

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. Wells, Vice Chair, called the meeting to order at 6:15 PM on Thursday, December 7, 2006, 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.

Member	Jurisdiction	2006											
		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
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	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	X	X
Chuck Eilerman	Covington	X	X	X	X	X	X	X	X	X	X	X	X
Tom France	Ludlow	X	X	X	X	X		X	X	X	X	X	X
Al Hadley	Elsmere	X	X	X	X	X	X	X	X	X	X	X	X
David Hilgeford	Villa Hills	X	X	X		X			X	X	X	X	X
Lynn Hood	C'view Hills		X	X	X	X		X		X	X	X	X
Kent Marcum	Ft Wright												X
Phil Ryan	Park Hills	X	X	X	X	X	X	X	X	X	X	X	X
Maura Snyder	Indepndnce	X	X	X	X	X	X	X	X	X	X	X	X
Paul Swanson, Treas	Erlanger	X		X		X	X	X	X	X		X	X
Joe Tewes	Bromley	X	X	X	X	X	X	X	X	X	X		X
Alex Weldon, Chair	Covington	X	X	X		X	X	X	X	X	X		X
John Wells, V Chair	Ft Mitchell		X	X	X	X		X	X		X	X	X
Bernie Wessels	Cres Spgs	X	X	X	X	X	X		X	X		X	
Gil Whitacre	L'side Park	X	X	X	X	X	X	X	X		X		X

Also present were 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 noted to the agenda. Ms. Weldon welcomed new Commission member Kent Marcum who would be representing the City of Fort Wright.

APPROVAL OF THE MINUTES:

A motion was made by Mr. Hadley to approve and seconded by Mr. Wells. A roll call vote on the matter found Mr. Hadley, Mr. Wells, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgeford, Ms. Hood, Ms. Snyder, Mr. Marcum and Mr.

Swanson in favor. Mr. Ryan, Mr. Tewes, Mr. Whitacre and Ms. Weldon abstained. The motion carried.

FINANCIAL REPORT:

There being no questions or comments with regard to the financial report, Mr. Hadley made the motion to accept the report. Mr. Swanson seconded the motion. All in favor. None opposed.

FY06 Audit:

Mr. John Walker, auditor, spoke briefly with regard to the FY06 audit. He distributed a handout explaining the financial statements contained in the audit. He then briefly reviewed the financial statements with respect to the audit done. Mr. Darpel asked about the comment made in the report by the auditor with regard to internal control. Mr. Walker elaborated and stated basically to get more internal control an outside source should be hired to review the books to ensure things are going as they should.

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.

PUBLIC HEARINGS:

FILE NUMBER: 1855R

APPLICANT: City of Covington, per Frank Warnock

REQUEST: Proposed text amendments to the Covington Zoning Ordinance: (1) modifying the minimum lot area for lots containing existing multi-family residential dwellings within the RU-2 Zone; (2) modifying the off-street parking and loading requirements for single-family residential in-fill structures within locally designated historic districts; and (3) defining artist galleries as a neighborhood retail sales and service use.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

Recommendation A: Disapproval of the proposed amendment modifying the minimum lot area for lots containing existing multi-family residential dwellings within the RU-2 Zone.

Recommendation B: Approval of the proposed amendment modifying the off-street parking and loading requirements for single-family residential in-fill structures within locally designated historic districts.

Recommendation C: Disapproval of the proposed amendment defining artist galleries as a neighborhood retail sales and service use.

Comprehensive Plan Documentation:

- Date of Adoption by the Kenton County & Municipal Planning & Zoning Commission: December 18, 2001

Supporting Information/Bases For NKAPC Staff Recommendation:

Recommendation A:

1. The proposed text amendment modifying the minimum lot area for lots containing existing multi-family residential dwellings within the RU-2 Zone is not appropriate.
2. Multi-family residential dwellings are not permitted within the RU-2 Zone. Therefore, any existing multi-family residential building within the RU-2 Zone is considered to be a nonconforming use. The proposed text amendment, reducing the minimum lot area for existing multi-family residential buildings, would be an extension of the nonconforming status beyond its current scope and area.
3. The proposed text amendment would apply to a small amount of properties within the city. There are currently 193 parcels that are zoned RU-2 and contain a multi-family residential building. This amounts to 2.3 percent of the total number of parcels that are currently zoned RU-2 and 1.2 percent of the total number of parcels within the city. Amendments to the zoning ordinance should be for the benefit of the city rather than to a minority of property owners.

