

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING
Minutes**

Mr. Darpel, Chair, called the meeting to order at 6:15 PM on Thursday, February 2, 2012, 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.

“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: Scott Hiles, Dep. Director for Infrastructure Engineering and Mr. Keith Logsdon, Dep. Director for Long Range Planning.

AGENDA:

Ms. Snyder made the motion to approve. Mrs. Snyder. Ms. Hood seconded the motion. All in favor by acclamation. The motion carried.

APPROVAL OF THE MINUTES:

Mr. Eilerman made a motion to accept the minutes. Ms. Snyder seconded. A roll call vote on the matter found Mr. Eilerman, Ms. Snyder, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. France, Mr. Hilgefورد, Ms. Hood, Mr. Hult, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Mr. Ruh and Mr. Darpel voted in favor. Ms. Worstell and Mr. Tewes abstained. None opposed.

RECEIPTS AND EXPENDITURES:

There were no questions or comments with regard to the financial statement. Ms. Snyder made the motion to approve. Ms. Brown seconded the motion. All in favor my acclamation. 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.

LAST YEAR'S FINANCIAL REPORT:

Mr. John Chamberlin addressed the Commission on behalf of Van Gorder, Walker & Co. who prepared the audit of the Kenton County Planning Commission for the fiscal year 2011. He gave a brief presentation and stated the cash in the bank is roughly about \$800.00 which is a concern. He stated the total expenditures for the year ran about \$5,500 in the hole and that is with the 60% discount offered by staff for staff services. He stated without that discount the total would be about \$33,000 in the hole. He further stated the total expenditures are roughly about \$66,000 for fiscal year 2011. He noted net assets of roughly \$31,000. He then gave a breakdown of expenditures referencing a prepared letter for each expenditure function. Mr. Chamberlin then noted there were no items of non-compliance that were reported. Mr. France asked about the possibility of contacting the fiscal court or city mayors to have them continue to offer the discount because without the discount basically the Commission would be out of business in three months. Mr. Rogge stated the only way to increase their revenues is by the fees and he asked who was responsible for setting the fees. Mr. Darpel stated the commission is responsible to setting the fees and he knows that committee is meeting now to discuss the fees. He stated he will look into it. Mr. France then stated it's not so much the fees but the number of applications coming in. Mr. Smith stated it might be a good suggestion to contact the NKAPC to have them offer a long term commitment on the 60% discount. Mr. Darpel clarified that the NKAPC is

looking at all fees and not just the commission's fees. Mr. Darpel additionally stated the budget is basically a seven figure budget easily. Mr. France then noted we are basically operating on \$66,000. Mr. Chamberlin then stated the budget for staff expenses is roughly \$50,000 a year so there have to be fees and services to cover that amount. Mr. Darpel stated this is probably something that needs to be discussed at a committee and while he hates to have too many committees this is something that needs to be addressed.

RECENT ACTIONS BY LEGISLATIVE BODIES:

No action required.

PUBLIC HEARINGS:

W-686

APPLICANT: Daniel L. Gripshover

LOCATION: 25 Hudson Avenue (a 13,500 square foot lot on the south side of Hudson Avenue approximately 550 feet west of Dixie Highway) in Lakeside Park.

REQUEST FOR ACTION: to grant a waiver from requirements of Section 5.3 F of the Kenton County Subdivision Regulations; granting the request would waive the requirement for sidewalk to be provided along the portion of Hudson Avenue fronting the development.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

NKAPC STAFF RECOMMENDATIONS:

To deny the requested Waiver to Section 5.3 and require sidewalk along the southern portion of Hudson Avenue that fronts the applicant's lot.

