

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Ms. Weldon, Chair, called the meeting to order at 6:15 PM on Thursday, October 2, 2008, 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	2008											
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mark Barnett	Taylor Mill	X	X	X	Xx	X		X	X	X	X		
Barbara Carlin	Kenton Co	X	X	X	Xx	X	X	X	X	X	X		
Barry Coates	Covington	X	X	X	Xx	X	X	X	X	X	X		
James Cook	Kenton Co	X	X		Xx	X		X	X		X		
Paul Darpel	Edgewood	X		X	Xx		X	X	X	X	X		
Chuck Eilerman	Covington	X	X	X	Xx	X	X	X	X	X			
Tom France	Ludlow	X	X	X	Xx	X	X	X	X	X	X		
David Hilgefurd	Villa Hills	X	X	X	x	X			X	X	X		
Lynn Hood	Crestview Hills	X	X	X	Xx	X			X	X	X		
Kent Marcum	Fort Wright	X			Xx	X			X	X	X		
Brandon Raybourne	Elsmere	X	X	X	Xx	X	X			X	X		
Mark Rogge	Crescent Springs	-	-	X	x	X	X	X	X	X			
Phil Ryan	Park Hills		X	X	X	X	X	X	X	X	X		
Maura Snyder	Indepen	X	X	X	X	X	X		X	X			
Paul Swanson, Treasurer	Erlanger	X		X	Xx	X			X	X	X		
Joe Tewes	Bromley	X	X	X	Xx	X	X	X	X	X	X		
John Wells, Vice Chair	Fort Mitchell	X	X		Xx		X	X	X	X	X		
Alex Weldon, Chair	Covington		X	X	Xx	X		X			X		
Bernie Wessels	Crescent Springs	X	-	-	-	-	-	-	-	-	-	-	-
Gil Whitacre	Lakeside Park	X	X		X	X	X		X				

“X” denotes attendance at the regular meeting and “x” denotes attendance at the continuation meeting.

“*” denotes arrival after roll call was taken.

“-“ denotes not on the planning commission.

Also present were Mr. Matt Smith, Legal Counsel, and the following NKAPC staff: Michael

Schwartz, AICP, Deputy Director for Current Planning, and Andy Videkovich, Principal Planner.

AGENDA: A request to table was received in regard to issue W-658. A motion was made by Mr. Hilgeford and seconded by Mr. Ryan to table the matter for up to six months. A roll call vote on the matter found Mr. Hilgeford, Mr. Ryan, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Ms. Hood, Mr. Raybourne, Mr. Swanson, Mr. Tewes, Mr. Wells and Ms. Weldon in favor. The motion carried. There were no further changes to the agenda. A motion was then made to accept the agenda as amended by Mr. France and seconded by Mr. Cook. A roll call vote on the matter found Mr. France, Mr. Cook, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Hilgeford, Ms. Hood, Mr. Raybourne, Mr. Ryan, Mr. Swanson, Mr. Tewes, Mr. Wells and Ms. Weldon in favor. The motion carried.

APPROVAL OF THE MINUTES:

A motion was made by Mr. France and seconded by Ms. Hood to accept the minutes from September. A roll call vote on the matter found Mr. France, Ms. Hood, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Hilgeford, Mr. Raybourne, Mr. Ryan, Mr. Swanson, Mr. Tewes and Mr. Wells in favor. Mr. Cook and Ms. Weldon abstained. The motion carried.

FINANCIAL REPORT:

Mr. Swanson made the motion to accept the report. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. Swanson, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Raybourne, Mr. Ryan, Mr. Mr. Tewes, Mr. Wells and Ms. Weldon in favor. 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:

1934R/1935R

APPLICANT: City of Covington, per Jay Fossett

LOCATION: an approximate 90.6-acre area described as follows: Area A (approximately 13.7 acres) is located north of 12th Street/Martin Luther King Jr. Boulevard between Scott Street on the east and the railroad tracks on the west, extending north to include the northwest corner of Madison Avenue and 11th Street and an area on the north side of 11th Street, between Scott Street on the east and Madison Avenue on the west; Area B (approximately 16.3 acres) is located south of 12th Street/Martin Luther King Jr. Boulevard between Wood Street on the east and the railroad tracks on the west, extending south to approximately Martin Street; Area C (approximately 3.0 acres) is located at the terminus of West 17th Street, approximately 300 feet west of Madison Avenue; and, Area D

(approximately 57.6 acres) is located on the east and west sides of Madison Avenue approximately south of Martin Avenue and extending south to the Madison Avenue/KY16 split

