

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING**

**Minutes**

Ms. Weldon, Chairperson, called the meeting to order at 6:15 PM on Thursday, May 3, 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.

		2006											
Member	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mark Barnett	Taylor Mill	x	x	x	x								
Barbara Carlin	Kenton Co	x	x	x	x	x							
Barry Coates	Covington	x	x	x	x	x							
James Cook	Kenton Co	x	x	x	x	x							
Paul Darpel	Edgewood	x	x	x		x							
Chuck Eilerman	Covington	x	x	x	x	x							
Tom France	Ludlow	x	x	x	x	x							
Al Hadley	Elsmere	x	x	x	x	x							
David Hilgefurd	Villa Hills	x	x	x		x							
Phil Ryan	Park Hills	x	x	x		x							
Maura Snyder	Independence	x	x	x	x	x*							
Paul Swanson, Treasurer	Erlanger	x		x	x	x							
Joe Tewes	Bromley	x	x	x	x	x							
John Wells, Vice Chair	Fort Mitchell		x	x	x								
Bernie Wessels	Crescent Spgs	x	x	x		x							
Gil Whitacre	Lakeside Park	x	x	x		x							
Alex Weldon, Chair	Covington	x	x	x	x	x							
Lynn Hood	Crestview Hills		x	x	x	x							
Kent Marcum	Fort Wright			x	x*								

\*arrived after roll was taken.

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

**AGENDA:**

Ms. Weldon asked that item number 10 on the agenda be moved to the front of the agenda due to the fact that there was a paid consultant present pertaining to that matter. Mr. Wessels made the motion to have the item moved up the agenda. Mr. Whitacre seconded the motion. All in favor. None opposed.

**APPROVAL OF THE MINUTES:**

The minutes for April were distributed in the Commissioner’s packets. Mr. Eilerman noted there didn’t seem to be any action reflected in the minutes on one of the Covington issues. The approval of the minutes for April was postponed in order to check the record and make any necessary changes to the minutes for the April meeting.

**FINANCIAL REPORT:**

A motion was made by Mr. Hadley to approve as submitted. Mr. Swanson seconded the motion. All in favor. None opposed.

**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.

**Unfinished Business:** (moved from the end of the agenda)

Mr. Hiles stated he was going to hit the highlights and paraphrase what is in the report on the Kenton County Subdivision Regulations with regard to the Views Condominiums. He noted approval was granted to build 93 condos along Dixie Highway. He also noted the Commission requested the developer to install a left turn lane for the development. He further noted that the Dixie Fix study had been approved and therefore Staff was making a recommendation to the Commission to rescind the previous requirement due to the elements contained in the Dixie Fix. He further noted that further study was done and it was determined that no left hand turn lane was required. Mr. Wessels then made the motion to rescind the left turn lane requirement as well as the submitted information as recommended by Staff. Mr. Whitacre seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Whitacre, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefurd, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Swanson and Ms. Weldon in favor. The motion carried unanimously.

**PUBLIC HEARINGS:**

**1870R**

<b>APPLICANT:</b>	City of Covington per Frank Warnock
<b>LOCATION:</b>	An approximate 124 acre area located generally west of Wright Street and south of the Ohio River, encompassing the Botony Hills (formerly West Covington) neighborhood in Covington.
<b>REQUEST:</b>	A proposed map amendment to the Covington Zoning Ordinance changing the described area from RU-2 (an urban residential zone with a maximum density of 21.8 dwelling units per net acre) to RU-3.5 (an urban residential zone with a maximum density of 12.4 dwelling units per net acre).

Staff presentation and recommendations by Mr. Michael Schwartz.

**NKAPC STAFF RECOMMENDATION**

To approve the proposed map amendment from RU-2 to RU-3.5.

## **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 map amendment from RU-2 to RU-3.5 is consistent with the Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026*, which identifies the majority of the site in question for Residential Development at a density ranging from 7.1 to 14.0 dwelling units per net acre. The proposed RU-3.5 Zone will allow residential development at a maximum density of 12.4 dwelling units per net acre.
2. The proposed map amendment from RU-2 to RU-3.5 is appropriate. The existing RU-2 Zone allows residential development at a density of 21.8 dwelling units per net acre. An analysis of the site in question indicates that the greatest percentage of lots meet the minimum lot size of the RU-2 Zone, however, the average lot size meets the minimum requirements of the RU-5 Zone (a maximum density of 8.7 dwelling units per net acre). The proposed RU-3.5 Zone, allowing residential development at a density of 12.4 dwelling units per net acre, will provide for new and in-fill development that is more consistent with the existing development pattern than the existing RU-2 Zone.

