

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

Mr. Paul Darpel, Chair, called the meeting to order at 6:15 PM on Thursday, September 5, 2013, and opened the proceedings with the Pledge of Allegiance and an invocation by Mr. Hult. 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
Diane Brown	Erlanger	X	X	X		X	X	X		X			
Barbara Carlin	Kenton Co	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	X			
Paul Darpel, Chair	Edgewood	X	X	X	X	X	X	X	X	X			
Tom France, V.Chair	Ludlow	X	X	X	X	X	X	X	X	X			
Joe Gray	Covington		X	X	X	X	X	X	X	X			
David Hilgefurd	Villa Hills	X	X	X	X	X	X		X	X			
Lynne Hood	Crestview Hills	X		X	X	X	X	X		X			
Marc Hult	Covington	X	X	X	X	X	X	X	X	X			
Keith Logsdon	Lakeside Park							X	X	X			
Joe Pannunzio	Elsmere	X	X		X	X		X	X	X			
Stan Porter	Taylor Mill	X	X		*	X		X	X				
Mark Rogge	Crescent Spgs	X	X	X	X	X	X		X	X			
Dan Ruh	Fort Wright	X	X		X				X				
Shad Sletto, Treasurer	Fort Mitchell	X	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	X	X			
Carl Gerrein	Park Hills	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: Sharmili Reddy, Planning Manager, Andy Videkovich, Senior Planner and Ed Dietrich, Principal Planner.

**AGENDA**

Mr. Darpel asked for a motion to approve the agenda for the month. He suggested the Ft. Mitchell issue involving the map amendment be moved to after the first issue of the text amendment to expedite the meeting. Ms. Snyder made the motion to approve the agenda as amended. Ms. Brown seconded the motion. A roll call vote on the matter found Ms. Snyder, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Gray, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Rogge, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. The motion carried.

**APPROVAL OF THE MINUTES:**

Mr. Darpel asked for any questions or comments with regard to the minutes. There being none, Mr. France made the motion to approve as submitted. Mr. Rogge seconded the motion. A roll call vote on the matter found Mr. France, Mr. Rogge, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Gray, Mr. Hilgefurd, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. Ms. Brown, Ms. Hood and Ms. Snyder abstained. The motion carried.

**RECEIPTS AND EXPENDITURES:**

Mr. Darpel asked for any questions or comments. There being none, Ms. Snyder then 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. Coates, Mr. Cook, Mr. Gray, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Gerrein, Mr. Tewes 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.

**RECENT ACTIONS BY LEGISLATIVE BODIES:**

No action required.

**PUBLIC HEARINGS:**

**PC-1308-00003**

**APPLICANT:** Greenlight Developers LLC per Mark Perkins

**LOCATION:** an approximate 0.30-acre area of an approximate 0.79-acre parcel located at 18 Orphanage Road in Fort Mitchell.

**REQUEST:** a proposed map amendment to the Fort Mitchell Zoning Ordinance changing the described area from NC (Neighborhood Commercial) to -1F (Residential One-F)

Staff recommendations and Staff presentation by Mr. Ed Dietrich.

**NKAPC STAFF RECOMMENDATION:**

Favorable recommendation of the proposed map amendment to the Fort Mitchell Zoning Ordinance changing the area described from NC (Neighborhood Commercial) to R-1F

(Residential One F).

Mr. Mark Perkins addressed the Commission in favor of the issue and stated he doesn't have much to add. He stated the requested zone seems in line with how the property has been being used. He stated he was available to answer any questions.

All those registered to speak had nothing to add.

Mr. Darpel read a letter into the record from Cheryl Ruh which was marked as an exhibit and made a part of the record on the matter.

Mr. Perkin addressed the Commission in rebuttal. He stated from an agricultural standpoint there is no agricultural aspect to the property. He stated he can see nothing but improvements to the property and does not see any negative impact to the surround properties whatsoever.