REQUEST:

proposed map amendments to the Covington Zoning Ordinance changing Area A from RU-0.5, RU-2B, CG-2P, and IL-1M to PI (MUC-O) (a public institution zone with a mixed use corridor overlay zone); Area B from RU-2B, CG-1M, and IL-1M to CG-1M (MUC-O) (a general commercial zone with a mixed use corridor overlay zone); Area C from IL-1M to PI; and, Area D from RU-2, RU-2B, CN-1M, CG-1M, CG-2M, IL-1M to add the MUC-O (mixed use corridor overlay zone) to the existing zoning classifications

Staff presentation and Staff recommendations presented by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATION:

RECOMMENDATION A:

To approve the proposed map amendment for Area A from RU-0.5, RU-2B, CG-2P, and IL-1M to PI (MUC-O), subject to the condition that the associated text amendment adding the MUC-O (Mixed Use Corridor Overlay) Zone, including appropriate cross references to other sections of the City's Zoning Ordinance (Z-08-09-01/1934R), be adopted prior to, or simultaneously with, the adoption of this proposed map amendment.

RECOMMENDATION B:

To approve the proposed map amendment for Area B from RU-2B, CG-1M, and IL-1M to CG-1M (MUC-O), subject to the condition that the associated text amendment adding the MUC-O (Mixed Use Corridor Overlay) Zone, including appropriate cross references to other sections of the City's Zoning Ordinance (Z-08-09-01/1934R), be adopted prior to, or simultaneously with, the adoption of this proposed map amendment.

RECOMMENDATION C:

To disapprove the proposed map amendment for Area C from IL-1M to PI

RECOMMENDATION D:

To approve the proposed map amendment for Area D from RU-2, RU-2B, CN-1M, CG-1M, CG-2M, IL-1M to add the MUC-O (mixed use corridor overlay zone) to the existing zoning classifications, subject to the condition that the associated text amendment adding the MUC-O (Mixed Use Corridor Overlay) Zone, including appropriate cross references to other sections of the City's Zoning Ordinance (Z-08-09-01/1934R), be adopted prior to, or simultaneously with, the adoption of this proposed map amendment.

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 map amendment changing the zoning of Area A is consistent with the Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026*, which identifies Area A for Other Community Facilities, Residential Development at a density over 30.0 dwelling units per net acre, Commercial Retail/Service uses, and Industrial uses.

The proposed map amendment to PI (MUC-O) will permit institutional uses in an area that is identified for Other Community Facilities and is already dominated by existing institutional uses (the Cathedral Basilica, Covington Latin School, and the assisted living center).

While some areas within Area A are identified for Residential Development at a density over 30.0 dwelling units per net acre, Commercial Retail/Service uses, and Industrial uses, the proposed PI (MUC-O) Zone is more appropriate and the existing RU-0.5, RU-2B, CG-2P, and IL-1M Zones are inappropriate for implementing the *12th Street Corridor Redevelopment Plan* and the *Madison Avenue Corridor Redevelopment Plan*.

2. The proposed map amendment changing the zoning of Area A is consistent with the *12th Street Corridor Redevelopment Plan*, which contains the following recommendations for Area A:
 - a. Rezone this area to INST (an institutional zone within the previous Covington Zoning Ordinance)
 - b. Encourage the expansion of institutional uses within this entire block

The proposed zoning of PI (MUC-O) is consistent with the INST Zone contained within the previous Covington Zoning Ordinance. The proposed map amendment will allow for the expansion of institutional uses within Area A.

3. The proposed map amendment changing the zoning of Area A is consistent with the *Madison Avenue Corridor Redevelopment Plan*, which identifies Area A as the Cathedral Arts & Education District Development – North Anchor. This area is intended to be gateway to downtown Covington with the concept of creating an Arts and Education district, building on the existing resources in the area but also stimulating and attracting other entities into the area.

The proposed map amendment to PI (MUC-O) will allow the current institutional and community facilities to operate in their current capacity, and allows for the creation of an arts and education district. As recommended by the *Madison Avenue Corridor*

Redevelopment Plan, the proposed MUC-O regulations specifically address the creation of an urban mixed use environment along the Madison Avenue corridor through the use of design regulations.

4. The proposed map amendment to PI (MUC-O) is consistent with the goals and objectives contained within the text of the *Comprehensive Plan Update 2006-2026*:

To provide for an adequate amount of well located cultural facilities to serve the basic needs of the population.

Effort should be made to provide for the establishment of programs and institutions which promote the cultural pursuits of all segments of society. In this connection, it would be necessary to provide for adequate, well located cultural facilities oriented primarily to serving local residents (e.g., churches, theaters, libraries).

The proposed map amendment of Area A will create an Arts and Education district that will help provide adequate and well located cultural facilities to the local residents.

RECOMMENDATION B:

1. The proposed map amendment changing the zoning of Area B is consistent with the Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026*, which identifies Area B for Recreation and Open Space uses, Residential Development at a density ranging from 14.1 to 30.0 dwelling units per net acre, Commercial Retail/Service uses, and Industrial uses.

