

**KENTON COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
Minutes

Mr. Darpel, Chair, called the meeting to order at 6:15 PM on Thursday, May 5, 2011, 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</b>	<b>F</b>	<b>M</b>	<b>A</b>	<b>M</b>	<b>J</b>	<b>J</b>	<b>A</b>	<b>S</b>	<b>O</b>	<b>N</b>	<b>D</b>	
		<b>a</b>	<b>e</b>	<b>a</b>	<b>p</b>	<b>a</b>	<b>u</b>	<b>u</b>	<b>u</b>	<b>e</b>	<b>c</b>	<b>o</b>	<b>e</b>	
		<b>n</b>	<b>b</b>	<b>r</b>	<b>r</b>	<b>y</b>	<b>n</b>	<b>l</b>	<b>g</b>	<b>p</b>	<b>t</b>	<b>v</b>	<b>c</b>	
Mark Barnett	Taylor Mill	X	X		X	X								
Ms. Brown	Erlanger	X	X	X		X								
Barbara Carlin	Kenton Co	X	X	X		X								
Barry Coates	Covington	X	X	X	X	X								
James Cook	Kenton Co	X	X	X	X	X								
Ron Cook	Elsmere			X	X	X								
Paul Darpel, Chair	Edgewood	X	X	X	X	X								
Chuck Eilerman	Covington	X	X	X	X	X								
Tom France, V.Chair	Ludlow	X		X	X	X								
David Hilgeford	Villa Hills	X		X		X								
Lynne Hood	Crestview Hills	X	X	X	X	*								
Marc Hult	Covington	X	X	X	X	X								
Mark Hushebeck	Lakeside Park	X	X	X		X								
Dan Ruh, Treasurer	Fort Wright	X	X	X	X									
Mark Rogge	Crescent Spgs	X	X	X		X								
Shad Sletto	Fort Mitchell	X	X	X		X								
Maura Snyder	Independence	X	X	X	X	X								
Joe Tewes	Bromley	X	X	X	X	X								
Melissa Worstell	Park Hills		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.

Also present were Matt Smith, Legal Counsel, and the following NKAPC staff: Martin Scribner, AICP, Deputy Director for Current Planning, Mr. Mark Ionna, Associate Planner and Mr. Andy Videkovich, Principal Planner.

**AGENDA:**

All in favor. None opposed. The motion carried.

**APPROVAL OF THE MINUTES:**

There being no further corrections or comments, Ms. Snyder made a motion to accept the minutes as amended. Mr. France seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. France, Mr. Barnett, Mr. Coates, Mr. Cook, Mr. Ron Cook, Mr. Eilerman, Mr. Hult, Ms. Worstell, Mr. Tewes and Mr. Darpel in favor. Ms. Brown, Ms. Carlin, Mr. Hilgeford, Mr. Hushebeck, Mr. Rogge and Mr. Sletto abstained. The motion carried.

**RECEIPTS AND EXPENDITURES:**

There were no questions or comments. Ms. Snyder made the motion to approve. Ms. Worstell seconded the motion. A roll call vote on the matter found Ms. Snyder, Ms. Worstell, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Ron Cook, Mr. Eilerman, Mr. France, Mr. Hilgeford, Mr. Hult, Mr. Hushebeck, Mr. Rogge, Mr. Sletto, Mr. Tewes and Mr. Darpel 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.

**RECENT ACTIONS BY LEGISLATIVE BODIES:**

No action required.

**PUBLIC HEARINGS:**

\*Ms. Hood arrived during the following issue.

**2034R**

**APPLICANT:** City of Ludlow per Joseph Schutzman, Codes Administrator

**LOCATION:** 201 Oak Street; an approximate 0.29 acre area located on the southwest corner of the intersection of Oak Street with Carneal Street in Ludlow.

**REQUEST:** a proposed map amendment to the Ludlow Zoning Ordinance changing the described area from I-1 (an industrial zone) to R-1J (a detached single-family residential zone at a maximum density of 14.5 dwelling units per net acre.

Staff presentation and Staff recommendations by Mr. Andy Videkovich.

**NKAPC STAFF RECOMMENDATIONS:**

To give a favorable recommendation on the proposed map amendment from I-1 to -1J.

Mr. Miller addressed the Commission in favor of the issue and stated he has nothing to add but if there are any questions he would be happy to answer them. Mr. Hilgeford asked why the construction was started prior to getting this or if it was just overlooked. Mr. Miller stated it had been overlooked. Mr. Hilgeford then asked if the request was being made to bring it into compliance and Mr. Miller stated yes.

Mr. Keller addressed the Commission in favor of the issue and stated this is good for Ludlow. He stated he had the same question as Mr. Hilgeford had for the property owner but he has no problem with it.

