

“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. Michael Ionna, Associate Planner, and Mr. Scott Hiles, Director of Infrastructure Engineering.

Mr. Darpel recognized Mr. Chuck Eilerman for his service to the commission as a representative of Covington. He noted they appreciate his time and effort given to the commission and he wishes he could still serve on the commission while moving on to bigger and better things. He was then presented with a plaque for his ten years of service.

AGENDA

Mr. Darpel asked for a motion to approve the agenda. Mr. Rogge made the motion to approve Ms. Brown seconded. All in favor by acclamation.

APPROVAL OF THE MINUTES:

Mr. Darpel noted in the two Ft. Mitchell issues Mr. Sletto was listed as voting and he had recused himself. Mr. Sletto noted the owner’s name was misspelled, which was taken from the sign in sheet. Mr. Darpel then asked for a motion to approve as amended. Mr. France made the motion to approve. Mr. Gray seconded. A roll call vote on the matter found Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Darpel, Mr. Gerrein, Mr. Hilgefurd, Mr. Hult, Mr. Rogge, Mr. Sletto and Mr. Tewes in favor. Mr. Cook abstained. Ms. Hood recused herself from voting. The motion carried.

RECEIPTS AND EXPENDITURES:

Mr. France noted that more was taken in in receipts than spent in expenditures. Mr. Rogge then made the motion to accept. Mr. Hult seconded the motion. A roll call vote on the matter found Mr. Rogge, Mr. Hult, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Gerrein, Mr. Gray, Mr. Hilgefurd, Ms. Hood, Mr. Rogge, Ms. Sletto and Mr. Tewes in favor. The motion carried unanimously.

ACTIONS SINCE LAST MEETING:

The memorandum regarding the actions taken by Staff over the past month was distributed for informational purposes only.

RECENT ACTIONS BY LEGISLATIVE BODIES:

No action required.

PUBLIC HEARINGS:

2100R

APPLICANT: City of Covington per Larry Klein, City Manager

REQUEST: a proposed text amendment to the Covington Zoning Ordinance; (a) adding Laundromats as a conditional use within the CG (Commercial-General) Zone; and (b) adding a definition for Artist/Craftsman Galleries and Studios and allowing them as a permitted use,

subject to restrictions, within the RU-2 (Urban Residential) Zone, RU-2A (Urban Residential) Zone, RU-2B (Urban Residential) Zone, RU-1 (Urban Residential) Zone, RU-0.5 (Urban Residential) Zone, CN (Neighborhood Commercial) Zone, CG (General Commercial) Zone, CBD (Central Business District) Zone, and CT (Tourist Commercial) Zone.

Staff recommendations and Staff presentation by Mr. Mike Ionna.

NKAPC STAFF RECOMMENDATIONS:

A favorable recommendation of the proposed text adding a definition for Artist/Craftsman Galleries and Studios and to allow them as a permitted use, subject to restrictions, within the RU-2 (Urban Residential) Zone, RU-2A (Urban Residential) Zone, RU-2B (Urban Residential) Zone, RU-1 (Urban Residential) Zone, RU-0.5 (Urban Residential) Zone, CN (Neighborhood Commercial) Zone, CG (General Commercial) Zone, CBD (Central Business District) Zone, and CT (Tourist Commercial) Zone, and LGD (Linden Gateway) Zone.

Mr. Yuengling registered to speak in favor of the issue. He addressed the Commission and stated with the neighborhood commercial zone there is a space restriction. Mr. Hult stated he now understands the purpose but that maybe the language could be worded better. Mr. Sletto asked why the laundromat is a conditional use. Mr. Yuengling stated they decided to make it a conditional use so that it is properly integrated in the area as far as it being open for 24 hours. There were no others registered to speak on the issue. Mr. Darpel then recessed the hearing for discussion. Mr. Sletto stated he didn't understand why they had to make it a conditional use but if that's the way the worded it then it's fine. The hearing was then reopened and closed. Mr. Darpel then asked for a motion. Mr. Hult made the motion to approve. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Hult, Ms. Hood, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. Gerrein, Mr. Gray, Mr. Hilgeford, Mr. Rogge, Mr. Sletto and Mr. Tewes in favor

W-550

APPLICANT: B & Z Development, Inc.