The proposed map amendment to CG-1M (MUC-O) will permit commercial uses in an area identified for Commercial Retail/Service uses. The CG-1M Zone will also permit limited indoor manufacturing, production, and industrial services in an area identified for Industrial uses.

While some areas within Area B are identified for Recreation and Open Space uses and Residential Development at a density ranging from 14.1 to 30.0 dwelling units per net acre, the proposed CG-1M (MUC-O) Zone is more appropriate and the existing RU-2B and IL-1M Zones are inappropriate for implementing the *Madison Avenue Corridor Redevelopment Plan*.

2. The proposed map amendment changing the zoning of Area B is consistent with the *Madison Avenue Corridor Redevelopment Plan*, which identifies the east side of Madison Avenue, within Area B, for a transit hub, mixed uses, and a green space/parking opportunity. The west side of Madison Avenue, within Area B, is identified for light industrial uses. The northern properties of Area B along 12th Street/Martin Luther King Boulevard, are identified as being a part of the Cathedral, Arts, and Education District.

The plan recommended design regulations to create pedestrian friendly, mixed use development along the Madison Pike Corridor.

The proposed map amendment to CG-1M (MUC-O) will allow Area B to develop as a pedestrian friendly, mixed use area. As recommended by the *Madison Avenue Corridor Redevelopment Plan*, the proposed MUC-O regulations specifically address the creation of an urban mixed use environment along the Madison Avenue corridor through the use of design regulations.

3. The *Comprehensive Plan Update 2006-2026* provides for three Quality of Life Components – Capacity Planning, Contemporary Places, and Green Infrastructure. The Development Concepts that are contained within the comprehensive plan were developed with these three Quality of Life Components in mind. The proposed map amendment is consistent with the following Land Use Development Concepts which helps to implement the Capacity Planning and Contemporary Places Quality of Life components:

RESIDENTIAL/COMMERCIAL

Mixing of residential and commercial use is desirable (e.g., in certain areas, 2nd floor residential use above 1st floor commercial type uses in mixed-use type of development may be desirable). It is imperative that such mixing be well planned

In such instances, critical attention needs to be paid to off-street parking needs/requirements and continuous assurance in compliance with all regulations of residential use type within such structures. Shared parking provisions should be encouraged to ensure efficient use of land resources.

COMMERCIAL

Commercial concentrations should be developed as planned areas containing the general characteristics of a “unified shopping area”

Such a concept would minimize traffic control problems and safety hazards thus maximizing consumer shopping convenience. Some criteria would include: (a) Shared parking; (b) Coordinated signage; (c) Access points with adjoining developments.

Nodes of commercial development are encouraged rather than spot and strip commercial developments

Spot and strip developments are usually characterized by: (a) inadequate room for expansion as the need for additional commercial services increases; (b) little or no coordination of vehicular or pedestrian access; (c) inadequate parking; (d) multiplicity of curb cuts; and (e) additional trip generation between facilities, resulting in inconvenience for shoppers and unnecessary additional traffic volumes and hazards on the adjacent street network.

The proposed MUC-O regulations specifically address the creation of an urban mixed use environment along the Madison Avenue corridor. The regulations seek to create residential and commercial mixed use buildings along the corridor, requiring parking to the rear of buildings, and requiring cross access easements and shared parking.

RECOMMENDATION C:

1. The proposed map amendment changing the zoning of Area C is not consistent with the Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026*, which identifies Area C as part of larger area extending to the north and south for Industrial uses.

The proposed map amendment changing the zoning of Area C is not consistent with the *Madison Avenue Corridor Redevelopment Plan*, which identifies Area C for light industrial uses.

The proposed map amendment to PI will permit large public, civic, and institutional uses in an area identified for Industrial and Light Industrial uses.

2. The current zoning of IL-1M is appropriate and the proposed zoning of PI is inappropriate. The current IL-1M Zone permits low- to moderate-impact manufacturing, wholesaling, warehousing, and distribution uses, including storage and work-related activities that occur outside of enclosed buildings, in an area identified for Industrial and Light Industrial uses.
3. There have not been any major changes of an economic, physical, or social nature within the area involved which were not anticipated when the *Comprehensive Plan Update 2006-2026*, and which have not significantly altered the basic character of the .

RECOMMENDATION D:

1. The proposed map amendment changing the zoning of Area D is consistent with the Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026*, which identifies Area D for Residential Development at a density ranging from 14.1 to 30.0 dwelling units per net acre, Other Community Facilities, Commercial Retail/Service uses, and Industrial uses.

The proposed map amendment will add the Mixed Use Corridor Overlay Zone to the current zoning classifications within Area D.

