

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. Wells, Vice-Chairperson, called the meeting to order at 6:15 PM on Thursday, February 1, 2007, 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.

		2007											
Member	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mark Barnett	Taylor Mill	x	x										
Barbara Carlin	Kenton Co	x	x										
Barry Coates	Covington	x	x										
James Cook	Kenton Co	x	x										
Paul Darpel	Edgewood	x	x										
Chuck Eilerman	Covington	x	x										
Tom France	Ludlow	x	x										
Al Hadley	Elsmere	x	x										
David Hilgeford	Villa Hills	x	x										
Phil Ryan	Park Hills	x	x										
Maura Snyder	Independence	x	x										
Paul Swanson, Treasurer	Erlanger	x	x										
Joe Tewes	Bromley	x	x										
John Wells, Vice Chair	Fort Mitchell		x										
Bernie Wessels	Crescent Spgs	x	x										
Gil Whitacre	Lakeside Park	x	x										
Alex Weldon, Chair	Covington	x											
Lynne Hood	Crestview Hills	x	x										
Kent Marcum	Fort Wright	x	x										

Also present were Matthew Smith, Legal Counsel, and the following NKAPC staff: Michael Schwartz, AICP, Deputy Director for Current Planning.

AGENDA:

Mr. Wells noted a couple of changes would be noted under new business with regard to the agenda. A motion was made by Mr. Tewes and seconded by Mr. Hadley to approve. A roll call vote on the matter found all in favor. None opposed.

APPROVAL OF THE MINUTES:

The minutes for January were distributed in the Commissioner's packets. A motion was made by Mr. Hadley to approve. Mr. Tewes seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Tewes, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Marcum, Mr. Ryan, Ms. Snyder, Mr. Wessels, Mr. Whitacre, Mr. Swanson and Mr. Wells in favor. Mr. Hilgeford abstained. The motion carried.

FINANCIAL REPORT:

Mr. Hadley asked about the spelling out of expenditures. Mr. Swanson explained it was the calendar year vs. the fiscal year of expenses. A motion was then made by Mr. Hadley to approve and seconded by Mr. Wessels. A roll call vote on the matter found all in favor. None opposed. 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.

PUBLIC HEARINGS:

1858R

APPLICANT: Kenton County Fiscal Court per R. Scott Kimmich, Deputy Judge/Executive

LOCATION: an approximate 164.2-acre area formerly incorporated as the City of Latonia Lakes made up of the following seven areas:
Area A—an approximate 8.4 acre area located at the terminus of Clubhouse Drive;
Area B—an approximate 13.4 acre area located at the northwest corner of the intersection of Saylor's Creek with Klette Road;
Area C—an approximate 1.1 acre area located along the west side of Taylor Mill Road, across from Maple Road;
Area D—an approximate 2.8 acre area located at the northeast corner of the intersection of Saylor's Creek with Klette Road;
Area E—an approximate 64.2 acre area located along the north side of Klette Road, approximately 400 feet west of Saylor's Creek;
Area F—an approximate 74.3 acre area located along the south side of Lipscomb Road, approximately 200 feet east of Taylor Mill Road; and
Area G—an approximate 4.1 acre area located along the east and west sides of Taylor Mill Road, south of Lipscomb Road, in unincorporated Kenton County

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Taylor Mill Road, across from Maple Road;
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REQUEST: proposed map amendments to the Kenton County Zoning Ordinance transferring zoning jurisdiction from the now-dissolved City of Latonia Lakes to Kenton County Fiscal Court as follows:
Areas A and B—from R-RE (a residential rural estate zone) to R-RE;
Areas C, D, and E—from R-1C (a single-family residential zone) to R-1C;
Area F—from R-1E (a single-family residential zone) to R-1E; and
Area G—from LSC (a limited service commercial zone) and NC (a neighborhood commercial zone) to NC