Bases:

1. Subdivision Regulations Section 5.3 requires sidewalk along the southern portion of Hudson Avenue that fronts the applicant's lot.
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 that sidewalk be constructed along the southern portion of Hudson Avenue 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. ...pedestrian access; bicycle parking provided; pedestrian access from all roads to buildings with safe routes across parking areas)".
4. While there is currently no existing sidewalk along Hudson Avenue in this immediate location, the applicant is only one out of a total of seven lots that are required to provide sidewalk along the south side of Hudson Avenue. In addition, the location of this waiver is approximately 550 feet west of an existing sidewalk network along Dixie Highway and when all required sidewalk along Hudson Avenue is constructed it should dead-end into a

restaurant parking lot at the southwest corner of Hudson Avenue and Dixie Highway. The applicant's lot (and this waiver request) is less than half a mile walking distance from amenities in Fort Mitchell to the north, and less than a mile walking distance from the Crestview Hills Town Center to the south.

Mr. Gripshover addressed the Commission in favor and stated as you look at the plat the Cahill's own a couple of the lots and have no intentions of developing them further even though they are part of the subdivision. He stated he spoke to them last night and they are not aware that they are required to put in sidewalks. He further stated Cahill is not a big street and if anything is just a glorified driveway. Mr. Gripshover stated for his purposes it does not make sense aesthetically to put in a sidewalk in front of his property. He stated it does not seem reasonable to him that there are two lots that currently have homes on them but they do not have sidewalks. He stated on lots 1 and 2 the city is going to pay for those sidewalks so that leaves him to pay for his own sidewalk and others either don't have them or are not required to put one in and he doesn't feel it is reasonable. He further stated for him to put in sidewalks is not consistent with the area to require him to put in a sidewalk. Mr. Darpel stated the owner of lot 10 has developed lot 11, regardless of whether or not he decides to sell it or not, it is developed and sidewalks are required. Mr. Darpel stated the last thing you want people doing in walking in the street for safety reasons. Mr. Darpel stated further that one of the four criteria to waive sidewalks will have to be met in order to waive his request. Mr. Gripshover stated he understands the criteria but stated sometimes it does not fit. Mr. Hult stated Mr. Hiles showed a compelling photograph that shows a path through mud and dirt where people are walking which would be right in the area where the sidewalk would go. Mr. Gripshover stated he has not seen people walking in that area and doesn't know why they would walk through mud when they could walk on the street. Mr. Darpel stated the minute the commission grants the waiver everyone else on the street will come before them asking for a waiver as well. He stated it becomes very difficult to turn it down when they have the potential for over 700 feet of sidewalk. Mr. Portman stated it appears we're making a lot of assumptions here if you look at the plat. He stated for some reason those lots were laid out to sell and at some point those lots are going to be sold and will be used at some point in time. He stated you have to have consistency and at some point those sidewalks will be in.

Mr. Jansing, mayor of Lakeside Park, addressed the Commission and stated the road itself where Barleycorns is located is not a sidewalk but just a continuation of the street. He stated this whole development was approved a year before he got on council. He stated he knows for a fact that the city had planned on redoing Hudson and they thought it's kind of crazy to have heavy equipment running up and down the street. He stated then the economy suffered and the lots have sat there. He then stated now Mr. Gripshover is putting up a home on one of the lots and in the meantime the city has patched areas of the street. He noted as far as lot 11, it has been a vacant lot for a long time and they are not going to do anything with it and has been told so by the property owner. He stated he is not against sidewalks and he thinks they are great but this street is so crooked that to put sidewalks in is going to look stupid. He additionally stated council suggested putting a sidewalk on one side if a sidewalk has to be in that area. He stated as far as the walking path that was looked at before it is not a walking path. He stated they have asked the developers repeatedly last summer to cut the grass in that area when it got too high but there is no one at the

end of the street that walks up there. He stated occasionally workers at Barleycorn's will park down there and they have asked for permission from the city to park on Cahill and they have walked up to Barleycorn's from their cars. He stated he doesn't see a need for the sidewalk in this area because it will go to nowhere. Mr. Hilgefond stated a lot of lot 11 was significantly built when they reduced the size of the lake. He stated he has a hard time seeing where the Cahill's put all that into building lot 11 without a vision for the future. He also stated if sidewalks are provided from the connector street up to Barleycorn's he thinks people will use it. Mr. Hushebeck asked about the city putting in sidewalks on lot 1 and 2. Mr. Jansing stated the money was set aside for road improvements not for sidewalks. Mr. Eilerman also stated the photograph showing a path through the grass is pretty compelling and that people obviously are walking through there and not in the street. Ms. Hood noted that this neighborhood is going to turn over whether it be in two years, five years or ten years and there will be kids riding bikes and people walking along sidewalks.