Mr. Darpel recessed the public hearing for discussion. There being none, the public hearing was then reopened and closed. Mr. Darpel then asked for a motion on the issue. Ms. Snyder made the motion to approve based on the recommendations of Staff. Mr. Rogge seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. Rogge, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Gray, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Gerrein, Mr. Sletto, Mr. Tewes and Mr. Darpel in favor. The motion carried.

**PC-1307-00002**

**APPLICANT:** City of Fort Wright per Timothy Maloney, Public Works Director

**REQUEST:** a proposed text amendment to the Fort Wright Zoning Ordinance adding barber and beauty shops, with conditions, as a conditional use within the IP (Industrial Park) Zone.

Staff recommendations and Staff presentation by Mr. Ed Dietrich.

**NKAPC STAFF RECOMMENDATION:**

Favorable recommendation of the proposed text amendment to the Fort Wright Zoning Ordinance adding barber/beauty shops as a conditional use to the IP (Industrial Park) zone.

No one registered to speak for, against or neutral on the issue. Mr. Darpel then recessed the public hearing for discussion. Mr. Hilgefurd commented about the accessory use. Mr. Darpel reconvened and closed the public hearing. Mr. Sletto made the motion to approve based on Staff's recommendations. Mr. Hilgefurd seconded the motion. A roll call vote on the matter found Mr. Sletto, Mr. Hilgefurd, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Gray, Mr. France, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Rogge, Ms. Snyder, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously.

The following two issues were combined to be heard together for the purposes of simplifying the public hearings:

**PC-1308-00001**

**APPLICANT:** City of Fort Mitchell per Chris West, Mayor

**REQUEST:** proposed text amendments to the Fort Mitchell Zoning Ordinance: (1) adding the Mixed Business Land Use (MBLU) Zone to Article X, Zones, along with necessary cross references to other sections of the Zoning Ordinance; (2) amending the definition of Hotel-Motel and moving Hotels and Motels from the list of permitted uses to the list of conditional uses

within the Limited Highway Service (LHS) Zone; (3) modifying the application and processing procedures, the list of permitted uses and conditional uses, amending access regulations, and modifying the expiration provisions within the Mixed Land Use (MLU) Zone; and (4) modifying the application and processing procedures and the expiration provisions within the Commercial - Planned Unit Development (C-PUD) Overlay Zone

**NKAPC STAFF RECOMMENDATION:**

(Request 1) Favorable recommendation of the proposed text amendment to the Fort Mitchell Zoning Ordinance adding the Mixed Business Land Use (MBLU) Zone to Article X, Zones, along with necessary cross references to other sections of the Zoning Ordinance; (Request 2) Favorable recommendation of the proposed text amendments to the Fort Mitchell Zoning Ordinance amending the definition of Hotel-Motel and moving Hotels and Motels from the list of permitted uses to the list of conditional use within the Limited Highway Service (LHS) Zone. (Request 3) Favorable recommendation of the proposed text amendments to the Fort Mitchell Zoning Ordinance modifying the application and processing procedures, the list of permitted uses and conditional uses, amending access regulations, and modifying the expiration provisions within the Mixed Land Use (MLU) Zone (Request 4) Favorable recommendation of the proposed text amendments to the Fort Mitchell Zoning Ordinance modifying the application and processing procedures and the expiration provisions within the Commercial - Planned Unit Development (C-PUD) Overlay Zone. {Note: Only Request 1 is being heard in conjunction with the map amendment related to this issues}

**PC-1307-00003**

**APPLICANT:** City of Fort Mitchell per Chris West, Mayor

**REQUEST:** a proposed map amendment to the Fort Mitchell Zoning Ordinance changing the described area from R-3a (a two-family and multi-family zone with a maximum density of 15 dwelling units per net acre), LHS (Limited Highway Service zone) and LHS (CPUD) (Limited Highway Service zone with a Commercial Planned Unit Development Overlay) to MBLU (Mixed Business Land Use Zone)

**NKAPC STAFF RECOMMENDATION:**

Favorable recommendation of the proposed map amendment to the Fort Mitchell Zoning Ordinance changing the described area from R-3a (a two-family and multi-family zone with a maximum density of 15 dwelling units per net acre), LHS (Limited Highway Service zone) and LHS (CPUD) (Limited Highway Service zone with a Commercial Planned Unit Development Overlay) to MBLU (Mixed Business Land Use zone).

