

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. France, Vice Chair, called the meeting to order at 6:15 PM on Thursday, August 6, 2009, and opened the proceedings with the Pledge of Allegiance and an invocation by Mr. France. 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 | 2009 | | | | | | | | | | | |
|------------------------|------------------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| | | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
| Mark Barnett | Taylor Mill | X | X | X | X | X | X | X | X | | | | |
| Diane Brown | Erlanger | - | X | X | X | | X | X | X | | | | |
| Barbara Carlin | Kenton Co | X | X | X | X | X | X | X | X | | | | |
| Barry Coates | Covington | 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 | | | | |
| Chuck Eilerman | Covington | X | X | X | X | X | | X | | | | | |
| Tom France, Vice-Chair | Ludlow | X | X | X | X | X | X | X | X | | | | |
| David Hilgeford | Villa Hills | | X | X | X | X | X | | X | | | | |
| Lynn Hood | Crestview Hills | X | X | X | X | X | X | X | X | | | | |
| Marc Hult | Covington | X | X | X | X | X | X | X | X | | | | |
| Kent Marcum | Fort Wright | X | X | X | | X | X | X | | | | | |
| Brandon Raybourne | Elsmere | X | X | | X | | X | | X | | | | |
| Mark Rogge | Crescent Springs | X | X | X | | X | X | X | X | | | | |
| Phil Ryan, Treasurer | Park Hills | X | X | | X | X | | X | X | | | | |
| Maura Snyder | Indepen | | X | X | X | X | X | X | X | | | | |
| Paul Swanson | Erlanger | X | - | - | - | - | - | - | - | - | - | - | - |
| Joe Tewes | Bromley | X | X | X | X | X | | X | X | | | | |
| John Wells, Chair | Fort Mitchell | X | X | X | X | X | X | | X | | | | |
| Gil Whitacre | Lakeside Park | 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 Sharmili Reddy, Senior Planner/Architect.

AGENDA:

There were no changes or modifications to the agenda for the month of August. A motion was made by Mr. France to accept the agenda with Mr. Tewes seconding the motion. A roll call vote on the matter found Mr. France, Mr. Tewes, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Ms. Hood, Mr. Hult, Mr. Raybourne, Mr. Rogge, Mr. Ryan and Ms. Snyder in favor. Mr. Darpel, Mr. Hilgeford and Mr. Wells abstained. The motion carried.

APPROVAL OF THE MINUTES:

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

FY09 FINANCIAL REPORT:

A motion was made by Mr. Rogge to accept the report. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Rogge, Ms. Snyder, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Hult, Mr. Raybourne, Mr. Ryan, Mr. Tewes and Mr. Wells in favor.

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.

RECENT ACTIONS BY LEGISLATIVE BODIES:

No action required.

PUBLIC HEARINGS:

1976R

APPLICANT: City of Crestview Hills, per Rick Lunnemann

REQUEST: A proposed text amendments to the Crestview Hills Zoning Ordinance amending the section pertaining to Unsightly Or Unsanitary Storage. The proposed amendments will bring the regulations in conformity with the 2006 International Property Maintenance Code and require all grass and weeds to be no higher than eight (8) inches.

Staff presentation and Staff recommendation by Mr. Mike Schwartz.

NKAPC STAFF RECOMMENDATION

To approve 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 Recommendation:

1. The proposed text amendment pertaining to Unsightly Or Unsanitary Storage (see Attachment A) 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 pertaining to Unsightly Or Unsanitary Storage (see Attachment A) is reasonable since it will provide consistency between the zoning ordinance and the 2006 International Property Maintenance Code, which are the two sets of regulations the city uses to ensure that properties are being properly maintained.
3. The proposed text amendment pertaining to Unsightly Or Unsanitary Storage (see Attachment A) is appropriate since it will provide for a measurable height of what constitutes high grass and weeds.

Mr. Paul Meyer, mayor of Crestview Hills, introduced their new city planner, Tim Williams. He then stated with this application they are trying to clean up the codes in response to some vacant homes they've seen in the area recently. He stated he was asking for the Commission's approval. The public hearing was recessed for discussion. The public hearing was closed. Ms. Hood then made the motion to approve based on Staff's report and recommendations. Mr. Ryan seconded the motion. A roll call vote on the matter found Ms. Hood, Mr. Ryan, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Hilgefurd, Mr. Hult, Mr. Raybourne, Mr. Rogge, Ms. Snyder, Mr. Tewes and Mr. Wells in favor.

1977R

APPLICANT: City of Fort Wright per Joseph Nienaber, Jr.

REQUEST: a proposed text amendment to the Fort Wright Zoning Ordinance changing sit-down restaurants and taverns from an accessory use to a permitted use within the PO-2 (professional office building) zone, subject to restrictions

Staff recommendations and Staff presentations by Mr. Mike Schwartz.

NKAPC STAFF RECOMMENDATION:

Disapproval

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 (see Attachment A) changing sit-down restaurants and taverns, subject to restrictions, from an accessory use to a permitted use within the PO-2

Zone is not consistent with the intent and purpose of the PO-2 Zone.

The intent and purpose of the PO-2 Zone is to provide for a zoning classification permitting the development of office and related type uses. The proposed text amendment would allow non-office functions to be permitted within the PO-2 Zone. Additionally, the proposed use is not considered to be related to office uses or functions.

2. The proposed text amendment (see Attachment A) contradicts KRS 100.203 which states that “Cities and Counties may enact zoning regulations which shall contain: (1) A text, which shall list the types of zones which may be used, and the regulations which may be imposed in each zone, which must be uniform throughout the zone...”.

The proposed text amendment provides for several criteria in which a restaurant or tavern must meet in order for it to be considered a permitted use. Other uses permitted within the PO-2 Zone do not have any criteria placed on them.