Recommendation B:

1. The proposed text amendment modifying the off-street parking and loading requirements for single-family residential in-fill structures within locally designated historic districts 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 modifying the off-street parking and loading requirements for single-family residential in-fill structures within locally designated historic districts is reasonable.
3. The current regulation exempt the rehabilitation and reuse of existing structures within a locally designated historic district from providing off-street parking and loading spaces. The proposed text amendment would extend this exemption to new single-family in-fill structures.
2. The proposed text amendment may encourage single-family residential in-fill development within locally designated historic districts.

Recommendation C:

1. The proposed text amendment defining artist galleries as a neighborhood retail sales and service use is not appropriate.
2. Artist studios and galleries is currently identified as a separate and distinct use that is permitted in both residential and commercial zones.

3. The proposed text amendment would provide greater ambiguity in the enforcement of the regulations in so far as the use would be viewed as separate and distinct as well as being part of a more general category.

Mr. Keith Bales, Director of Code Enforcement, registered to speak in favor of the issue. No one registered to speak against or as a neutral party.

Mr. Bales addressed the Commission and stated this is a pretty significantly blighted area of Covington. He stated the intention is to get the artists into the area and to allow them to sell their work and thus is the reasoning behind the gallery. Discussion was had with regard to the fact that the city's request was under an incorrect zone. Mr. Weldon explained that the distinction was in the fact that studios were permitted in the residential zones and galleries and studios are permitted in commercial zones. Since there was a discrepancy in the definition of galleries, she suggested tabling the issue to allow the city to submit a clearer definition of galleries in residential areas with pre-existing commercial buildings. It was noted there was an error in the advertising of Recommendation A referring to the minimum area for lots containing multi-family dwellings. A motion was then made by Mr. Eilerman and seconded by Ms. Hood to table that portion only. A roll call vote on the matter found Mr. Eilerman, Ms. Hood, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hadley, Mr., Hilgefard, Mr. Ryan, Ms. Snyder, Mt. Tewes, Mr. Whitacre, Mr. Marcum, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. Mr. Darpel voted against. The motion carried. Mr. Eilerman then made the motion to approve section two (2) of the application based on Staff's recommendation and discussion on the matter. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Eilerman, Ms. Hood, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Hadley, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Marcum, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. Mr. Hilgefard abstained. The motion carried. A motion was then made by Mr. Eilerman to approve section three (3) of the application based on discussion and Staff's compliance with the plan. Mr. France seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. France, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Ms. Hood, Mr. Tewes, Mr. Whitacre, Mr. Marcum, Mr. Swanson and Ms. Weldon in favor. Mr. Coates, Mr. Darpel, Mr. Hadley, Mr. Hilgefard, Mr. Ryan, Ms. Snyder and Mr. Wells voted against. The motion carried with a vote of 11-7.

1856R

APPLICANT: Real Estate Development Services, Inc., per James W. Berling, on behalf of Patricia Workman, Judi Rice, Ralph and Margaret Glaser, and Ralph and Joy Glaser.

LOCATION: an approximate 38-acre area on the west side of Staffordsburg Road between Maverick Road and Visalia Road, approximately 1,200 feet south of Maverick Road, Unincorporated Kenton County.

REQUEST: a proposed map amendment to the Kenton County Zoning Ordinance changing the described area from A-1 (an agricultural one zone) and R-1B (a single-family residential zone) to R-1C (PUD) (a single-family residential zone with a planned unit development overlay zone).

Staff presentation and Staff recommendations by Mr. Andy Videkovich.

*Mr. France recused himself from any consideration and voting on the following issue due to a conflict of interest.

NKAPC STAFF RECOMMENDATION:

To disapprove the proposed map amendment.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendations:

1. The proposed map amendment from A-1 and R-1B to R-1C (PUD), is not consistent with the Recommended Land Use Map of the 2001 Area Wide Comprehensive Plan Update which identifies the site in question for Residential Development at a density ranging from 2.0 dwelling units per net acre and under and Agricultural and Rural Uses.

The proposed R-1C (PUD) Zone will allow residential development to occur at a maximum density of approximately 3.5 dwelling units per net acre. As indicated on the submitted Stage I Development Plan, the density of the proposed development will be approximately 3.1 dwelling units per net acre.