REQUEST: to grant a waiver to the requirement of Section 5.3 of the Kenton County Subdivision Regulations; granting the request would waive the requirement that sidewalks be built along the portions of Viox Road and Houston Road fronting 630 Viox Road

Staff recommendations and Staff presentations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATIONS:

To deny the requested Waiver to Section 5.3 and require sidewalk along the portions of Viox Road and Houston Road fronting Lot #1 (addressed 630 Viox Road).

Bases:

1. Subdivision Regulations Section 5.3 requires sidewalk along the portions of Viox Road and Houston Road fronting 630 Viox Road and the modification, as requested, does not include the findings necessary to grant a waiver to the regulations as set forth within Section 6.5 A, or B, or C, or D.

2. With regard to providing sidewalk along Houston Road, Lot #1 is adjacent to several existing commercial uses that could potentially be patronized by residents, employees or visitors of the assisted living facility. Providing sidewalk along Houston Road is a critical linkage between Lot#1 and adjacent existing uses on Houston and Donaldson Roads which include hotels, restaurants and a medical facility.

While there are currently no sidewalks on the south side of Houston Road, there is significant development potential on vacant land surrounding Lot#1 including the redevelopment of the old theatre site. Providing sidewalks on Houston Road along Lot#1 would provide a strong bases for providing sidewalks as other properties develop.

With regard to sidewalk along Viox Road there is approximately 20 acres of vacant land left to be developed within the originally approved Erlanger Commercial Park immediately adjacent and across from Lot#1 that is zoned Highway Commercial 2 (HC-2). The HC-2 Zone permits uses such as bakeries, barber/beauty shops and medical and dental clinics. This vacant land is accessed only through Viox Road. When the originally approved lots within Erlanger Commercial Park develop they have the potential to serve the needs of residents, employees or visitors of the assisted living facility as well as those of the surrounding businesses. If sidewalk along Lot #1 is waived the opportunity will be lost to provide easy non-motorized access from the assisted living facility to surrounding businesses that are all within walking distance of one other.

Mr. Jim Berling addressed the Commission in favor of the issue. He stated they saw this property long ago and bought it because they were trying to find a location for a trucking company they were trying to get out of another location. He stated with this particular issue, whoever develops the property puts in the sidewalks. He stated if he had put the sidewalks in before he developed the property, they would be rubble. He stated the sidewalks should have been put in their permit and in their site plan but they weren't. He stated they looked at it and it wasn't graded properly. Mr. Berling then distributed a handout with regard to the issue. He stated they had to do something and staff wouldn't listen at the time so a bond was put up for the sidewalks. He stated you cannot build the sidewalks as specified due to the slope and grade. He stated it comes up every year and to date he and his partner have paid \$7,000 for this bond and his partner wants the sidewalks in. He further stated it makes more sense to put them on the other side because of the grade. He stated they jumped the gun and the sidewalks were built before they got the approval for the other side. He stated they spoke to the city and they told them to not put in the sidewalks that they would take care of it when it got developed because to do it now they will just be reduced to rubble when further development occurs. He further stated there is never going to be anything developed on this side because it drops down toward the creek. He stated it's just not a good idea to put a sidewalk on the right side of the street. He stated they are just trying to do what makes sense and they think they are doing a pretty good job. He further noted they would like to be permitted to use the sidewalks they have constructed to satisfy the requirements to build a sidewalk. He stated the city of Erlanger feels they have everything under control. Mr. Hult asked what the anticipated timing of the road widening is. Mr. Berling stated there were three plans at the time and the City of Erlanger spent a lot of money doing a master plan for the area. He then stated Erlanger is stating they do want the sidewalks and when they do the construction it will be a part of the deal. He further stated there is a nice sidewalk in there now and they feel it fills the bill. Mr. Berling stated the

