

KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING
Minutes

Mr. Darpel, Chair, called the meeting to order at 6:15 PM on Thursday, December 1, 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								
Ms. Brown	Erlanger	X	X	X		X				X	X	X	X	X	
Barbara Carlin	Kenton Co	X	X	X		X	X			X	X	X	X	X	
Barry Coates	Covington	X	X	X	X	X	X			X	X			X	
James Cook	Kenton Co	X	X	X	X	X				X				X X	
Ron Cook	Elsmere			X	X	X									
Paul Darpel, Chair	Edgewood	X	X	X	X	X	X			X	X	X	X	X	
Chuck Eilerman	Covington	X	X	X	X	X	X			X	X			X X	
Tom France, V.Chair	Ludlow	X		X	X	X	X			X	X	X	X	X	
David Hilgefond	Villa Hills	X		X		X				X	X	X	X	X	
Lynne Hood	Crestview Hills	X	X	X	X	*				X	X	X	X	*	
Marc Hult	Covington	X	X	X	X	X	X					X	X	X	
Mark Hushebeck	Lakeside Park	X	X	X		X				X	X	X	X	X	
Dan Ruh, Treasurer	Fort Wright	X	X	X	X		X			X	X			X	
Mark Rogge	Crescent Spgs	X	X	X		X	X			X	X	X		X	
Shad Sletto	Fort Mitchell	X	X	X		X	X			X	X	X	*	X	
Maura Snyder	Independence	X	X	X	X	X	X			X	X		X	X	
Joe Tewes	Bromley	X	X	X	X	X	X				X	X	X	*	
Melissa Worstell	Park Hills		X	X	X	X	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. Videkovich, AICP, Principal Planner.

AGENDA:

Ms. Snyder made the motion to approve. Ms. Worstell seconded the motion. Mr. Darpel then noted a request to withdraw item 2058R was received. No further action was required with regard to this issue. All in favor by acclamation.

APPROVAL OF THE MINUTES:

Ms. Snyder made a motion to accept the minutes. Ms. Brown seconded. A roll call vote on the matter found Ms. Snyder, Ms. Brown, Ms. Carlin, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgefond, Mr. Hult, Mr. Hushebeck, Mr. Sletto, Ms. Worstell and Mr. Darpel in favor. Mr. Rogge and Mr. Ruh 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 approve. Mr. Rogge seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. Rogge, Ms. Brown, Ms. Carlin, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgefond, Mr. Hult, Mr. Hushebeck, Mr. Ruh, Mr. Sletto, 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:

2056R

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

REQUEST: proposed text amendments to Article XV (Performance Standards for Industrial Zones) of the Kenton County Zoning Ordinance allowing outdoor storage of materials, products, or supplies within the IP (Industrial Park) Zone, provided the area is in the side or rear yard and screened from view.

Staff presentation and Staff recommendations by Mr. Andy Videkovich.

NKAPC STAFF RECOMMENDATIONS:

Favorable recommendation on the proposed text amendments to Article XV (Performance Standards for Industrial Zones) of the Kenton County Zoning Ordinance allowing the outdoor storage of materials, products, or supplies with the IP (Industrial Park) Zone, provided the area

is in the rear yard and screened from view.

Mr. Rick Moore registered to speak in favor of the issue. He then addressed the Commission and stated he is the plant manager for Cigna in the industrial park where this is referenced. He stated as a corporate citizen they want to everything the right way. He stated they met with the judge and the staff to discuss the issue. He stated he feels this is something that is very important and is something that has to be done properly. He stated they are asking for approval.

The public hearing was then recessed for discussion amongst the Commissioners. Mr. Hult asked whether or not "yard" refers to property. Mr. Videckovich clarified that in many instance yard is the same as property. Mr. Darpel then asked if for their purposes it could just be approved "as written." Mr. Videckovich stated this would be fine. Mr. Darpel then closed the public hearing. Mr. Hilgefond made the motion to approve issue 2056R based on Staff's recommendation and the testimony heard. Mr. Sletto seconded the motion. A roll call vote on the matter found Mr. Hilgefond, Mr. Sletto, Ms. Brown, Ms. Carlin, Mr. Cook, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Ms. Snyder, Ms. Worstell and Mr. Darpel in favor. The motion carried.

2059R

APPLICANT: City of Edgewood per Doug Beckham, City Administrator

REQUEST: proposed text amendments to the Edgewood Zoning Ordinance amending the signage regulations found in Section 14.9 SIGNS ALLOWED IN INSTITUTIONAL DISTRICTS (INST-1 and INST-2).

