

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING
Minutes**

Mr. Darpel, Chair, called the meeting to order at 6:15 PM on Thursday, August 4, 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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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	
Mark Barnett	Taylor Mill	X	X		X	X	X							
Diane Brown	Erlanger	X	X	X		X			X					
Barbara Carlin	Kenton Co	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			X					
Ron Cook	Elsmere			X	X	X								
Paul Darpel, Chair	Edgewood	X	X	X	X	X	X		X					
Chuck Eilerman	Covington	X	X	X	X	X	X		X					
Tom France, V.Chair	Ludlow	X		X	X	X	X		X					
David Hilgefurd	Villa Hills	X		X		X			X					
Lynne Hood	Crestview Hills	X	X	X	X	*			X					
Marc Hult	Covington	X	X	X	X	X	X							
Mark Hushebeck	Lakeside Park	X	X	X		X			X					
Dan Ruh, Treasurer	Fort Wright	X	X	X	X		X		X					
Mark Rogge	Crescent Spgs	X	X	X		X	X		X					
Shad Sletto	Fort Mitchell	X	X	X		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	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, and Mr. Andy Videkovich, Senior Planner.

AGENDA:

Mr. Rogge made the motion to approve. Ms. Snyder seconded the motion. All in favor. None opposed. Ms. Hood abstained.

APPROVAL OF THE MINUTES:

Ms. Worstell made the motion to approve. Ms. Snyder seconded the motion. A roll call vote on the matter found Ms. Worstell, Ms. Snyder, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Rogge, Mr. Ruh, Mr. Sletto and Mr. Darpel in favor. Ms. Brown, Mr. Hilgeford, Ms. Hood and Mr. Hushebeck abstained. The motion carried.

RECEIPTS AND EXPENDITURES:

There were no questions or comments with regard to the June financial statement. Mr. Eilerman then made the motion to accept with Ms. Worstell seconding the motion. A roll call vote on the matter found Mr. Eilerman, Ms. Worstell, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Mr. Sletto, Ms. Snyder, Ms. Worstell and Mr. Darpel in favor. The motion carried. Mr. Darpel then asked for a motion for May’s financial statement. Mr. France made the motion to accept. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. France, Ms. Snyder, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. Hilgeford, Ms. Hood, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Mr. Sletto, Ms. Worstell and Mr. Darpel in favor. The motion carried.

FY12 BUDGET

Mr. Darpel stated he would address other issues with regard to the budget later in light of all that is going on with the tea party and statements in the media. He stated the budget will remain as it is for now and if changes need to be made in the future those will be addressed then. He further noted he will make additional comments later during the reports on committees. Mr. Sletto then made the motion to approve the budget. Mr. Rogge gave the second. A roll call vote on the matter found Mr. Sletto, Mr. Rogge, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Hushebeck, Mr. Ruh, Ms. Snyder, Ms. Worstell 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:

2046R

APPLICANT: Drees Land Development per Mike Schoettelkotte, on behalf of the Drees

Company, Justin and Tara Hoffman, William and Crystal Doran, Donald and Dixie Fox, Theresa Neltner, Trustee, and Jeffrey Shultz.

LOCATION: An approximate 21-acre property located at the terminus of Lakemont Drive in Erlanger.

REQUEST: a proposed amended Stage I Development Plan for the described area which is currently zoned R-1C (PUD).

Staff presentation and Staff recommendations by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATIONS:

To approve the amended Stage I Development Plan, subject to the following conditions;

1. That the height of structures not exceed the maximum height as provided for in the underlying zone;
2. That the location, height, and type of the all fences, walls, and signs be as permitted in the underlying zone and
3. That each dwelling unit be provided with a minimum of two (2) off-street parking spaces.

