

**KENTON COUNTY PLANNING COMMISSION**  
**REGULAR MEETING**  
**Minutes**

Mr. Paul Darpel, Chair, called the meeting to order at 6:15 PM on Thursday, September 6, 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.

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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	
Ms. Diane Brown	Erlanger	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			
James Cook	Kenton Co	X	X	X	X					X				
Paul Darpel, Chair	Edgewood	X	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	X		X				
David Hilgefond	Villa Hills	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	X			
Mark Hushebeck	Lakeside Park		*		*		X	X	X	X				
Joe Pannunzio	Elsmere	X	X	X	X	X	X	X	X	X	X			
Stan Porter	Taylor Mill	X	X	X	X	X	X			X	X			
Mark Rogge	Crescent Spgs	X	X	X		*	X	X	X	X				
Dan Ruh, Treasurer	Fort Wright	X	X	X		*	X			X				
Shad Sletto	Fort Mitchell	X	*		*	*	X			X				
Maura Snyder	Independence	X	X	*	X	X	X	X	X	X				
Joe Tewes	Bromley	X	X		X	X	X	X	*	X				
Melissa Worstell	Park Hills		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, Dep. Director for Current Planning, Mr. Mike Ionna, Associate Planner and Scott Hiles, \*\*

## **AGENDA**

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

## **APPROVAL OF THE MINUTES:**

Mr. Hult made the motion to approve. Mr. Eilerman seconded. A roll call vote on the matter found Mr. Hult, Mr. Eilerman, Ms. Carlin, Mr. Coates, Ms. Hood, Mr. Hushebeck, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Ms. Snyder and Mr. Tewes in favor. Ms. Brown, Mr. France and Mr. Darpel 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. Ms. Brown seconded the motion. All in favor by 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.

## **RECENT ACTIONS BY LEGISLATIVE BODIES:**

No action required.

## **PUBLIC HEARINGS:**

The following two issues have been combined for purposes of the hearing.

### **2090R**

**APPLICANT:** Earl and Mary Weller

**LOCATION:** an approximate 0.05-acre area located at the southeast corner of the intersection of Russell and West 15<sup>th</sup> Streets in Covington

**REQUEST:** a proposed map amendment to the Covington Zoning Ordinance changing the described area from RU-2 (P-O) (Urban Residential-two with Phased Overlay) to IL-1M (Industrial Limited).

Staff presentation and Staff recommendation by Mr. Mike Ionna.

## **NKAPC STAFF RECOMMENDATIONS:**

Favorable recommendation of the proposed map amendment to the Covington Zoning Ordinance changing the described area from RU-2 (P-O) (Urban Residential-Two with Phased

Overlay) to IL-1M (Industrial-Limited).

David Weller registered to speak on the issue. He addressed the Commission and stated the shop has been in the same location since 1960 but the scope of business has changed and they have expanded to keep up with the company. As such, they are in need of more space. He stated it would be very helpful and appreciated if approval is granted.

Mr. Weller stated he appreciated the consideration.

Mr. Darpel then read into the record three letters received with regard to the issue. The letters were then marked as exhibits and made a part of the record on the matter. There were none registered in opposition. The public hearing was then recessed for discussion. Mr. Eilerman stated he welcomed the Wellers. The public hearing was then closed. Mr. Eilerman made the motion to approve based on Staff's recommendations. Mr. Hult seconded the motion. A roll call vote on the matter found Mr. Eilerman, Mr. Hult, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. France, Ms. Hood, Mr. Hushebeck, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Ms. Snyder, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously.

## **2091R**

**APPLICANT:** City of Edgewood per Doug Beckham, City Administrator

**REQUEST:** a proposed text amendment to the Edgewood Zoning Ordinance that would permit private swimming pools to the side or rear of the principal permitted use on properties of more than five acres.

Staff presentation and Staff recommendation by Mr. Martin Scribner

### **NKAPC STAFF RECOMMENDATIONS:**

Favorable recommendation of the proposed text amendment to the proposed text amendment to the Edgewood Zoning Ordinance to permit private swimming pools to the side or rear of the principal permitted use on properties of more than 5 acres.

Mr. Beckham addressed the Commission in favor and stated most of the properties shown to be over 5 acres are really down in the holler so the impact on other properties is negligible. He stated the terrain is too rough to build on and this one is on the side of Turkeyfoot. He stated that is all he wanted to add.

Mr. Schoettelkotte addressed the Commission and stated he is a resident of Edgewood. He stated he is not opposed but his concern is the structure of the language being proposed. He stated he doesn't think some of the issues have been thought out. He stated it does not address some of the lots in the city that are vacant that are over 5 acres that adjoin a lot in a subdivision. His concern is that they could buy the lot and then it would end up involving more than the others over five acres. He further stated a rear or side yard language could be used. He also stated there is no limitation regarding the side property line so there should be some side yard limitation. He also stated depending upon the particular zone, if someone is able to put together five acres they would be able to put in a pool. He stated the language should be written a little bit tighter and that this could potentially affect many more properties in Edgewood.