Staff presentation and Staff recommendations by Mr. Martin Scribner.

NKAPC STAFF RECOMMENDATIONS:

Favorable recommendation on proposed text amendments to the Edgewood Zoning Ordinance amending the signage regulations found in Section 14.9 SIGNS ALLOWED IN INSTITUTIONAL DISTRICTS (INST-1 and INST-2).

Mr. Beckman registered to speak in favor. He then addressed the Commission and stated he is the city administrator for the City of Edgewood. He noted the hospital is the only institution these regulations would be available to. He stated they would not be on the back property so it would not affect the property owners in the back. He stated the main reason for the request is the facility is growing, the community is aging and the improved signage will help people find their way around better. He further noted this is something that is very needed and the existing signs blend in with the environment and make them difficult to see. He noted the new signs will be the new blue and green signage.

Mr. Dittmer registered to speak in favor. He then addressed the Commission and stated he was available to answer any questions that came up and to also give a bit of background as to how this came about. He stated the facility has increased dramatically and this brought the need to have people be able to find their way around more easily. He stated he does not recall the exact count but he says it's pretty much the same number of signs that are existing and that all the old signs would be taken down. He stated they felt overall it will be very helpful.

The hearing was then recessed for discussion. Mr. Rogge asked if there is a request at some point for a change would a waiver then be needed. Mr. Scribner stated that would definitely not be a variance. Mr. Darpel additionally stated that since it's not something that is being requested it could be addressed at a later time. He stated we could come up with a lot of suggestions but until it is actually requested it doesn't need to be addressed.

Mr. Sletto then made the motion to approve based on Staff's recommendations. Mr. Rogge seconded the motion. A roll call vote on the motion found Mr. Sletto, Mr. Rogge, Ms. Brown, Ms. Carlin, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgefورد, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Ruh, Ms. Snyder, Ms. Worstell, Mr. Tewes and Mr. Darpel in favor. The motion carried.

W-716

APPLICANT: Erpenbeck Consulting Engineers, Inc., on behalf of Ashley Commercial Group

LOCATION: an approximate 9.0 acre area located along the east side of Collins Road, approximately 1,700 feet north of Buttermilk Pike in Villa Hills.

REQUEST FOR ACTION: four waivers to requirements of Section 5.3, Section 4.6, and Section 4.1 of the Kenton County Subdivision Regulations; granting the requests would waive the requirement for sidewalk along both sides of a new public street and allowing sidewalk to be along only one side; waiver the requirement for sidewalk to be provided along the portion of the Collins Road fronting the development; waive the prohibition of double frontage lots; and, waive the requirement that a right-hand turn deceleration lane and left-turn storage lane be provided at the proposed intersection with Collins Road (this issue was tabled at the October 6th and November 3rd meetings).

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATIONS:

Recommendation #1:

To deny the requested Waiver to Section 5.3 and require sidewalk along both sides of the proposed street.

Bases:

1. Subdivision Regulations Section 5.3 requires sidewalk along both sides of new streets.
2. 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.
3. Requiring sidewalk along both sides of the proposed street would uphold the reasoning behind why the regulations require sidewalk along both sides of a street which is to allow pedestrian traffic to circulate without requiring that any pedestrians enter and cross a vehicular way.
4. Requiring that sidewalk be constructed along both sides of new streets is consistent with the 2006 Comprehensive Plan for Kenton County. As stated in Chapter 3, "Development plans

and subdivision plats should be evaluated to ensure all modes of transportation can be accommodated. (e.g. bus pullouts and/or stops within or connected by pedestrian access; bicycle parking provided; pedestrian access from all roads to buildings with safe routes across parking areas)”. Allowing sidewalk along one side of a new street is not consistent with the Comprehensive Plan and does not develop a balanced pedestrian circulation system.

Recommendation #2:

To deny the requested Waiver to Section 5.3 and require sidewalk along the eastern portion of Collins Road that fronts the development.