Mr. Schoettelkotte then addressed the Commission on the issue and stated the total site is 173 acres consisting of 473 homes including condominium and townhomes, patio homes and single-family homes. He stated here are 34 acres of hillside preservation included with the plan. He stated the plan for the Crestbourne portion of the plan was amended to include a change of 153 condominiums to 86 patio homes. He stated the reason for the change was due to what they were seeing in the condominium market. He noted this reduced the number of homes by 67 homes to 406 homes. He then stated the plan was amended again this year and the number of patio home lots was reduced to 77 lots. He stated the new plan consists of 34 patio home lots, 18 single family lots with a width of 65' and 25 single family lots with a width of 70'. The new total of homes to be developed is now 397 as a result of the new revisions. He then went into further detail about the specific setbacks with regard to the patio home lots in terms of pricing to start at \$175,000 and various setbacks. With regard to the single family homes he stated these would start at 2000 square feet with a two car garage and a price of \$210,000 for a base price and options would add an additional amount. Mr. Darpel questioned why they were discussing a Stage I Development Plan. He stated the City of Erlanger has declared this to be a significant change so it has to come back for review. He further noted because this is a PUD it is before the Commission and as such it has to meet certain criteria set for stage I plans. Mr. Schoettelkotte stated since the proposal at this point and some of the other issues it was being seen as a Stage I Plan and a major plan change so it would go back to have the ability of having a public hearing and hear comments on it from the public just as it was originally. Mr. Darpel stated it has to meet the Stage I plan criteria regardless of the number of homes it is now going to be, etc. He stated the changes were made to the plan due to current economic conditions necessitating a need to change some of the patio homes to single family homes. Mr. Hilgeford clarified that the area formerly designed to be single family homes is now going to be patio homes. Mr. Schoettelkotte stated that is correct.

Ms. Barb Scherrer addressed the Commission against the issue and stated she thought that Erlanger was against the idea. She stated her understanding is that the City of Erlanger was against the proposal. She further noted it was also her understanding that the proposed patio homes were going to start out at a higher cost than the existing patio homes. Ms. Brown then

asked if she purchased her home based on the plans of what the other homes were going to be. Ms. Scherrer stated that was correct.

Mr. Jeff Nordloh addressed the Commission against the issue and distributed a handout to be included in the record on the matter. He then stated he is opposed to this proposal. He then read into the record the minutes from 2000 with regard to the Lakemont issue. He then asked the question after reading the minutes that if this was such a good development then why is it being changed at the 11th hour. He stated he feels the change is being requested because of a statement in the Courier that Drees in 2005 had hit one billion dollars in sales. He then stated Drees built a single family home next the model patio home in the subdivision. He stated the single family homes and patio homes have different amenities based on their design. He noted that the people that moved into the single family home wanted to have a bounce house and being next to a patio home they did not want that. Mr. Nordloh then stated he looked at the plan in Lakemont and then used his life savings to put down a deposit on a home there. What has been built around him is not what is in the plan. He stated the original plan was signed and notarized as this is what is going to be built but that is not what happened. He stated 43 single family homes is not what he bought into and what he used his life savings for. He stated he does not know what to believe. Mr. Hilgefurd asked if his home is in this plan. He stated he is on the border of Doe Run Lake in Lakemont. Mr. Hilgefurd then clarified as to whether or not his home is on the map of the amended Stage I plan. Mr. Nordloh stated it was not. Mr. Darpel then reiterated that the commission has to meet certain criteria and whether or not a bounce house can be allowed or not is really an issue for the homeowner's association. He further stated the commissioners have to make the recommendation as to whether or not this plan meets the criteria of their regulations. Mr. Nordloh stated he wants the developer to develop what he said he was going to build. He stated everything was designed to be built around the original plan.

Ms. Melissa Schlake addressed the Commission against the issue and stated she purchased their second Drees home in 2005. She stated behind her home six homes went up in a very short amount of time that are nothing that they were told was going to be built from the original plan. She stated they were marketed as Drees Simplicity Homes and they were built on a slab and are nothing at all like anything else in the development. She stated this property is beautiful and it deserves to have the type of plans built that were supposed to be built. She stated she wanted to address the notification committee because the only notification with regard to the issue was a sign that went up for fourteen days but no one was contacted. She stated this room would have been full if proper notification had taken place. She stated the neighborhood that was proposed has not been built and now they want to change it. She stated this is their life savings as well and as a homeowner she is very disappointed to learn the plans are being changed. She stated she finds it ironic that she has to ask to change the color of her home and that she cannot put in an above ground home but the developer can grossly change the development this way. Mr. Darpel stated as far as notification the adjoining property owner are required to be notified. Ms. Schlake stated there are almost virtually no homeowners to notify. She stated no one was really notified because there are literally two adjacent homes in a neighborhood of hundreds of homes that were notified.

