

MINUTES
BOARD OF COMMISSIONERS' MEETING
Tuesday, June 21, 2016 8:00 P.M.
UNOFFICIAL COPY

A **SPECIAL MEETING** of the Board of Commissioners of the City of Covington, Kentucky, was opened by Mayor Sherry Carran, on Tuesday, June 21, 2016, at 5:00 p.m., at the Kenton County Detention Center, 3000 Decker Crane Lane, Covington, Kentucky.

Mayor Carran presiding with Commissioners Chuck Eilerman, Jordan Huizenga, Bill Wells, City Manager Larry and City Solicitor Frank Warnock present. Commissioner Steve Frank was not present.

NOTICE OF SPECIAL MEETING

The Undersigned, as Mayor of the City of Covington, Kentucky, hereby gives notice to all of the members of the Board of Commissioners of said City that a Special Meeting of said Board of Commissioners is hereby called and will be convened at 5:00 p.m. at the Kenton County Detention Center, 3000 Decker Crane Lane, Covington, Kentucky, Tuesday, June 21, 2016. The purpose of the meeting shall be to consider a proposed map amendment to the Covington Zoning Ordinance changing an area located at 303 Madison Pike of approximately 37.4 acres located on the east side of KY 17 between Hands Pike to the north and Fowler Creek Road to the south, approximately 2,000 feet south of Hands Pike. The map amendment would change the property from RS 7.5 (a suburban residential zone) to CG-2A (a general commercial zone). The Board of Commissioners shall conduct a public hearing and consider the proposed amendment according to the review and decision-making criteria set forth in the Covington Zoning Code and KRS 100, *et seq.* Following the public hearing, the Board of Commissioners shall deliberate and vote to adopt or override the recommendation of the Kenton County Planning Commission. Attached to this notice is the agenda which is incorporated herein as if stated in its entirety.

WITNESS my hand and seal of said City this 17th day of June 2016.

/s/SHERRY CARRAN
MAYOR



ACCEPTANCE AND WAIVER OF NOTICE

The undersigned, being all of the members of the Board of Commissioners of the City of Covington, Kentucky, do hereby acknowledge receipt of said Notice upon each of us, and do hereby accept said Notice, and do hereby waive any possible informality or irregularity as to time, place, or manner or service of the same upon each of us, and do hereby agree and consent that a special meeting of said Board of Commissioners may be held at the time and place, and for the purposes stated in the foregoing Notice; and that said meeting may be recessed from time to time until such business has been completed.

Date: 6/21/16 Time: 5:00 p.m. /s/ CHUCK EILERMAN
COMMISSIONER

Date: 6/21/16 Time: 5:00 p.m. /s/JORDAN HUIZENGA
COMMISSIONER

Date: 6/21/16 Time: 5:00 p.m. /s/BILL WELLS

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COMMISSIONER

AGENDA

CALL TO ORDER: Mayor Sherry Carran

ROLL CALL

PUBLIC HEARING – A meeting to consider a proposed map amendment to the Covington Zoning Ordinance changing an area located at 303 Madison Pike, of approximately 37.4 acres located on the east side of KY 17 between Hands Pike to the north and Fowler Creek Road to the south, approximately 2,000 feet south of Hands Pike. The map amendment would change the described area from RS 7.5 (a suburban residential zone) to CG-2A (a general commercial zone).

1. Applicant Presentation – Mr. Robert Franxman represented the owner of the subject property, Mrs. Marilyn Franxman. Mr. Franxman outlined to the Commission his opinion as to why the zoning should be changed for the property. His powerpoint is on file with the City Clerk and copies may be obtained through her office.
2. Staff Presentation – Mr. Alex Koenig, Zoning and Development Specialist with the City of Covington, presented his opinion as to why the zoning change should not be adopted by the City. Mr. Koenig's powerpoint presentation is also on file with the City Clerk.
3. The following individuals addressed the Commission voicing their opinions against the zone change: Mr. Earl Curry, 108 Crystal Lake Drive, Covington, KY 41017; Mr. Tom Withorn, 10 Juarez Circle, Covington, KY 41017; Mr. Leonard Rowekamp (on behalf of clients who own property near the subject property).
4. The following individuals addressed the Commission voicing their opinions in favor of the zone change: Kerry Booker, 5441 Bayberry Court, Taylor Mill, KY 41015; Rachel Martis, 4387 Oliver Road, Independence, KY 41051; Mark Wurtz, 313 Pleasure Isle, Erlanger, KY 41018; Emily Franxman, 5170 Oliver Road, Independence, KY; Jill Franxman, 2506 Legends Way, Edgewood, KY 41017.
5. Emi Randall, representing PDS who serves as staff for the Kenton County Planning Commission entered into the record the Planning Commission's letter of April 26, 2016, which included the Commission's action from its meeting on April 7, 2017, regarding the map amendment. A copy of this letter is on file with the City Clerk.
6. Mr. Franxman again addressed the Commission answering questions and entering into the record: 1) a 1997 letter from Moore Development to John Franxman regarding the property at 303 Madison Pike; 2) a letter dated April 16, 2015 from Andrew Juengling, City of Covington Zoning Specialist regarding Marilyn Franxman's intention to submit an application for a map amendment and stating the City's awareness of this application and the Franxman's future plans of the property; and 3) an email from Andrew Juengling to Robert Franxman regarding a zone change to CC and the City Administration not feeling comfortable with that zone change and states that the city is receptive to the CG zone change. These records are on file with the City Clerk.
7. Mr. Koenig again addressed the Commission and answered their questions.

The Board of Commissioners deliberated and the following was presented:

COMMISSIONERS' ORDER/RESOLUTION NO. O/R-XX-16

AN ORDER/RESOLUTION ADOPTING THE RECOMMENDATION OF THE KENTON COUNTY PLANNING COMMISSION TO PERMIT AN AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF COVINGTON, KENTUCKY, TO CHANGE THE ZONING CLASSIFICATION OF 303 MADISON PIKE, AN AREA OF 37.4 ACRES

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LOCATED TO THE EAST OF KY 17, BETWEEN HANDS PIKE TO THE NORTH AND FOWLER CREEK TO THE SOUTH, APPROXIMATELY 2000 FEET SOUTH OF HANDS PIKE, FROM RS-7.5 (SUBURBAN RESIDENTIAL) TO CG-2A (A GENERAL COMMERCIAL ZONE).

MOTION of Commissioner Eilerman, seconded by Commissioner Huizenga
2 Yeas. Commissioners Eilerman and Huizenga.
2 Nays. Commissioner Wells and Mayor Carran

The 2 Yeas and 2 Nays vote results in no action by the Board of Commissioners. Pursuant to KRS 100.211, in order to override the recommendation of the Planning Commission a majority of the entire legislative body must vote in support of the motion. Likewise, in order to adopt the recommendation of the Planning Commission a majority of the legislative body must vote in support of the motion. Because there was not a majority for either outcome, the recommendation of the Planning Commission is finalized and the ordinance amending the Covington Zoning Map is adopted by operation of law.

ADJOURNMENT

Mayor Carran adjourned the meeting at 8:10 p.m.

s/ Sherry Carran
MAYOR

ATTEST:

/s/ Margaret M. Nyhan
CITY CLERK

APPROVED: July 12, 2016