2. The proposed map amendment adding the MUC-O regulations to Area D are consistent with the recommendations contained within the *Madison Avenue Corridor Redevelopment Plan*. The plan recommended design regulations to create pedestrian friendly, mixed use development along the Madison Pike Corridor.

Adding the MUC-O regulations is the first step to implementing the pedestrian friendly, mixed use type of development envisioned by the *Madison Avenue Corridor Redevelopment Plan*.

Mr. Klein addressed the Commission and stated he appreciated all the work Staff has done. He stated they concur with Staff with the exception as to Area C. He stated this plan has been 20 years in the making and it is very important to the city. He stated it will be a major gateway for

the city. He further stated there has been a lot of work down on the plan and there has been a tremendous amount of public input.

Ms. Sherry Kembry addressed the Commission and stated she was more enlightened now that she saw the presentation. She stated she now realizes her business is not in the corridor being affected.

Mr. Schleper addressed the Commission on behalf of Covington Latin and stated he is in favor of the project and appreciates the city's efforts and involvement.

Msgr. William Neuhaus addressed the Commission and stated he endorses the city's application with regard to Area A and Area B. He also noted he echoes Mr. Schleper's statements on the issue.

Mr. Klein addressed the Commission further and stated as to Area C these uses were industrial uses.

At this time the hearing was recessed for discussion. There were no questions or comments by the Commissioners. The public hearing was closed. Mr. Hilgefurd then made a motion with regard to 1934R to approve based on Staff's report and recommendations and with the additional recommendation. Mr. Coates seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Coates, Mr. Barnett, Ms. Carlin, Mr. Cook, Mr. France, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Swanson, Mr. Tewes, Mr. Wells and Ms. Weldon in favor. Mr. Darpel and Mr. Ryan voted against. The motion carried with a vote of 13-2. Mr. Hilgefurd then made the motion with regard to 1935R to approve all four aspects based on Staff's recommendations and report as to A, B and D and noted he disagrees with Staff's recommendations as to Area C stating it is in compliance. Mr. Coates seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Coates, Mr. Barnett, Ms. Carlin, Mr. Cook, Mr. France, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Swanson, Mr. Wells and Ms. Weldon in favor. Mr. Darpel, Mr. Ryan and Mr. Tewes voted against. The motion carried with a vote of 12-3.

*At this time (7:37 p.m.) a seven minute break was taken.

*Mr. Darpel recused himself from the following issue due to a conflict of interest.

1936R

APPLICANT: City of Crescent Springs, per George Ripberger
LOCATION: an approximate 6.6-acre area located on the north and south sides of Erlanger-Crescent Springs Road, at its intersection with Eubanks Road and Croley Street, in Crescent Springs
REQUEST: a proposed map amendment to the Crescent Springs Zoning Ordinance changing the described area from R-1G (a single-family residential zone with a maximum density of 8.7 dwelling units per net acre) and IP-2 (an industrial park two zone) to NC (a neighborhood commercial zone)

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

To approve the proposed map amendment from R-1G and IP-2 to NC.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For NKAPC Staff Recommendation:

1. While the proposed map amendment from R-1G and IP-2 to NC is not totally consistent with the *Comprehensive Plan Update 2006-2026*, a portion of the site in question is identified for Commercial – Retail/Service uses. The proposed NC Zone would allow such activity to occur on the site in question.
2. The existing zoning of R-1G and IP-2 is not appropriate and the proposed NC Zone is appropriate.

Within the City of Crescent Springs, the site in question, and adjacent areas, does not exhibit the characteristics of an industrial area. The area located to the east of the site in question, along Anderson Road/Erlanger-Crescent Springs Road, is currently zoned NC. The proposed map amendment would extend the existing NC Zone through the site in question.

The size and mass of the existing lots and structures do not lend themselves to industrial uses. Rather, they are more consistent with other uses permitted in the NC Zone.

Mr. John Schraff addressed the Commission and stated he doesn't know why the city wants to change the area to NC. He stated traffic is a problem and delivery trucks sit in the middle of the street to deliver to some businesses. He noted the more traffic there is the more problems they will have getting in and out. He stated he doesn't have a problem with rezoning the area but wonders why they are doing it. He additionally noted they have flooding in the area so it can't be redeveloped. He noted his biggest complaint is everything will be coming out on Crescent Avenue as far as traffic is concerned.

Mr. Ripberger, assistant zoning administrator, addressed the Commission and stated the application was in response to a request back in July. He noted they felt the IP-2 zone was a little restrictive. He stated they felt a NC zone would be appropriate. He further stated the city supports the issues and feels it is cleaning up some spot zoning. He noted there are currently no plans on the books for the area, they are just trying to make it more conforming with the areas around it.

