

"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: Mr. Martin Scribner, Director of Planning and Zoning, Mr. Ed Dietrich, Principal Planner, and Mr. Scott Hiles, Director of Infrastructure Engineering.

Mr. Darpel welcomed the new member of the Commissioner for Covington, Joe Gray.

AGENDA

Mr. Darpel asked to entertain a motion to have item 2099R moved to the top of the agenda. Snyder made the motion to approve Ms. Brown seconded the motion. A roll call vote on the matter found Ms. Snyder, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Gray, Mr. France, Mr. Hilgeford, Mr. Hult, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Mr. Ruh, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. Mr. Sletto abstained. The motion carried.

APPROVAL OF THE MINUTES:

Mr. Darpel noted the only change to the minutes was Mr. Rogge did not abstain to the adjournment. A motion was then made by Ms. Snyder made the motion to approve as corrected. Mr. Hult seconded. A roll call vote on the matter found Ms. Snyder, Mr. Hult, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. France, Mr. Hilgeford, Mr. Pannunzio, Mr. Porter, Mr. Ruh, Mr. Sletto, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. Mr. Gray abstained. Mr. Rogge voted against. The motion carried.

RECEIPTS AND EXPENDITURES:

Ms. Snyder made the motion to approve. Mr. France seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. France, Mr. Hilgeford, Mr. Hult, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Mr. Ruh, Mr. Sletto, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. Mr. Gray 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.

RECENT ACTIONS BY LEGISLATIVE BODIES:

No action required.

PUBLIC HEARINGS:

2099R

APPLICANT: Walton Farms, LLC

LOCATION: an approximate 49-acre parcel in Walton, located on the east side of Dixie Highway (US25), approximately 600 feet south of Precision Drive, directly across from Hellman Lumber in Walton.

REQUEST: a proposed map amendment to the Walton Zoning Ordinance changing the described area from zone SR-2 (a single family and duplex residential zone with a maximum

density of eight dwelling units per acre) to zone I-1 (an industrial zone).

Staff recommendations and Staff presentation by Mr. Ed Dietrich.

NKAPC STAFF RECOMMENDATIONS:

A favorable recommendation on the proposed map amendment to the Walton Zoning Ordinance changing the described area from SR-2 (a suburban residential zone in the Boone County Zoning Ordinance) to I-1 (a light industrial zone set forth in the Boone County Zoning Ordinance).

Mr. Viox registered to speak on the issue. He addressed the Commission and stated he represents both the buyer and the seller on the issue. He stated Staff prepared a very good report as to why the land use was changed previously. He additionally stated the justification for the proposed change is due to economic changes in the area. He discussed the type of development and type of lots proposed for the site. Mr. Viox stated all the surrounding properties are zoned industrial and since there have been economic changes that have occurred they feel this request is warranted.

Mr. Jeff Eichorn addressed the commission on behalf of the applicant. He noted the vision for the site is industrial development. He stated they are supportive of Staff's recommendations. He further noted with industrial development there could potentially be 450 jobs created. He stated they are hopeful of a favorable recommendation from Staff with regard to the issue.

Mr. Schoettelkotte addressed the commission on behalf of the Drees Company. He noted he also represented the developer back in 2005 when the original zone change was made. He stated the area is different now and the economics have changed. He stated there has been a drastic drop in the amount of building permits issued since 2005 in the area. He further noted the other condition to reference with regard to the zone change is that the current zoning is inappropriate and the proposed zoning is appropriate. He then stated given what we know now, he feels the zoning should have remained industrial for the area. He stated they certainly hope the commission recommends in favor of the request.

The hearing was then recessed for discussion amongst the commissioners. There being none, the hearing was then opened and closed. Mr. Darpel then asked for a motion. Mr. Hilgefurd then made the motion to approve stating the economic conditions have changed in the area and based on the testimony heard. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Ms. Snyder, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. France, Mr. Gray, Mr. France, Mr. Hult, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Mr. Ruh, Mr. Sletto, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. The motion carried.

*The following two issues were combined for the purpose of expediting the meeting.