Bases:

1. Subdivision Regulations Section 5.3 requires sidewalk along the eastern portion of Collins Road that fronts the development.
2. 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.
3. While there is currently no existing sidewalk along Collins Road in this immediate location, the proposed site is within approximately 475 of a sidewalk that extends to, and connects with a sidewalk network along Buttermilk Pike. The proposed development is located less than half a mile walking distance from amenities located on Buttermilk Pike such as Kremer's Market and Crescent Springs Community Park, among others. According to AASHTO “The majority of pedestrian trips are 0.25 miles or less, with 1 mile generally being the limit that most people are willing to travel on foot. Most people are willing to walk 5 to 10 minutes at a comfortable pace to reach a destination”. Numerous studies have shown that people are more likely to walk if their destination is located within half a mile. Not providing a sidewalk along the eastern portion of Collins Road that fronts the development would most likely eliminate the possibility of a sidewalk extension and interconnection with the existing sidewalk in the vicinity of the proposed development.
4. Requiring that sidewalk be constructed along the eastern portion of Collins Road that fronts the development is consistent with the 2006 Comprehensive Plan for Kenton County. As stated in Chapter 3, “Development plans and subdivision plats should be evaluated to ensure all modes of transportation can be accommodated. (e.g. bus pullouts and/or stops within or connected by pedestrian access; bicycle parking provided; pedestrian access from all roads to buildings with safe routes across parking areas)”.

Recommendation #3:

To grant the requested Waiver to Section 5.3 and allow Lot #'s 18, 19 and 20 to be double frontage lots.

Bases:

1. That unusual topographical or exceptional physical conditions exist and the waiver is not detrimental to the public interest nor in conflict with the intent and purpose of these regulations.
2. The exceptional physical condition is further defined as the geometry of the street and the dimensions of the site. The true intent of the prohibition of double frontage lots is to prohibit lots that are laid out in a traditional "grid system" having a local street directly in front and behind the lot. Not only would a lot configuration of this fashion create a generally unattractive and undesirable lot, but it would also create more street network than would otherwise be necessary. This is not the situation that the proposed layout is creating.
3. Making the Linear Park shown on the proposed plan a stand alone parcel to be owned in fee simple by a Home Owners Association would allow these three lots to comply with Section 4.6 B.3. However, Home Owners Associations have historically been problematic and issues could arise such as property line and ownership disputes. A green, linear park could still be utilized by using a conservation easement. In this case making an exception to a regulation is better than dictating a way to circumvent it just for the sake of compliance.

Recommendation #4:

To grant the requested Waiver to Section 4.1 E (2) and therefore not require that a right-turn deceleration lane and left-turn storage lane be provided at the proposed intersection with Collins Road.

Basis:

That strict compliance with these regulations would create an extraordinary hardship in the face of exceptional conditions further defined as follows: The cost to construct a right-turn deceleration lane and left-turn storage lane is not justified based upon the engineering analysis of existing conditions along Collins Road. Peak hour level of service analysis for the proposed entrance indicates that Collins Road will operate at a LOS A with less than 9 seconds of delay both with and without the proposed development. In addition, turn lane analysis based on the KYTC Auxiliary Turn Lane Policy, indicates that a right-turn deceleration lane and left-turn storage lane are not warranted at the proposed access point as the volumes generated by the development are low and do not impact the safety or operations of the intersection.

Mr. Raybourn registered to speak in favor of the issue. He addressed the Commission and distributed the two handouts as Exhibit A and Exhibit B (the larger copy) to be made a part of the record on the matter. He thanked the commission for tabling the matter twice to enable them to get their ducks in a row and get the traffic study done. He stated this development will be very similar to a lot of their other developments. He noted it will be smaller lots for people that do not want a lot of yard to maintain. He stated their number one goal when they got into this development was to keep as many trees as possible on the property. He stated with regard to the turn lanes they had a traffic impact study done. He noted staff agreed with the results and the level of service is going to remain an "A" which is the best you can get. With regard to the double fronted lots he stated the intent is not to have lots with double fronts. He stated they

are trying to be innovative and since they could not do a cluster development due to the lot size they are proposing it this way. With regard to the sidewalk issue on Collins Road he apologized because they did not realize how dangerous it is. He noted the site distance is not sufficient in the area where people may want to cross the road to get to the other side to reach the crosswalks there. He stated they could meet the requirements to put in the sidewalk but could probably not meet the site distance. He stated they are kind of in a dilemma due to the safety issues and the cost involved with moving guard rails and encroachment issues that would be involved. He then stated he would be happy to answer any questions. Mr. Hilgefond stated they are getting information that contradicts another waiver. He noted he would be a little bit more understanding about waiving sidewalks on Collins to the north. He then stated he would be less understanding for the waiver of sidewalks to the south. He stated the city could come back and put sidewalks in for those four properties. He further stated he feels it would be silly to assume that these people in the subdivision would not want to come down the road to the sidewalk. Mr. Raybourn then stated in the nine and a half years he has been doing this line of work he has never had a city come back later and put the sidewalk in. Mr. France asked why couldn't a crosswalk be installed with flashing lights to warn pedestrians. Mr. Darpel asked if the sidewalk could be installed behind the guardrail. Mr. Raybourn stated that could be done. Mr. Hushebeck asked if the storage drain would have to be extended to install the sidewalk. Mr. Raybourn stated that was correct. He stated for big developments he would be honest there should be sidewalks on both sides but for one this size he doesn't feel it is necessary. Mr. Raybourn stated this will look the same once it gets built whether it has the linear park or double fronted lots.