At the time the public hearing was recessed for discussion by the Commissioners. There were no questions or comments. The public hearing was closed. Mr. Hilgeford stated the Commission sent the message to the city that it had to be five acres or contiguous to a NC zone. He noted they

did both. Mr. Hilgefurd then made the motion to approve based on Staff's report and recommendations. Ms. Carlin seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Ms. Carlin, Mr. Barnett, Mr. Coates, Mr. Cook, Mr. France, Ms. Hood, Mr. Raybourne, Mr. Ryan, Mr. Swanson, Mr. Tewes, Mr. Wells and Ms. Wells in favor. The motion carried with a vote of 14-0.

1937R

APPLICANT: City of Covington, per Jay Fossett
LOCATION: an approximate 47-acre area located on the north and south sides of Highland Pike from Franklin Street westward to approximately 100 feet north of Emery Drive, including the north and south sides of West 19th Street from Benton Drive to Rays Lane and the east and west sides of Rays Lane from West 19th Street to Highland Pike in Covington
REQUEST: 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-5 (an urban residential zone with a maximum density of 8.7 dwelling units per net acre)

Staff presentation and Staff recommendation by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATION:

To approve the proposed map amendment from RU-2 to RU-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-5 is consistent with the Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026*, which identifies the site in question as being part of a larger area extending to the southeast and east identified for Residential Development at a density ranging from 7.1 to 14.0 dwelling units per net acre. A small area on the north side of the site in question is identified for Other Community Facilities, and on the south side for Physically Restricted Development Area (PRDA)

The proposed RU-5 Zone permits attached and detached single-family residential dwellings on a minimum lot size of 5,000 square feet (approximately 8.7 dwelling units per net acre).

2. The proposed map amendment from RU-2 to RU-5 is reasonable. The current zoning of RU-2 permits attached and detached single-family residential dwellings on a minimum lot area of 2,000 square feet (approximately 21.8 dwelling units per net acre). This exceeds the maximum allowable density recommended by the Recommended Land Use

Map of the *Comprehensive Plan Update 2006-2026* by approximately 64%.

3. The proposed map amendment is reasonable. According to the County's GIS, the average lot size for lots containing single-family or two-family dwelling units within the site in question is approximately 9,700 square feet.
4. Eight (8) lots within the site in question have an area less than 5,000 square feet and will become nonconforming lots.

Section 14.02.02 states that any single nonconforming lot of record may be used for any use or building type allowed by the zone in which it is located, whether or not the subject lot complies with minimum lot area and/or lot width standards, provided that:

- a. the lot is located on an existing and improved public street;
- b. the lot is in separate ownership from all adjacent and contiguous parcels, thereby precluding acquisition of the additional land area needed to comply with lot size standards; and
- c. development on the lot complies with setback, height and other applicable standards of this zoning ordinance (other than lot area and/or width)

Mr. Klein addressed the Commission and stated the city submitted the application and is in favor. He stated as background information this area was erroneously zoned at a higher density and they are now just trying to correct it. He further stated the existing zoning is out of sync with the Comprehensive Plan.

Mr. Gray addressed the Commission and noted you can see the inconsistency of the zones. He stated they feel the change will make it consistent with the Comprehensive Plan. He further noted there is overwhelming support for this change that would correct the zoning.

At this time the public hearing was recessed for discussion by the Commissioners. There were no questions or comments. The public hearing was closed. A motion was then made by Mr. Darpel to approve based on Staff's report and recommendations and also the testimony heard. Mr. France seconded the motion. A roll call vote on the matter found Mr. Darpel, Mr. France, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hilgefurd, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Ryan, Mr. Swanson, Mr. Tewes, Mr. Wells and Ms. Weldon in favor. The motion carried unanimously.

1938R

APPLICANT: City of Covington per Jay Fossett, City Manager
REQUEST: a proposed text amendment to the Covington Zoning Ordinance modifying the off-street parking requirements for infill residential development in all RU (urban residential) zones.

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

To approve the proposed text amendment modifying the off-street parking requirements for infill residential development in all RU (urban residential) zones.

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 text amendment modifying the off-street parking requirements for infill residential development in all RU (urban residential) zones 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 requirements for infill residential development in all RU (urban residential) zones is reasonable. The proposed text amendment only applies to those areas that are zoned RU. These areas are typically the older areas of the city. As such, many of the existing houses do not have off-street parking areas or garages. Any infill development is required to provide consistency and compatibility with the characteristics of the existing housing stock.

Mr. Klein addressed the Commission and stated the city concurs on the issue. He stated they are trying to encourage on street parking and infill that occurs.

Mr. Aaron addressed the Commission and stated they ran into the issue of how to provide for more parking and this was the best solution to that. He stated they too concur with Staff on the issue.

