

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING**

**Minutes**

Mr. France, Vice Chair, called the meeting to order at 6:15 PM on Thursday, September 3, 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	X			
Diane Brown	Erlanger	-	X	X	X		X	X	X	X			
Barbara Carlin	Kenton Co	X	X	X	X	X	X	X	X	X			
Barry Coates	Covington	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			
Chuck Eilerman	Covington	X	X	X	X	X		X		X			
Tom France, Vice-Chair	Ludlow	X	X	X	X	X	X	X	X	X			
David Hilgefurd	Villa Hills		X	X	X	X	X		X	X			
Lynn Hood	Crestview Hills	X	X	X	X	X	X	X	X	X			
Marc Hult	Covington	X	X	X	X	X	X	X	X	X			
Kent Marcum	Fort Wright	X	X	X		X	X	X		X			
Brandon Raybourne	Elsmere	X	X		X		X		X	X			
Mark Rogge	Crescent Springs	X	X	X		X	X	X	X	X			
Phil Ryan, Treasurer	Park Hills	X	X		X	X		X	X	X			
Maura Snyder	Indepen		X	X	X	X	X	X	X	X			
Paul Swanson	Erlanger	X	-	-	-	-	-	-	-	-	-	-	-
Joe Tewes	Bromley	X	X	X	X	X		X	X	X			
John Wells, Chair	Fort Mitchell	X	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 Keith Logsdon, AICP, Department Director for Long Range Plan.

**AGENDA:**

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

**RECEIPTS AND EXPENDITURES:**

Ms. Snyder made the motion to accept the report. Ms. Hood seconded the report. A roll call vote on the matter found Ms. Snyder, Ms. Hood, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. France, Mr. Hilgefurd, Mr. Hult, Mr. Rogge, Mr. Ryan, Mr. Tewes and Mr. Wells in favor. Mr. Darpel, Mr. Eilerman and Mr. Marcum in favor. The motion carried.

**RECENT ACTIONS BY LEGISLATIVE BODIES:**

No action required.

**PUBLIC HEARINGS:**

**1978R**

**APPLICANT:** Steve Wright on behalf of Ronald and Martha Stinson and Gregory Rooks  
**LOCATION:** an approximate 3.3-acre area located at the northwest corner of the intersection of Senour Road with Taylor Mill Road in Covington  
**REQUEST:** a proposed map amendment to the Covington Zoning Ordinance changing the described area from RS-12.5 (a suburban residential zone with a maximum density of 3.5 dwelling unit per net acre) to CC-1A (a community commercial zone with a lot and building intensity of 1 and an auto character standard)

Staff presentation and Staff recommendation by Mr. Mike Schwartz.

**NKAPC STAFF RECOMMENDATION**

To disapprove the proposed map amendment from RS-12.5 to CC-1A.

## **Comprehensive Plan Documentation:**

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

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

1. The proposed map amendment from RS-12.5 to CC-1A is not consistent with the *Comprehensive Plan Update 2006-2026* which identifies the site in question for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre. The proposed CC-1A Zone will allow a variety of retail, service, public, and civic uses in an area recommended for residential uses.
2. While the site in question is identified as being within a Community Service Area, the proposed CC-1A Zone is not consistent with the intent of the Community Service Area. As it pertains to this specific Community Service Area, the comprehensive plan recommends that commercial activity be concentrated at the intersection of Taylor Mill Road with Hands Pike. The site in question is located more than a third of a mile south of this intersection.
3. The submitted development plan does not meet the criteria identified in the comprehensive plan when evaluating development proposals within a Community Service Area. The comprehensive plan identifies the following factors when evaluating development proposals that are in close proximity or within Community Service Areas:

These areas should be adjacent to existing commercial areas.

Proposed uses within or near existing Community Service Areas should enhance and strengthen the function and viability of the area and not detract from existing nonresidential uses or other Community Service Areas.

These areas should embrace the concept of “Contemporary Places”, explained in detail in the Introduction by using design concepts such as mixed-use, Transit Oriented Development and Traditional Neighborhood Design. All of these concepts encourage connectivity, walkability, diversity in housing types and integration of community facilities such as parks and public or private open space, such as plazas and other outdoor amenities.

These areas should be located within the Urban Service Area and served by public facilities.

Connectivity between the Community Service Areas and adjoining existing or future residential uses by means of sidewalks or trails is essential.

Provision for transit service within the Community Service Areas is essential. Bus pullouts and bus stops are essential transit elements that should be planned for within these areas.

The site in question is not adjacent to any similar commercial uses and does not provide for connectivity or walkability with the adjacent residential areas.