2. The proposed map amendment from A-1 and R-1B to R-1C (PUD), is not consistent with the stated purpose of the PUD Overlay Zone:

“The purposes of the Planned Unit Development (PUD) Overlay Zone are to: promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in an harmonious fashion; provide for more usable and suitably located recreation facilities, other public and common facilities, than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.”

The proposed development will consist of a single land use (detached single-family dwellings) that will be generally on similar lot sizes. The submitted Stage I Development Plan does not provide for street extensions to the adjacent properties, provide access to the public open spaces, or provide sidewalks along Staffordsburg Road. This does not indicate a planned diversification in the relationships between the location of and types of uses and structures.

3. The proposed map amendment from A-1 and R-1B to R-1C (PUD), is not consistent with the following Goals and Objectives and Development Concepts, as contained within the text of the 2001 Area Wide Comprehensive Plan Update:

The type of development that should occur within an area should be based, in part, upon the unique characteristics of the development site and the character of adjacent development.

Such a concept would insure that the proposed development would be compatibly incorporated into the area and would enable the development to best utilize the area's existing features.

The density of development for undeveloped land should be based on considerations such as: (a) the density of adjacent developed areas, of which the undeveloped land would be a logical extension; (b) access to major transportation facilities; (c) the nature of adjacent activities; and (d) residential development in rural areas should be designed to maintain existing rural character of open space and the appearance of low density.

Such a concept would result in development which is compatible with surrounding land uses and which would not result in generating high volumes of traffic through low density areas.

To provide basic recreation and open space facilities and programs which are conveniently located and accessible to the population.

Effort should be made to provide for recreation and open space facilities which are both region oriented, containing a variety of active and passive recreation pursuits, and neighborhood oriented, which are primarily aimed at satisfying the day-to-day desires and needs of immediately surrounding residents.

To achieve the goals of this element without unduly disrupting the goals of other elements.

Effort should be made to ensure the incorporation of design for recreation and open spaces as an integral part of emerging urban development or redevelopment. Such effort should result in recreation and open space areas which complement and enhance surrounding development, rather than take on the appearance of appendages added out of necessity. Constant effort should be made to protect recreational areas from intrusion of other type uses so that they may continue to serve their intended function adequately.

Development on major arterial streets should incorporate adequately designed access controls.

Such a concept would aid in maintaining existing and projected roadway capacities, and would provide for safe vehicular and pedestrian movements.

The proposed development will be at a higher density than the surrounding area. Furthermore, the submitted development plan does not indicate that any of the proposed open spaces will be accessible to the residents of the PUD.

A development with 111 lots will have an affect on roadway capacity and safety. The submitted development plan does not indicate any roadway improvements to Staffordsburg Road or Taylor Mill Road.

4. The proposed map amendment from A-1 and R-1B to R-1C (PUD) does not meet the following minimum requirements of the Kenton County Zoning Ordinance:
 - a. Section 10.13, I., states that off-street parking shall be in accordance with Article XI of the Kenton County Zoning Ordinance. Section 11.2, K., requires that each

dwelling unit be provided with a minimum of two (2) off-street parking spaces. Insufficient information has been submitted to determine compliance with this regulation.

- b. Section 10.13, J., of the Kenton County Zoning Ordinance states that the location, height and type of all fences, walls and signs shall be as approved in the plan. Insufficient information has been submitted to determine compliance with these regulations.
- c. Section 10.13, L., of the Kenton County Zoning Ordinance sets forth regulations pertaining to common open spaces/recreation areas within the PUD Overlay Zone. At least twenty (20) percent of the total acreage of the PUD shall be retained as common open space/recreation areas. Such open spaces/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the PUD.

The submitted Stage I Development Plan indicates that the proposed common open spaces/recreation areas are approximately 6.8 acres, or approximately 14% of the total acreage of the PUD. Furthermore, the development plan does not indicate any public easements, trails, or other accommodations that will make the common open space readily accessible, available to, and usable by all residents of the PUD. The common open spaces/recreation areas do not meet requirements of the PUD regulations.