Mr. Beckham addressed the Commission in rebuttal and stated someone would be hard pressed to find another stretch of contiguous property in these subdivisions. He further noted there are varying degrees of side yards within the city. Mr. Rogge asked if there is a side yard minimum that has to be met. Mr. Beckham stated there is but it can vary. He stated generally it is 20 feet. Mr. Scribner stated it depends on the zone.

Mr. Schoettelkotte addressed the Commission in rebuttal and stated in his particular subdivision there are a number of large tracts that could be tied to the subdivision lots so what Doug is saying is not necessarily totally accurate. He stated it's not a big deal but it can happen in other areas other than the subdivision. He also stated there should be side yard minimums also.

Mr. Darpel then recessed the hearing for discussion. The public hearing was then reconvened and closed. Mr. Darpel asked for a motion. Mr. Rogge then made the motion to approve based on Staff's recommendations. Ms. Snyder seconded. A roll call vote on the matter found Mr. Rogge, Ms. Snyder, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Pannunzio, Mr. Porter, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously.

#### **W-584**

**APPLICANT:** the Drees Company

**LOCATION:** Woodsedge Drive within Lakemont Subdivision. Lakemont is located on the north side of Richardson Road, approximately 600 feet west of the entrance to Sherbourne Subdivision in Erlanger

**REQUEST FOR ACTION:** to grant a waiver to the requirement of Section 5.3 of the Kenton County Subdivision Regulations; granting the request would permit a portion of the pavement section for Woodsedge Drive to be built less than the required thickness of nine inches.

Staff presentation and Staff recommendation by Mr. Scott Hiles.

#### **NKAPC STAFF RECOMMENDATIONS:**

To deny the requested Waiver to Section 5.3 and require that the entirety of the pavement for Woodsedge Drive be a minimum thickness of 9-inches.

#### **Bases:**

1. Subdivision Regulations Section 5.3 requires that the entirety of the pavement for Woodsedge Drive be a minimum thickness of 9-inches.
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.

Mr. Schoettelkotte addressed the Commission on behalf of the Drees Company. He stated since the following issue is also a Fischer development related issue, he would like to have Mr. Fischer address the Commission. Mr. Fischer then addressed the Commission and referenced a distributed pavement performance analysis report. He stated he has been heavily involved in the analysis of subdivision pavement. He further stated he has had input from many pavement companies with regard to this issue. He then discussed briefly the contents of the report and

how it related to the issue. He noted the type of pavement they are proposing costs about 20% more than the existing pavement to build but the maintenance cost of it is significantly lower over the life of the pavement.

Mr. Schoettelkotte then addressed the Commission and stated this came about from a conversation Mr. Fischer had with Mr. Drees. He stated they were discussing the Lakemont subdivision and he brought up the idea of doing a demonstration project for this subdivision. He further stated Mr. Fischer drove hundreds of miles examining different types of pavement that was constructed prior to 1985 and after when the regulations were changed. He stated they proposed the idea of doing a demonstration type of pavement to the City of Erlanger with regard to Lakemont. He further noted they then got permission from the city to do this as a demonstration project to see how this pavement works out. He noted the proposal that is before the Commission is not something they are shortcircuiting on. He stated what they did is going to cost over \$6,000 more than what it would cost today so this demonstration project is costing them more money. He stated the portion of the street that is eight inches is only at the center line. Mr. Schoettelkotte then stated the final surface has not been placed on the street to allow them to build it up should that be necessary. He stated they are proposing something that is different than the standard that is in the regulations now. He noted what they did is they took a number of options available and combined them into what they feel is a superior design. He noted they feel they do have an innovative design. He also stated the City of Erlanger was willing to take on this demonstration project to allow them to try it out.

Mr. Fischer then addressed the Commission again and stated they built the demonstration projects where it benefits the development. He stated this has been done in four other areas. He additionally stated there are long term benefits that you can't tell initially but there are also obvious benefits when looking at the pavement. He noted that eight inches at the center of the street is more than adequate to handle the drainage. He further noted where there was an issue was at the curb so that is where they increased the thickness. He stated they consulted with a go tech as well as city engineers prior to going ahead with the project. He further noted they did not have the timeframe to get a detailed geotech report to have at the meeting.

Mr. Viox then addressed the Commission and stated Mr. Drees contacted him regarding the demonstration project. He stated he felt it was a great idea and stated Erlanger has always been on the innovative side. He then went through some of the design features the have gone into the design of the demonstration project for this subdivision. He stated with all their studies, the eight inches is still more than sufficient for pavement thickness. He then stated the city of Erlanger has actually paid for demonstration projects in the past and in this situation they got it for free so that is great. He then referenced a report which was marked as an exhibit and made a part of the record. He stated the city recognizes if there is a failure the city will be responsible for that. He stated in his opinion there is a lot less risk with this design than with the current design.

