

KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING
Minutes

Mr. Ruh, Chair, called the meeting to order at 6:15 PM on Thursday, August 2, 2012, 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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|---------------------|-----------------|------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--|
| Member | Jurisdiction | J a n | F e b | M a r | A p r | M a y | J u n | J u l | A u g | S e p | O c t | N o v | D e c | |
| Ms. Diane Brown | Erlanger | 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 | | | | | |
| Paul Darpel, Chair | Edgewood | X | X | X | X | X | X | X | | | | | | |
| Chuck Eilerman | Covington | * | 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 | | | | | |
| Lynne Hood | Crestview Hills | X | X | X | X | X | X | X | * | | | | | |
| Marc Hult | Covington | X | X | X | X | X | X | X | X | | | | | |
| Mark Hushabeck | Lakeside Park | | * | | * | | X | X | X | | | | | |
| Joe Pannunzio | Elsmere | X | X | X | X | X | X | X | X | | | | | |
| Stan Porter | Taylor Mill | X | X | X | X | X | X | | X | | | | | |
| Mark Rogge | Crescent Spgs | X | X | X | | * | X | X | X | | | | | |
| Dan Ruh, Treasurer | Fort Wright | X | X | X | | * | X | | X | | | | | |
| Shad Sletto | Fort Mitchell | X | * | | * | * | X | | X | | | | | |
| Maura Snyder | Independence | X | X | * | X | X | X | X | X | | | | | |
| Joe Tewes | Bromley | X | X | | X | X | X | X | * | | | | | |
| Melissa Worstell | Park Hills | | 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, Dep. Director for Current Planning and Mr. Mike Ionna, Associate Planner.

AGENDA

Mr. Ruh. Ms. Snyder made the motion to approve. Mr. Hilgeford seconded the motion. All in favor by acclamation. The motion carried.

APPROVAL OF THE MINUTES:

Mr. Ruh asked for a motion. Ms. Snyder made the motion to approve. Mr. Hult seconded. A roll call vote on the matter found Ms. Snyder, Mr. Hult, Ms. Carlin, Mr. Eilerman, Mr. Hushabeck, Mr. Pannunzio, Mr. Porter, Mr. Rogge and Mr. Tewes in favor. Mr. Coates, Mr. Cook, Mr. Hilgeford, Mr. Ruh and Mr. Sletto, abstained. The motion carried.

RECEIPTS AND EXPENDITURES:

There were no questions or comments with regard to the financial statement. Ms. Snyder made the motion to accept. Mr. Hult (check) seconded the motion. All in favor by acclamation. The motion carried.

FY13 PROPOSED BUDGET:

Mr. Ruh stated this is the best budget available and stated he is asking for approval. Mr. Rogge made the motion to accept. Mr. Hilgeford seconded the motion. A roll call vote on the matter found Mr. Rogge, Mr. Hilgeford, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Ms. Hood, Mr. Hult, Mr. Hushabeck, Mr. Pannunzio, Mr. Porter, Mr. Ruh, Mr. Sletto, Ms. Snyder and Mr. Tewes 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:

The following two issues have been combined for purposes of the hearing.

2052R

APPLICANT: City of Covington per Larry Klein, City Manager

REQUEST: a proposed text amendment to the Covington Zoning Ordinance removing section 4.06 ART, Arts and Technology Zone and all referenced to that section; this issue was tabled at the November 2, 1011 meeting.

Staff presentation and Staff recommendation by Mr. Mike Ionna.

NKAPC STAFF RECOMMENDATIONS:

Favorable recommendation of the proposed text amendment deleting section 4.06 ART, Arts and Technology Zone and all referenced to said section in the Covington Zoning Ordinance subject to the following condition:

That approval of the proposed text amendment be contingent upon the approval of the Application 2051R which contains the zone change requests for the one area currently located on the Covington Zoning Map that is zoned ART.

2051R

APPLICANT: City of Covington per Larry Klein, City Manager

LOCATION: an approximate 18-acre area located along the north and south sides of Pike Street, generally extending between Washington Street and Main Street in Covington.

REQUEST: proposed map amendments to the Covington Zoning Ordinance, changing the described area from ART-3P (HP-0) (Arts and Technology Zone with Historic Preservation Overlay) to CBD-7P (HP-O) (Central Business District with Historic Preservation Overlay), CG-7P (HP-O) (Commercial-General with Historic Preservation Overlay), and RU-2B (Urban Residential Two); this issue was tabled at the November 3, 2011 meeting.

Staff presentation and Staff recommendation by Mr. Mike Ionna.

NKAPC STAFF RECOMMENDATIONS:

Favorable recommendation of the proposed map amendments to the Covington Zoning Ordinance, changing the area described herein, from ART-3P (HP-O) (Arts and Technology Zone with Historic Preservation Overlay) to CBD-7P (HP-O) (Central Business District with Historic Preservation Overlay), CG-7P (HP-O) (Commercial-General with Historic Preservation Overlay), and RU-2B (Urban Residential Two).

