

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING**

**Minutes**

Mr. Wells, Chair, called the meeting to order at 6:15 PM on Thursday, March 4, 2010, 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	2010											
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mark Barnett	Taylor Mill	X	X	X									
Diane Brown	Erlanger	X	X	X									
Barbara Carlin	Kenton Co	X	X	X									
Barry Coates	Covington	X	X	X									
James Cook	Kenton Co	X	X										
Paul Darpel	Edgewood	X	X	X									
Chuck Eilerman	Covington	X	X	X									
Tom France, Vice-Chair	Ludlow	X	X	X									
David Hilgefurd	Villa Hills	X	X	X									
Lynn Hood	Crestview Hills	X	X	X									
Marc Hult	Covington	X	X	X									
Dan Ruh	Fort Wright	X	X										
Brandon Raybourne	Elsmere		X	X									
Mark Rogge	Crescent Springs	X	X										
Phil Ryan, Treasurer	Park Hills	X	X	X									
Maura Snyder	Indepen	X	X	X									
Paul Swanson	Erlanger	X	X	X									
Joe Tewes	Bromley	X		X									
John Wells, Chair	Fort Mitchell	X	X	X									
Mark Hushabeck	Lakeside Park	X		X									

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

“-“ 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.

**AGENDA:**

A motion was made by Mr. France to approve the agenda for the evening with Ms. Snyder seconding the motion. A roll call vote found Mr. France, Ms. Snyder, Mr. Barnett, Ms. Carlin, Ms. Brown, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Raybourne, Mr. Ryan, Mr. Tewes and Mr. Wells in favor. The motion carried.

**APPROVAL OF THE MINUTES:**

Mr. Darpel made the motion to accept the minutes from February with Mr. Eilerman seconding the motion. A roll call vote on the matter found Mr. Darpel, Mr. Eilerman, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Raybourne, Mr. Ryan, Ms. Snyder, Mr. Tewes and Mr. Wells 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.

**RECEIPTS AND EXPENDITURES:**

There were no questions or comments. Mr. France made the motion to accept the report. Ms. Snyder seconded the report as submitted. 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. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Raybourne, Mr. Tewes and Mr. Wells abstained. The motion carried.

**RECENT ACTIONS BY LEGISLATIVE BODIES:**

No action required.

**PUBLIC HEARINGS:**

**1998R**

**FILE NUMBER:** Z-10-02-01/1998R

**APPLICANT:** Ron Adams

**LOCATION:** an approximate .25-acre area located at the southeast corner of the intersection of Erlanger Road and Riggs Avenue in Erlanger

**REQUEST:** a proposed map amendment to the Erlanger Zoning Ordinance changing the described area from R-1G (a single-family residential zone with a maximum density of 6.7 dwelling units per net acre) to SC (a shopping center zone)

Staff presentation and Staff recommendation by Mr. Andy Videkovich.

**NKAPC STAFF RECOMMENDATION**

To approve the proposed map amendment from R-1G to SC.

**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-1G to SC 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 south and west of the site in question identified for Commercial Retail/Service uses. The proposed SC Zone will permit a wide variety of retail and service uses in an area identified for Commercial Retail/Service uses.
2. The recommendation of approval of the proposed map amendment from R-1G to SC is consistent with a previous recommendations and actions made by the NKAPC and KCPC:
  - a. On February 4, 1997, the Edward L. Beck submitted an application for NKAPC and KCPC review and recommendation on a proposed map amendment to the Erlanger Zoning Ordinance changing an approximate .5-acre area located approximately 200 feet south of the site in question, from R-1G to SC (Z-97-02-02/1294R). On February 28, 1997, the NKAPC staff recommended disapproval of the proposed map amendment. On March 6, 1997, following the public hearing, the KCPC recommended approval of the proposed map amendment.
  - b. As part of the 2001 Area-wide Comprehensive Plan Update, the recommended land use for the site in question, as well as the area to the south of the site in question, was recommended to be changed from Residential Development at a density ranging from 7.1 to 14.0 dwelling units per net acre to Commercial – Retail/Service. On December 18, 2001, following the public hearing, the Northern Kentucky Area Planning Commission and the Kenton County Planning Commission adopted the 2001 Area-wide Comprehensive Plan Update, including changing the recommended land use for the site in question to Commercial – Retail/Service.
3. The proposed map amendment and submitted development plan is consistent with the Development Concepts within the Land Use Element of the *Comprehensive Plan Update 2006-2026*:

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

The proposed rezoning will be part of a larger area located to the west of the site in question zoned SC.