Mr. Drees addressed the Commission and stated they did this as a way to look at what could be done when the new regulations come out. He stated it has to be looked at as a whole design and not just one piece because this is what makes it an innovative design. He stated if you look at it it is only 350 feet so he does not see what the big deal is it. Mr. Darpel then marked the Lakemont and Maher Meadows Waiver Request as Exhibit 1 and the Asphalt Pavement Design

and Construction Guide document submitted as Exhibit 2 to be made a part of the record on the matter. Mr. Darpel then marked the Waiver Request to Eliminate Expansion Joints document submitted as an Exhibit to be made a part of the record on the matter.

Mr. Darpel then recessed the public hearing for discussion amongst the commissioners. Mr. Porter stated he looks at this as a pretty good idea to try to improve the streets even though it doesn't totally meet the requirement. Mr. Hult stated one of the things he heard which is important is Mr. Schoettelkotte stated he didn't know if this would be practical to build this. Mr. Darpel stated this makes it a little different because they have not heard from engineers that this will not work. Mr. France stated it is important to note that with Mr. Viox speaking as the city engineer they are taking this on more so than the developer. He stated they are willing to take on the risk if they feel it is that much of a better design. Mr. Hushebeck stated with his experience anytime you improve drainage you improve the quality of the street. He stated this helps with the innovative design. Ms. Brown stated she has a concern with the kind of message it sends to the subregs committee and wants to make sure that the commission is not endorsing one type of pavement or the other. Mr. Tewes asked how many times does a waiver come before them where it's going to cost the applicant more. Mr. Darpel then reconvened the public hearing and it was closed. Mr. Darpel asked for a motion. Mr. Rogge made the motion to grant the waiver based on the condition that it does meet the criteria of an innovative design because of the pavement itself as a whole and because of the testimony heard. Mr. Hult seconded. A roll call vote on the motion found Mr. Rogge, Mr. Hult, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Eilerman, Mr. France, Mr. Hult, Mr. Hushebeck, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Ms. Snyder, Mr. Tewes and Mr. Darpel. Ms. Hood voted against. The motion carried.

## **W-646-2**

**APPLICANT:** Fischer Development Company

**LOCATION:** Parker Drive within Maher Meadows. Maher Meadows is a subdivision located along the north side of Maher Road, approximately 1,400 feet east of Glenhurst Drive in unincorporated Kenton County

**REQUEST:** to grant a waiver to the requirements of Section 5.3 of the Kenton County Subdivision Regulations; granting the request would permit: (1) use of a different curb section design; (2) increasing contraction joint spacing to 15 feet instead of the required 12.5 feet; (3) eliminating expansion joints except at catch basins instead of the required maximum of 150 feet apart; and (4) using a concrete mix design that results in a compressive strength of 3,500 psi instead of the required 4,000 psi.

Staff presentations and Staff recommendations by Mr. Scott Hiles.

### **NKAPC STAFF RECOMMENDATIONS:**

To grant the Waiver to Section 5.3 and allow an alternatively shaped curb.

### **Bases #1:**

The modification would provide for an innovative design layout of the subdivision further defined as follows. The alternate curb shape allows up to 8-inches of asphalt overlay to be applied without milling the previous asphalt overlay, provided a 6-inch by 10-inch box curb is added to the original slip formed curb to raise the curb profile to accommodate the additional asphalt thickness. With a traditional pavement and curb shape, typically each asphalt overlay is accomplished only after milling the preceding

asphalt overlay. The addition of the 6-inch by 10-inch box curb is an option only, thereby allowing a community to choose to take advantage of the ability to raise the curb profile and add additional asphalt overlays, or to treat the concrete pavement and alternate curb shape as if it were the traditional pavement and curb shape currently required by the Subdivision Regulations. The proposed alternate curb shape offers an additional pavement option to a community that is not available today. Therefore, it appears to Staff that while still being an alternate design that requires a Waiver, the alternate curb shape offers an additional long-term maintenance option for the community without providing any obvious drawbacks.

Mr. Fischer addressed the Commission and stated he probably averages ten hours a week looking at the issue of pavement. He noted he was struggling with the problems that were occurring and the solutions to remedy it and started looking more into pavement. He then stated he is convinced after seeing what is going on with the pavement and after more expansion joints have been added and it's not getting better, that one of the clues is that in new pavements it is not occurring. He then distributed a handout referencing concrete pavement and expansion joints. He further noted he would like to get this approved without the expansion joints, but added if it is not approved he would like the waiver approved consistent with the language spelled out on page two of his handout.