At this time the hearing was recessed for discussion by the Commissioners. There were no questions or comments. The public hearing was then closed. A motion was then made by Mr. Hilgefurd to approve based on Staff's recommendations. Mr. Wells seconded the motion. A roll call vote on the issue found Mr. Hilgefurd, Mr. Wells, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Ryan, Mr. Tewes, Mr. Swanson and Ms. Weldon in favor. The motion carried unanimously.

1940R

APPLICANT: City of Fort Mitchell per Steve Hensley, City Administrator
REQUEST: a proposed text amendment to the Fort Mitchell Zoning Ordinance adding outdoor dining, subject to certain restrictions, as a conditional use in the Mixed Land Use (MLU) Zone.

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

To approve the text amendment, adding outdoor dining in connection with a restaurant, subject

to certain restrictions, but only subject to the condition that the use be added as a permitted use in the MLU (Mixed Land-Use) Zone.

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 text amendment, as conditioned, 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, as conditioned, is reasonable in that it provides a use which is consistent with other uses currently permitted within the zoning district as it pertains to function, size, and scale of operation.
3. The proposed text amendment adding outdoor dining facilities, in connection with a restaurant, as a conditional use in the MLU (Mixed Land Use) Zone is not consistent with the definition of a conditional use, as interpreted by the NKAPC staff. Kentucky Revised Statute (KRS) 100.111 (6) defines ‘Conditional Use’ as follows:

“Conditional Use means a use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.”

The NKAPC staff has interpreted this definition to include public and semi-public uses, such as schools, hospitals, day care center, and recreational facilities. Outdoor dining is commercial in nature and would be generally compatible with other permitted uses in the MLU Zones. Furthermore, development controls for the MLU Zone provide controls to address situations where such uses may be incompatible with adjoining land uses within other zones (i.e. no lighting which would glare into any residential zone, no use producing objectionable noise or odors, and the requirement for screening and landscaping).

4. The recommendation that outdoor dining, in connection with a restaurant, be added as a permitted use within the MLU Zone rather than as a conditional use is consistent with previous recommendations by the NKAPC staff. These recommendations are as follows:
 - a. On August 7, 2003, the City of Independence, per Mayor Chris Moriconi, submitted an application for NKAPC and KCPC review and recommendation on a proposed text amendment to the Independence Zoning Ordinance, changing the conditional uses of the NC (Neighborhood Commercial) and the NSC (Neighborhood Shopping Center) Zones to include outdoor dining in connection

with a restaurant, subject to certain restrictions (Z-03-07-02/1634R). On August 1, 2003, the NKAPC staff recommended approval of the proposed text amendment subject to the condition that outdoor dining be added to the ordinance as a permitted use rather than a conditional use. On August 7, 2003, following the public hearing, the KCPC recommended approval of the proposed text amendment.

- b. On August 4, 1998, the City of Bromley, per Mayor Jim Miller, submitted an application for NKAPC and KCPC review and recommendation on a proposed text amendment to the Bromley Zoning Ordinance, changing the conditional uses of the NC Zone to include outdoor dining in connection with a restaurant, subject to certain restrictions (Z-98-08-04/1367R). On August 28, 1998, the NKAPC staff recommended approval of the proposed text amendment subject to the condition that outdoor dining be added to the ordinance as a permitted use rather than a conditional use. On August 2, 1998, following the public hearing, the KCPC recommended approval of the proposed text amendment.
- c. On May 2, 1997, the City of Fort Mitchell, per Mr. William H. Goetz, CAO submitted an application for NKAPC and KCPC review and recommendation on a proposed text amendment to the Fort Mitchell Zoning Ordinance, changing the conditional uses of the NC Zone to include outdoor dining in connection with a restaurant, subject to certain restrictions (Z-97-05-01/1307R). On May 30, 1997, the NKAPC staff recommended approval of the proposed text amendment subject to the condition that outdoor dining be added to the ordinance as a permitted use rather than a conditional use. On June 9, 1997, following the public hearing, the KCPC recommended approval of the proposed text amendment.
- d. On January 3, 1995, the City of Fort Mitchell, per William Goetz, City Administrative Officer, submitted an application for NKAPC and KCPC review and recommendation on a proposed text amendment to the City of Fort Mitchell Zoning Ordinance, changing the conditional uses of the PO (Professional Office Building) Zone to include outdoor dining in connection with a restaurant, subject to certain restrictions (Z-95-01-03). On February 2, 1995, the NKAPC staff recommended disapproval of the proposed text amendment. On February 8, 1997, following the public hearing, the KCPC recommended approval of the proposed text amendment.

No one registered to speak for, against or neutral on the issue. A motion was then made by Mr. Ryan to approve based on Staff recommendations with the condition. Mr. Wells seconded the motion. A roll call vote on the matter found Mr. Ryan, Mr. Wells, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Hilgefurd, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Swanson, Mr. Tewes and Ms. Weldon in favor. The motion carried unanimously.