3. The recommendation of disapproval is consistent with previous recommendations made by the NKAPC staff and the KCPC:

- a. On September 14, 1994, the City of Erlanger, per P. David Hahn, submitted an application for NKAPC and KCPC review and recommendation on a proposed text amendment, adding “Eating Establishments, Sit-Down or Combination Restaurants only, seating at least one hundred fifty (150) people, and serving alcoholic beverages, by the drink only, as an accessory use” to the list of permitted uses in the PO Zone (Z-94-09-04/1166R). On September 30, 1994, the NKAPC staff recommended disapproval of the proposed text amendment. On October 6, 1994, the KCPC held the public hearing and recommended disapproval of the proposed text amendment. The City of Erlanger subsequently approved the proposed text amendment.
- b. On January 1, 2005, the City of Erlanger, per P. David Hahn, submitted an application for NKAPC and KCPC review and recommendation on a proposed text amendment, deleting “Eating Establishments, Sit-Down or Combinations Restaurants only, seating at least one hundred fifty (150) people, and serving alcoholic beverages, by the drink only, as an accessory use” from the list of permitted uses within the PO Zone (Z-05-01-02/1719R). On February 1, 2005, the NKAPC staff recommended approval of the proposed text amendment, subject to two conditions. On February, 8, 2005, the KCPC recommended approval of the proposed text amendment, subject to two conditions. On March 1, 2005, the City of Erlanger approved the proposed text amendment.

Additional Information

If the KCPC recommends approval, or the legislative body takes action to approve, the proposed text amendment, subsection d. will have to be deleted as it only pertains to sit-down restaurants and taverns as an accessory use.

No one registered to speak for or against the issue. Mr. Wells read a letter into the record from the Mayor of Ft. Wright, Joe Nienaber, with regard to the issue. The letter was then made a part of the record on the matter. The public hearing was then recessed for discussion. Mr. Rogge asked if the Commission was trying to interpret the intent of the zone. Mr. France stated he didn't feel that was the issue. Mr. Barnett stated he is having a difficult time going against Staff's recommendation. Mr. Ryan then stated he questions the accessory aspect. Mr. Hilgefurd stated this is the most expedient way for the city to get out of this. He stated he feels it boils down to whether or not you are on the side of the city of Ft. Wright or not. Mr. Darpel stated he doesn't know if he agrees with that. He stated he doesn't have any problem with the city trying to do good planning. He stated they are doing this in a limited area and it is the PO-2 zone, not PO and since it is the only PO-2 zone in the city and it will not have a significant impact on the city. The public hearing was then closed. Mr. Ryan then made the motion to approve per Staff's report and recommendations. Mr. Darpel seconded the motion. Mr. Tewes stated he had a bit of a problem with this because it's supposed to be based on testimony and there was no testimony heard. Mr. Wells stated there was testimony presented in the form of a letter. A roll call vote on the motion found Mr. Ryan, Mr. Darpel, Mr. Barnett, Mr. Coates, Mr. Cook, Mr. France, Ms. Hood, Mr. Raybourne, Mr. Rogge and Ms. Snyder in favor. Ms. Brown, Ms. Carlin, Mr. Hilgefurd, Mr. Hult, Mr. Tewes and Mr. Wells voted against. The motion carried with a vote of 10-6.

Unfinished Business:

Reports from Committees:

By-Laws – No meeting held.

Executive- Mr. Wells stated there has been a lot of conversation going on with regard to how things can remain solvent. He stated what was presented is a budget they feel will work. Mr. Ryan then reviewed those areas that were cut in order to balance the budget. He noted that revenues were way down. Mr. Wells also thanked Mr. Ryan for his effort in trying to balance the budget and for how much time he put into it. A motion was made by Mr. Hilgefurd to accept the amended budget. Ms. Hood seconded the motion. A roll call vote on the motion found Mr. Hilgefurd, Ms. Hood, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Hult, Mr. Raybourne, Mr. Rogge, Mr. Ryan, Ms. Snyder, Mr. Tewes and Mr. Wells in favor. The motion carried.

Model Zoning Ordinance – No report.

Subdivision Regulations Review – Nothing to report.

Report from legal counsel – Nothing to report.

Announcements from Staff – Mr. Schwartz stated with regard to the Park Hills Small Area Study that there was a handout at everyone's seat. He noted they are currently working on interim report and land use studies. He further noted more details could be obtained on the web site for those interested.

Correspondence – Nothing to report.

New Business:

Mr. Wells stated Ms. Sharmili Reddy had a brief presentation on the hillside issue. Mr. Schwartz then commented briefly on how the PRDA came about. He stated most hillside development requires a geotech study. Ms. Reddy then stated they are in the process of initiating discussion with regard to hillside development. Mr. Schwartz then distributed handouts while Ms. Reddy explained in more detail the handouts and what they were trying to obtain from the Commissioners. She then had them complete a brief questionnaire with regard to hillside development to gain feedback from the Commission on the matter.

Mr. Dennis Gordon addressed the Commission with regard to the firm of VanGorder Walker CPA that is responsible for auditing the Commission's financial records. He stated they spoke with the firm as to securing a three year contract vs. a year contract with the firm. He stated they have committed to a price of \$1980 for the service. He noted they are offering the service for the three year contract of \$3800. Mr. Ryan questioned how the Commission can budget 2-3 years down the road when their own budget is done annually. Mr. Smith stated typically this cost is higher and with fees going up this three year contract is a good deal. Mr. Gordon then stated they would hear from the firm then when they give their report at an upcoming meeting.

Public Comments: None.

There being nothing further to come before the Commission, Mr. Ryan made the motion to adjourn. Ms. Snyder seconded the motion. The meeting then adjourned at 7:32 p.m.

APPROVED:

Chair

Date