Staff recommendations and Staff presentation by Mr. Andy Videkovich.

Mr. Chris Wiest addressed the Commission in favor and stated they did submit a couple minor changes in discussing the issue with the adjacent property owners. He stated the city is pursuing this but there are two developers involved with the proposed sites. He stated the city had concerns with the old Oldenberg site because they have not gotten a lot of suggestions as to what is proposed to go into that property. He noted the city has no control or input with what goes in there without a zone change. He further stated the multi-family building is owned by the Drawbridge and is in the process of being sold. Mr. Wiest stated the city wanted to do a controlled, planned development for the entire property versus being at the mercy of the developer. Mr. Wiest further noted the city would like to have the entire parcel/area be a part of a planned development and that is why they took the route they did. He further stated they

are requiring a Stage I, Stage II plan for the development to ensure some control of the proposed development. Mr. Logsdon noted Royal Drive is already a traffic problem and he doesn't feel it should be looked at as the only access for the development. Mr. Wiest stated one of the reasons the city wants control is because of the traffic issues so they have some say in how that is addressed. Mr. Wiest stated they were concerned if they didn't do what they did when they did it, they would have almost no say in what was going on with a major development in the city. He stated they made the best decision with the information that was available. Mr. Logsdon stated it is a bit disconcerting to him that a leader of a city is having trouble getting specifics on a major development in the city. Mr. Darpel noted the document submitted with the changes noted in red was marked as an exhibit and made a part of the record on the matter.

Mr. Chris Moriconi addressed the Commission in favor of the issue and stated basically they look at this as a gateway to the southside of the city. He stated this is really the city's chance to shine with this large of a tract and that is why they are creating its own zone. He further stated they feel this will give the city more control and it will be done right the first time.

Mr. Smith addressed the Commission as a neutral party and stated it would be nice to see a plan and to know what they are looking at. He noted that most of those in the audience did not get a copy of the proposed changes by the city. Mr. Smith stated if you are talking about changing the text of the zone ordinance there is typically a first and second reading etc., so what is being discussed really gets hammered out. He then stated he appreciates the mayor and the city manager wanting to do it right. Mr. Smith stated he is for doing it right so that someone doesn't question later. Mr. Darpel then explained what the Commission's role is in the zone request. He stated it is a recommendation to the city only and the city will make the final decision.

Sandy Straus had nothing to add.

Mr. Todd McMurtry addressed the Commission as a neutral party and distributed a handout that was marked as an exhibit and made a part of the record on the matter. He stated since the 1970's the Wessels family has owned the properties containing apartment buildings on Grace Court. He stated Grace Avenue once connected to Royal Drive and a portion was closed off. He noted this forced some of the residents to the back to use Grace Court and continue onto private property of the apartments on Grace Court as a cut through. He further stated their proposed changes as distributed will help to alleviate being further burdened by traffic in continuing to use this thoroughway as access to Royal Drive. Mr. McMurtry additionally stated they have some concerns with Section H as to access connections to the local street. He commented that they are suggesting that ultimately Grace Avenue be restored to its original access to Royal Drive to avoid residents using private property to gain access as it is currently. He noted they are asking for some screening as to Section I to provide protection for the residents of the apartments. As to Section they are also requesting that no lighting be permitted that would directly impact any adjacent property. Mr. McMurtry additionally stated the Wessels family does oppose any change to Royal Drive that would increase traffic, noise, etc. for the tenants of their property.

Mr. Bernie Wessels addressed the Commission and stated one of the concerns with commercial development against residential development is the set back. He stated they are asking for a minimal buffer zone that is standard across the country where the commercial property abuts

the residential. He stated they want to make sure they are all on the same page and do basic protection for their property. He stated a primary concern is if it gets developed there will be increased traffic coming through their parking lot. He stated they are looking to the city to help alleviate the through traffic to help the residents of the apartment buildings. Mr. Wessels stated if the road doesn't get connected all the way through there will have to be some avenue to require that street to be reconnected to alleviate the additional traffic. He stated their primary concerns are the setbacks, the lighting and the traffic.