Mr. Yeager addressed the Commission in favor of the issue and stated with 26 lots he can't imagine crossing the road to get to the other side. He stated it's not a cost issue; it's a matter of knocking down all the trees. He stated it is a beautiful property covered in trees. He noted he doesn't know what a lineal park is but he stated it's basically a wall to give the property some privacy behind it. He further noted this is better because it is less development it is a higher quality home. He stated if you went in front of the property and saw the topography issues you would think it was crazy. He stated to have the sidewalk where it is required is almost laughable. He noted if the city wants them to they will put that length of sidewalk anywhere but to put it in this spot does not make sense. He stated if you want to know what this development will look like it's going to look like Ashley Woods. He stated they thought they would do a lot of greenery and such to create a wall of privacy for those double fronted lots. He stated this is the best design they could come up with to have a sense of lots and privacy and something an empty nester would want. Mr. Hushebeck stated he wondered if there was a compromise on the sidewalk issue. He stated he agrees there is a safety concern there. He suggested placing the sidewalk a hundred feet to the guard rail and then stop it so it is even with the intersection and then have it extend south the other direction, in effect splitting the sidewalk. Mr. Yeager stated he is not sure what that would accomplish but he could do that.

Mr. Martin addressed the Commission as the mayor of Villa Hills. He stated he and council are in agreement on the issue of granting the turn lane. He noted with regard to the double frontage lot they don't see an issue other than setting precedence. He noted they understand what he is trying to accomplish is doing that. He stated with regard to the sidewalks internally, they want the sidewalks on both sides of the development. He noted they are very adamant in wanting sidewalks on both sides of the street as something they continue to want to see in their city.

With regard to the sidewalk on the frontage, while it is an expense they really would like to see it installed and possibly have the city continue the sidewalk to avoid the safety issue of people crossing the street to get to the other sidewalks. He stated Ashley does unbelievable work and it is exciting to have one of their developments in the city. He stated they would love to see the sidewalks on Collins because it would definitely be a way to connect those three remaining lots to be able to walk to the park. He stated to connect that and allow people to get to that park it would be a priority to push completing the sidewalks there. He stated because of this they would like to see the waiver not granted for the sidewalk on Collins. Mr. Hult stated they are essentially in agreement with Staff. Mr. Martin stated they were.

Mr. Yeager then stated in rebuttal that if the city put the sidewalk in they would like that. He stated the sidewalks that go nowhere make no sense. So if the city will connect it, it is a good thing for their neighborhood. He stated he would propose to do that and stated when the city puts the sidewalk in they would put theirs in so it's not sitting there for ten years. He stated he thinks this is a great idea. He stated the double sidewalks again he can't stress enough because it's 26 lots – it is not innovative design and it's forcing the development to go out. He stated at Ashley Woods they have never had a complaint about there not being sidewalks on both sides. He stated he would like them to reconsider the requirement for sidewalks on both sides. Mr. Hilgefورد stated he has a hard time with the argument that building the sidewalks internally on both sides would determine where the sidewalk is to be built. Mr. Yeager then stated because of the topography of this property if sidewalks are required on both sides the houses would have to be moved back. He stated the aesthetics of the subdivision are critical and keeping the peripheral of trees is a big issue.

The public hearing was then recessed for discussion. Mr. France asked if the sidewalks could be bonded or conditioned based on the agreement with the city for the city to complete the sidewalk to the park. Mr. Hiles stated the regulations do not state that sidewalks need to be bonded but it can certainly be conditioned as such. Ms. Brown then asked if the waiver could be turned down and then when the city is ready to build the sidewalks the builder can then come back with a new waiver on the sidewalks. Mr. Hilgefورد stated the city has more than committed to building the sidewalks and connecting the sidewalks fronting the development. He further stated it's a no brainer. Ms. Brown further stated she has some concerns with eliminating the sidewalks on one side internally if this is being marketed to empty nesters and such she envisions grandkids and other kids playing and crossing the street and with the "s" curve being there she just has concerns with not having them on both sides. The public hearing was then closed. Mr. Darpel then asked for a motion for recommendation #4 with regard to the right turn deceleration lane. Mr. Hilgefورد made the motion to grant the waiver based on the modifications providing for an innovative design and also based on Staff's recommendations. Ms. Worstell seconded the motion. A roll call vote on the matter found Mr. Hilgefورد, Ms. Worstell, Ms. Brown, Ms. Carlin, Mr. Cook, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Mr. Sletto, Ms. Snyder, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously. Mr. Darpel then asked for a motion on recommendation #3 with regard to the double frontage lots. Mr. Hult made the motion to grant the waiver based on the unusual topography and innovative design and also based on the recommendations by Staff. Ms. Worstell seconded the motion. A roll call vote on the matter found Mr. Hult, Ms. Worstell, Ms. Brown, Ms. Carlin, Mr. Cook, Mr. Eilerman, Mr. France, Mr. Hilgefورد, Ms. Hood, Mr. Hushebeck, Mr. Rogge, Mr. Ruh, Mr. Sletto, Ms. Snyder and Mr. Tewes in favor. Mr.