Mr. Darpel then recessed the hearing for discussion. There were no further comments. The public hearing was then closed. Mr. Rogge then made the motion to deny the request for the waiver based on Staff recommendations. Ms. Hood seconded the motion. A roll call vote found Mr. Rogge, Ms. Hood, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hilgefond, Mr. Hult, Mr. Porter, Mr. Ruh, Ms. Snyder, Ms. Worstell, Mr. Tewes and Mr. Darpel in favor. Mr. Cook, Mr. Pannunzio and Mr. Sletto voted against. The motion carried.

Unfinished Business: None.

Reports from Committees:

By-Laws – Nothing to report.

Direction 2030 (comprehensive plan) – Mr. Logsdon addressed the Commission and thanked all those serving on the task force. He stated they had their first real meeting. He stated the next meeting is 2/15 at 6:15 p.m. Mr. Hult stated if he needed any help with the Spanish speaking portion of it he would be happy to help out.

Executive – Mr. Darpel stated they have not met. Nothing to report.

Subdivision Regulations – Mr. Cook stated the next meeting has been changed to February 13 at 5:30 and this will be with HBA. Mr. Hiles then noted the next meeting after that will be the Mayors group which will be held on February 23rd. Mr. Darpel further stated the next group to meet will be the engineers group. He also stated he felt the last meeting went very well with the representative from the Sanitation District. Mr. Darpel gave a brief report and explained that at the January 26, 2012 Committee meeting on the Banklick Watershed Council, Kenton County Conservation District and Sanitation District No. 1 all presented their thoughts on the draft subdivision regulations. Mr. Hult stated the Conservation District wanted to get the point across that the regulations were lacking in green infrastructure requirements that would help SD1 achieve their mandate for improved water quality. He said Boone County Regulations were mentioned several times with respect to a model that Kenton County could use. Mr. Hiles then asked to respond. He stated that there were numerous references to Boone County and it seemed to be because there is a lack of understanding of the differences between the two counties. He

noted many of the recommended changes to the draft to better accommodate increased water quality that were discussed at the committee meeting pertained to land use (or zoning) regulations, not subdivision regulations. Examples included building setbacks, lot sizes, clustering, open space, etc. He further noted one difference between the two counties is that Kenton County has 19 different Zoning Ordinances while Boone County has only one Zoning Ordinance. Mr. Hiles stated Boone County's Subdivision Regulations have a ten or twelve page section that discusses the option to provide, and benefits of, a cluster or open space subdivision. The reason for this is because the Boone County Zoning Ordinance specifically allows these types of subdivisions and are specifically permitted by the Boone County Zoning Ordinance. The Kenton County Zoning Ordinances, however, do not permit these types of subdivisions. Mr. Hiles commented it would be inappropriate for the Kenton County Subdivision Regulations to detail a process to create a type of subdivision that was specifically prohibited by the Kenton County Zoning Ordinances.

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

Report from Legal Counsel – Mr. Smith noted there was nothing to report. Bill in the Senate to reduce the signatures required to put something on the ballot. He stated this bill would reduce the number to 10% and it was just presented this week.

Announcements from Staff – Nothing to report.

Correspondence: Mr. Darpel noted there were continuing education credits that needed be approved. He then asked for a motion to approve these credits. A motion was made by Mr. France. Ms. Brown seconded the motion. The motion was approved by acclamation.

New Business: - None.

Public Comments: None.

There being nothing further to come before the commission, Ms. Snyder made the motion to adjourn. Ms. Hood seconded the motion. Mr. Rogge abstained. The meeting then adjourned at 8:08 p.m.

APPROVED:

Chair

Date