Mr. Heidrich addressed the Commission as a neutral party and gave a brief history of the closing of Grace Avenue. He went on to say he has a lot of vested interest but also a lot of history with the site. He further noted his challenge is the 3-acre issue. He stated he feels it is woefully lacking. Mr. Heidrich stated the city is in a unique position to develop the entire property and not as a series of 3-acre developments. He additionally suggested rerouting Royal Drive would have a huge impact to the development of the property. He further noted he doesn't think the city or the commission should encourage anything that doesn't allow for a big development for the community. He suggested the city take advantage of the opportunity to change the city with these twenty acres. He further stated now is the time for the city to come together and make some decisions on the property.

Mr. Harper addressed the Commission as a neutral party and stated they own the Convenient Store on Royal Drive. He stated he has a concern with rerouting Royal Drive. He further stated with the proposed zoning changes he has a concern that the new zone would give them a conditional use and if they choose to sell they would have to go before the Board of Adjustment. Mr. Harper stated if they have to do that he wants to make sure it will get approved. He also stated he may be putting the cart before the horse but he wants to make sure he is protected down the road.

Mr. Wiest addressed the Commission in rebuttal and stated they chose to do the text amendment and map amendment together in order for the city to retain some control over the development. He stated with regard to Grace Avenue, the city does not want to be in a position where the city is forced to reopen without a direct impact to the development. Mr. Wiest further noted they want to deal with this not in the abstract but in the concrete when they have a development plan in front of them. He also stated they do believe their language is consistent and the city does not want to be creating something that is broad. He then stated he thinks Royal Drive will be rerouted to some extent but he does not know what that will involve yet. Mr. Wiest stated they are looking for a coordinated, holistic development for the entire area.

Mr. Darpel then read a letter into the record by Dennis Gordon of the NKAPC that was marked as an exhibit and made a part of the record. Mr. Logsdon then commented that redesigning the traffic flow is paramount to this development and also that this is a huge opportunity. He further noted that developing it in 3-acre chunks is not the best way to approach it.

Mr. Darpel then recessed the public hearing for discussion. Mr. Gray asked about the LHS zoning. Mr. Sletto stated he doesn't see an issue with the 3-acres at all. He further noted he doesn't feel the city needs to have something in front of them in terms of a plan because no one has put down a dime for the development as of yet. Mr. Hilgeford then commented that when a city comes to the commission with a zone change it should be looked at in the abstract. He noted that he tends to believe that the 3-acre requirement is too small when it comes to the MBLU. He stated it is a large area that is being developed that requires some big thinking and