Darpel voted against. The motion carried. Mr. Darpel then asked for a motion on recommendation #2 with regard to sidewalks fronting the development. Mr. Rogge then made the motion to deny the waiver along Collins Road based on Staff's recommendations. Mr. Eilerman seconded the motion. A roll call vote on the matter found Mr. Rogge, Mr. Eilerman, Ms. Brown, Ms. Carlin, Mr. France, Mr. Hilgefورد, Mr. Hult, Mr. Hushebeck, Mr. Sletto, Ms. Snyder, Ms. Worstell, Mr. Tewes and Mr. Darpel in favor. Mr. Cook, Ms. Hood and Mr. Ruh, against. The motion carried. Mr. Darpel then asked for a motion on recommendation #1 with regard to requiring sidewalks on both sides internally. Ms. Worstell made the motion to approve the waiver based on the fact that the design is innovative and due to the topography. Mr. Sletto seconded the motion. A roll call vote on the motion found Ms. Worstell, Mr. Sletto, Mr. Cook, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Rogge and Mr. Ruh in favor. Ms. Brown, Ms. Carlin, Mr. Eilerman, Mr. France, Mr. Hilgefورد, Ms. Snyder, Mr. Tewes and Mr. Darpel voted against. The motion resulted in a tie vote so the subdivision regulations stand as they are written. The waiver was not approved. Mr. Darpel stated if there are new conditions they can come back with another waiver.

Unfinished Business: None.

Reports from Committees:

By-Laws - Nothing to report. No meeting held.

Direction 2030 (comprehensive plan) - Mr. Scribner commented on behalf of Keith Logsdon who had to leave the meeting. He stated since the last meeting they have had two meetings. He stated they feel as the process moves forward they are moving the process along further and further and yielding better input. He thanked everyone who has come out to the meetings. He stated there is one more meeting next Tuesday. He stated they could really use more commissioners to come out because it moves along better when there are two per table. He stated if anyone is able to come out to please let Keith know.

Executive - Mr. Darpel stated they have not met due to so many meetings on other issues.

Subdivision Regulations - Mr. Hiles stated they are at the point where the entire committee has gone through all the regulations. He stated they are able to bring in eight effective groups one by one to the committee to address them face to face to compare the information. He stated the first meeting is going to be with the surveyors and the transportation cabinet on December 15th. He stated another meeting will be held in January on a date to be determined. He stated they are hoping next spring to bring them to the commission.

2020 Sourcebook (model zoning ordinance) - Nothing to report. No meeting held.

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

Announcements from Staff - Mr. Scribner stated the City of Taylor Mill has appointed a new representative, Stan Porter. He stated he was not able to attend tonight's meeting due to a prior engagement but will be at the January meeting. He also noted a planning schedule for the upcoming year that needs approved was distributed. Mr. Darpel stated other than July 5 everything looked fine. He stated he will be out of town at that time. He stated he would like to

make a motion to move the meeting to the following Tuesday on July 10th. Mr. Hult made the motion to move the date from July 5th to July 10th. Ms. Hood seconded the motion. All in favor. None opposed.

Correspondence: None.

New Business: - Mr. Darpel stated the Kenton County Planning Commission appoints someone to the OKI. He stated if the commission wanted to think about nominating someone or possibly someone taking this on that would be fine.

He stated Maura will again be chairing the nomination committee. Ms. Brown and Ms. Hood will also work with Maura on the matter.

Public Comments: None.

There being nothing further to come before the commission, Mr. Hilgefors made the motion to adjourn. Ms. Hood seconded. None opposed. The meeting then adjourned at 9:20 p.m.

APPROVED:

Chair

Date