** Mr. Sletto recused himself from the following issues due to a conflict of interest.

2097R

APPLICANT: City of Fort Mitchell per Chris Wiest, Mayor

REQUEST: proposed text amendments to the Fort Mitchell Zoning Ordinance pertaining to New Luxury Car Dealerships: (1) adding a definition for New Luxury Car Dealerships; (2)

amending the LHS Zone to include New Luxury Car Dealership as a permitted use, along with permissible accessory uses, adding area and height regulations, and Other Development Controls associated with New Luxury Car Dealerships; and (3) allowing larger signs and an additional number of wall signs and freestanding signs for New Luxury Car Dealerships.

Staff recommendations and Staff presentations by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATIONS:

Favorable recommendation of the proposed text amendments to the Fort Mitchell Zoning Ordinance allowing larger signs and an additional number of wall signs and freestanding signs for New Luxury Car Dealerships, subject to the condition that the proposed changes apply to any use that is permitted to erect Class 3, Class 5, or Class 6 signs.

Mr. Chris Wiest addressed the commission in favor of the issues and stated he would like to have Chief Jeff Eldridge address the commission on the issue and give some background on the property.

Mr. Jeff Eldridge addressed the commission and stated this property has been a huge issue for the area with everything from heroin use, prostitution, etc. and is a huge tax on their department. He stated they started patrolling very heavily and it is still a strain on the department even with the hotel closed.

Mr. Wiest stated this property has sat vacant for over year and is a multi-million dollar property due to its location to the interstate. He stated the city does not want a new car dealership that is not a luxury car dealership. He noted it is a traffic effect issue with the cars going in and out on a residential street. He noted the number of delivery trucks going in and out on a typical week with a luxury dealership is much less than a new car dealership. He stated the city is going through a comprehensive zoning review. He further stated if the zoning does not go through for the property this opportunity will expire and be lost. He stated it would be a loss to the community and a loss to the region if it does not go through. He stated from the city's perspective the definitions are appropriate. He stated this is a big deal to the neighbors to have this go through as written and not as proposed. He further stated there will be public outcry if this does not go through as proposed.

Mr. Bernie Marino addressed the commission and stated he is the sole owner of The Collection Auto Group. He stated they provide an extreme amount of service and are the number one Mercedes and Porche dealer in the region. He stated they do understand the difference between luxury and non-luxury car dealerships. He stated they really look forward to coming to the Northern Kentucky market and they are very, very excited about the prospect of putting a location in Fort Mitchell. He stated the blight of the existing location has taken over and they would like to change it into something that is aesthetically clean and open for the area. He noted they will not have any flashy signs or lights that will be illuminated at night. He noted the entire front area will be designed so that you will feel like you are driving in to a residential area and not a commercial area. He stated they engaged the neighbors to address their main concerns. He then stated they are going to pilot for the first time nationally an all LED dealership inside and out. He stated with and LED light you can actually direct the light to where you want to go. He stated this will be 85% less light usage compared to regular lighting.

He further noted this will benefit the environment and is more along the green aspect. He also noted currently the property line has an ugly small fence that divides the neighbors. He stated they will be installing a 15 foot buffer that is entirely landscaping. He stated they wanted to respect the neighborhood and give it a non- commercial feel from Maple when residents drive by. He stated the current hotel is very close to existing residential properties and they have moved the project back even further closer to the highway to create more of a buffer. He further noted they will have high speed doors to contain the noise to the service center

Mr. Dusing addressed the commission and stated he specifically wanted to address the criticism by staff of the amendment and it relates to the term "luxury." He stated there is a specific difference in the text amendment for the term "luxury" when it comes to car dealerships. He further stated the difference is between a high volume car dealer and a low volume car dealer relative to the impact to the city. He stated the high volume dealer will have more of an impact to the city. He then stated they provided the data of the average sticker price per brand to show the difference between the high volume dealers and luxury models. He stated it's defined specifically and objectively. He further noted the impact is measurable between the two types of dealerships. He additionally noted another major difference is the traffic generated from a luxury dealership versus a non-luxury dealership. He then noted a luxury car dealership has the lowest impact to the surrounding neighborhood. He then addressed the \$45,000 mark as the line for luxury vehicles and noted this is why it is defined as such.

