

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING**

**Minutes**

Ms. Weldon, Chair, called the meeting to order at 6:15 PM on Thursday, October 4, 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.

Member	Jurisdiction	2007											
		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		
Barbara Carlin	Kenton Co	x	x	x	x	X	X	X	X	X	X		
Barry Coates	Covington	x	x	x	x	X	X	X	X	X	X		
James Cook	Kenton Co	x	x	x	x			X	X	X			
Paul Darpel	Edgewood	x	x	x	x	X	X	X	X	X	X		
Chuck Eilerman	Covington	x	x	x	x	X	X	X	X	X	X		
Tom France	Ludlow	x	x	x	x	X		X	X	X	X		
Al Hadley	Elsmere	x	x	x	x	X	X	X	X	X	X		
David Hilgefurd	Villa Hills	x	x	x		X			X	X	X		
Phil Ryan	Park Hills	x	x	x	x	X	X	X	X	X	X		
Maura Snyder	Independe nce	x	x	x	x	X	X	X	X	X			
Paul Swanson, Treasurer	Erlanger	x		x		X	X	X	X	X	X		
Joe Tewes	Bromley	x	x	x	x	X	X	X	X	X			
John Wells, Vice Chair	Fort Mitchell		x	x	x	X		X	X		X		
Bernie Wessels	Crescent Spgs	x	x	x	x	X	X		X	X	X		
Gil Whitacre	Lakeside Park	x	x	x	x	X	X	X	X		X		
Alex Weldon, Chair	Covington	x	x	x		X	X	X	X	X	X		
Lynn Hood	Crestview Hills		x	x	x	X		X		X	X		
Kent Marcum	Fort Wright	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; Melissa Jort-Conway, AICP, Senior Planner; and Andy Videckovich, Associate Planner.

**AGENDA:** A motion was made by Mr. Wessels to approve the agenda and seconded by Mr. Wells. All in favor. None opposed.

**APPROVAL OF THE MINUTES:**

Mr. \_\_\_\_ noted on page 18 of the minutes for September he was listed as voting in favor and he was not present. Mr. Matt Smith noted that under executive session KRS 61.810(1)(c) and 61.810(1)(cf) needed to be spelled out. A motion was made by Mr. Swanson and seconded by Mr. Eilerman to approve. Mr. Whitacre abstained. All in favor. None opposed.

**FINANCIAL REPORT:**

There being no questions or comments with regard to the financial report. All in favor. None opposed.

**ACTIONS SINCE LAST MEETING:**

The memorandum regarding the subdivision actions taken by Staff over the past month was distributed for informational purposes only. There were no questions or comments.

**PUBLIC HEARINGS:**

**1891R**

**APPLICANT:** HW Architects, per Rick Wolnitzek, on behalf of The Sisters of Notre Dame

**LOCATION:** an approximate 1.5 acre area located on the north side of I-71/75, approximately 550 feet east of Wright Summit Parkway in Fort Wright

**REQUEST:** a proposed map amendment to the Fort Wright Zoning Ordinance changing the described area from PO-1 and PO-3 (professional office zones) to R-1FF (a single-family and two-family residential zone with a maximum density of 7.3 to 9.7 dwelling units per net acre)

Staff presentation and Staff recommendations by Mr. Andy Videckovich.

**NKAPC STAFF RECOMMENDATION**

To approve the proposed map amendment from PO-1 and PO-3 to R-1FF

**Comprehensive Plan Documentation:**

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

**Supporting Information/Bases For NKAPC Staff Recommendation:**

1. The current zoning on the site in question of PO-1 and PO-3 is inappropriate and the proposed zone of R-1FF is appropriate.

The site in question has been purchased, or is in the process of being purchased by The Sisters of Notre Dame to be used in conjunction with the adjacent Notre Dame Academy school. It is appropriate for property under common ownership and with similar uses to be zoned consistently. Therefore, the zoning of R-1FF is a logical extension of the existing R-1FF Zones to the north and south of the site in question.

Mr. Rick Wolnitzek and Sr. Bankemper registered to speak on the issue. No one registered to speak against or neutral on the issue.

Mr. Wolnitzek addressed the Commission and stated the reason for the zone change request is there is a planned addition to the school and part of that addition will lie on the proposed property. He noted they wanted to get the zoning in order prior to moving forward.

Mr. Darpel made the motion to approve based on Staff's report and the evidence submitted. Mr. Barnett seconded the motion. A roll call vote on the matter Mr. Darpel, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hadley, Mr. Hilgefard, Ms. Hood, Mr. Ryan, Mr. Wessels, Mr. Whitacre, Mr. Marcum, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. The motion carried unanimously.