Mr. David McAfee addressed the Commission and distributed a copy of information to be marked as an exhibit and made a part of the record. He stated he wants to address what they were sold into in buying their homes. He stated everything continues to change to today. He

stated patio homes are what they expected to see. He stated the patio homes are targeted to a different demographic. He stated that is a huge issue because of the three pools in the area were not built to serve single family homes that would typically have more occupants than a patio home. He stated people are so frustrated because this development was targeted for patio homes which require mandatory maintenance and single homes do not. He stated it's not about value but it's about what they were told was going to be built here.

Mr. Bob Holeshoe addressed the Commission against the issue and stated he would like to echo what the other people have said relative to what their expectations are in moving to the neighborhood. He further stated he keeps hearing about density and if you take the numbers Staff has put together it states the numbers have been reduced. He stated actually the number has increased because of the single family home and the fact that there are more occupying those homes. He also stated this subdivision is a mix of housing and it always has been. However, it is changing to something that was not stated in the beginning as to what was going to be built.

Mr. Seibert addressed the Commission and stated most of the points he was going to speak to have already been covered but he would like the Staff to look at the square footage of the patio homes that have been built and the patio homes that are going to be built. He further stated he would like the staff to go out and look at the homes that are being built and what has already been built and there is no comparison. He additionally stated we are talking about people density and not home density. He stated what is selling today in Lakemont is condominiums and townhomes.

Mr. Todd Brockman addressed the Commission against the issue and stated he just wants to outline the facts. He stated the Erlanger ordinance clearly defined what a patio home was so he is suggesting the commission take a look at that document. He further noted in 2007 Erlanger met with Drees and what was decided was to exchange the condominium development for a patio development so the values would be similar. He stated as others have demonstrated Drees built the first patio home according to the plan. He stated if you look at the size differential it is completely different so the total value is much different than what was planned. He asked why they can't build according to plan. He further noted Drees is not going to build patio homes and that's what they said they were going to build and he's not sure how they got around it. He further cited concerns with runoff from all the new homes into Doe Run Lake. Mr. Darpel reminded Mr. Brockman that all the Commission is doing is saying whether or not this is in compliance with the plan just so it's understood the Commission is limited in their scope for the criteria of Stage I.

Ms. Karen Schultz passed.

Mr. Mike Oberhausen addressed the Commission against the issue and stated Lakemont was created well planned and has been well planned to this point and that whole well planning has gone to the wayside and it's now being changed to something they did not buy into. He further stated. He stated this is a matter of trust of what they say is going to get built and what has been built. Mr. Darpel stated the Commission is a recommending body that has to decide if this meets the criteria or not and make a recommendation to the city.

Ms. Alison Setters passed.

Ms. Terri Neltner addressed the Commission as a neutral party. She stated there are only two homes in the first street that are actual patio homes and the rest are two story homes. She stated when she moved in the square footage was a problem and they fixed that. She stated she knows this was supposed to be built as a patio home but she bought it as a single family home. She stated because it was a single family home there were no rules as to maintenance. She stated she was given a choice when she purchased the home. She stated she is happy with Drees and loves her home.

Mr. Dennis Coyne addressed the Commission as a neutral party. He stated he has a townhome in the development. He asked what role the commission has as it pertains to this issue. Mr. Darpel stated the commission is a recommending body that makes a recommendation to the City of Erlanger with regard to the issue. He said in this particular case the commission is taking on the role of holding a public hearing to determine whether or not this development has met the criteria and the comprehensive plan.

Ms. Crystal Sullivan addressed the Commission and stated she is neutral on the issue only because she is tired of this and wants to get this over with. She stated her dream is that a plan be put into place where the houses in the area have to abide by the same things they have to abide by and not just the lawn and whether or not mulching is going on but also the exterior. She stated they were sold a product that is continually changing so she is respectfully asking that they look at every single thing because it is changing. She stated these houses were built without the city knowing. She stated another dream is that Drees finish what they started.