4. The existing RS-12.5 Zone is appropriate and the proposed CC-1A Zone is not appropriate. The existing RS-12.5 Zone, which permits detached single-family residential dwellings and qualified manufactured homes at a maximum density of 3.5 dwelling units per net acre, is consistent with the *Comprehensive Plan Update 2006-2026* which identifies the site in question for Residential Development at a density ranging from 2.1 to 4.0 dwelling units per net acre. The proposed CC-1A Zone is not appropriate for the reasons stated above.
5. There have not been any major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area. The widening and realignment of Taylor Mill Road, and its intersecting streets, was known at the time of preparation and adoption of the comprehensive plan.
6. While Senour Road is identified as a collector street, it appears that most of the traffic using this roadway is residential traffic – i.e., traffic that uses this roadway as their primary access to their residence. The proposed map amendment could have the effect of bringing commercial traffic onto a roadway predominantly used for residential access.
7. The submitted Stage I Development Plan meets the minimum requirements of the Covington Zoning Ordinance, except for the following:
  - a. Section 8.02.02, B., 1., states that the perimeter of all vehicular use areas larger than 1,200 square feet must be set back at least seven (7) feet from front property lines and be effectively screened from view of the street. The submitted development plan indicates that the proposed vehicular use area will be set back two (2) feet from the right-of-way of Senour Road.
  - b. Insufficient information has been submitted to determine compliance with Article 10, Sign Regulations.

Mr. Steve Wright addressed the Commission and reviewed the background information on the various surrounding property as to the possibilities there for purchasing additional property. He stated more traffic will be coming from the nearby subdivision than will ever be coming out of his place. He noted his plan is to work with the DOT regarding the widening of the road. He additionally noted there is an updated plan on the property for the development. Mr. Wright stated he is planning on a 5,000 square foot one-story building for the property. He noted there are other commercial type businesses within the area of the proposed development. He then stated he has been operating in the area for 13 years and has never had a problem with the neighbors in the area. He stated he will be working on approximately 5-10 cars a day. Mr. Wright stated he has residential property owners across the street and he is sensitive to the area residents. He stated due to safety issues they put all cars inside at night and keep things clean and locked. He further stated there don't break down cars and work on them outside.

Mr. Paul Wright addressed the Commission and stated the business is going on 13 years. He stated Steve Wright has donated to the community and has always given back. He stated he has never had a problem with the neighbors. He then noted they are before the Commission because the state wants to make SR 16 a five lane road. He stated had Steve Wright known that twelve years ago he could have relocated. He stated they have looked high and low for a year to find a suitable place. He stated 80% of his business is retirees and the elderly. Mr. Wright then stated they are asking for a change to commercial to allow for minor car repairs. He then added that he has several hundred thousand dollars invested in the business. He noted Steve Wright is an asset to the community. Mr. Wright stated he doesn't do shoddy work and that's why he's so successful. He additionally noted there are lot of people in the proximity that would like to see Steve stay.

Mr. Larry Klein addressed the Commission and stated the city of Covington would like to work with the property owner to see if something could be done to work out the situation. He stated the city is in favor of the zone change. He stated he respectfully disagrees with Staff in their statement that this is against the comprehensive plan and further noted there have been changes to the area. He noted the state continues to purchase property in the area for the road widening. Mr. Klein stated this is a minor repair shop. He noted Mr. Wright agreed to having no pole signs on the property and instead agreed to a ground sign and a sign on the building. Mr. Klein then stated he also agreed to a 24 foot wide easement from his property. He stated what that does is future commercial development might occur then to the north. He further noted he is also going to construct a 5 foot wide sidewalk along his development. He stated he feels he has presented a very good plan.

Mr. Phil King addressed the Commission and stated his parents live directly across the street from this development. He stated Staff has touched on many reasons why this is not appropriate zoning, He further stated if this is zoned commercial this is not a permitted use in the neighborhood commercial area. He stated the traffic and negative visibility are also concerns. He noted Mr. Wright's plan to put the entrance down on Senour Road and stated the traffic will then be near his parent's house. He stated it seems to him the entrance should be a shared one with the Lions Club entrance. Mr. King noted it is not fair to put the entrance right across from his parent's house, which is residential. He stated another negative is the 40 space storage lot. He stated the property is not located close enough to the highway where the commercial areas are. He then stated this development will be much larger than the old one.

Ms. Judy Brinker addressed the Commission and stated what Mr. King did not mention is that his father is in the hospital due to a stroke from the aggravation caused by this. 9 She noted she has lived on Senour Road for 59 years. She stated she has an organic farm and raises organic animals and has done so for 40 years. She noted her neighbors have farms as well. Ms. Brinker stated this auto repair shop is a profound environmental risk as quoted by the Department of Environmental Land Management director. She stated Mr. Wright noted it will be a minor shop but she has seen 15-20 cars sitting on his property. She further noted she already has had her animals' water source polluted. She noted she was told by the mayor that if this was a problem she could call the EPA, which she did on a number of occasions. Ms. Brinker noted a lot of that is going to be addressed when the road is put in. Mr. Wells then added that the codes and ordinances will have to be met before construction is done whatever the purpose. Ms. Brinker

stated she and her neighbor have a right to farm and this development will have an effect on them. She then stated they do not want a hodge podge area. She then added she doesn't know why Covington is not embracing the opportunity instead of throwing it to the wind. She further stated it is an opportunity for South Covington to be something other than just annexed for nothing. She added she doesn't feel this will service the community.