Mr. Bales, Mr. Whalen and Ms. Burke registered to speak in favor of the issue. Mr. Fryman, Mr. Carl Fryman, Mr. West, Mr. Lantry registered to speak against the issue, Ms. Alice, Mr. LaMar, Ms. Cortoy and Ms. Geiger registered to speak as neutral parties on the matter.

Mr. Bales addressed the Commission and noted he was the Director of Code Enforcement for Covington and stated the city supports the map amendment. He stated he was available to answer any questions.

Mr. Whalen addressed the Commission and submitted a petition in support of the change. He stated the residents agree it would protect the neighborhood and preserve the environment. He stated he would have had a lot more signatures but a neighbor distributed a flyer against the issue. The petition was then submitted and marked as an exhibit and made a part of the record.

Ms. Bruegge addressed the Commission and stated she believes there is a lot of support to change the zoning. She stated parking is a terrible problem and it's difficult to get fire trucks and emergency vehicles through.

Mr. Fryman addressed the Commission and stated he objects because he thinks the petition is not a legal petition and thinks it is invalid. He cited additional complaints with the sideline setbacks.

Mr. Carl Fryman addressed the Commission and noted he spent his whole life on this particular street. He then noted it is not just a house, it's a lifetime in the area. He noted that if his home is destroyed, he cannot rebuild. He stated he would be in agreement if they had something in writing that he could rebuild and would be able to get insurance. Ms. Weldon then clarified that he could rebuild according to Staff and that he would just have to do so according to the new guidelines.

Mr. Bittlinger addressed the Commission and asked why this is happening only in the Botony Hills area and not in other areas. He stated he has a couple properties that he may want to develop later and is worried that he may not be able to do so as he would like with the new zoning.

Mr. Lantry addressed the Commission and stated he has been piecing property together for over 20 years. He stated he would like to keep the basic design and control. He then stated he feels they should just move on and keep Botony Hills best interest in mind.

Ms. LaMar addressed the Commission and stated she is not against or for, but she need to hear more about what's going on. She stated she was present to hear the comments only.

Mr. Geiger addressed the Commission and stated she came in wanting to hear more about eh issue. She stated she feels it is only in Botony Hills because of the access. She then stated this is prime riverfront property and she doesn't feel it is fair to the people living there. She further noted she is 100% opposed to the zone change after hearing the previous statements. She noted it obviously cannot be the majority if 50% of the homes will be non-conforming.

Mr. Hilgefurd stated he feels this is spot zoning. Mr. Wessels stated he feels this needs to possibly be more closely looked at because it is pitting neighbor against neighbor which is not good. Ms. Weldon stated there are things wrong with the zone change but what is right about the zone change is that the density as it stands is very high and is above what the comprehensive plan states for the area. Mr. Eilerman noted as he has a property that would be affected by the zone change he should abstain from any consideration and voting on the matter. He also recommended possibly tabling the matter to research it further. Mr. Hilgefurd then made the motion to approve based on Staff's recommendations and the testimony heard. Mr. Hadley seconded the motion. A roll call vote on the matter found Mr. Hilgefurd and Mr. Hadley in favor. Ms. Carlin, Mr. Cook, Mr. Darpel, Mr. France, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Swanson and Ms. Weldon against. Mr. Eilerman abstained. The motion failed. Mr. Hilgefurd then made a motion to disapprove based on the testimony heard. Mr. Ryan seconded the motion. A roll call vote on the motion found Mr. Hilgefurd, Mr. Ryan, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Wessels and Mr. Whitacre in favor. Mr. Darpel, Mr. France, Mr. Hadley, Ms. Hood, Mr. Tewes, Mr. Whitacre and Ms. Weldon against. Mr. Eilerman abstained. The motion resulted in a tie vote. Mr. Schwartz then noted in the case of a tie vote the Commission could reconsider the issue within 30 days or sooner if the Commission desired to do so. Mr. Darpel then made the motion to approve based on a recommendation that an additional recommendation be made that grandfathering residences be made and the side yard setbacks be clarified to average the same as the back yard setbacks. Mr. Eilerman noted he didn't feel that it was wise to approve with all the additional comments. Counsel then stated the approval cannot be conditioned upon a future text amendment and that it should rather be denied and the reasons for denial stated. Mr. Darpel and Ms. Hood then both withdrew their motion. Mr. Hadley then made the motion to table the matter. Following additional discussion on the matter Mr. Darpel made the motion to disapprove based on the testimony and for the reasons the Commission would like to see a grandfathering of current structures and that the average side yard setbacks be considered as the same as the back yard setbacks. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Darpel, Mr. Ryan, Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hadley, Ms. Hood, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Swanson and Ms. Weldon in favor. Mr. Hilgefurd voted against. Mr. Eilerman abstained. The motion carried with a vote of

13-1-1.