**Additional Information:**

1. The City has identified the area in the vicinity of Commonwealth Avenue and Baker Street for potential redevelopment. Access to I-71/75 and convenience to residential land uses within the City make this a likely location for new development. The *Comprehensive Plan Update 2006-2026* recommends a Small Area Study be conducted for this area to guide future development. This is a general recommendation with no specific timeline.
2. The submitted development plan meets the minimum requirements of the Erlanger Zoning Ordinance, except for the following:
  - a. Section 9.17 requires a Landscape Plan for new development. While the submitted development plan indicates existing landscaped areas, the specifics and suitability of the existing landscaping and any proposed landscaping will need to be approved by the City's Zoning Administrator.
  - b. Section 10.15, D., 2., requires a 50 foot front, side, and rear building setback.

Section 10.15, E., 4., states that where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of 50 feet for each side and/or rear yard which abuts said zone shall be maintained by a screening area.

The submitted development plan indicates an approximate 40 foot setback from Erlanger Road and a 3.5 foot side yard setback from the adjacent property located to the south of the site in question, which is zoned R-1G. This does not meet the minimum requirements of the zoning ordinance.

No one registered to speak for, against or neutral on the issue. The public hearing was then closed for discussion. A motion was made by Mr. Hilgefurd to approve based on Staff recommendations and additional comments by staff. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Hult, Mr. Raybourne, Mr. Ryan, Ms. Snyder, Mr. Tewes and Mr. Wells in favor. The motion carried unanimously.

**2000R**

**FILE NUMBER:** Z-10-02-03/2000R

**APPLICANT:** City of Independence per Patricia H. Taney, City Clerk

**REQUEST:** a proposed text amendment to the Independence Zoning Ordinance adding pawn shops to the list of permitted uses within the NC (Neighborhood Commercial) Zone

Staff presentation and Staff recommendation by Mr. Michael Schwartz.

## **NKAPC STAFF RECOMMENDATION**

To approve the proposed text amendment adding pawn shops to the list of permitted uses within the NC (Neighborhood Commercial) 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 adding pawn shops to the list of permitted uses within the NC (Neighborhood Commercial) Zone (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 adding pawn shops to the list of permitted uses within the NC (Neighborhood Commercial) Zone (see Attachment A) is consistent with the intent and purpose of the NC Zone. The proposed use can be classified functionally as either a retail or service establishment.
3. The proposed text amendment adding pawn shops to the list of permitted uses within the NC (Neighborhood Commercial) Zone (see Attachment A) is consistent with other uses permitted within the NC Zone. The NC Zone currently permits a wide variety of retail and service uses, including banks, loan companies, and variety stores.

Mr. Tom Nienaber addressed the Commission representing Mr. Larry Hamilton who requested the text amendment. He noted Mr. Hamilton recently moved back to the area and wants to open a pawn shop but there wasn't a zone for it. Kenton County there is no definition of a pawn shop. He stated the majority of goods sold at a pawn shop are cameras and photo supplies, tools, jewelry, musical instruments, electronics, sporting goods, etc. Mr. Hilgefurd asked if hand guns would be permitted to be sold. Mr. Nienaber stated that they can be sold at pawn shops. He noted his concern with the selling of hand guns in the neighborhood commercial zone. Mr. Nienaber then stated law enforcement like pawn shops and they are highly regulated. He further read various KRS statutes with regard to pawn shops as to the buying and selling of items each day. Mr. France asked what guidelines there were for pawn shops selling firearms. Mr. Schwartz then stated by law you cannot use zoning to keep a business from operating. Mr. Nienaber then reiterated that pawn shops are highly regulated businesses. The public hearing was then closed for discussion by the Commissioners. Mr. Barnett made the motion to approve based on Staff's recommendations and on the testimony received. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Barnett, Ms. Hood, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Mr. Hult, Mr. Raybourne, Mr. Ryan, Ms. Snyder, Mr. Tewes and Mr. Wells in favor. The motion carried.

## **2001R**

**FILE NUMBER:** Z-10-02-04/2001R  
**APPLICANT:** Kenton County Fiscal Court  
**REQUEST:** a proposed text amendment to the Kenton County Zoning Ordinance identifying churches and other buildings for the purpose of religious worship as a conditional use within the A-1 (Agricultural One) Zone, provided that they are located adjacent to either an arterial street or a collector street

Staff presentation and Staff recommendation by Mr. Michael Schwartz

### **NKAPC STAFF RECOMMENDATION**

To approve the proposed text amendment identifying churches and other buildings for the purpose of religious worship as a conditional use within the A-1 (Agricultural One) Zone, provided that they are located adjacent to either an arterial street or a collector street.