Nathan Smith addressed the commission and stated he and some of his neighbors are some of the most impacted by this development. He stated they were consistent as neighbors in their wanting a luxury dealership due to the traffic impact to the neighborhood.

Mr. Don Stegman stated he is in support and he is available to answer any questions.

Mr. Jeff Eldgrige had nothing to add.

Mr. Denver Brooker had nothing to add.

Mr. Ron Kistler was available for questions.

Mr. Joe Arno had nothing to add and was available to answer questions.

Mr. Don Paparella was available for questions.

B.J. Sanders was not available to speak.

Mr. Hult questioned who is going to track the sales and make certain it is still meeting the zoning requirement to determine that it meets the definition. He questioned whether or not the dealership will change and it will change hands and begin selling a different type of car. Ms. Brown asked how important the term luxury is to the developer. Mr. Marino stated the term luxury as it relates to the text amendment doesn't really matter either way. He noted as they are investing a significant amount of money to develop this site, they do not have the intention to change over and sell anything other than luxury vehicles.

Mr. Wiest stated it is probably a question better answered by the city as far as the luxury term. He stated Mr. Marino met with neighbors and should be commended for that and he feels they have made it very clear that they want a luxury dealership there. He stated he doesn't feel they are looking at a GMC high end dealership as an option for this site.

Mr. Darpel then recessed the public hearing for discussion amongst the commissioners. Mr. Hilgefurd stated he feels the city is making a good faith effort in their attempt to define what luxury means. He stated he disagrees with staff and that you cannot expect the same criteria to be placed on a luxury dealership vs. a non-luxury dealership. Mr. Darpel stated he doesn't feel it's forcing them to meet criteria but more so this is what will result from a luxury designation - less traffic, etc. The public hearing was then reopened and closed. Mr. Darpel then asked for a motion. Ms. Snyder then made the motion to approve issue 2097R as submitted based on the presentation and the documentation submitted by the applicants. Mr. Ruh seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Ruh, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Gray, Mr. France, Mr. Hilgefurd, Mr. Hult, Mr. Pannunzio, Mr. Porter, Mr. Rogge, ~~Mr. Sletto~~, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously with regard to the text amendment.

2098R

APPLICANT: Collection Auto Group per Gerald Dusing on behalf of Fort Mitchell Hotel, LLC

LOCATION: an approximate 9,000 square foot area located on the south side of West Maple Avenue, approximately 150 feet west of the intersection of West Maple Avenue with Dixie Highway in Fort Mitchell.

REQUEST: a proposed map amendment to the Fort Mitchell Zoning Ordinance changing the described area from R-1F (a single-family residential zone with a maximum density of 7.3 dwelling units per acre) to LHS (a limited highway service zone).

Staff recommendations and Staff presentations by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATIONS:

Favorable recommendation of the proposed map amendment to the Fort Mitchell Zoning Ordinance changing the described area from R-1F to LHS, subject to the condition that all Stage I Development Plan deficiencies are addressed at the permit stage.

Mr. Dusing addressed the commission and stated he would request a motion that this be approved that it is simply a clerical correction to the existing map. He stated this is a technical error and noted if possible, he would like to have this approved as an existing error to clarify what should have been done. Mr. Darpel then stated he is not sure as a recommending body they can waive the off-street parking and the traffic impact study.

Mr. Marino stated the sidewalk replacement was a typo and they will be replacing that. He noted the other items mentioned are not an issue either.

Mr. Nathan Smith stated they actually prefer the six foot fence and doesn't know where the 10 foot fence came from. He stated the traffic impact study they are totally against because they are in agreement with everything already so there is no need to do a traffic study.

Mr. Wiest had nothing to add.

Mr. Stegman had nothing to add.

Mr. Scribner commented that they do not agree with anything Mr. Dusing stated. He stated Staff was simply suggesting that at some point the city may want to have some standards for off street parking for dealerships because at this time there are none. With regard to the deficiencies he stated they have to note them as part of the issue but they can be addressed at another time.