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APPLICANT: Silverlake Properties, Ltd. per Chris Derry on behalf of Frieda M. Bilz, Charlotte Decker and Oren Long and Longs Land Limited, and Jeff Long

and Jon Long

LOCATION: two parcels located adjacent to the Silverlake Recreation Center in Erlanger and more precisely described as follows: Area A (approximately 0.6 acre) is located approximately 400 feet west of Kenton Lands Road and approximately 500 feet southeast of Hulbert Avenue immediately east of the Recreation Center; and, Area B (approximately 1.1 acre) is located at the terminus of Place Street immediately west of the Recreation Center

REQUEST: a proposed map amendment to the Erlanger Zoning Ordinance changing Area A from IP-1 (an industrial park zone) to REC (a recreation zone) and changing Area B from R-1F (a single-family residential zone with a maximum density of 6.7 dwelling units per net acre) to REC (a recreation zone)

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION:

Recommendation A: To approve the proposed map amendment for Area A, from IP-1 to REC.

Recommendation B: To disapprove the proposed map amendment for Area B, from R-1F to REC.

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 map amendment from IP-1 to REC is consistent with Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026*, which identifies the site in question for Recreation and Open Space uses. The proposed map amendment will permit an existing recreational facility to expand its parking area into an area identified for Recreation and Open Space.
2. The proposed map amendment from IP-1 to REC is reasonable. Under the current IP-1 Zone, the current recreational use on the site in question is a conditional use, requiring a public hearing before the board of adjustment every time the facility changes or expands. The proposed REC Zone will permit the adjacent recreational facility to expand and improve the site in question without a conditional use permit.
3. The proposed map amendment from IP-1 to REC is a logical extension of the existing REC Zone to the west of the site in question. Changing the zoning on the site in question to allow recreational uses will prevent future industrial uses from encroaching closer to the single-family neighborhood to the north of the site in question. The proposed map

amendment will also serve as a buffer between the single-family neighborhood to the west and industrial uses located to the east of the site in question.

4. The submitted Stage I Development Plan meets the minimum requirements of the Erlanger Zoning Ordinance, except as noted under Additional Information item #1.

While compliance with these items is required for building and zoning permits to be issued, they will not significantly alter the design and layout of the submitted Stage I Development Plan.

Recommendation B:

1. The proposed map amendment from R-1F to REC is not consistent with Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026*, which identifies the site in question for Residential Development at a density ranging from 4.1 to 7.0 dwelling units per net acre. The proposed map amendment will permit an existing recreational facility to expand its parking area into an established residential area.
2. The existing R-1F Zone is appropriate and the proposed REC Zone is not appropriate. The existing R-1F Zone permits detached single-family residential dwellings on a minimum lot area of 6,500 square feet (approximately 6.7 dwelling units per net acre). This type of development (use and density) is consistent with the established character of the area and the recommendations of the comprehensive plan. The proposed map amendment will allow the construction of a one hundred ten (110) space off-street parking lot within this established residential area.
3. There have been no major changes of an economic, physical, or social nature within the vicinity of this area since the adoption of the comprehensive plan to warrant the proposed map amendment.
4. The submitted Stage I Development Plan, and parcel data provided by the Kenton County Property valuation Administrator (PVA) indicates that a portion of the proposed off-street parking lot will be constructed within a public right-of-way.
5. The submitted Stage I Development Plan, for Area B, meets the minimum requirements of the Erlanger Zoning Ordinance, except for the following:
 - a. Section 10.29, D., 7., states that no lighting shall be permitted which would glare from this zone onto any street, or into any residential zone. Insufficient information has been submitted to determine compliance with this regulation.
 - b. Section 10.29, D., 8., states that where any yard or any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance. The proposed map amendment abuts a residential zone to the north,

south, and west of the site in question. If approved, a ten (10) foot screening area is required along these property lines.

Additional Information

1. The submitted Stage I Development Plan, for Area A, meets the minimum requirements of the Erlanger Zoning Ordinance, except for the following:
 - a. Section 10.29, D., 7., states that no lighting shall be permitted which would glare from this zone onto any street, or into any residential zone. Insufficient information has been submitted to determine compliance with this regulation.

The development plan will have to be revised to meet all of the requirements of the Erlanger Zoning Ordinance.

Mr. Jim Wolterman addressed the Commission and stated they are in agreement with Staff's findings and recommendations. He stated as far as Area B in order to approved a map amendment signage changes have to be made to the area. He stated the water park has been very successful and as such there is now the need for additional parking. He stated he is asking that the change from the Comprehensive Plan reflect the construction of the new water park on over 2500 acres as an example of the change that has occurred to the area. He further stated they were getting complaints that people were parking on Losey Street and Park Street when the parking lot overflowed at their facility. He stated they learned the property in question was on the market and if they were to purchase the property they could provide more parking for their facility. He further noted there would be no access to Losey Street or Park Street from the proposed parking lot. He additionally stated screening will be provided on the either side of the parking lot to protect the residential properties. He noted there are currently 365 parking spaces and the proposal will bring that number to 945 parking spaces. He noted in 2009 they may exceed 90,000 people so therefore they need the additional parking.