- d. Section 11.3, A., of the Kenton County Zoning Ordinance sets forth regulations pertaining to access control. At those access points where vehicles turning to and from the arterial and collector streets will affect the roadway capacity, reserved turn lanes shall be constructed by the developer. The two (2) access points serving 111 lots will affect roadway capacity and safety without provisions of a left turn storage lane. Insufficient information has been submitted to determine compliance with this regulation.
- e. Section 11.3, F., of the Kenton County Zoning Ordinance sets forth regulations pertaining to access onto arterial streets.
 - i. Section 11.3, F., 1., a., of the Kenton County Zoning Ordinance states that unsignalized access points along arterial streets shall be spaced a minimum distance of six hundred (600) feet apart. Lots 35 through 38 would have direct access onto Staffordsburg Road, which would not meet the spacing requirements for access points onto an arterial street.
 - ii. Section 11.3, F., 1., b., (1), of the Kenton County Zoning Ordinance states that access points onto local streets intersecting an arterial street shall be spaced a minimum distance of one hundred (100) feet, measured from point of curb return to point of curb return, from the arterial street. Lots 33 and 34 are the first lots off of Staffordsburg Road. The width of these lots would not meet the one hundred (100) foot spacing requirements on a local street that intersects with an arterial street.

5. Section 4.0, B., 1., of the Kenton County Subdivision Regulations requires the arrangement of streets in new subdivisions to make provisions for the proper continuation of existing streets in adjoining areas. The submitted Stage I Development Plan does not indicate any provisions for stub streets to the northeast, south, or west of the site in question.

Additional Information

1. Although the NKAPC staff is recommending disapproval of the proposed map amendment, if the Planning Commission or legislative body approves the map amendment, the following conditions should be included in that action:
 - a. That the parking requirements meet the regulations as set forth in Section 11.2 of the Kenton County Zoning Ordinance.
 - b. That all fences, walls, and signs meet the requirements of the underlying R-1C Zone.
 - c. That additional open space be added to meet the 20% open space requirement of the PUD Overlay Zone, and that all the open spaces/recreation areas be readily accessible, available to, and usable by all residents of the PUD through the use of trails, access easements, or other amenities.
 - d. That roadway improvements, such as left turn storage lanes and acceleration/deceleration lanes, be constructed at the entrances to the site in question on Taylor Mill Road and Staffordsburg Road.
 - e. That the appropriate spacing of the curb cuts for lots 33 through 38 be in accordance with the Access Control Regulations contained within the Kenton County Zoning Ordinance.
 - f. That street extensions be provided at:
 - i. The terminus of Street 'B' in the vicinity of lots 84 through 88, extending to the south; and
 - ii. The terminus of Street 'D' in the vicinity of lots 26 and 27, or from Street 'A' in the vicinity of lots 9 through 11, extending to the north.
 - g. That sidewalks be provided along the portion of Staffordsburg Road that is adjacent to the site in question.

Mr. Berling and Mr. Nageleisen registered to speak in favor of the issue. Mrs. Valerie Scheer, Ms. Kathy Donahue, Mr. Rosanne Lorenz, Mr. Charles Lorenz, Mr. Dottie Reel, Mr. Jim Habey (speaking for Brenda Bixler), Mr. Robert Hall and Ms. Madeline Ledford registered to speak against.

Mr. Berling addressed the Commission and stated Staff had a good presentation on the matter. He stated part of Mr. Nageleisen's purpose for the development is because of all that is going on in the area. He noted they fee there have been significant changes to the area to warrant the map

amendment. He further stated all homes would have full brick and the development will have designated open space. He additionally stated all the wiring will be underground. He then noted if approved the applicant is in agreement with all conditions with the exception of the road improvements. He stated they would like that approved by the Highway Department. Mr. Hilgefjord commented that the tradeoff in allowing PUD's is the green space and it's usually 20% useable. Green space. He noted this development has 14% designated for open green space. Mr. Berling then stated Staff looked at it and took the gross area vs. net which made somewhat of a difference.

Mr. Nageleisen addressed the Commission and stated he is a lifelong resident of Kenton County. He stated his family owns a significant portion of land in the area so he knows it well. He noted they have watched significant changes to the area take place. He further noted he is to do a class A development that will have decks looking down to the lake facility they propose to put in. He further noted they are looking at the whole area and would not live in the area without making it A+.

Ms. Scheer addressed the Commission and stated her family has lived in the area since the 1800's. She cited concerns with overcrowding the schools. Additional concerns were with the "s" curve in the road that is dangerous. She further noted there is a proposed road going right through the development but funding has not yet been approved. She stated the schools cannot handle the development and that schools are not being built quick enough in the area to handle all the development.

Ms. Donahue addressed the Commission and stated her home is right across from the development. Ms. Weldon then noted her letter submitted previously was marked as an exhibit and made a part of the record on the matter. She stated the impact on the area schools is a major concern. She stated there will also be a taxing of police and emergency agencies. She further stated she feels the area is changing without any real input from the citizens.