Public hearing recessed for discussion. There being none, the public hearing was closed. Mr. Sletto made the motion to approve based on Staff's recommendation. Ms. Worstell seconded the motion. A roll call vote on the motion found Mr. Sletto, Ms. Worstell, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Ron Cook, Mr. Eilerman, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Rogge, Ms. Snyder, Mr. Tewes and Mr. Darpel in favor. The motion carried.

**2035R**

**APPLICANT:** City of Covington per Larry Klein, City Manager

**REQUEST:** proposed text amendments to the Covington Zoning Ordinance amending the permitted and conditional uses within the CC (Community-Commercial) Zone, CG (Commercial-General) Zone, CBD (Central Business District) Zone, and CT (Commercial-Tourist) Zone.

Staff presentation and Staff recommendations by Mr. Mike Ionna.

**NKAPC STAFF RECOMMENDATIONS:**

Favorable recommendation of the proposed text amendment changing Religious Assembly from a permitted use to a conditional use within the CBD (Central Business District) Zone and the CT (Commercial-Tourism) Zone.

Mr. Freese addressed the Commission in favor of the issue and stated he was available to answer any questions. Mr. Hilgeford stated his concern is there are a number of churches within the zone that offer services to the homeless and he is wondering if that would come under or be affected by this proposal. Mr. Fries stated it would pertain to any expansion of the building for example if they wanted to build a homeless shelter. But if it is something the church as an assembly is currently or already doing it would be permitted. Ms. Brown asked about the personal improvements services. She asked if they were really losing a lot of business because it is a

conditional use now. Mr. Freese stated surprisingly it is a barrier for people.

There being no one else to speak, the hearing was recessed for discussion. There being none, the public hearing was closed.

Mr. Darpel stated they would be handled as three separate motions. Mr. Rogge made the motion with regard to request #1 to approve based on staff's recommendation and to include the extra regulatory language and the additional comment. Mr. Ron Cook seconded the motion. A roll call vote on the matter found Mr. Rogge, Mr. Ron Cook, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Sletto, Ms. Snyder, Ms. Worstell and Mr. Tewes in favor. The motion carried.

With regard to request #2, Mr. Rogge made the motion to approve based on staff's recommendations. Mr. Eilerman seconded the motion. A roll call vote on the matter found Mr. Rogge, Mr. Eilerman, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Ron Cook, Mr. Darpel, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Sletto, Ms. Snyder, Ms. Worstell and Mr. Tewes in favor. The motion carried.

With regard to request #3, Mr. Rogge made the motion to approve based on staff's recommendation. Mr. Hult seconded the motion. A roll call vote on the matter found Mr. Rogge, Mr. Hult, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Ron Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Sletto, Ms. Snyder, Ms. Worstell and Mr. Tewes in favor. Mr. Hilgeford and Mr. Hushebeck voted against. The motion carried.

### **2036R**

**APPLICANT:** City of Covington per Larry Klein, City Manager

**REQUEST:** proposed text amendments to the Covington Zoning Ordinance: amending the height requirements for fences located within the side yard of residential zones; and, adding regulations prohibiting the location of private swimming pools forward of the principal structure or within the front yard of any lot.

Staff presentations and Staff recommendations by Mr. Mike Ionna.

### **NKAPC STAFF RECOMMENDATIONS:**

Favorable recommendation of the proposed text amendment adding regulations prohibiting the location of private swimming pools forward of the principal structure or within the front yard of any lot.

Mr. Freese addressed the Commission in favor of the issue. He stated this came up because someone actually put up a swimming pool last year on Main Street.

There being no further questions, the public hearing was recessed for discussion. There being none, the public hearing was closed. Mr. Darpel stated this would be handled as two separate items as well. Mr. Sletto made the motion to approve recommendation #1 based on staff's

recommendation. Ms. Worstell seconded the motion. A roll call vote on the motion found Mr. Sletto, Ms. Worstell, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Ron Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Rogge, Ms. Snyder and Mr. Tewes in favor. With regard to request #2 Mr. Tewes made the motion to approve with regard to staff recommendations. Mr. Hushebeck seconded the motion. A roll call vote on the matter found Mr. Tewes, Mr. Hushebeck, Mr. Barnett, Ms. Brown, Mr. Carlin, Mr. Coates, Mr. Cook, Mr. Ron Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Rogge, Ms. Sletto, Ms. Snyder and Ms. Worstell in favor. The motion carried.

### **2037R**

**APPLICANT:** City of Fort Mitchell per Mayor Chris Wiest

**REQUEST:** proposed text amendments to the Fort Mitchell Zoning Ordinance : making medical and dental clinics, drug stores, laboratories, health clinics, and pharmacies conditional uses in all zones in which they are currently permitted; and, adding a definition of health clinic to Article 7.

