

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING**

**Minutes**

Mr. Wells, Chair, called the meeting to order at 6:15 PM on Thursday, July 1, 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.

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<b>Member</b>	<b>Jurisdiction</b>	<b>J a n</b>	<b>F e b</b>	<b>M a r</b>	<b>A p r</b>	<b>M a y</b>	<b>J u n</b>	<b>J u l</b>	<b>A u g</b>	<b>S e p</b>	<b>O c t</b>	<b>N o v</b>	<b>D e c</b>	
Mark Barnett	Taylor Mill	X	X	X	X	X		X						
Barbara Carlin	Kenton Co	X	X	X	X	X	X	X						
Barry Coates	Covington	X	X	X		X	X	X						
James Cook	Kenton Co	X	X		X	X	X							
Paul Darpel	Edgewood	X	X	X		X	X							
Chuck Eilerman	Covington	X	X	X	X	X	X	X						
Tom France, V.Chair	Ludlow	X	X	X	X	X	X	X						
David Hilgeford	Villa Hills	X	X	X	X	X	X	X						
Lynne Hood	Crestview Hills	X	X	X	X	X	X	X						
Marc Hult	Covington	X	X	X	X	X	X	X						
Dan Ruh	Fort Wright	X	X			X		X						
Brandon Raybourne	Elsmere		X	X	X	X								
Mark Rogge	Crescent Spgs	X	X			X	X	X						
Phil Ryan, Treasurer	Park Hills	X	X	X	X	X	X	X						
Maura Snyder	Independence	X	X	X	X	X	X	X						
Diane Brown	Erlanger	X	X	X	X	X	X							
				*	*									
Joe Tewes	Bromley	X		X	X	X	X	X						
				*										
John Wells, Chair	Fort Mitchell	* X	X	X		X	X	X						
Mark Hushebeck	Lakeside Park	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. David Schneider, representing Legal Counsel in for Matt Smith, and the following NKAPC staff: Martin Scribner, AICP, Deputy Director for Current Planning, Mr. Mike Ionna, Associate Planner and Ms. Jenna Haverkos, Associate Planner.

**AGENDA:**

Mr. Wells proposed to move issue 2009R to the beginning of the agenda since it will be a quick public hearing. Mr. Hilgefurd made the motion to move the issue to the front of the agenda with Mr. Rogge giving the second. All in favor. None opposed.

**APPROVAL OF THE MINUTES:**

Ms. Snyder made the motion to accept the minutes from May with Mr. France seconding the motion. A roll call vote on the matter found Ms. Snyder, Mr. France, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Rogge, Mr. Ryan, Mr. Tewes and Mr. Wells in favor. Mr. Barnett, Mr. Hushebeck and Mr. Ruh 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:**

There were no questions or comments. Mr. France made the motion to accept the report. Ms. Snyder seconded the report as submitted. All in favor. None opposed. The motion carried.

**BUDGET FY11:**

A motion to approve the budget for fiscal year 2011 was made by Mr. Ryan and seconded by Mr. Eilerman. All in favor. None opposed.

**RECENT ACTIONS BY LEGISLATIVE BODIES:**

No action required.

**PUBLIC HEARING:**

**2009R**

**APPLICANT:** City of Edgewood, per Roger W. Rolfes, City Administrator

**LOCATION:** City of Edgewood

**REQUESTS:** A proposed text amendment to the Edgewood Zoning Ordinance allowing basketball goals to be located in all yards, subject to restrictions.

Staff presentations and Staff recommendations by Mr. Mike Ionna.

**NKAPC Staff Recommendations:**

Favorable recommendation of the proposed text amendment allowing basketball goals to be located in all yards, subject to restrictions, as listed in Attachment A.