Andrew Juengling addressed the Commission in favor of the issue and stated this is being presented to add more uses to this particular zone. He stated the uses are limited so the reason for the change is to add more permitted uses. He stated professional offices are a conditional use and it doesn't seem to appear there has been a whole lot of thought put into the existing uses. He further stated he was available to answer any questions. Mr. Hilgeford asked how many non-conforming uses would be created. Mr. Juengling stated there would basically be none because any that are non-conforming uses would have already been non-conforming long ago. He stated if anything it would bring more uses into conforming use.

Mr. Al Bonar addressed the Commission against the issue. He stated he has nothing against it in general because the ART zone was a mess anyway. He stated the issue he has is the historic overlay. He said all they have to do is look at Madison Avenue. He stated they can't do anything with that historic overlay zone. He stated that's all he has to say. He said they tried to make it historic years ago and blocked off Pike Street and put in a fountain and then they put in the Art zone. He stated it's just one thing after another.

Mr. Juengling addressed the Commission in rebuttal and stated the reason it is a historic overlay is because it was that way before and it's to preserve the architecture that is there.

Mr. Bonar addressed the Commission in rebuttal and stated the school near him is not historical and to the other side of him is not historical either. He stated it doesn't do anything for him. He

stated you can't even go get your own paint.

Mr. Ruh then recessed the hearing for discussion. Mr. Eilerman then stated he is very proud to represent the City of Covington but he has to say this whole issue is embarrassing. He stated not the proposal but how they got into the situation. He stated he was on the Commission back in '05 and '06 when the Art zone went in and it's been unraveling ever since. He stated it's very detrimental to development. He stated it has become so confusing and a real drag on the city and development in his opinion. He then noted they need to vastly simplify their zoning and go back to the drawing board and come up with a zone that is user friendly and simple. Mr. Sletto stated he feels the historic district can be overused and he thinks the HP-O is probably too restrictive of a zone. The public hearing was then closed. Mr. Ruh then asked for a motion. Mr. Eilerman made the motion to approve 2052R based on Staff's recommendation. Mr. Hult seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Rogge, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hilgefurd, Ms. Hood, Mr. Hushabeck, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Mr. Ruh, Mr. Sletto, Ms. Snyder and Mr. Tewes in favor. The motion carried unanimously. Mr. Eilerman made the motion to approve with regard to 2051R based on Staff recommendations. Mr. Rogge seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Rogge, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Hushabeck, Mr. Pannunzio, Mr. Porter, Mr. Ruh, Mr. Sletto, Ms. Snyder and Mr. Tewes in favor. The motion carried unanimously.

2088R

APPLICANT: Benjamin Pugh on behalf of Houston Road Center, LLC per Mark Rumpke

LOCATION: an approximate 4.6-acre area located along the northeast side of Houston Road between Viox Drive and Donaldson Road in Erlanger.

REQUEST: A proposed map amendment to the Erlanger Zoning Ordinance changing the described area from HC (Highway Commercial) to HC-2 (Highway Commercial-Two)

Staff presentations and Staff recommendations by Mr. Mike Ionna.

NKAPC STAFF RECOMMENDATIONS:

Favorable recommendation of the proposed map amendment to the Erlanger Zoning Ordinance changing the described area from HC (Highway Commercial) to HC-2 (Highway Commercial-Two) subject to the following condition:

That the submitted site plan for a zoning permit for development within Parcel (B) be in compliance with Erlanger Zoning Ordinance as it pertains to the following:

1. The location of proposed buildings or structures meet the area and height requirements of the proposed HC-2 Zone.
2. The pedestrian and internal street networks are indicated on the site plan.
3. The landscape meets requirements set forth in Section 9.17.
4. All fences, walls, and obstructions to view meet the regulations set forth in Article XIII.

Mr. Pugh addressed the Commission in favor of the issue. He gave an overview of the area and stated the Center of Erlanger is available for occupancy. He stated Ross Medical Educational Center will be occupying a portion of the center. He stated there will be 6,900 square feet of educational space and stated it is really a nice facility. He stated the proposed zone change would only apply to this specific area. He further stated parcel B is only going to be for

overflow. He noted they believe this is going to fit in with the look and feel of the building itself. He then reiterated Staff's recommendations on the matter. He then noted he has spoken with the owners about each of the four conditions with regard to parcel B and stated these will not be an issue. He stated this will provide an opportunity to create jobs in the area and he would hate for Ross to not have the opportunity to move into the area based on the zoning. Mr. Hilgefjord asked if there was a curb cut or access on Cherry Tree Lane and stated he is a little concerned about an access point for the B parcel on Cherry Tree Lane. Mr. Pugh stated it's his understanding that that hasn't been determined for certain yet but confirmed that the access point was not going to be on Cherry Tree Lane.

Mr. Bergmann then addressed the Commission and stated in representing Ross Educational they recognize they will need a large amount of parking and that is the reason they are here today.