Staff presentations and Staff recommendations by Mr. Martin Scribner.

### **NKAPC STAFF RECOMMENDATIONS:**

Recommendation #1

Unfavorable recommendation on proposed text amendments to the Fort Mitchell Zoning Ordinance: making medical and dental clinics, drug stores, laboratories, health clinics and pharmacies conditional uses in all zones in which they are currently permitted.

Recommendation #2

Favorable recommendation on proposed text amendment to add a definition of health clinic to Article 7.

Mr. Hult stated it is a conflict to not be able to have a drug store as a permitted use because it is a convenience to the surrounding area. Mr. Hilgefurd commented that it is pretty obvious what the intent is with this text amendment.

There being no one registered to speak the meeting was recessed for discussion. Mr. Hilgefurd stated it seems the city wants to pick and choose what types of clinics are allowed within the city. Ms. Brown stated she feels it is simply allowing the neighbors who might live next to a clinic that might want to go in to have a say on whether or not they want to live next to a particular use. Mr. Barnett stated he would have to agree with Mr. Hilgefurd that there is nothing subtle about this text amendment. Mr. France asked if there is a standard on what would be permitted and what would not. Mr. Smith then stated there are a set of standards that are required by the Board of Adjustments in making their decisions. He stated there is a state standard that applies and the Board of Adjustments is not allowed to go city by city. There being no further discussion, the public hearing was closed. Mr. Darpel stated to be consistent he would separate them out as two separate motions. Mr. Cook made the motion for Recommendation #1 to disapprove the text amendment based on staff's recommendation. Mr. Barnett seconded the motion. A roll call vote

on the matter found Mr. Cook, Mr. Barnett, Ms. Carlin, Mr. Coates, Mr. Ron Cook, Mr. Darpel, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Rogge, Mr. Sletto, Ms. Snyder, Ms. Worstell and Mr. Tewes in favor. Ms. Brown, Mr. Eilerman and Mr. France voted against. The motion failed.

With regard to Recommendation #2, Mr. Sletto made the motion to approve based on Staff's recommendation. Mr. Ron Cook seconded the motion. A roll call vote on the matter found Mr. Sletto, Mr. Ron Cook, Mr. Barnett, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Rogge, Ms. Snyder, Ms. Worstell and Mr. Tewes in favor. The motion carried.

**Unfinished Business:** None.

**Reports from Committees:**

*By-Laws* – Nothing to report.

*Executive* – Mr. Darpel stated they did not meet but he did follow up with Mr. Gordon to check on the Kentucky planning Association conference. He stated if you are interested in attending it is the 26<sup>th</sup> through the 28<sup>th</sup> in Dale Hollow. He stated if anyone wants to go to see Mr. Gordon there is still money available. He stated on September 14-16<sup>th</sup> they have a fall conference at Embassy Suites in Covington so there will be another opportunity in September. Mr. France commented on a recent presentation he attended and stated since we are in the process of updating the comprehensive plan, the speaker put in perspective in planning to create better outcomes for people's lives. He challenged planners to think in terms of improving the quality of people's *lives* and not the quality of *life* it makes it more personal in what the commission tries to do as planners.

*2020 Sourcebook (model zoning ordinance)* – Nothing to report.

*Subdivision Regulations* – Jim Cook noted an email will be coming out within the next couple of weeks and stated everyone is invited. Mr. Hilgefurd asked about the possibility of using these meetings as continuing education requirements. Mr. Darpel stated he could check on that. He also noted Mr. Scott Hiles really did a nice job in presenting the information. He stated the next meeting will be coming out in Mr. Cook's email and stated the more the commission knows and the more educated they are they better they appear to the public in being able to respond and answer questions. He stated everyone is welcome so he encourages everyone to try to attend.

*Report from legal counsel* – Mr. Smith noted there was nothing to report.

*Announcements from Staff* – Mr. Scribner noted there would be a webinar held next Wednesday on May 11<sup>th</sup> from 4-5:30. He stated there is also a flyer about the Northern Kentucky Forum in everyone's packets as a sort of informal kickoff to the comprehensive plan update. He stated he would request from Staff to attend and is also requesting this be considered for continuing education credit. Mr. Darpel stated that is the next item on the agenda to approval that for continuing education hours. Ms. Snyder made the motion. Ms. Brown seconded. All in favor.

None. Opposed.

***Correspondence:*** None.

***New Business:*** - None.

***Public Comments:*** None.

There being nothing further to come before the commission Ms. Snyder made a motion to adjourn. Ms. Worstell seconded the motion. All in favor. None opposed. The meeting then adjourned at 7:34 p.m.

APPROVED:

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Chair

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Date