Staff presentation and recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

Approval

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 R-RE Zone for Areas A and B are generally consistent with the Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026* which identifies these areas for residential development. While the proposed R-RE Zone for Areas A and B are not directly consistent with the comprehensive plan, it represents a continuity of zoning that existed prior to the dissolution of the city.
2. The proposed R-1C Zone for Areas C, D, and E are consistent with the Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026* which identifies the major portions of these areas for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre. The proposed R-1C Zone would allow single-family residential dwellings at a maximum density of 3.5 dwelling units per net acre. The proposed R-1C Zone also represents a continuity of zoning that existed prior to the dissolution of the city.
3. The proposed R-1E Zone for Area F is consistent with the Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026* which identifies the majority of this area for Residential Development at a density ranging from 4.1 to 7.0 dwelling units per net acre. The proposed R-1E Zone would allow single-family residential dwellings at a

maximum density of 5.8 dwelling units per net acre. The proposed R-1E Zone also represents a continuity of zoning that existed prior to the dissolution of the city.

4. The proposed NC Zone for Area G is consistent with the Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026* which identifies the northern portion of this area for Commercial – Retail/Service uses. The proposed NC Zone would allow the development of a variety of retail and service type businesses on a minimum lot area of 10,000 square feet. Since the Kenton County Zoning Ordinance does not contain an LSC Zone, the proposed NC Zone would provide a close continuity of zoning that existed prior to the dissolution of the city.

Mr. Wells noted two letters had been received on the issue from Mr. James R. Brown and Edna Catrell as well as from Ms. Rosell Brown with regard to the issue. Both were read into the record and marked as exhibits on the issue.

Ms. Ella Frye registered to speak in favor of the issue. Mr. Lance Wage registered to speak against. Mr. Don Schaler and Ms. Ruth Coomer registered to speak as neutral parties on the issue.

Ms. Ella Frye addressed the Commission and stated she was present on behalf of the property owners Mr. Brown and Ms. Catrell. She stated she was expressing their support of the issue. Ms. Frye further noted they have been property owners for 30 years in the area and support the issue.

Mr. Wade addressed the Commission and stated he wasn't exactly against the issue but wanted more clarification on the neighborhood commercial zone. He stated both his properties right now do not fall under the neighborhood commercial zone. He stated he wanted to make sure his property could continue to operate under the present use should he decide to sell the business at a later time. Mr. Schwartz then noted that no boundaries would be changed but the uses would change.

Mr. Schaler addressed the Commission and stated he had nothing to add.

Ms. Coomer addressed the Commission and stated she wanted to know if the roads would be fixed. Mr. Wells stated this was concerning zoning and issues with roads and the like needed to be addressed with the Fiscal Court.

A motion was then made by Mr. Wessels to approve the application based on Staff's recommendation and report. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Hadley, Mr. Barnett, Ms. Carlin, Mr. Coats, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Marcum, Mr. Whitacre, Mr. Swanson and Mr. Wells in favor. The motion carried unanimously.

1860R

APPLICANT: City of Covington, per Frank Warnock

REQUEST: proposed text amendments to the Covington Zoning Ordinance: deleting the VP-O (Viewshed and Hillside Protection Overlay Zone); adding hillside protection regulations as a general regulation; and, modifying the sign regulations by allowing for commercial and non-commercial messages.

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

Recommendation A: Approval of the proposed amendments deleting the VP-O (Viewshed and Hillside Protection Overlay Zone) and adding hillside protection regulations as a general regulation.

Recommendation B: Approval of the proposed amendment modifying the sign regulations by allowing for commercial and non-commercial messages.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

Recommendation A:

1. The proposed text amendments deleting the VP-O (Viewshed and Hillside Protection Overlay Zone) and adding hillside protection regulations as a general regulation are 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 amendments deleting the VP-O (Viewshed and Hillside Protection Overlay Zone) and adding hillside protection regulations as a general regulation are appropriate and reasonable.

Prior to the adoption of the current zoning ordinance, hillside protection requirements were part of the general regulations section of the ordinance. When the current Covington Zoning Ordinance was being developed, it was determined that there should be an overlay zone for hillside protection and viewshed protection. It was understood that the city would have to follow up with the appropriate mapping analysis to identify those areas that have steep hillsides and exceptional views. To date, that mapping analysis has not taken place. As a result, the city has no means of ensuring that development on its hillsides is done in a safe manner.