**ATTACHMENT A  
Z-10-06-02/2009R**

Proposed Text Amendment to the Edgewood Zoning Ordinance  
Words to be added are underlined – Words to be deleted are lined through

ARTICLE X GENERAL REGULATIONS

SECTION 9.10 APPLICATION OF ZONING REGULATIONS

- A. Except as herein provided, no part of any yard, or other open space, or off-street parking or loading and/or unloading space about or in connection with any building, structure, or use permitted by this ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading and/or unloading space for any other building, structure, or use.
- B. Except as herein provided, every structure hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building and permitted accessory structure on one (1) lot, nor shall any building be erected on any lot which does not abut a public right - of - way.
- C. Except as herein provided, customary accessory buildings or uses serving principal permitted uses shall not be permitted within any front yard or side yard (on each side of the lot) in any zone. In each residential zone, the following customary accessory building or use serving the principal permitted uses are permitted, provided that such uses are located in the rear yard only, set back from the rear lot line a minimum of twenty (20) feet, and, required side yard clearances are maintained:
  - 1. A building for storage, provided that no such building shall exceed one hundred (100) square feet in gross floor area and no part of any such building shall be located further than twenty (20) feet from the principal permitted building.
  - 2. A private tennis court, including shelter house, and a gazebo.
  - 3. A child's play house, not to exceed one hundred (100) square feet in gross floor area.
  - 4. Barbecues and outdoor cooking structures, play equipment.
  - 5. Fall - out shelters.

6. Any other customarily found and in conjunction with and required for full utilization and enjoyment of the principal use and which meets the definition of customary accessory building or use.
7. For single-family dwellings, private garages or carports not to exceed five hundred (500) square feet in gross floor area or a maximum coverage of ten (10) percent of the available yard area in which said structure is to be located, whichever is greater. In all cases, the floor area of such structures shall be less than the gross floor area of the principal structure.
8. For two-family residential dwellings, private garages or carports not to exceed five hundred (500) square feet in gross floor area or a maximum coverage of ten (10) percent of the yard area in which said structure is to be located, whichever is greater. In all cases, the floor area of such structures shall be less than the gross floor area of the principal structure.

D. In each residential zone, the following customary accessory buildings or uses may be permitted to locate in the rear or side yards, provided that said uses are set back a minimum of thirty (30) feet from the rear and side lot lines:

1. For single family dwellings, private recreational buildings not to exceed 800 square feet in gross floor area or a maximum coverage of 10 percent of the available yard area in which said structure is to be located, whichever area is greater. In all cases, the floor area of such structures shall be less than the gross floor area of the principal structure.

Accessory buildings or uses serving conditional uses as permitted within the respective zones, shall be permitted subject to the approval of the board of adjustment, as set forth in Section 9.14 and 18.7 of this Ordinance.

Location of off - street parking, loading, and/or unloading areas, fences, walls, and signs are governed by their respective sections as provided herein.

E. In all residential zones, the following customary accessory buildings or uses may be permitted to locate in all yards, subject to restrictions:

1. Basketball Goals, subject to the following setbacks:

- A. Front Yard Setback - Basketball goals shall be closer to the front of the principal building than to the street edge of pavement.
- B. Side Yard Setback – One (1) Foot
- C. Rear Yard Setback – Ten (10) Feet

E.F. Permitted Obstructions in Minimum Required Yards: Except as herein provided, the following shall not be considered to be obstructions when located in the minimum required yards specified:

1. In All Minimum Required Yards - Driveways, providing they are not closer than two (2) feet to the property line to which they run approximately parallel to; steps, four (4) feet or less above grade projecting not more than four (4) feet into the minimum required yards which are necessary for access to a lot from a street or alley; fire escapes and chimneys, projecting not more than eighteen (18) inches into the minimum required yards; arbors and trellises; flag poles; bird baths; trees; plants; shrubberies; ornaments; utility poles and wires; and outdoor furniture; fences and walls, subject to the requirements in Article XIII; and off-street parking as provided for in Article XI of this ordinance.
2. In Minimum Front Yard Depths - Bay windows projecting three (3) feet into the minimum required yard; overhanging eaves and gutters projecting not more than three (3) feet into the minimum required front yard; window air conditioning units, awning and canopies extending not more than three (3) feet into the minimum required front yard.
3. In Minimum Rear Yard Depths - Bay windows, overhanging eaves, and gutters, and air conditioning equipment projecting not more than three (3) into the minimum required yard; awning and canopies provided they not extend more than ten (10) feet into the minimum required rear yards.
4. In Minimum Side Yard Width - Window air conditioning units; and overhanging eaves and gutters projecting not more than eighteen (18) inches into the minimum required side yard; awning and canopies providing that they extend not more than two (2) feet into the minimum required side yard.