\*\*At this time (7:40 p.m.) a five minute break was taken

\*Ms. Snyder arrived.

**1871R**

**APPLICANT:** Therese E. Humpert

**LOCATION:** an approximate 4 acre area located approximately 300 feet northwest of the end of Red Bud Drive in Taylor Mill

**REQUEST:** a proposed map amendment to the Taylor Mill Zoning Ordinance changing the described area from R-2 (an attached single-, two-, and multi-family residential zone with a maximum density of 14.0 dwelling units per net acre) to R-1C (a single-family residential zone with a maximum density of 3.5 dwelling units per net acre)

**NKAPC STAFF RECOMMENDATION**

To approve the proposed map amendment from R-2 to R-1C.

**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 map amendment from R-2 to R-1C is consistent with the following Development Concept, as contained within the Land Use Plan Element of the *Comprehensive Plan Update 2006-2026*:

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) the unique characteristics of the development site. (e) 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.

The site in question is adjacent to, and can have the same access as, other existing single-family residential dwellings.

2. The existing R-2 Zone is inappropriate and the proposed R-1C Zone is appropriate. Topographically, the site is oriented either to the northwest, towards the existing shopping center, or to the southeast, towards the existing single-family residential dwellings. Given the existing design of the shopping center, it is unlikely that additional commercial development would occur from that direction. Since access from the existing

multi-family residential complex along Old Taylor Mill Road, or the vacant multi-family parcel along Old Taylor Mill Road is problematic, the only reasonable access to the site in question is from the existing single-family residential area along Red Bud Drive. As such, the proposed R-1C Zone would allow development of single-family residential dwellings at a density that is consistent with that found along Red Bud Drive.

Mr. Humpert and Ms. Linda Verst registered to speak in favor of the issue. Ms. Jill Bailey registered as a neutral party. No one registered to speak against.

Mr. Humpert addressed the Commission and stated they are the owners of the property and would like to sell the property to Ms. Verst so she can do with it as she wants. He stated he is asking that the Commission approve the issue.

Ms. Verst addressed the Commission and stated her husband built their home and the Humpert's home as well as the Humpert's daughter's home. She stated she would like to build a smaller ranch home now that her husband is deceased and her children are grown. She then noted both of her neighbors bought the back of their property from Mr. Humpert to keep the commercial property from developing any closer to their homes. She stated she would like to keep the area residential. A motion was then made by Mr. Hadley to approve based on Staff's report. Mr. Eilerman seconded the motion. A roll call vote found Mr. Hadley, Mr. Eilerman, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Wessels, Mr. Whitacre, Mr. Swanson and Ms. Weldon in favor. The motion carried unanimously.

### **Old and Unfinished Business:**

See above with regard to unfinished business. Mr. Ryan asked about old business concerning the status of the lawsuit involving the Commission. Mr. Smith stated that Mr. Edmondson was appealing the court's decision on the matter but that there was nothing new to report.

### **New Business:**

An update was given on the I-275 Land Use Study. It was noted a vigorous schedule and they are looking to submit an application for a public hearing for the July meeting.

### **Reports from Committees:**

*Subdivision Regulations Review* –Nothing to report.

*By-Laws* – Nothing to report.

*Model Zoning Ordinance* – It was noted a meeting would be held prior to the trip to Pennsylvania.

*Executive*- Ms. Weldon noted a \$100 donation was made to Hospice in memory of Mrs. Schneider.

*Report from legal counsel* – Mr. Smith thanked the Commission for the cards and support on behalf of Mr. Schneider on his wife's passing. He noted it was much appreciated.

*Announcements from Staff* – Mike asked that those with manila folders at their seats to please not leave those behind.

*Correspondence* –None.

**New Business:** *None.*

There being nothing further to come before the Commission, a motion was then made by Ms. Hood to adjourn. The motion was seconded by Mr. France. All in favor. None opposed. The meeting then adjourned at 8:05 p.m.

APPROVED:

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Chair

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Date