he feels the 3-acres are too small. He also stated he doesn't feel ownership is necessarily a reason for a zone change. Mr. Hult then stated it seems to him that if the mechanisms are not in place he doesn't see how you can force that to happen. Mr. Sletto stated he feels the developers are going to look at it holistically and they are not intending to come in and purchase 14 acres and sell off portions of it. Ms. Brown added that the developers have not given anything to the city in terms of what any plans are so they very well could develop it in 3-acre portions. Mr. Logsdon then stated that he is not sure a decision can be made at this point based on the testimony heard and the questions that remain. Mr. Darpel then reconvened and closed the public hearing. He then asked for a motion on the text amendment. Mr. Sletto then made the motion to approve the text amendment based on Staff's recommendations, the testimony heard and the amendments that were submitted with the red line version of exhibit "A". Mr. Tewes seconded the motion. Mr. Logsdon asked if he could offer an amendment. Mr. Darpel stated if Mr. Sletto accepts it he can because it is his motion. Mr. Logsdon then made the suggestion to up the minimum 3-acre requirement to 10-acres based on the testimony heard and the size of the parcels. Mr. Sletto stated he wanted to leave his motion as it stood. Mr. Hilgefjord then proposed an amendment under the access regulations that the local street works "may" to the local street works "must" in terms of verbiage. Mr. Sletto stated he agrees with the idea but he does not want to place that burden at this time in terms of changing it to "must." He further stated he doesn't see any concerns with segmenting the property and it allows for the city to have some control. Mr. Gray stated offered a compromise to offer a 5-acre minimum and stated that it is more consistent with the MLU zone so it is staying consistent with the zone. Mr. Hilgefjord stated the problem is there is a motion and a second on the floor. Mr. Gray then offered to Mr. Sletto to make the amendment of 5-acres vs. three. Mr. Sletto stated he firmly stands with the city and their recommendations and he stated he really doesn't want to have to come back and address the issue again. He then stated he would like to leave the motion as is. A roll call vote on the matter found Mr. Sletto, Mr. Tewes, Mr. France, Mr. Hult, Mr. Pannunzio, Mr. Rogge, Mr. Gerrein and Mr. Darpel in favor. Ms. Brown, Mr. Coates, Mr. Gray, Mr. Hilgefjord, Ms. Hood, Mr. Logsdon, and Ms. Snyder voted against. The motion passed by a vote of 10-7. Mr. Darpel then asked for a motion on the map amendment. Mr. Sletto then made the motion to approve the map amendment based on Staff's recommendations and that it is consistent with the comprehensive plan. Mr. Rogge seconded the motion. Ms. Brown asked if the motion includes the additional information with regard to Section "M". Mr. Sletto stated he doesn't feel it is something they can do but that they will do. Mr. Darpel suggested it be added as an additional information comment and not a condition. Mr. Hilgefjord asked to amend the motion to exclude the parcel of property that is not a conforming use from the recommendation by the city. Mr. Sletto stated he would leave the motion as it is. Mr. Hilgefjord stated he wanted to make sure that for future reference that when discussions are had when discussing zones that ownership is a valid issue. A roll call of the vote found Mr. Sletto, Mr. Rogge, Ms. Brown, Mr. Cook, Mr. Gray, Mr. France, Ms. Hood, Mr. Hult, Mr. Pannunzio, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. Mr. Coates, Mr. Hilgefjord, Mr. Logsdon and Ms. Snyder voted against. The motion passed with a vote of 13-4.

\*at this time (9:17 p.m.) a ten minute break was taken)

Continuation of public hearing relating to:  
PC-1308-00001 with regard to text amendments (2), (3) and (4)

Staff recommendations and Staff presentation by Mr. Andy Videkovich.

Mr. Chris Wiest addressed the Commission in favor and stated this is a process to clean up some issues that needed to be addressed. He stated one of the questions brought up referred to the reduction of density to 10% from 25%. He stated the city is trying to get the highest and best use out of their properties. Mr. Wiest stated this does allow it and MBLU does not. He additionally stated they are not discouraging residential development if the market allows for it. He further stated the city has not had the best of luck with motels within the city and what they don't want is criminal activity going on and that is the reasoning behind these amendments. Mr. Wiest reiterated that the city's intent is to get the highest and best use for the properties.

Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners. There being none, the hearing was then reconvened and closed. Mr. Darpel asked for a motion. Mr. Sletto made the motion to approve the amendment with regard to hotels/motels 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. Coates, Mr. Cook, Mr. Gray, Mr. France, Mr. Hilgeförd, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Ms. Snyder, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously. Mr. Sletto made the motion to approve the amendment with regard to modifying the application and processing procedures within the MLU zone 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. Coates, Mr. Cook, Mr. Gray, Mr. France, Mr. Hilgeförd, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Ms. Snyder, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously. Mr. Darpel then asked for a motion with regard to the amendment to modify the application and processing procedures and the expiration provisions within the Commercial - Planned Unit Development Overlay Zone. Mr. Sletto made the motion to accept as submitted based on Staff's recommendations. Mr. Rogge seconded the motion. A roll call vote on the matter found Mr. Sletto, Mr. Rogge, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Gray, Mr. France, Mr. Hilgeförd, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. Ms. Snyder had to leave the meeting prior to the vote being called. The motion carried unanimously.