No one registered to speak on the issue. The public hearing was recessed and closed. A motion was made by Mr. Rogge to approve based on staff's recommendations. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Rogge, Mr. Ryan, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Ruh, Ms. Snyder, Mr. Tewes and Mr. Wells in favor. The motion carried.

#### **1990R**

**APPLICANT:** City of Park Hills per Michael Hellman, Mayor

**LOCATION:** City of Park Hills

**REQUEST:** a proposed amendment to the comprehensive plan: (1) adopting the *Park Hills Dixie Study* into *Comprehensive Plan Update 2006-2026: An Area-Wide Vision for Kenton County*, (2) amending the Recommended Land Use Map as it relates to the referenced area from Residential Development at a density of 4.1 to 7.0 dwelling units per net acre, Residential Development at a density of 7.1 to 14.0 dwelling units per net acre, Other Community Facilities, School Parks, Commercial Office, Commercial Retail/Service, and Physically Restricted Development Area to Small Area Study; and, (3) amending the County-Wide Plan Element text to include Addendum 03 describing the *Park Hills Dixie Study* and incorporating the entire study by reference (this issue was tabled at the December 3 and January 12 meetings)

Staff presentation and Staff recommendations by Jenna Haverkos.

**NKAPC Staff Recommendations**

To approve the proposed map and text amendments as submitted to *Comprehensive Plan Update 2006-2026: An Area-Wide Vision for Kenton County*.

Staff presented brief highlights of the issue since a good amount of time has passed since the issue was tabled. It was noted by Mr. Wells that the minutes from the January meeting are a part of the record on this issue already so he requested that those interested in speaking on the issue stick to the items added since January.

Mayor Michael Hellman addressed the Commission and stated Covington Catholic would be willing to work with them as far as access. He asked for approval on the issue.

Mr. Todd McMurtry addressed the Commission on the issue and stated Covington Catholic wants to thank Mayor Hellman and Park Hills for allowing them to discuss the plans. He stated their goal is to work with the city and move forward. He further stated he will incorporate his prior objections already of record from the meeting in January.

Ms. Evelyn Stubs addressed the Commission and stated she is just regular citizen who lives in Park Hills. She wanted to thank the city for inviting her to be a part of the process and stated she and her neighbors are excited about what is to come for Dixie Highway.

Mr. Steve Ryan addressed the Commission and stated he is the chair of the small area task force and was available to answer any questions.

The public hearing was recessed for discussion and closed. Mr. Ryan then made the motion to approve the application with staff's recommendations along with verbiage on page 48 as presented with the addition of one sentence. Mr. Barnett seconded the motion. A roll call vote on the matter found Mr. Ryan, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Ms. Snyder, Mr. Tewes and Mr. Wells in favor. The motion carried.

**2008R**

**APPLICATION:** Cardinal Engineering per Don Stegman, on behalf of United Dairy Farmers, Inc., for Charles T. Moore and Herbert E. Moore, Jr.

**LOCATION:** Southeast corner of the intersection of Madison Pike and Hands Pike, Covington

**REQUEST:** A Proposed map amendment to the Covington Zoning Ordinance changing the described area from CN-1A (neighborhood commercial zone) to CG-1A (general commercial zone).

Staff presented by Mr. Martin Scribner.

**NKAPC Staff Recommendations**

An unfavorable recommendation for petition Z-10-06-01/2008R should be forwarded to the City

of Covington.