Mr. Wells then added there was a petition circulated in favor of the relocation of the business. He noted it contained 75 names in favor of relocating. It was then marked as an exhibit and made a part of the record.

Mr. Wright noted in rebuttal that as far as any vehicles leaking it is his job to fix any cars that are leaking so he is actually helping the environment there. He stated he lives a mile up the road so he lives and works in Covington. He stated the DOT stated it would be better to have the entrance on Senour Road than onto a five lane road and have them try to cross traffic. He stated as far as vehicles they do store them but he has a storage facility and also stores them in the back. He stated some of these cars he has to on parts so he does need to store vehicles from time to time. He added this is part of the process.

Mr. King stated in rebuttal that he doesn't feel the Commission should take into consideration the petition submitted in favor because if any of them were asked if they wanted this to go across the street from them they would say no. He asked that the Commission disregard the submitted petition.

The public hearing was then recessed for discussion. Mr. Darpel asked for the difference between the NC zone and the community commercial zone. Mr. Schwartz stated when Covington redid their zoning ordinance they renamed all their zoning districts. He noted they have a CN zone which stands for commercial neighborhood and they have a CC zone which stands for commercial community zone. Mr. Darpel stated he was trying to determine the difference. Mr. Eilerman stated in terms of density this is the least dense. Mr. Schwartz agreed. Mr. Hilgefurd stated he didn't think the Commission could underestimate the statements by Larry Klein nor can the intention of the BOA be underestimated. He then stated the age of the comprehensive plan and the fact that it was not apparent to him what the affect of the widening of SR16 was going to have. He stated he doesn't know if he could anticipate that the affect of this when it was passed 4 to 5 years ago that it would be what it is. He then stated as a result it adds more confusion with the circle. He stated it is more understandable to see a light density commercial zone next to a neighborhood than an industrial zone. He then noted the last time it came before the Commission they suggested to the applicant that they go back and start looking for a better fit in terms of the Covington zoning ordinance,. He stated they did exactly what they Commission asked them to. He stated unless he hears other Commissioners comments to change his mind he's pretty well decided that this is probably the thing to do. Mr. Wells stated the reality is that between Hands Pike and Senour Road on the western side the residential homes are gone. He stated for all intents and purposes it is now vacant land on a five lane highway. He then stated by looking at this and talking about it that is probably the biggest since the comprehensive plan.

The public hearing was then closed. A motion was made by Mr. Hilgefurd to approve the proposed map amendment based on the testimony heard and the fact that there have been

changes to the social and economic nature of the comprehensive plan and therefore the property is not more suited for this use. Mr. Eilerman seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Eilerman, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Ms. Hood, Mr. Hult, Mr. Marcum, Mr. Rogge, Mr. Ryan, Ms. Snyder and Mr. Wells in favor. Mr. Darpel and Mr. Tewes voted against. The motion carried.

**Unfinished Business:**

**Reports from Committees:**

*By-Laws* – Nothing to report.

*Executive*- Mr. Wells stated they have not met since dealing with the budget.

*Model Zoning Ordinance* – No report.

*Subdivision Regulations Review* – Nothing to report.

*Report from legal counsel* – Nothing to report.

*Announcements from Staff* – Mr. Schwartz stated there was a handout at everyone's seat with regard to the Crescent Springs Small Area Study. He additionally noted there would be no continuing education held next Tuesday.

*Correspondence* – Nothing to report.

***New Business:***

Mr. Wells noted Staff would speak on behalf of the Public Facility Review regarding the Scott High School expansion. Mr. Raybourne recused himself for any voting on the matter due to a conflict of interest. Mr. Keith Logsdon stated a handout was distributed with a site plan on the back. He stated it is a two-step process and noted all the Commissioners needed to do was look at the site plan in terms of the project. He stated they've done quite a bit of work reconfiguring parking lots and some athletic facilities on the site. He noted Staff feels like there is no impact regarding the comprehensive plan and would recommend that the Commission view it as totally in compliance with the comprehensive plan. Mr. Matt Smith, legal counsel, then stated the Commission needs to render an advisory opinion as to whether this particular project is consistent with the comprehensive plan. Mr. Rogge then stated the motion is that the Commission finds this particular project is consistent with the comprehensive plan. Mr. Hilgefurd seconded the motion. A roll call vote on the motion found Mr. Rogge, Mr. Hilgefurd, Mr. Barnett, Ms. Brown, Mr. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Hult, Mr. Marcum, Mr. Ryan, Mr. Tewes and Mr. Wells in favor. Mr. Raybourne recused himself from any vote. The motion carried.

**Public Comments:** None.

Mr. Wells then noted Dennis Gordon's father passed away this past week and stated he has condolences from the Commission and just wanted to make a comment to that. Mr. Wells then asked for an update on Gil Whitacre. Ms. Snyder then stated he was seen out and that he looked good.

There being nothing further to come before the Commission, Mr. Rogge made the motion to adjourn. Ms. Snyder seconded the motion. The meeting then adjourned at approximately 8:102 p.m.

APPROVED:

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Chair

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Date