Mr. Darpel then recessed the public hearing for discussion amongst the commissioners. There being none the public hearing was then closed. Mr. Darpel then asked a motion. Mr. France then made the motion for approval of the zone change based on the testimony and staff's recommendations. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. France, Ms. Snyder, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Gray, Mr. Hilgefurd, Mr. Hult, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Mr. Ruh, ~~Mr. Stett~~, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously.

At this time (8:40 p.m.) a five minute recess was taken.

W-720

APPLICANT: R. Michael Stacy and Ben and Julie Dusing

LOCATION: 166 Kruempelman Drive and 1956 Trolley Court, existing opposite one another on Trolley Court in Olde Fort Mitchell Subdivision; the subdivision located along Dixie Highway approximately 340 feet north of West Orchard Road in Fort Mitchell

REQUEST: to grant waivers to the requirement of Section 5.3 of the Kenton County Subdivision Regulations; granting the requests would waive the requirement that sidewalks exist along both sides of the entirety of Trolley Court.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATIONS:

To grant the requested Waivers to Section 5.3 and not require sidewalks to exist along both sides of the entirety of Trolley Court.

Mr. Darpel stated he received a letter from Mayor Wiest, which he summarized into the record, indicating the city supports the waiver.

Mr. Dusing addressed the commission and stated he would just add that there is irrigation on the north end as well. He stated have spoken with the neighbors and everyone is in favor of no sidewalks.

Mr. Stacy addressed the commission and stated he has the letter signed by the two residents on the street in favor of no sidewalks. The letters were marked as exhibits and made a part of the record on the matter.

Mr. Darpel then recessed the public hearing for discussion amongst the commissioners. The public hearing was then opened and closed. Mr. Darpel then requested a motion on the matter.

Ms. Snyder made the motion to approve on the basis that strict compliance would create an extraordinary hardship. Mr. Rogge seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. Rogge, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. France, Mr. Hilgeförd, Mr. Hult, Mr. Pannunzio, Mr. Porter, Mr. Ruh, Mr. Sletto, Mr. Gerrein, Mr. Tewes, and Mr. Darpel in favor. The motion carried unanimously.

Ongoing Business: None.

Reports from Committees:

By-Laws – Nothing to report. Mr. France stated they had not met.

Direction 2030 (comprehensive plan) – Mr. Darpel stated they have been working to try to get some time frames in. He stated they have gotten some feedback but it might take a little more time.

Executive – Mr. Darpel noted they did meet and called the bond on Whispering Woods in Independence. He noted the executive committee was invited to the NKAPC council meeting. He stated they are talking about streamlining the two and he will have more information as they go along.

Subdivision Regulations – Mr. Darpel stated Scott has done a great job. He stated they have gotten input from everybody. He stated there are going to be standards with regard to the roads that will be set and once they get those drawn up and drafted they will put it out there for everybody before they have a public hearing. He stated they hope to have it complete within the second quarter of this year. He further stated he really appreciates all who have shown up and attended meetings.

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

OKI

Report from Legal Counsel – Nothing to report.

Mr. Smith noted the only thing to report is the fact that the NKAPC has been sued. No detailed information was provided with regard to this.

Announcements from Staff – Mr. Scribner noted there is an APA audio conference next Wednesday at 4:00 for continuing education.

General Correspondence: None.


New Business: Mr. Scribner stated there were ten requests for continuing education credits. He noted four of the ten were related to what the commission does and he highlighted those. Mr. Scribner noted that if you have been appointed within the last five years there was a short orientation of probably an hour to an hour and a half that is usually done. He stated Mr. Darpel suggested that maybe that is something that can be approved for continuing education hours. He stated that would be included in the request. Mr. Hult stated he is quite certain that hour

was included in his training at the time. Mr. Darpel stated he felt it was something that would definitely apply. Mr. Darpel then requested the motion for the items highlighted on the list to be approved as continuing education hours. Mr. Hilgefurd made the motion to approve. Ms. Snyder seconded. All in favor my acclamation.

Public Comments: None.

There being nothing further to come before the commission, a motion to adjourn was made by Ms. Snyder and seconded by Mr. Gerrein. All in favor by acclamation. The meeting then adjourned at 9:25 p.m.

APPROVED:



Chair

Date 3/7/13