Mr. Schoettelkotte addressed the Commission in rebuttal and stated he neglected to note earlier that Mr. Drees is present and he will be glad to answer any questions. He further noted there was some discussion as to patio homes and maintenance. He stated Mr. McAfee stated he was not notified with regard to the issue but he was on their list as an adjacent property owner to be notified. He stated the question of single family and patio homes was brought up. He stated the only difference is a patio home has required maintenance but both are considered single family homes. He stated they had to have certain criteria such as elevation, etc. and the homes they are proposing would meet the original requirements set forth. He stated there was a comment with regard to Doe Run Lake. He stated if you count the number of homes along this area there are nine homes. He stated if you look at the original plan there were 26 proposed homes in that area so there is much less for that same area.

There was no rebuttal by the parties against. The meeting was then recessed for discussion. Mr. France stated when an amended Stage I Plan is reviewed the fact that it is amended there is no distinction as to how it is reviewed. Mr. Videkovich stated this is correct. Mr. France stated perhaps there should be some distinction if it is developed to a certain level and that maybe this is something our model zoning committee should look in to. Ms. Hood asked since it was alluded to that there is ongoing litigation should the Commission even be considering the issue Mr. Smith stated he didn't feel that we could not go forward with determining if what is before the Commission is in compliance. Mr. Hilgeford stated the reason the Commission is here on the issue is because the city felt this was a significant enough change to warrant it coming back to the commission. Ms. Brown stated she is having a problem with this because what is being built is not what was approved on the plan, so the plan they are being asked to amend is not longer being followed. Mr. Sletto made a motion to approve based on Staff's recommendation.

Mr. Rogge seconded the motion. A roll call vote on the matter found Mr. Sletto, Mr. Rogge, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgeford, Mr. Hushebeck, Mr. Ruh, Ms. Worstell and Mr. Darpel in favor Ms. Brown and Ms. Hood voted against. Ms. Snyder had to leave the meeting prior to a vote being taken. The motion carried.

*At this time (8:43) a five minute break was taken.

2047R

APPLICANT: City of Fort Wright per Gary Huff, City Administrator

REQUEST: proposed text amendments to the Fort Wright Zoning Ordinance, adding definitions to Section 7.0 and making changes to Section 10.27 CC Zone (Community Commercial), including amending the list of permitted uses, building height and size regulations, and design criteria.

A request to table this issue was received by Staff which was read into the record by Mr. Darpel. A motion was made by Mr. Sletto and seconded by Mr. France to table the matter until next month's meeting. A roll call vote on the matter found Mr. Sletto, Mr. France, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Hilgeford, Ms. Hood, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Ms. Worstell and Mr. Darpel in favor. The motion carried.

*Mr. Eilerman recused himself from any voting on the following issue due to a conflict of interest.

2048R

APPLICANT: City of Erlanger per Mark Stewart, Codes Administrator

REQUEST: proposed text amendments to the Erlanger Zoning Ordinance: (a) adding fences, subject to restrictions, as a conditional use on corner lots within the following residential zones: R-1B (Residential-One B), R-1C (Residential-C), R-1D (Residential-One D), R-1E (Residential-One E), R-1F (Residential-One F), R-1G (Residential-One G) and; (b) adding auto repair shops, subject to restrictions, as a conditional use within the NC Zone (Neighborhood Commercial).

Staff presentations and Staff recommendations by Mr. Martin Scribner.

NKAPC STAFF RECOMMENDATIONS:

With regard to Request #1: Unfavorable recommendation on the proposed text amendment to the Erlanger Zoning Ordinance adding fences, subject to restrictions, as a conditional use on corner lots within the following residential zones: R-1B (Residential-One B), R-1C (Residential-One C), R-1D (Residential-One D), R-1F (Residential-One F) and R-1G (Residential-One G).

With regard to Request #2: Favorable recommendation on the proposed text amendment to the Erlanger Zoning Ordinance adding auto repair shops, subject to restrictions, as a conditional use within the NC Zone (Neighborhood Commercial), subject to the condition that the restriction requiring 125 feet of road frontage along two (2) public streets.

