

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. Wells, Vice Chair, called the meeting to order at 6:15 PM on Thursday, December 4, 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	X	X
Barbara Carlin	Kenton Co	X	X	X	Xx	X	X	X	X	X	X	X	X
Barry Coates	Covington	X	X	X	Xx	X	X	X	X	X	X	X	X
James Cook	Kenton Co	X	X		Xx	X		X	X		X		X
Paul Darpel	Edgewood	X		X	Xx		X	X	X	X	X	X	X
Chuck Eilerman	Covington	X	X	X	Xx	X	X	X	X	X		X	X
Tom France	Ludlow	X	X	X	Xx	X	X	X	X	X	X	X	X
David Hilgefurd	Villa Hills	X	X	X	x	X			X	X	X	X	X
Lynn Hood	Crestview Hills	X	X	X	Xx	X			X	X	X	X	X
Marc Hult	Covington	-	-	-	-	-	-	-	-	-	-	-	X
Kent Marcum	Fort Wright	X			Xx	X			X	X	X		X
Brandon Raybourne	Elsmere	X	X	X	Xx	X	X			X	X		X
Mark Rogge	Crescent Springs	-	-	X	x	X	X	X	X	X		X	X
Phil Ryan	Park Hills		X	X	X	X	X	X	X	X	X	X	X
Maura Snyder	Indepen	X	X	X	X	X	X		X	X			X
Paul Swanson, Treasurer	Erlanger	X		X	Xx	X			X	X	X	X	X
Joe Tewes	Bromley	X	X	X	Xx	X	X	X	X	X	X	X	X
John Wells, Vice Chair	Fort Mitchell	X	X		Xx		X	X	X	X	X	X	X
Alex Weldon, Chair	Covington		X	X	Xx	X		X			X	X	-
Bernie Wessels	Crescent Springs	X	-	-	-	-	-	-	-	-	-	-	-
Gil Whitacre	Lakeside Park	X	X		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, Mike Ionna, Associate Planner, Keith Logsdon, Deputy Director for Long Range Planning, and James Fausz, Associate Planner.

AGENDA:

There were no changes made to the agenda for the evening. Mr. Eilerman made the motion to accept the agenda with Ms. Snyder seconding the motion. All in favor, none opposed.

APPROVAL OF THE MINUTES:

Mr. Cook noted he was listed as being present at the November meeting and he was not. Mr. Darpel noted on page 9 of the minutes that when asking if the mixed use included entertainment and they commissioners were told that it did and he felt that should be reflected in the minutes that that was discussed. * There were no further changes or amendments to the minutes for November. Mr. Tewes then made the motion to accept the minutes as amended. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. Tewes, Mr. Barnett, Ms. Carlin, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Ryan, Mr. Tewes, Mr. Whitacre, Mr. Swanson, and Mr. Wells in favor. Mr. Coates, Mr. Hult, Mr. Marcum, Mr. Raybourne and Ms. Snyder abstained. The motion carried.

FINANCIAL REPORT:

Mr. Swanson made the motion to accept the report. Mr. Rogge 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:

1946R

APPLICANT: St. Elizabeth Medical Center, per Don Luken

LOCATION: an approximate 170 acre area located along Thomas More Parkway, Horsebranch Road, Medical Village Drive, South Loop Road, and Dudley Road in Edgewood. The site comprises the hospital's south campus.

REQUEST: review of an amended Stage I Development Plan for the described area, which is currently zoned INST-1 (an institutional one zone), INST-2 (an institutional two zone), and CC (a community commercial zone)

Staff presentation and Staff recommendations presented by Mr. Michael Schwartz.

NKAPC STAFF RECOMMENDATION

To approve the amended Stage I Development Plan.

Comprehensive Plan Documentation:

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

Supporting Information/Bases For Recommendations:

1. The amended Stage I Development Plan is consistent with the Land Use Plan Element of the *Comprehensive Plan Update 2006-2026* which identifies the site in question for Community Facilities – Other Community Facilities, Commercial – Retail/Service uses, Community Facilities – Recreation and Open Space, Commercial – Office, and Physically Restrictive Development Area (PRDA).
2. The amended Stage I Development Plan meets the minimum requirements of the Edgewood Zoning Ordinance, except as noted in Additional Information.