#### **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 identifying churches and other buildings for the purpose of religious worship as a conditional use within the A-1 (Agricultural One) Zone, provided that they are located adjacent to either an arterial street or a collector street (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 identifying churches and other buildings for the purpose of religious worship as a conditional use within the A-1 (Agricultural One) Zone, provided that they are located adjacent to either an arterial street or a collector street (see Attachment A) is reasonable and appropriate. The purpose of the exception is to ensure that a roadway with adequate capacity is available to accommodate potentially high volumes of traffic. Allowing churches to be accessed from collector streets, in addition to arterial streets, is consistent within this purpose.

No one registered to speak in for, against or neutral on the issues.

The public hearing was closed. Mr. France made the motion to approve based on Staff's recommendation. Mr. Raybourne seconded the motion. A roll call vote on the matter found Mr. France, Mr. Raybourne, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Eilerman, Mr. Hilgefurd, Mr. Hult, Ms. Hood, Mr. Ryan, Ms. Snyder, Mr. Tewes and Mr. Wells in favor. The motion carried unanimously.

#### **Unfinished Business:**

Mr. Wells noted the previous commission assignment list was distributed. Mr. Hilgefurd stated he had an interest in serving on the By Laws committee along with Ms. Snyder.

**Reports from Committees:**

*By-Laws* –Nothing to report.

*Executive*- Mr. Wells stated they did meet and it will be discussed under new business.

*20/20 Sourcebook (Model Zoning Ordinance)* – No report.

*Subdivision Regulations Review* – Nothing to report.

*Report from legal counsel* – Nothing to report.

*Announcements from Staff* – Mr. Schwartz stated that a continuing education session would be held next Tuesday from 5:30-7:30 p.m. He then asked for a show of hands of who would be attending for planning purposes. Mike then stated a cell tower application was submitted that needed the Commission's action. He noted by law they have 60 days to take action. He further stated that date falls a few days shy of the May meeting. He also stated the extension needs to be agreed upon by both parties. He stated a motion needs to be made granting the extension of the 60 days. Mr. Hilgefurd then made the motion to grant the extension with Mr. Ryan seconding the motion. All in favor. None opposed.

*Correspondence:* None.

***New Business:***

Mr. Wells brought up the topic of subdivision bonds. He noted that legal counsel and the Executive committee met to discuss two pieces of property where bonds are being held for the completion of roads and sidewalks in Fr. Wright. He stated they have never called bonds before. He further noted the subdivision has residents living there, snow is being plowed and removed, etc. He stated the residents are concerned that the snow plows are tearing up the streets being the second layer of asphalt has not been completed. He further noted the city of Ft. Wright really wants to see these completed. Mr. Wells stated they are proposing the bonds funds be released so the work can be done to complete the streets as allowed by law. Mr. Wells further stated the City of Ft. Wright agreed to make up for the shortfall, if any, that is remaining for the work to be done when the bond monies are released. Mr. Smith stated this is the first time they've had to call a bond up. Mr. Wells further noted this may very well be the start of this happening due to the economy. Mr. Darpel then made the motion with regard to the bond being called up. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Darpel, Mr. Ryan, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Ryan, Ms. Snyder, Mr. Tewes and Mr. Wells in favor. The motion carried. Mr. Andy Videkovich then gave a presentation on Covington's 12<sup>th</sup> Street/Martin Luther King Blvd. He made comments with regard to the project and noted there are new regulations with regard to this development. He stated Staff has been working since July of 2009 on the new

regulations. He stated they are proposing a new zone to address different uses and development types for the area. He then highlighted various aspects of the new regulations including the regulating of plan sub-districts, street classifications, permitted building forms/uses and development standards. There was discussion and concerns with the specifics of the requirements and design standards placed on the property owners or potential developers. Mr. Videkovich then showed graphics depicting the types of buildings that could conceptually be in each of the proposed districts. He noted a public hearing on the possible zone changes would be held March 18<sup>th</sup> for anyone wanting more information. Mr. Barnett stated he really likes the idea a lot. Mr. Videkovich stated this is the type of discussion he appreciates having at this stage. Mr. Wells stated this would be an excellent project for the local university architectural class to come up with seven or eight different concepts for the area. Mr. Barnett stated the graphics are a good sense of what could be done in the different form districts.

***Public Comments:***

Mr. Keith Viner addressed the Commission and stated a house has been moved from one side of the Route 16 to the other. He stated it has been sitting for six months with nothing being done. He stated he went to various entities and had finally gotten to the code enforcement. He stated there were some code violations cited and he was trying to determine what can be done or who he can contact within the Commission to have something done to get some answers. Mr. Schwartz stated he could contact him with questions.

There being nothing further to come before the Commission, a motion was made by Mr. Darpel and seconded by Mr. France to adjourn. All in favor. The meeting was then adjourned at 8:18 p.m.

APPROVED:

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Chair

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Date