Until the mapping analysis is completed, the proposed text amendments will allow the city to regulate development on hillside areas, thus ensuring that such development is done in a safe manner.

Recommendation B:

1. The proposed text amendment modifying the sign regulations by allowing for commercial and non-commercial messages 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 sign regulations by allowing for commercial and non-commercial messages is appropriate in that it clearly states the intention of the sign regulations to regulate commercial and non-commercial messages equally.

Additional Information:

The proposed text amendments deleting the VP-O (Viewshed and Hillside Protection Overlay Zone) and adding hillside protection regulations as a general regulation (see Attachments A and B) does not preclude the city from doing the appropriate mapping analysis necessary to identify these critical areas. In fact, it is recommended that the city undertake such an effort. Upon completion of that analysis, it will be necessary for the city to submit a text and map amendment application to reinstate the Viewshed and Hillside Protection Overlay Zone.

Recommendation A: Approval of the proposed amendments deleting the VP-O (Viewshed and Hillside Protection Overlay Zone) and adding hillside protection regulations as a general regulation.

Mr. Frank Warnock and Ms. Sherry Karen registered to speak in favor of the issue. No one registered to speak against or neutral on the issue.

Mr. Warnock addressed the Commission and stated he is the city attorney for Covington. He stated he agreed with Staff's presentation. Mr. Warnock stated they are basically seeking a minimum of protection for the city. He stated the current wording is vague and overbroad. He further noted it is the city's intent to remap it but it is an ongoing process. Mr. Warnock stated signage ordinances are under attach as to how they are regulated. He noted the NKAPC has retained an attorney to look into the signage ordinances of the area.

Ms. Karen addressed the Commission and stated she is currently a Covington Commissioner but is a previous urban forester. She stated she is asking that the amendments be adopted as they are because of current conditions and concerns. She noted there was more protection under the hillside protection overlay zone but due to the immediate need to do something she is recommending that the amendments be adopted. She stated that the tree identification process really shouldn't be that difficult.

Following a brief discussion on the matter a motion was made by Mr. Eilerman as to the first element of the application adding hillside regulations as general regulations based on Staff's recommendations and report and analysis in the public hearing. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Barnett, Ms. Carlin, Mr. Coats, Mr. Cook, Mr. France, Mr. Hadley, Mr. Hilgefard, Ms. Hood, Ms. Snyder, Mr. Tewes, Mr. Marcum, Mr. Whitacre, Mr. Swanson and Mr. Wells in favor. Mr. Darpel, Mr. Ryan and Mr. Wessels voted against. The motion carried with a vote of 15-3. Mr. Eilerman then made a motion with regard to the second portion of the application as to signage recommending approval based on Staff's report and the Comprehensive Plan. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Hadley, Mr. Hilgefard, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Marcum, Mr. Whitacre, Mr. Swanson and Mr. Wells in favor. The motion carried unanimously.

Reports from Committees:

Subdivision Regulations Review –Nothing to report.

By-Laws – Nothing to report.

Model Zoning Ordinance – Nothing to report.

Executive- Nothing to report.

Report from legal counsel – Mr. Smith commented very briefly on pending issues pertaining to the Commission.

Announcements from Staff – Mr. Schwartz noted the continuing education conferences are free to commission members but registration is necessary.

Correspondence – None.

New Business:

Mr. Keith Logsdon commented briefly on the Dixie Fix study. He stated the study was done by OKI and that at next month's meeting there would be a little bit more formal review of the study itself. He noted the committee continues to meet. He noted this is a very long term project with some short term aspects. He further noted a more formal presentation would be presented at next month's meeting. Mr. Logsdon also commented on upcoming continuing education events scheduled for those interested in attending. He then distributed a handout of a core study being done for the City of Independence.

Mr. Wells noted if anyone needed to check their continuing education credits they should get with Mike Schwartz. He also noted if anyone was interested in attending the upcoming annual conference they should let Gail know by the end of the week.

There being nothing further to come before the Commission, a motion was then made by Ms. Snyder to adjourn. The motion was seconded by Mr. France. All in favor. None opposed. The meeting then adjourned at 8:14.

APPROVED:

Chair

Date