Additional Information

1. The submitted amended Stage I Development Plan meets the minimum requirements of the Edgewood Zoning Ordinance, except for the following:
 - a. Section 10.14, F., 1., Section 10.16, F., 3., a., and Section 10.16, F., 3., b. provide for setback regulations from adjacent zones and along collector streets. Due to the scale of the development and the detail of the submitted plan, compliance with these regulations cannot be verified. Compliance with these regulations should be determined at the time that a Stage II Development Plan is submitted.
 - b. Section 10.16, F., 4. and Section 10.17, F., 4. provide for height limitations based upon the elevation of Dudley Road. Due to the scale of the development and the detail of the submitted plan, compliance with these regulations cannot be verified. Compliance with these regulations should be determined at the time that a Stage II Development Plan is submitted.
 - c. Section 10.16, K., 6. and section 10.17, K., 6. requires mechanical equipment to be screened from view. Insufficient information has been submitted to determine compliance with these requirements.
 - d. Section 10.16, K., 7. and Section 10.17, K., 7. states that flat roof construction shall not be permitted and mechanical equipment shall not be located or mounted on the roof. Insufficient information has been submitted to determine compliance with these requirements.
 - e. Section 10.16, K., 8. states that where any yard of any use abuts a residential zone, a minimum six (6) foot high earthen berm shall be constructed as a buffer. Insufficient information has been submitted to determine compliance with these requirements.
 - f. Article XI provides for regulations pertaining to off-street parking spaces and areas. Due to the scale of the development and the detail of the submitted plan,

compliance with these regulations cannot be verified. Compliance with these regulations should be determined at the time that a Stage II Development Plan is submitted.

2. The submitted Stage I Development Plan indicates the construction of two buildings (5a and 5b) within the city of Crestview Hills. This area is currently zoned RP-1. Since the current application is only being reviewed under the Edgewood Zoning Ordinance, separate applications will have to be made to the NKAPC, KCPC, and the City of Crestview Hills prior to development of these buildings.

Mr. Mark Bruegeman registered to speak representing the Hospital with CVS Associates. He noted the location was chosen for the main purpose of serving as a parking garage for employees and also because the garage will utilize the topography of the area. He stated the site was also chosen to minimize the disturbance of the area. He then stated this is mainly the significant change from the original plan. He noted the garage is being designed to allow for future expansion up but presently it will be three stories that will be mainly underground. He noted the garage would have approximately 400 parking spaces.

Mr. Rolfes addressed the Commission and stated this was considerably larger than the original request for a parking garage and that's why they suggested an amended Stage I Plan be submitted.

Mr. Rich Riedling addressed the Commission and asked how the addition is going to impact Dudley Road. He asked if any study had been done to determine the impact of 2,000 additional cars to the area.

Mr. Bergemann noted in rebuttal that the hospital is very conscious of the campus and wants to keep it looking like a campus. He noted the buildings around the perimeter have not changed and the changes are to the interior. It was additionally stated they would not be adding more traffic initially. It was further noted they are trying to alleviate some of the congestion present with regard to the employee parking.

At this time the meeting was recessed to allow for discussion. There were no questions or comments. The public hearing was closed. Mr. Darpel made the motion to approve based on Staff's report and the testimony heard. Mr. Ryan seconded the motion. A roll call vote on the motion found Mr. Darpel, Mr. Ryan, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Hult, Mr. Marcum, Mr. Raybourne, Mr. Rogge, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Swanson and Mr. Wells in favor. The motion carried unanimously.

1947R

FILE NUMBER: Z-08-11-02/1947R

APPLICANT: One Eleven Engineering & Surveying, PLLC, per Darren Eyre on behalf of Trauth Homes, Inc. and K & T Development, LLC

LOCATION: an approximate 0.8-acre area located on the northwest corner of the intersection of Highland Pike and Kyles Lane in Fort Wright

REQUEST: to review a proposed map amendment to the Fort Wright Zoning Ordinance

changing the described area from R-1CC (a single- and two-family residential zone at a maximum density of 3.5 to 4.7 dwelling units per net acre) to R-1FF (a single- and two-family residential zone at a maximum density of 7.3 to 9.7 dwelling units per net acre)

Staff presentation and Staff recommendation by Mr. Mike Ionna.

NKAPC STAFF RECOMMENDATION

To disapprove the proposed map amendment from R-1CC 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 proposed map amendment from R-1CC to R-1FF is not consistent with the Recommended Land Use Map of the *Comprehensive Plan Update 2006-2026*, which identifies the site in question as part of a larger area extending to the south and east of the site in question for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre.

The proposed R-1FF Zone will allow residential development at a density ranging from 7.3 to 9.7 dwelling units per net acre in an area identified for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre. The proposed maximum allowable density of 9.7 dwelling units per net acre could result in approximately six (6) dwelling units to be constructed on the site in question. The Comprehensive Plan's recommended maximum density of 2.1 to 4.0 dwelling units per net acre could result in approximately three (3) dwelling units to be constructed on the site in question. The proposed R-1FF Zone could permit a maximum density of approximately one hundred percent (100%) greater than what is recommended in the Comprehensive Plan.

2. The existing R-1CC Zone is appropriate and the proposed R-1FF Zone is not appropriate. The existing R-1CC Zone permits detached single-family residential dwellings and two-family residential dwellings at a density ranging from 3.5 to 4.7 dwelling units per net acre. This type of development (use and density) is more consistent with the recommendations of the Comprehensive Plan than the proposed map amendment, which would allow the same uses to be developed at a density of 7.3 to 9.7 dwelling units per net acre.
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.

