

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING**

**Minutes**

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

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		
Barbara Carlin	Kenton Co	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	
James Cook	Kenton Co	X	X	X	X	X		X		X		X	
Paul Darpel	Edgewood	X	X		X	X	X		X	X	X	X	
Chuck Eilerman	Covington	X	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	X	
David Hilgefurd	Villa Hills		X	X		X			X	X	X	X	
Phil Ryan	Park Hills	X	X	X		X	X			X	X	X	
Maura Snyder	Independence	X	X	X	X		X	X	X	X			
Paul Swanson, Treasurer	Erlanger	X		X	X	X	X		X	X	X	X	
Joe Tewes	Bromley	X	X	X	X	X	X	X	X	X		X	
John Wells, Vice Chair	Fort Mitchell	X	X	X	X			X	X	X	X	X	
Bernie Wessels	Crescent Spgs	X	X	X		X	X	X	X		X		
Gil Whitacre	Lakeside Park	X	X			X	X	X	X		X		
Alex Weldon, Chair	Covington	X	X	X	X	X	X	X		X	X	X	
Lynn Hood	Crestview Hills	X	X		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, and Scott Hiles, Deputy Director for Infrastructure Planning...

**AGENDA:** Ms. Weldon asked for a verbal vote on approval of the agenda. All in favor. None opposed.

**APPROVAL OF THE MINUTES:**

It was noted that Mr. \_\_\_\_\_ was listed as having been in attendance when in fact he was not present. Additionally, Mr. Smith, legal counsel, noted that under the statutory reference the letter (c) should be removed and that only (f) should remain in the reference. A motion was then made by Mr. Hadley to approve as amended and seconded by Mr. Hilgefurd. All in favor. None opposed.

**FINANCIAL REPORT:**

There were no questions or comments with regard to the financial report. A motion was made by Mr. Swanson to accept. Mr. Eilerman 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.

**PUBLIC HEARINGS:**

**1895R**

**APPLICANT:** City of Covington, per Jay Fossett

**LOCATION:** Area A is an approximate 0.4 acre area located at the terminus of Monroe Street and Area B is an approximate 0.6 acre area located along the south side of West 15<sup>th</sup> Street, extending between Jefferson Avenue and Euclid Avenue in Covington

**REQUEST:** Proposed map amendments to the Covington Zoning Ordinance changing the two described areas from RU-2 (an urban residential zone with a maximum density of approximately 22 dwelling units per net acre) to CO-5A (a commercial – office zone with a development intensity of 5 and an auto character standard)

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

**NKAPC STAFF RECOMMENDATION**

To approve the proposed map amendments from RU-2 to CO-5A.

**Comprehensive Plan Documentation:**

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

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

1. There have been major changes of an economic and physical nature within the area that were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area.

Access to the area north of Areas A and B is to be provided by a new public two lane roadway, extending south from 12<sup>th</sup> Street. This roadway is being paid for by the State of Kentucky and St. Elizabeth Medical Center. Completion is anticipated by November 2007. When the comprehensive plan was adopted in December 2006, it was not known if this roadway was going to be constructed. With funding in place, several structures have been demolished for the construction of the roadway.

St. Elizabeth Medical Center, or one of its affiliated entities, has begun to acquire properties within Areas A and B. It is anticipated that such acquisition efforts will continue.

2. With the acquisition efforts of several properties within Areas A and B, by St. Elizabeth Medical Center, or one of its affiliated entities, it is reasonable to have the development within Areas A and B to be the same as that anticipated within the existing CO-5A Zone, located to the north of Areas A and B. Therefore, the proposed map amendments for Areas A and B are a logical extension of the existing CO-5A Zone.

**Additional Information:**

1. During the commencement of the *Linden Gateway Small Area Study*, it was anticipated that the plans for the new medical facility would be finalized prior to the preparation of recommendations for the study. The NKAPC staff is finalizing the first part of this study which is the collection of existing data and background information. The task force for this small area study will begin discussion of recommendations in November 2007. It is anticipated that this study will be completed in the summer of 2008. While this map amendment application, and the previous request, represent logical extensions of the existing CO Zone, future map amendment applications would hinder the process of formulating recommendations that are to be contained within the *Linden Gateway Small Area Study*.

Ms. Melvin registered to speak in favor of the issue. No one registered to speak against or neutral on the issue.

Ms. Melvin addressed the Commission and stated the City of Covington supports the amendment. She noted St. Elizabeth is to be closing on additional properties this week. She further stated she understands there will be additional properties being closed on.

A motion was then made by Mr. Hilgefurd to approve based on Staff recommendations and the testimony heard on the issue. Mrs. Hood seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Ms. Hood, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. Hadley, Mr. Ryan, Mr. Swanson, Mr. Tewes and Mr. Wells in favor. Ms. Weldon voted against. The motion carried.

