about traffic flow and whether or not there would be any problems. Mr. Schwartz then reviewed the traffic flow patterns and indicated there should be no problems. Following the brief discussion on the issue, Ms. Weldon made the motion to approve. Mr. Wells seconded the motion. A roll call vote on the matter found Ms. Weldon, Mr. Wells, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Denham, Mr. France, Mr. Hadley, Mr. Hushabeck, Mr. Meyer, Mr. Ryan, Mr. Scheper, Ms. Snyder, Mr. Swanson, Mr. Price and Mr. Theissen in favor. The motion carried unanimously.

OLD BUSINESS:

Mr. Schwartz noted the APA conference in Denver is upcoming in March and April. He noted that Gail would be putting together packets for those attending. Mr. Schwartz then reviewed the itinerary as to flight information, etc. He further noted that information was distributed to those attending via email. Mr. Schwartz also mentioned the KAPA spring conference to be held in Rough River Park. He further noted there are a very limited number of rooms available so for those interested he suggested they make their reservations immediately. Mr. Schwartz also mentioned that Garry Edmondson is having his conference on April 17th at the Erlanger Library for those interested in attending and picking up two hours of CLE time.

CORRESPONDENCE: None.

PLANNING, STAFF AND LEGAL COUNSEL ITEMS:

COMMISSION ITEMS:

Standing Committee Reports:

Subdivision Regulations Review Committee:

Mr. Swanson noted the committee is meeting regularly. He stated they will meet in April on the second Tuesday (April 8). He noted there were twelve people present at the last meeting to address current issues.

By-Laws:

Mr. Price had nothing to report.

Model Zoning Ordinance:

Mr. Wessels reported a representative from Kentucky Manufactured Housing Institute addressed the committee on new regulations. He stated they will be bringing further information to the Commissioners on the issue.

COMMENTS/REQUESTS TO THE COMMISSION:

There being no further business to come before the Commission, the meeting was adjourned at 7:25 p.m. None opposed.