Mr. Stewart addressed the Commission in favor of the issue and stated he was available to answer any questions. Mr. Darpel asked why this is being requested. Mr. Stewart stated they are trying to allow the property owner to encompass more of his yard to allow for pets or for

children to keep them from running into the street. He further stated the corner lots cannot enclose as much land as their neighbor can so they have been asking as to why. He stated there are more restrictions on a corner lot versus an interior lot. He stated this is why the city is making the request. He further stated they were trying to keep the open look of the front of the house.

The public hearing was then recessed for discussion. There being no comments the meeting then reconvened and closed. Mr. Sletto made the motion to approve with regard to request #1 as to fences. Ms. Brown seconded the motion. A roll call vote on the matter found Mr. Sletto, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hushebeck, Mr. Rogge, Mr. Ruh and Ms. Worstell. Mr. Darpel voted against. The motion carried. With regard to the request #2 Ms. Brown made the motion to approve with the condition recommended by staff. Ms. Hood seconded the motion. A roll call vote on the matter found Ms. Brown, Ms. Hood, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Mr. France, Mr. Hilgefurd, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Mr. Sletto, Ms. Worstell and Mr. Darpel in favor. The motion carried.

Unfinished Business: None.

Reports from Committees:

By-Laws – Nothing to report.

Executive – No report. – no meeting held this month. Mr. Darpel stated they will probably be meeting more than once during the month.

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

Subdivision Regulations – Jim Cook noted they did meet and had six present for the regulations committee. He asked that those able to make the meeting on the 16th, 17th or 18th to let Lori know. Mr. Darpel stated everyone is welcome and asked that everyone please educate themselves on the regulations. He stated anyone that is interested in the regulations to please ask – these are not something that they are intentionally being held from anybody and that he did want to clear that up.

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

Announcements from Staff – Mr. Darpel stated everyone is probably aware there is an issue between the NKAPC and the tea party and the HBA. He stated if anyone has any questions to please ask him. He stated he has met with legal counsel and has also contacted the HBA on the phone and has offered to come to speak with them. He noted he has contacted the tea party and the executive director of the NKAPC. He stated he was the most encouraged by Judge Arlinghaus. He didn't want anyone to feel nothing was being done. He stated he is looking at a plan B if the NKAPC is put on a ballot to be dissolved. He further noted as far as he is concerned he is not going to overreact to anything but he is also not going to wait for something to happen. Mr. Darpel stated he has been in touch with Mr. Kuhnhein and has asked him what his plan is and he has told him he will be in touch. Mr. Sletto stated with regard to the subdivision regulations he would like to have the process complete by the end of the year. Mr. Darpel stated he is not going to delay anything he is doing because of what's going on and

likewise he is not going to speed up anything because of what is going on. He said if anyone has any questions to contact him.

Mr. Scribner stated the Commissioners had in front of them a document about floodplain regulations. He stated FEMA has a new model and they want everyone to be informed. He stated there is a new model from FEMA in Atlanta and they have made some changes to it so it will fit with the state. He then stated anyone that has adopted the Flood Plan recommendations in 2007 now has issues. He stated it is very technical. He stated he is asking that there be a review of the new document so the individual cities can then adopt it without it coming before the Commission multiple times. He is asking that the Commission move forward on it and have a formal hearing on the matter. Mr. Darpel then asked for a motion. Mr. Hilgefurd made the motion to prepare the Flood Damage Claim Ordinance. Ms. Hood seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Ms. Hood, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Mr. Sletto, Ms. Worstell and Mr. Darpel in favor. The motion carried.

The list of APA webinars were released in July and a new session will be starting in September. Mr. Scriber stated that the list of webinars for this year will be circulated to our members.

Correspondence: None.

New Business: - Mr. Eilerman asked if there was any funding in the budget to attend the upcoming KAPA conference in September in Covington. Mr. Scribner stated he is unaware of the funding or what is available. He stated he does not know what the exact cost is. He also stated if you are in need of continuing education credits you could probably get 10 or 12 hours from this conference, including a full day session the day prior that is geared towards planning commission members.

Public Comments: None.

There being nothing further to come before the commission Ms. Worstell made a motion to adjourn. Ms. Hood seconded the motion. All in favor. None opposed. The meeting then adjourned at 9:55 p.m.

APPROVED:

Chair

Date