Mr. Dehny addressed the Commission and stated the problem is the city needs more parking and there is not enough parking spaces for Silverlake either. He further stated this is the first time they have heard of problems with residents of Place Street.

Mr. Jim Goetz addressed the Commission and stated he is in favor of the issue. He noted they feel it will eliminate people from parking on their street and cutting through his yard at times. He noted he spoke with the owners and they have discussed installing berming.

Ms. Patty Krider addressed the Commission and stated she has spot lights, whistles blowing and noise from the water park. She stated it will lower her property values if the parking lot goes in. Ms. Mary Rider addressed the Commission and stated they will see more people parking on their street because they live closer to Silverlake. She stated she is concerned with decreasing property values and does not want a big parking lot across the street.

Mr. Dick Arnett addressed the Commission and stated he agrees there is not a problem with people parking on Place Street because it is not practical because of the terrain. He noted he lives

right there and he drives rather than walks because it is easier. He noted if the parking lot is put in the residents will have a problem. He noted his concern with decreased property values.

Ms. Jamie Arnett addressed the Commission and stated they are members of Silverlake but they don't want them in their yard. She stated she is concerned with how you will keep people from walking through.

Ms. Kim Simpson addressed the Commission and stated they have really been put out by the installation of the pool. She stated they have put a patio in their backyard and they cannot even enjoy it. She stated there are constant whistles, kids yelling, intercoms blaring and it has become a nuisance. She stated she has contacted Silverlake three times and was told the owner would call back and not once had she gotten a call. She stated her fear is if this goes in there will be more problems. She noted they are hard working individuals and they just want to come home at night after working and enjoy their homes.

Mr. Wolterman addressed the Commission in rebuttal and stated it is their position that they can encapsulate the parking lot and limit access to only through the parking lot. He stated they are willing to except those conditions and comply with that. He stated he feels they can solve the problems with berms and landscaping and noted they have been a good neighbor and have addressed issues with the city. He noted he is not prepared to give remedies for the noise issue because he was not aware it was a problem. He did not there are no plans to put in lighting in the proposed parking lot.

Mr. Arnett asked in rebuttal what is to keep them from making a curb cut a year from now on the property. Ms. Weldon then stated they would have to come back before the Commission.

Ms. Krider stated in rebuttal that the bigger issue to her is the parking lot. She stated she can deal with the noise but not something that big at the end of her street.

At this time the public hearing was recessed for discussion by the Commissioners. Mr. Hilgefurd stated if the area is flattened out the sound will still be more of an issue. He stated he feels this is truly an intrusion on the neighborhood. He stated he feels the noise is a bigger issue. Mr. France then stated this is an intrusion to the neighborhood. He further stated when you see all the open space you wonder why they can't use that area. Mr. Darpel stated it almost makes sense but if it were him sitting there in his yard he wouldn't want that. At this time the public hearing was closed. Mr. France then made the motion relative to Area A to approve based on Staff's report. Mr. Darpel seconded the motion. A roll call vote on the issue found Mr. France, Mr. Darpel, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hilgefurd, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Ryan, Mr. Swanson, Mr. Tewes, Mr. Wells and Ms. Weldon in favor. The motion carried. With regard to Area B Mr. France made the motion to deny based on Staff's report and the testimony heard. Mr. Cook seconded the motion. A roll call vote on the matter found Mr. France, Mr. Cook, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Hilgefurd, Ms. Hood, Mr. Marcum, Mr. Raybourne, Mr. Ryan, Mr. Swanson, Mr. Tewes, Mr. Wells and Ms. Weldon in favor. The motion carried.

Old and Unfinished Business:

Reports from Committees:

Subdivision Regulations Review – No meeting held.

By-Laws – No meeting held but would like to meet during the week of the 13th. An email will be sent.

Model Zoning Ordinance – No meeting held.

Executive- Nothing to report.

Report from legal counsel – Nothing to report.

Announcements from Staff – Nothing to report.

Ms. Weldon stated there are four informational meetings to be held on the Linden Gateway. She stated the first meeting was held on October 1. She encouraged everyone to attend and to let Sharmili know would could attend. She further noted that Staff outnumbered those attending.

Correspondence – Nothing to report.

New Business: - None.

Public Comments: None.

There being nothing further to come before the Commission, Mr. Ryan made a motion to adjourn. Ms. Hood seconded. The meeting then adjourned at 9:58 p.m.

APPROVED:

Chair

Date