**PC-1308-00002**

**APPLICANT:** City of Fort Mitchell per Chris West, Mayor

**REQUEST:** a proposed text amendment to the Fort Mitchell Zoning Ordinance: (1) adding regulations pertaining to automatic changeable copy (digital) signs; and (2) adding museums as a conditional use, with conditions, to the R-1F (Residential One-F) zone.

Staff recommendations and Staff presentation by Mr. Ed Dietrich.

**NKAPC STAFF RECOMMENDATION:**

Request (1) Favorable recommendation on proposed text amendment to allow changeable copy signs to the class 7, 8 and 9 signs of the Fort Mitchell Zoning Ordinance; Request (2) Favorable recommendation on proposed text amendment to allow "museums" as a conditional use in the R-1F zone with conditions.

Mr. Smith stated it makes sense with regard to making an amendment for one property. Ms. Sharmili Reddy addressed the issue and stated there was a lot of discussion with regard to the issue and she stated the intention was to make the amendment for the one museum and not for additional museums. Mr. France suggested to then strike the language with regard to the

ordinance of 1978 and that would solve the matter of making the amendment for just one property.

Mr. Moriconi addressed the Commission in favor and stated this is the only museum in the city. He asked if they took it out would it make any difference. Mr. Smith then explained what removing that portion would mean for any future museums. Mr. Smith then reiterated his concern for making an amendment for just one property. Mr. Darpel stated you reduce the issue of spot zoning by removing it and then requiring any future museum to go before the Board of Adjustments.

Ms. Sweasy addressed the Commission in favor and stated they have been non-conforming for forty years and they would love to be conforming. She further stated she is available to answer any questions. She stated they have been restricted and could not expand, could not change the existing structure etc. She also stated when the museum began there were over 500 dummies and today there are over 800 so it is a very tight space.

Mr. Wiest addressed the Commission briefly on the sign changing amendment and stated this came in to accommodate some changeable copy a local church had brought up.

Mr. Darpel then recessed the public hearing for discussion. There being none, he then reconvened and closed the public hearing. Mr. Sletto made the motion to approve the amendment with regard to changeable copy sign based on Staff's recommendations. Mr. Rogge seconded the motion. A roll call vote on the matter found Mr. Sletto, Mr. Rogge, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Gray, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously. Mr. Sletto then made the motion with regard to adding museums as a conditional use based on Staff's recommendations and to strike the language referring to the adoption of ordinance 1978-17 (November 30, 1978). Mr. Rogge seconded the motion. A roll call vote on the matter found Mr. Sletto, Mr. Rogge, Ms. Brown, Ms. Carlin, Mr. Coates, Mr. Cook, Mr. Gray, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously.

**FILE:** W-723 Courthouse Crossing

**APPLICANT:** Arlinghaus Investments, LLC

**REQUEST FOR ACTION:** to grant waivers to the requirement of Section 5.3 and Section 4.1 of the Kenton County Subdivision Regulations; granting the requests would waive the requirement that sidewalks be provided along the portions of McCullum Pike and KY 17 that front the proposed development and waive the requirement that a right-turn deceleration lane be provided at the proposed intersection with McCullum Pike.

Staff presentation and Staff recommendations by Mr. Scott Hiles.

**NKAPC STAFF RECOMMENDATION:**

**Recommendation #1:**

To grant the requested Waiver to Section 5.3 and not require sidewalk along the portion of KY 17 that fronts the development.

**Recommendation #2:**

To deny the requested Waiver to Section 5.3 and require sidewalk along the portion of McCullum Pike that fronts the development.

**Recommendation #3:**

To grant the requested Waiver to Section 4.1 E and not require a right-turn deceleration lane at the proposed intersection with McCullum Pike.