**1896R**

**APPLICANT:** City of Erlanger per Mark Stewart, Codes Administrator  
**LOCATION:** An approximate 82 acre area located along the north and south sides of Dolwick Drive, west of Erlanger-Crescent Springs Road in Erlanger  
**REQUEST:** A proposed map amendment to the Erlanger Zoning Ordinance changing the described area from IP-1 (an industrial park zone) to BP-1 (a business park zone)

Staff presentation and Staff recommendations by Mr. Michael Schwartz.

**NKAPC STAFF RECOMMENDATION**

To approve the proposed map amendment from IP-1 to BP-1.

**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 IP-1 to BP-1 is consistent with the Land Use Plan Element of the *Comprehensive Plan Update 2006-2026*, which identifies the site in question for Industrial uses and PRDA. The proposed BP-1 Zone will allow the development of traditional industrial uses (i.e., manufacturing, warehousing, and processing) along with other uses (i.e., retail, service, public, and semi-public) which serve to supplement the needs of the area labor force.
2. The proposed map amendment from IP-1 to BP-1 is reasonable and appropriate. The area located to the west of the site in question is currently zoned BP-1. The proposed map amendment will provide for a consistent development pattern along the entire length of Dolwick Drive.

\*Mr. Tewes recused himself due to a possible conflict of interest.

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

A motion was then made by Mr. Hadley to approve based on Staff's report. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Hadley, Mr. Ryan, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. Hilgefurd, Ms. Hood, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. Mr. Tewes did not vote. The motion carried.

### **W-664**

**LOCATION:** an approximate 37-acre area located along the west side of Old Madison Pike, approximately 0.5 miles south of Helen Ruth Drive in Fort Wright.

**REQUEST FOR ACTION:** to grant a waiver to Section 5.3 of the Kenton County Subdivision Regulations; granting the request would permit a four-foot wide sidewalk along the south side of Williams creek Way from the entrance to the subdivision to the intersection of Dorisway Drive instead of the required five-foot sidewalk (a portion of this four-foot wide sidewalk has been constructed already).

Staff presentation and Staff recommendations by Mr. Scott Hiles.

### **NKAPC STAFF RECOMMENDATION**

To grant the requested Waiver to Section 5.3 and allow a four-foot wide sidewalk along the south side of Williams creek Way from the entrance to the subdivision to the intersection of Dorisway Drive.

### **Basis:**

That strict compliance with these regulations would create an extraordinary hardship in the face of exceptional conditions.

230 feet of four foot wide sidewalk has already been constructed along Williams creek Way. The construction of an additional 140 feet of four foot wide sidewalk along Williams creek Way would allow the four foot wide sidewalk to extend to the nearest intersection and begin transitioning to the required five foot wide sidewalk. The single section of four foot wide sidewalk along Williams creek Way should not significantly affect pedestrian circulation.

However, requiring the removal and replacement of the existing four foot wide sidewalk would affect adjacent concrete flatwork by requiring the removal and replacement of the concrete aprons and driveways serving multiple residences that otherwise are not in need of replacement.

Mr. Hiles gave a brief overview of the issue. Staff was recommending the waiver because strict compliance would create an extraordinary hardship in the face of exceptional conditions. Ms. Weldon marked a letter from the City of Ft. Wright as an exhibit to be made a part of the record. Mr. Mark Shoemaker registered to speak in favor of the issue. No one registered to against or neutral on the issue.

Mr. Shoemaker addressed the Commission on behalf of Jackson Homes. He stated they were under the impression that a four feet sidewalk was what was supposed to be put in on that side. He stated they were incorrect and that is the reason for the waiver request. He noted they were asking for the waiver so they do not have to tear out all new concrete and replace landscaping.

A motion was then made by Mr. Hilgefurd to approve the waiver, based on the fact that strict compliance would create an undue hardship. Mr. Cook seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Cook, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. Hadley, Ms. Hood, Mr. Wells, and Ms. Weldon in favor. Mr. Ryan, Mr. Tewes and Mr. Swanson voted against. The motion carried with a vote of 9-3.

#### **W-669**

**LOCATION:** Whitehouse Drive; located on the east side of Dixie Highway immediately north of Interstate 275, opposite Lookout Farm Drive in Crestview Hills.

**REQUEST FOR ACTION:** to grant a waiver to Section 4.6 of the Kenton County Subdivision Regulations; granting the request would allow seven residences to be served by Whitehouse Drive (a private drive) instead of the permitted maximum of four.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

#### **NKAPC STAFF RECOMMENDATION**

To deny the requested Waiver to Section 4.6 and limit the number of residences served by Whitehouse Drive to a maximum of four.