Mr. Green addressed the Commission and stated he doesn't have any problem with the zone change and he thinks it's a good thing. He stated when the Erlanger Cinema shut down it had an adverse effect on the area. He stated the only reason he showed up was to find out how the proposal was going to affect the subdivision where he lives which is adjacent to the property. He stated the only objection he has is the parking lot. He stated one of the concerns he has is the access from Cherry Tree Lane to parcel B which has barriers to keep people out that part of Houston Road. He stated he doesn't know if it's a good thing or not but right now it's an eyesore. He then stated he feels this proposal would be a good thing and he has no objections.

Mr. Muliaga addressed the Commission as direction of facilities for Ross Education. He stated they have been looking for over a year and are very excited about this property and he thinks it will be a good thing for the area. He further noted they look forward to building it and

Mr. Ruh then recessed the public hearing for discussion amongst the commissioners. Mr. Hilgefjord asked about the curb cuts and asked if there are any presently approved or presently in existence for parcel B to Cherry Tree Lane. Mr. Ionna stated there are none that he is aware of. Mr. Ionna also pointed out that staff was unaware that parcel B would be a parking lot during the application process. Mr. Ruh then closed the public hearing and asked for a motion. Mr. Sletto then made the motion to approve. Mr. Hilgefjord suggested adding an information comment to the city of Erlanger pertaining to the elimination of any curb cuts involving Cherry Tree Lane. Mr. Sletto stated he doesn't feel like that is necessary because that is already taken care of. A roll call vote on the matter found Mr. Sletto, Mr. Rogge, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Ms. Hood, Mr. Hult, Mr. Hushabeck, Mr. Pannunzio, Mr. Porter, Mr. Ruh, and Mr. Tewes in favor. Mr. Hilgefjord voted against. Ms. Snyder had to leave the meeting prior to the vote being taken. The motion carried.

2089R:

APPLICANT: Kenton County Fiscal Court per Judge/Executive Steve Arlinghaus

REQUEST: a proposed text amendment to the Kenton County Zoning Ordinance adding "Personal Improvement Services" to the list of permitted uses within the RC (Rural Commercial) Zone.

Staff presentations and Staff recommendations by Mr. Martin Scribner.

NKAPC STAFF RECOMMENDATIONS:

Favorable recommendation of the proposed text amendment to the Kenton County Zoning Ordinance to add “Personal Improvement Services” to the list of permitted uses within the RC (Rural Commercial) Zone, subject to the condition that the following definition be added to the zoning ordinance:

PERSONAL IMPROVEMENT SERVICE: Informational, instructional, personal improvement, and similar services. Typical uses include health clubs, yoga or dance studios, driving schools, and martial arts studios.

Ms. Karen Collins addressed the Commission in favor of the issue. She addressed the Commission and stated she owns the property where the new franchise will be located. She stated there has not been one in Kenton County and that is why they are here today. She stated she is available to answer any questions.

Mr. Bennett Lee addressed the Commission in favor of the issue and stated basically they are opening this to replace the Curves that went out of business when they were evicted. He stated if they can't move this facility in this location, there is no other place for them so they are hopeful the commission approves it.

Mr. Ruh then recessed the hearing for discussion. There being none, the hearing was then closed. Mr. Hult then made the motion to approve for reasons by staff. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Hult, Ms. Hood, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. Hilgefurd, Mr. Hushabeck, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Mr. Ruh, Mr. Sletto and Mr. Tewes in favor. The motion carried.

Unfinished Business: None.

Reports from Committees:

By-Laws – Mr. Scribner stated one of the things in the by-laws is the application fees and that will be a discussion that will be coming up very quickly. He stated those fees have not been raised in four years so they will be looked at. He stated he has been tracking this for the past two years.

Direction 2030 (comprehensive plan) – Mr. Scribner state they had the second public meeting. He stated they had maybe eleven planning commissioners turn out and about seventy people in attendance. He stated there were lots of great things said about it. He stated he will be providing more of the information to this body. Ms. Carlin asked if those commissioners that attended would be provided with continuing education hours. Mr. Smith stated he would look into that and if that is available they put it on the agenda for a motion.

Executive – Mr. Ruh stated they have met with Dennis about the budget and will more info to come with regard to that.

Subdivision Regulations – Mr. Cook stated there is a meeting coming up next week on August 9th at 5:30.

2020 Sourcebook (model zoning ordinance) - Mr. Rogge had nothing to report.

Report from Legal Counsel - Mr. Smith had nothing to report.

Announcements from Staff - Mr. Scribner stated Mr. Keith Logsdon officially retired at the end of the day on Tuesday. He further noted there is a Direction 2030 Task Force meeting on August 8th at 4-5:30. He noted there are no webinars scheduled at this time but there will be more to follow and once they get the information they will put that out there.

Correspondence: None.

New Business: - Mr. Cook stated he may not be at the meeting next month but wanted to note the farm tour will be coming up.

Public Comments: None.

There being nothing further to come before the commission, Mr. Hult made the motion to adjourn. Mr. Rogge seconded. None opposed. The meeting then adjourned at 8:02 p.m.

APPROVED:

Chair

Date