Mr. Viox addressed the Commission and stated he would like to see the expansion joints eliminated. He further noted he thinks you still need expansion joints and the beginning and end of the curves. He stated in his opinion he would still put expansion material in these locations but eliminate them everywhere else.

Mr. Fischer then referenced the curb issue and stated with this design it allows an inch and a half surface to be added at a later date without doing any milling. He stated the combination of the 4 and a half inch curb and the sidewalk always 5 inches above the sidewalk is a win in his opinion. He stated he is committed to use the crushed stone versus the crushed rock as well.

All others registered to speak had nothing to add. The public hearing was then recessed for discussion. Mr. Rogge stated he is sold on the idea that fewer expansion joints are needed, but he questions how they will be repaired if something happens down the road. Ms. Brown asked if you are going to be able to see if there is a problem with the expansion going up to someone's driveway and going up to someone's house before this happens. Mr. Hiles stated there was. Mr. Hushebeck asked about the reference to the NKSPE Pavement Committee recommendations. Mr. France asked about condition number 2 of Mr. Fischer's waiver request as far as how it could be enforced because there is no agreement with Kenton County. Mr. Smith stated there is no way to guarantee it will be done because there are no provisions for it to be done with Kenton County. Mr. Smith also stated there were concerns by staff with this being feasible and what would occur if this didn't work down the road. Mr. Darpel then reconvened the meeting and asked for a motion. The public hearing was then closed. Mr. France then made the motion to approve Request Number 1 to change the design of the curb based on Staff's recommendations and that it meets the requirements as to design. Ms. Brown seconded. A roll call vote on the matter found Mr. France, Ms. Brown, Ms. Carlin, Mr. Coates, Ms. Hood, Mr. Hult, Mr. Hushebeck, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Ms. Snyder, Mr. Tewes and Mr. Darpel in favor. The motion was approved unanimously. Mr. Darpel then asked for a motion with regard to the waiver with the expansion joints (Request Number 2). Mr. Tewes made the motion to approve the waiver application to be spaced in compliance with the location

consistent with the NKSPE Recommendation Committee as shown on Exhibit 1 of this application plus the curb apron and 2 inch expansion joints on lots 16-22 and 36-40. Mr. Pannunzio gave the second. A roll call vote on the matter found Mr. Tewes, Mr. Pannunzio, Ms. Colin, Mr. France, Mr. Hult and Mr. Rogge in favor. Ms. Brown, Mr. Coates, Ms. Hood, Mr. Hult, Mr. Porter, Ms. Snyder and Mr. Darpel against. Mr. Darpel stated the motion was not approved and asked for affirmative action. He asked if anyone would like to make another motion. Ms. Brown made the motion to deny the application as it does not meet the requirements for a waiver. Mr. Hult seconded the motion. A roll call vote on the matter found Ms. Brown, Mr. Hult, Mr. Coates, Ms. Hood, Mr. Porter, Ms. Snyder and Mr. Darpel in favor. Ms. Carlin, Mr. France, Mr. Hushebeck, Mr. Pannunzio, Mr. Rogge and Mr. Tewes voted against. The waiver was denied.

**Unfinished Business:** None.

**Reports from Committees:**

*By-Laws* – Mr. France stated they have not met and once they get through the sub regs and comprehensive plan they will definitely get to the by-laws.

*Direction 2030* (comprehensive plan) – Mr. Scribner stated they will probably have a capstone meeting at the end of October.

*Executive* – Mr. Darpel stated they met and one of the things they will do is they will get together with the NKAPC and discuss the budget.

*Subdivision Regulations* – Mr. Darpel stated Mr. Cook is not present. He stated they had a good round table discussion. Not everything was resolved but it was interesting to see the sides discuss the issues. He stated the first part of the draft is done and they will start working with the second part of the draft. Mr. Hiles commented that the issue of the expansion joints is something they are definitely discussing. He stated with regard to the issue heard this evening they just don't have the information in front of them tonight but they are close. There is a meeting next Thursday at 5:30.

*2020 Sourcebook (model zoning ordinance)* – Mr. Rogge had nothing to report. He stated after the comprehensive plan, by-laws and zoning issues they will definitely be meeting.

*Report from Legal Counsel* – Mr. Smith had nothing to report but commented that the suit involving the NKAPC and the issue of it being placed on the ballot has been dismissed.

*Announcements from Staff* – None.

*Correspondence:* None.

*New Business:* - Ms. Carlin asked if there was an answer on the continuing education. Mr. Darpel asked that they have something in writing to be placed before the commission so they can vote on it.

*Public Comments:* None.

There being nothing further to come before the commission, Ms. Snyder made the motion to adjourn. Ms. Hood seconded. None opposed. The meeting then adjourned at 9:50 p.m.

APPROVED:

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Chair

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Date