Ms. Lorenz addressed the Commission and stated she is concerned with when 536 goes through as to where it would come in the property. She stated the development is too saturated for the area. She noted additional concerns with storm water runoff in the area. She additionally noted she moved to the area for its rural nature and would hate to see all the green space go.

Mr. Lorenz addressed the Commission and stated he agrees with the comments stated previously. He stated he and his wife move to the area to get away from homes built one on top of the other and stated that is what will happen with this development.

Ms. Reel addressed the Commission and stated she agrees with the previous statements. She noted the density is unreasonable and that two per acre is sufficient. She stated there are too many homes per acre in the development.

Mr. Habey addressed the Commission on behalf of Brenda Bixler. He stated the concern was the right of way that was essentially made for a handful of houses and will now literally have a hundred cars a day going in front of it. He noted the traffic already heavy in the area and if the development goes through, you won't be able to use that part of road.

Mr. Hall stated that although the proposed changes to 536 aren't set in stone, it is the preferred change in the road. It was noted that when 536 comes through it will take up most of the green

space in the area. He then noted if approved, the tax payers will have to pay for the road improvements and there will be an increase in the cost because there will have to be a buyout of the homes to put in the road. He stated he doesn't understand why things are being approved when it's known that a road will be going through the area. He noted additional concerns with safety along Staffordshire Road. He further noted this type of zone is wrong for this type of development.

Mr. Ledford addressed the Commission and asked if the area needs all this development at the present time with all the development going on. He stated the access is not good for all these homes at the present time. He further noted if the development goes in the schools will have to catch up with the need.

Mr. Nageleisen addressed the Commission in rebuttal and stated he met with two different people as to the road widening and was told that the development will not effect the alignment of 536.

Mr. Wells stated the green space is about 1/3 less than what is usual and the density is about 60% more. Mr. Darpel asked if it might be beneficial to table the issue to gather more information on what the plan will be because the plan is going to be different based on the applicant. Mr. Berling stated they would be satisfied with tabling the issue to address some of the issues raised. Ms. Weldon then noted the Comprehensive Plan calls for 2.21 and the proposed plan calls for 3 per acre. A motion was then made by Mr. Hadley to table the matter per Mr. Berling's request for up to six (6) months. Ms. Hood seconded the motion. Mr. Darpel then stated his concerns with tabling the issue because the applicant could go through the hoops and then come back and the basis for approval might not be there. Following further discussion Mr. Berling stated they were fine with the tabling and consequences involved. A roll call vote on the matter found Mr. Hadley, Ms. Hood, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. Hilgford, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Marcum, Mr. Swanson and Mr. Wells in favor. Mr. Barnett, Ms. Carlin and Ms. Weldon voted against. Mr. France withdrew from any voting on the matter due to a conflict of interest. The motion carried with a vote of 14-3.

Old and Unfinished Business:

It was noted that elections would take place at next month's meeting and there will be write-ins available. Ms. Snyder stated Mr. Wessels had expressed an interest in running for chair and Mr. Ryan for treasurer.

Reports from Committees:

Subdivision Regulations Review – Nothing to report.

Comprehensive Plan Update – Ms. Weldon noted the next meeting would be on 12/13 at 6:30. It was noted a quorum and ten yes votes would be necessary for the plan update. No other action was taken.

By-Laws – No meeting held.

Model Zoning Ordinance – It was noted that no meeting will be held until January 16th.

Executive- Nothing to report.

Report from legal counsel – Nothing to report.

Announcements from Staff – Mr. Schwartz stated the APA Conference would be held in Pittsburgh April 14-18th. He stated they are trying to get a handle on how many will be attending. He then asked that those interested in going should contact Gail to let her know. He further noted the end-of-the-year party would be held December 18th at the Oriental Wok. He additionally stated the APA audio conference was held on 12/6 and it was the first of two parts. He stated it was very informative and well done. He noted the second part would be held on January 17th. For those who could not attend, he stated the audio would be available in 6-8 weeks.

Correspondence – None.

New Business: - None.

There being nothing further to come before the Commission, a motion was then made by Ms. Snyder and seconded by Mr. Ryan to adjourn. All in favor. None opposed. The meeting then adjourned at approximately 8:37 PM.

APPROVED:

Chair

Date