**1892R**

**APPLICANT:** City of Independence per Patricia H. Taney  
**REQUEST:** a proposed text amendment to the Independence Zoning Ordinance modifying the sign regulations for businesses within the NC (neighborhood commercial) Zone. The proposed text amendment would allow any business within the NC Zone to install a 60 square foot, 10 foot high, ground sign (class 7).

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

## **NKAPC STAFF RECOMMENDATION**

To disapprove the proposed text amendment modifying the sign regulations for businesses within the NC (neighborhood commercial) Zone.

### **Comprehensive Plan Documentation:**

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

### **Supporting Information/Bases For NKAPC Staff Recommendations:**

1. The proposed text amendment is not consistent with the majority of other zoning ordinances used throughout Kenton County. Such an inconsistency would alter the uniformity one sees in the built environment.
2. The existing regulations provide for reasonable signage within the city. The city of Independence is located within the center portion of the county. The city of Independence is not adjacent to any interstate highway traffic. Additionally, those areas that are currently zoned NC are located adjacent to arterial and collector roadways with posted speed limits ranging from 35 to 45 miles per hour. Given the rural and suburban character of the city, facade signage for individual businesses within the NC Zone is reasonable and appropriate.
3. The proposed text amendment will contribute to the proliferation of signage along the city's roadways. The current regulation would allow a shopping complex of three businesses, having 210 feet of roadway frontage, to have one (1) class 7 sign. The NC Zone has a minimum lot width requirement of 70 feet. This same 210 feet of roadway frontage for three individual businesses, meeting the minimum lot width requirements, would be allowed three (3) class 7 signs. This is an increase of 200% of the number of signs that could be allowed along the roadway.
4. The proposed text amendment is not consistent with the comprehensive plan. Four of the eight areas within the city that are currently zoned NC, are located within the Special Development Area of the *Independence Community Small Area Study*. This study, which has been incorporated into the comprehensive plan, places a strong emphasis on providing pedestrian oriented/pedestrian scale commercial developments. This scale and type of development would not necessitate the need for additional free-standing signage.
5. Given the fact that the NKAPC is currently working with a consultant to assist it in updating the model sign ordinance provisions and that this work is

anticipated to be completed by December 2007, the proposed text amendment is premature. It is more appropriate to wait until the proposed update is complete.

No one registered to speak for, against or neutral on the issue.

Mr. Eilerman asked Staff what the reason was behind the request. Mr. Schwartz stated it was his understanding that a business was wanting to go in on the southeast corner across from Kroger which prompted the request.

A motion was made by Mr. Hilgefurd to disapprove based on Staff's recommendations. Mr. France seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. France, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. Hadley, Ms. Hood, Mr. Ryan, Mr. Wessels, Mr. Whitacre, Mr. Marcum, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. The motion carried unanimously.

**1893R**

**APPLICANT:** City of Crescent Springs, per Joseph L. Baker, Associate City Attorney

**REQUEST:** a proposed text amendment to the Crescent Springs Zoning Ordinance amending the LHS Zone to define a carry out restaurant for the purposes of determining the required amount of off-street parking.

Staff presentation and Staff recommendations by Mr. Andy Videckovich.

**NKAPC STAFF RECOMMENDATION**

To disapprove the proposed text amendment

**Comprehensive Plan Documentation:**

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

**Supporting Information/Bases For NKAPC Staff Recommendations:**

1. The proposed text amendment defining restaurants that are located in the LHS (Limited Highway Service) Zone which derive more than sixty percent (60%) of their gross sales revenue from sales through a drive-thru facility in the restaurant, shall be considered carry out restaurants for the purposes of calculating the required number of off-street parking spaces for such restaurants, is not a uniform regulation. Eating and drinking establishments, including restaurants, are permitted in a variety of other commercial and mixed use zones.

The proposed text amendment would only apply to restaurants within the LHS Zone.

2. Using the term “more than sixty percent (60%) of their gross sales revenue from sales through a drive-thru facility in the restaurant,” results in several issues pertaining to the administration of the proposed regulation: 1) the application of the proposed regulation has to rely on third party data, of which there is no way of verifying the accuracy of such data; 2) the actual gross sales revenue can change as the demand for services change; and 3) the number of required off-street parking spaces is reviewed during the permit stage, before the facility is open. Prior to the facility opening (i.e., at the permit process), there is no way to validate that more than sixty percent (60%) of its gross sales are actually derived from the drive-thru facility. Furthermore, once a facility is approved through the permit process, there is no way to retroactively change the parking requirements for a restaurant that does not derive sixty percent (60%) of its gross sales from the drive-thru.