irony is that the sidewalk doesn't belong on this side and that there are six lots on the other side it will serve. He further noted someone had dropped the ball because the certificate of occupancy was given without the sidewalks being put in, which was done by the state. Mr. Darpel then read into the record a letter from the City of Erlanger in an attempt to clear up some questions on the issue and marked it as an exhibit to be made a part of the record. He also noted the handout distributed by Mr. Berling was marked as an exhibit to be made a part of the record. Mr. Berling stated the city does not feel this area is a desirable internal sidewalk system. He further noted the city has stated the sidewalk would go nowhere. Ms. Hood stated she feels there is nowhere for the sidewalk to go to and that the bond money should go back to Mr. Berling. Mr. Darpel stated they have never made someone build a sidewalk on someone else's property, especially in a right of way and that it isn't even possible. Mr. Darpel stated the compelling issue to him is that usually you have someone coming in with a waiver issue because they don't want to spend the money. In this case you have someone that has spent money on sidewalks before they had permission to. The hearing was then recessed for discussion. The hearing was then reopened and closed. Mr. Darpel asked for a motion on the matter. Mr. Sletto made the motion to approve the waiver based on the condition that it would be an undue burden on the developer. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Sletto, Ms. Hood, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Gerrein, Mr. Gray, Mr. Hult, Mr. Rogge and Mr. Tewes in favor. Mr. Hilgefurd voted against. The motion carried. Mr. Darpel then stated there is an issue now with the bond being returned to the developer and he will need to confer with legal counsel and a motion may be placed on next month's agenda to that effect. Mr. Smith then stated he felt a motion could be made to release the funds. Mr. Rogge made the motion to do so. Ms. Brown seconded the motion. All in favor by acclamation. The motion carried unanimously.

W-721

APPLICANTS: Dennis and Lorna Harrell

LOCATION: an approximate 15-acre parcel on the north side of Stephens Road, approximately 1,000 feet west of Taylor Mill Road in Independence

REQUEST: to grant a waiver to the requirement of Section 4.1 of the Kenton County Subdivision Regulations; granting the request would waive the requirement that driveways be spaced a minimum distance of 200 feet along Stephens Road.

Staff recommendations and Staff presentations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATIONS:

To grant the requested Waiver to Section 4.1 and allow a new driveway approximately 50 feet west of the existing driveway located at 730 Stephens Road, only subject to the following condition:

That an easement be provided and recorded at the County Clerk's office that allows the Kenton Conservancy the use of the applicant's driveway to access nearby Conservancy lands.

Basis:

That strict compliance with any section of these regulations could cause an unsafe situation further defined as follows:

Stephens Road is a state maintained roadway and would therefore require an encroachment permit from The Kentucky Transportation Cabinet prior to the installation of any new driveways. Based on correspondence from the Cabinet it appears that in this vicinity of Stephens Road, the proposed location would be the safest location for a new driveway.

There may be a point several hundred feet west of the existing driveway along Stephens Road that may meet the Cabinet's sight distance requirements. However the issue then becomes one of providing reasonable access to the proposed home site(s). First, The applicant doesn't own frontage several hundred feet west of the existing driveway (in fact the applicant owns no frontage west of the existing driveway but is considering purchasing approximately 50 to 75 feet of additional frontage). Second, it does not appear the applicant has the means or opportunity to purchase several hundred feet of additional frontage west of the existing driveway or obtain an easement through the neighboring property and third, due to the topography creating a driveway that originates several hundred feet west of the existing driveway would require a significant amount of land disturbance and alter the very property the Kenton Conservancy is attempting to preserve.