#### **Bases:**

1. Kenton County Subdivision Regulations Section 4.6 state: "Private driveways serving more than four (4) lots shall be redesigned as a Private Street or Public Street in accord with these regulations."
2. The modifications, as requested, do not include the findings necessary to grant waivers to the regulations as set forth within Section 6.5 A, or B, or C, or D.
3. The three lots in question contain frontage along the public street, Rose Terrace. Whitehouse Drive is not the only option to access these lots. The alternative to granting a waiver would be to require that the three lots be accessed via Rose Terrace.

Ms. Linda Cochran registered to speak in favor of the application. No one registered to speak against the issue. Mr. Paul Minares registered to speak as a neutral party on the issue.

Ms. Cochran addressed the Commission and stated one of the homes being served is also accessed by a public drive. She noted when they acquired the property they felt it was a very unique property with many mature trees. She stated the way it was developed allowed for those trees to remain. She noted they spend tens of thousands of dollars redoing the lake and improving the dam. She noted they are widening the first 175 feet of the drive to 20 feet wide and blacktopping it and intend to widen the rest of the drive to 14 feet and then black top it. She further stated they intend to have driveways accessed off Whitehouse Drive that would have a condition that driveways have a pullover so the residents would not be allowed to park in so the street could become passable by two cars by pulling off onto the driveways that they are proposing off Whitehouse Drive. She stated if the driveways have to come off of Rose Terrace they feel its going to diminish property values. She additionally noted if they have to access off of Rose Terrace they will have to sacrifice the integrity of the property because they are going to have to sacrifice some trees. She stated they have laid out the lots in such a manner to not have to sacrifice very many trees at all. She further noted they even turned down a lot sale because they wanted to tear down one of the largest tulip trees in Northern Kentucky so the integrity of the property is really important. She stated they feel accessing off Rose Terrace would in fact sacrifice the integrity of the property. She further noted they are making a lot of improvements to Whitehouse in order to make it passable. He noted if this doesn't go through, an alternative would be to make Whitehouse a public street and in that case, the trees will be wiped out.

Mr. Minares addressed the Commission and stated the city is pleased some re-development is happening between Rose Terrace and Whitehouse. He stated for years residents have called about problems with the lake and the dam leaking and this development is improving that so the city is very, very grateful for that. He stated he would like to say the city doesn't see a problem with it but he is afraid of the precedent it will set. He stated he firmly believes there should be some limits so they make sure it doesn't happen in other places. He stated the city is served by many private drives and the question is whether they can get this private drive to subdivision regulations. He further stated he feels it is important to keep the residential character. He stated he is happy to hear there is a maintenance agreement on the road, dams and potentially the lake. He noted from the beginning he has told Tim Burke that it needed to meet subdivision regulations. However, when the other issues are looked at he wants to make sure Whitehouse Drive is improved. He stated if everything was accessed from Rose Terrace, he doesn't think Whitehouse Drive would get improved and they would without an agreement and something will happen to the dam at some point in time. Ms. Weldon then marked a letter from Tim and Pam Schulte, Rick and Debra Grover, Tom and Patricia Schleper and Paul and Beth Sartori to be made a part of the record on the matter.

A motion was then made by Mr. Hilgefurd to approve the waiver with a provision that the street be 14 feet wide with the appropriate bypasses built into it to provide for 2-way traffic at appropriate points, with the basis being that the modification would provide for innovative design layout in preserving the vegetation and tree growth on the property. Mr. Wells seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Wells, Mr. Coates, Mr. Cook, Mr. Hadley, Mr. Tewes, Ms. Hood and Ms. Weldon in favor. Ms. Carlin, Mr. Eilerman, Mr. Ryan and Mr. Swanson voted against. The motion carried with a vote of 8-4.

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

### **Reports from Committees:**

**Subdivision Regulations Review** – Ms. Weldon noted a meeting was scheduled for the 16<sup>th</sup> of November.

**Comprehensive Plan Update** – Nothing to report.

**By-Laws** – No report.

**Model Zoning Ordinance** – Nothing to report.

**Executive**- Nothing to report.

**Report from legal counsel** – Nothing to report.

**Announcements from Staff** – Mr. Schwartz noted there will be an APA audio Weds. November 7<sup>th</sup> at 4 p.m. He stated the topic is “Staying out of Court – Avoiding Legal Pitfalls”. He further noted a magazine put out by the APA called the Commissioner has a new format. He stated apparently some of the Commissioners have not been receiving it. Mr. Schwartz stated he would like to know who hasn’t been receiving the magazine so he can make a note of it.

**Correspondence** – None.

**New Business:** - Ms. Weldon stated she was looking for volunteers for the nominating committee. She noted she will make some phone calls regarding that matter.

**Public Comments:** None.

There being nothing further to come before the Commission the meeting adjourned at 8:00 p.m.

APPROVED:

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Chair

\_\_\_\_\_

Date