Mr. Ray Riska and Mr. Jim Collett registered to speak in favor of the issue. No one registered to speak against or neutral on the issue.

Mr. Riska addressed the Commission and stated the text amendment was generated to allow McDonalds to rebuild their restaurant on Hazelwood. He stated they worked with the city of Crescent Springs on the issue. He stated the code requires they have 94 parking spaces and when the restaurant was built there were 55 parking spaces. He stated when rebuilt the new restaurant would have 56. He noted the size of the restaurant will be reduced as well as the number of seating. Mr. Wessels stated he thinks this is a good idea; however, the Commission still needs to follow the guidelines of the zone.

Mr. Collett addressed the Commission and stated McDonalds has been discussing the issue for a number of weeks. He stated they are looking into putting in 2 million into the new building. He noted he feels McDonalds is doing something favorable for the city. He stated Crescent Springs is one of the first rest stop exits into the area. He noted his concern is if McDonalds is allowed to do this it will open up a can of worms for other businesses in the area. He did note it is positive for the city and deserves a positive note.

Mr. Hilgefurd suggested making a recommendation to the city and letting them handle it. Mr. Riska distributed a handout regarding the development of McDonalds which was marked as an exhibit and made a part of the record on the matter. Mr. Wessels stated he would like to see a recommendation come from the Commission the city can work with. He then made the motion to approve as submitted based on the testimony submitted with an additional comment that the city could come back with a request for an alternative parking arrangement. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. Wessels, Mr. Barnett, Mr. Coates, Mr. Eilerman, Mr. Hilgefurd,

Ms. Hood, Mr. Whitacre, Mr. Marcum and Mr. Swanson, in favor. Ms. Carlin, Mr. Darpel, Mr. France, Mr. Hadley, Mr. Ryan, Mr. Wells and Ms. Weldon voted against. The motion carried with a vote of 9-7.

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

#### **Reports from Committees:**

*Subdivision Regulations Review* – Nothing to report.

*Comprehensive Plan Update* – Nothing to report.

*By-Laws* – Mr. Wells noted the By-Laws committee met and discussed the timing different groups are permitted to speak at the public hearings. He stated due to due process the chair should be able to limit and control how long a person can speak on an issue.

*Model Zoning Ordinance* – Nothing to report.

*Executive*- Ms. Weldon discussed the matter discussed during executive session was brought up. The subject was small area studies and how the Commission reviews small area studies. It was stated before contacting Bill Goetz she decided to contact legal counsel on the matter. Mr. Smith suggested maybe Staff could provide these studies at a separate meeting where the Commission would have more time to review them and not feel so pressed to review them at the meetings. He stated these were just suggestions. Ms. Weldon further noted it was a good idea for the Commission to attend some of the informational meetings on these studies so there are no surprises that come up at the meetings. Mr. Schwartz stated the small area studies are coming out of the long range planning department. He stated Staff is not hired by the city to do a study; they have agreed to do the study. He stated they have agreed to a process and a scope of work. Mr. Marcum stated he doesn't see a problem with it unless an individual is receiving money.

*Report from legal counsel* – Nothing to report.

*Announcements from Staff* – An update was distributed on the Linden Gateway Small Area Study with details of the study and how it is progressing. Sharmili Sampath stated they hope to post information on the website next week. She further noted they intend to send these updates to the Commissioners as well as the committee leaders. She stated if anyone had any suggestions on how they could better inform the Commissioners on the small area studies to please let them know. Melissa Conway spoke with regard to the Madison Avenue District. She noted it is not a small area study but a review of the buildings, lighting, accident reports, streets, etc. in the area. She stated they have an advisory committee with various representatives. She further stated they are looking at the streetscape standards and once that is done they will begin looking at building

standards. She then noted they have until July 18 of 2008 to finish but they have a lot of work to do on the project.

*Correspondence* - None.

New Business: - None.

**Public Comments:**

Mr. John Pohlgeers addressed the Commission and stated he was referred to speak by legal counsel. He addressed the Commission with regard to a problem in his city concerning a drainage issue. Ms. Weldon then stated the Commission has absolutely no jurisdiction over Villa Hills because the city does not have the planning staff oversee their building codes. He stated he has spent a considerable amount of time, money and effort on his drainage issue problem. He further stated it seems unfortunate that a citizen cannot get any recourse with a problem they are having with the city.

There being nothing further to come before the Commission, a motion was then made by Mr. Swanson and seconded by Ms. Hood to adjourn. All in favor. None opposed. The meeting then adjourned at approximately 8:21 p.m.

APPROVED:

---

Chair

---

Date