Ms. Lorna Harrell addressed the Commission in favor of the issue. He stated the proposed driveway is one that has been used for years when they would visit the farm because it was the safest way. She further stated they are willing to work with the conservancy and do whatever is necessary to provide the right of way for the conservancy. She further noted she would like to acknowledge the work that was done by Staff in helping them through this process. Mr. France asked if the other driveway was a consideration or possibility of using that access for all three properties. Ms. Harrell stated they have discussed this option with the current property owner and since the property is for sale, they didn't think it was a wise decision to pursue that option.

Mr. Dennis Harrell addressed the Commission in favor of the issue and stated there is also a garage that sits at the other access entrance and it would be difficult to get access from the adjoining residence.

Mr. Wolnitzek addressed the Commission on behalf of the Kenton Conservancy in support of the issue. He stated he feels Scott outlined their purpose very well and he doesn't have anything to add to that. He then noted the access by the conservancy would be very limited.

Mr. Darpel then read a letter into the record in favor of the issue that was marked and made a part of the record.

There being no one else to speak on the issue, Mr. Darpel then recessed the hearing for discussion. Mr. Hult noted in the interest of full disclosure the purchaser of the property would actually be the Banklick Watershed Council which he has worked closely with and he has gone and examined the property with respect to another agency but is confident he has no conflict of interest. He stated he had no financial interest whatever with the property. The hearing was then reopened and closed. Mr. Darpel then asked for a motion. Mr. Hilgefurd then made the motion to approve the waiver based on the topographical lay of the land and that the proposed is a safer option and that strict compliance would be an unsafe condition as stated by Staff. Mr. Hult seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. Hult, Ms.

Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Darpel, Mr. France, Mr. Gray, Mr. Gerrein, Ms. Hood, Mr. Rogge, Mr. Sletto and Mr. Tewes in favor. The motion carried unanimously.

Ongoing Business:

Reports from Committees:

By-Laws – Mr. France noted there was nothing to report.

Direction 2030 (comprehensive plan) – Ms. Sharmili Reddy addressed the Commission and thanked everyone for their support of the project. She stated they still have work to do but are hoping to make an application to the commission either in April or May. She noted in the meantime staff is working on the state statute and things are moving.

Executive – Mr. Darpel noted they are trying to form a committee to discuss the structure of NKAPC. He stated if anyone would like to step up and be on the commission they should let him know. He further noted the

Subdivision Regulations – Mr. Darpel stated they are drafting actual drafts to be considered for another roundtable discussion. He stated he thinks it's worthwhile to give it the time it needs to try to get the street specs finished and then they will work on finishing up the rest of it. Hopefully in the next couple of months they will be able to put something out on them. Mr. Hult stated they are working on having a separate section dealing with green infrastructure.

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

OKI – Mr. Sletto noted Bayer Becker is putting on a seminar that relates to the efforts of the commission for anyone that may be interested.

Report from Legal Counsel – Nothing to report.

Announcements from Staff – Mr. Scribner gave a quick update on the Commonwealth Station project in Erlanger. He stated they got together with students from Ball State University recently to go over possibilities with the project. Mr. Scribner then gave a brief description of some of the proposed plans for the project. He stated the project timeline is to get it before the commission sometime in the fall. He stated he wanted the commissioners to be familiar with it so they are aware of it when it does come before them. Ms. Brown stated it is similar to a lot of the projects that have come before the commission in the past.

Mr. Scribner then noted a couple of continuing education opportunities happening next week on March 13th and the big one to note on April 13th where you can get almost an entire year of education requirements in one day. He stated this one is focused on planning commissions so if you can make it he would love to hear back as soon as possible. He stated he needs an R.S.V.P because he is going to put it out to general folks and wants to give the commission the first opportunity on the seats available.

General Correspondence: None.

New Business: None.

Public Comments: None.

There being nothing further to come before the commission, a motion to adjourn was made by Mr. Tewes and seconded by Ms. Brown. All in favor by acclamation. The meeting then adjourned at 8:17 p.m.

APPROVED:

Chair _____

Date