Mr. Bertram addressed the Commission and distributed a packet of information referencing his powerpoint presentation. He noted the site is a half mile from I-75 and is on a bus route. He stated they have a concept plan attached to the presentation which was not required. He stated

they are asking for four single family lots. He further noted they are trying to put in single family homes and stay away from duplexes. He noted they feel the existing zoning is inappropriate and the proposed zoning is appropriate. He then stated they are asking for approval with two conditions: that only four single family lots can be built and the that the driveways be served by Kyles Lane and Highland Pike.

Mr. Brad Trauth addressed the Commission and stated they bought the property with the intention of building a duplex and a single family home. He noted after purchasing they thought four single family homes would look better with the surrounding properties and they are therefore requesting a zone change to do so.

At this time the hearing was recessed to allow for discussion. Mr. Eilerman stated this plan with the four single family homes blends better with the environment. He further stated this is a good concept. Mr. Hilgefurd then stated this is basically creating a free-standing zone of less than a half an acre by approving the application and he has a real problem with that. Ms. Carlin stated what they have submitted is a good use for the area. Mr. Hilgefurd noted his concern was the creation of a free-standing zone whether by application or by association. He further noted given the fact the homeowner is not present is an indication that he doesn't care. Mr. Eilerman then stated the approval is for a zone change for the property in question and not for the property across the street. Mr. Darpel then stated basically they have to find the current zoning is not appropriate and he hasn't see that yet. He noted it looks like a good plan and he feels bad. He additionally stated that's why there is a comprehensive plan and they have to find the current zone is inappropriate and he just doesn't see that. The public hearing was then closed. Mr. France then made the motion to approve based on the facts that the existing zoning is inappropriate and the proposed zoning is appropriate along with the two conditions stated. Mr. Cook seconded the motion. A roll call vote on the motion found Mr. France, Mr. Cook, Mr. Carlin, Mr. Coates, Mr. Eilerman, Mr. Hilgefurd, Mr. Hult, Mr. Marcum, Mr. Ryan, Ms. Snyder, Mr. Tewes, Mr. Whitacre, Mr. Swanson and Mr. Wells in favor. Mr. Barnett, Mr. Darpel and Ms. Hood voted against. The motion carried with a vote of 14 to 3.

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

New Business

PF-97

APPLICANT: Ben Brandstetter of Brandstetter Carroll Inc., on behalf of the Kenton County Fiscal Court.

LOCATION: a 28.4 -acre site at the terminus of the existing public street, Decker Crane Lane, in Covington.

REQUEST: to review the site for a new county jail in light of its agreement with the comprehensive plan according to KRS 100.324(4).

Staff presentation and Staff recommendations by Mr. Keith Logsdon and Mr. James Fausz.

Mr. Logsdon gave a brief background on this type of issues due to the fact that it has been a while since one has been heard. The presentation made by James Fausz then followed with a recommendation that the site is in agreement with the comprehensive plan. Mr. Wells then noted

a letter was received from Mr. Jay Fossett regarding the issue. Mr. Fausz noted they have reviewed the recommendations as provided for in the letter from the City of Covington.

Mr. Ben Brandstetter then addressed the Commission and stated they have taken the city's letter into consideration as to the storm water retention. He stated they are actually reducing the storm water based upon their calculations. He then noted a geotech study was performed by T.J. Thelen with regard to the property in question.

Mr. Wells then read a portion of the letter into the record to clear up some possible questions with regard to specific conditions to the property. The letter was then marked as an exhibit and made a part of the record on the matter.

Mr. Hilgefurd then made the recommendation in favor of the development and to include the recommendations of both Staff and the City of Covington. Mr. Eilerman seconded the recommendation. A roll call vote on the matter found all in favor.

Old and Unfinished Business:

Nominating Committee:

Mr. France stated an email was distributed suggesting a list of candidates to be voted on at the next meeting. The list was as follows: Mr. John Wells was submitted for chair, Mr. Paul Swanson, Vice Chair, Mr. France, Vice Chair, Mr. Ryan, Treasurer. Mr. France asked for any further nominations for those interested in any positions. Mr. Smith then noted nominations could be submitted from the floor in January also. Mr. Wells then stated those nominations were accepted. He further stated the January meeting would be held on January 6th since the first Thursday fell on January 1st.

Reports from Committees:

Subdivision Regulations Review – No meeting held.

By-Laws – Nothing to report.

Model Zoning Ordinance – No meeting held.

Executive- Nothing to report.

Report from legal counsel – Nothing to report.

Announcements from Staff – Mike Schwartz noted a tentative calendar of meeting dates was distributed at each commissioner's seat.

Correspondence – Nothing to report.

New Business:

Mr. Wells noted this evening would mark Mr. Swanson's last meeting after twenty years of service. He then presented Mr. Swanson with a plaque and thanked him for his many years of service to the commission.

Public Comments: None.

There being nothing further to come before the Commission, the meeting then adjourned at 8:31 p.m.

APPROVED:

Chair

Date