Mr. Tim Kling addressed the Commission and thanked everyone for taking a look at the plan. He stated the development is an appropriate use and they look forward to serving the area. He stated they look for sites on arterial roads, as this piece of property is. He stated they realize some of the growth will be to the south on KY 17.

Mr. Don Stegman addressed the Commission and stated two things to look at are does this development fit into the character of the area and does it fit with traffic and will it be a safe development. He stated both zones lend to an automotive area. He further noted a gas and convenience store is in character with the area. He stated the comprehensive plan was put into place in 2006 so it is interesting to note that that this area was a neighborhood commercial zone prior to that time. He stated the CG zone is a more appropriate zone for this area. He then noted that old Madison Pike is out of the flood plain as well as the entire site proposed so that is not a concern. He then noted the realignment of Madison Pike and Hands Pike left the triangular piece of land. He then noted as an engineer he is excited about developing the site. He stated there is good dispersion of traffic with this site because of its location. He then noted the majority of the access is to allow for connectivity. He stated they have done a traffic analysis to prove that it will be safe. Mr. Hilgefurd then stated he doesn't feel the multiple access points on Hands Pike encourage internal traffic flow. Mr. Stegman stated thousands of dollars have been spent to determine this development is safe. Mr. Tewes then stated he feels this is an excellent layout and provides for multiple access points. Mr. Stegman stated this development definitely serves the community. Mr. Wells stated he sees five access points as a lot and can conceivably see access point 1, 2, 4 and 5 but 3 not so much. Mr. Stegman then stated access point #3 is primarily for convenience for delivery trucks. Mr. Ruh then suggested making access #3 one way in or one way out. Mr. Stegman stated he feels this is consistent with the comprehensive plan and consistent with the uses the comprehensive plan looks for in this area. Much discussion was had as to access points and the need to have so many. Mr. Hushebeck stated the site has its own limitations. Mr. Barnett then stated the staff made some valid points with the comprehensive plan.

All others who registered to speak had nothing to add.

The public hearing was then recessed for discussion. Mr. Hult stated the two zones are pretty similar and doesn't have a fundamental problem with the zones. He further stated he feels this is a missed opportunity of green space. Mr. Eilerman stated he doesn't feel this is radically affecting the comprehensive plan. He further stated this is in balance in keeping with the community service area. Mr. Scribner stated the main concern here is the gas station. Mr. Hilgefurd then stated he doesn't have a problem with the zoning but has a problem with the access points. Mr. Wells then stated since this is no opposition he did not offer rebuttal but since staff brought up traffic questions he would give five minutes. The public hearing was then re-opened. Mr. Stegman stated they show 250 feet of stacking as required at Hands Pike according to their study. He stated they feel the spacing is accommodated in this situation. The public hearing was then closed. Mr. Eilerman then made the motion to approve the zone change based on discussion and the testimony heard. He noted as to "B" it is inappropriate and this proposal is appropriate. Mr.

Rogge then seconded the motion. A roll call vote on the motion found Mr. Eilerman, Mr. Rogge, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. France, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Ruh and Ms. Snyder and Mr. Wells in favor. Mr. Hilgefurd, Mr. Ryan and Mr. Tewes voted against. The motion carried.

**Unfinished Business:** - Nothing to report.

**Reports from Committees:**

*By-Laws* –Nothing to report.

*Executive*- Nothing to report.

*Subdivision Regulations Review* – Nothing to report.

*Report from legal counsel* – Nothing to report.

*Announcements from Staff* – Mr. Scribner noted the upcoming continuing education opportunities to be held on July 6 and August 5<sup>th</sup> as stated in the agenda.

*Correspondence:* None.

*New Business:* - Mr. Rogge noted the Crescent Springs Gateway study information was distributed to the commissioners in their monthly packets.

*Public Comments:* None.

There being nothing further to come before the Commission, a motion was made by Ms. Snyder to adjourn and seconded by Ms. Hood. All in favor. None opposed. The meeting then adjourned at 9:07 p.m.

APPROVED:

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Chair

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Date