Mr. Schroeder addressed the Commission and stated they do not have any objection to the Staff recommendation. He further noted they don't feel there is any reason for sidewalks to be on KY 17. He stated with speeds of 55 mph he didn't feel it was safe to have sidewalks on KY 17. He additionally stated the topography as a reason for not placing the sidewalks in and in addition there are fences along the backs of properties that would make it almost impossible to put a sidewalk in. Mr. Schroeder then stated they have rather given up and have spoken with the city and will provide for sidewalks on McCullum.

Mr. Wayne Erpenbeck addressed the Commission and stated it would be physically difficult and expensive to put in sidewalks on KY 17. He noted with regard to the turn lane KDOT indicated if the traffic study indicated a sidewalk was not needed they would not allow one to be put in.

Mr. Darpel recessed the public hearing for discussion. Mr. Hult stated the subdivision was not built to allow for a sidewalk to be put in to have connectivity down to KY 17. Mr. Darpel then reconvened and closed the public hearing. Mr. Hilgefurd made the motion to approve the waiver for the right turn lane the sidewalks on KY 17 but that the waiver for sidewalks along KY 17 be denied. He stated a basis for the approvals was due exceptional hardship and due to the topography. Mr. France seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Mr. France, Mr. Coates, Mr. Cook, Mr. Gray, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Rogge, Mr. Sletto, Mr. Gerrein, Mr. Tewes and Mr. Darpel voted in favor. Ms. Carlin, Ms. Hood and Ms. Snyder had to leave prior to the vote being taken. The motion carried.

**Ongoing Business:**

**Reports from Committees:**

*By-Laws* – Mr. France noted there was nothing to report; no meeting was held.

*Direction 2030* (comprehensive plan) – Ms. Sharmili stated they have 6 legislative bodies that have acted with 7 more in the next few months. She stated if the cities do not take action it will be approved.

*Executive* – Mr. Darpel stated they did not meet; nothing to report.

*Subdivision Regulations* – Mr. Darpel stated they did not meet but he noted the engineers have had meetings each week and are making progress. Mr. Hiles commented briefly that they have developed a green infrastructure section and they have somewhat completed that.

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

**OKI** - Nothing to report. Mr. Cook noted the farm tour was upcoming on September 21<sup>st</sup>.

**Report from Legal Counsel** - Nothing to report. Mr. Smith noted that the Commission would be moving up to 20 sometime in the next few months so the membership would be going up to 20 based on that.

**Announcements from Staff** - Ms. Sharmili Reddy stated a request was received for a continuing education credits. Mr. Darpel then asked for a motion to approve the continuing education credit of 1 hour. Mr. Hult made the motion to approve. Mr. Logsdon gave the second. A roll call vote on the matter found Mr. Hult, Mr. Logsdon, Ms. Brown, Mr. Coates, Mr. Cook, Mr. Gray, Mr. France, Mr. Hilgeford, Mr. Pannunzio, Mr. Rogge, Mr. Sletto, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. The motion carried.

**General Correspondence:** Mr. Darpel commented that a letter was received from the City of Independence with regard to calling a bond. Mr. Smith suggested having the executive committee review the process to facilitate that. Mr. Hult made the motion to give the approval to call the bond. Ms. Brown seconded the motion. A roll call vote on the matter found Mr. Hult, Ms. Brown, Mr. Coates, Mr. Cook, Mr. Gray, Mr. France, Mr. Hilgeford, Mr. Logsdon, Mr. Pannunzio, Mr. Rogge, Mr. Sletto, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously.

**New Business:** Mr. Hiles noted Mr. Schoettelkotte wanted to speak to the commission with regard to the timing and collection of fees. Mr. Schoettelkotte then stated that sometimes it is necessary to develop a larger portion of a development at certain times. He stated with regard to the development of Lakemont it made sense to design the entire subdivision and to also get it approved. He stated their intention is not to develop fifty lots but to develop twenty with phasing of the rest. He stated his question to Mr. Hiles was that is it necessary to collect the fees for the entire portion when all of it is not going to be developed. He stated what he is asking for is for the inspection fees to be paid based on what is being developed proportionally instead of paying for it all up front. Mr. Logsdon asked if there were any issues with collecting only a portion of the fees. Mr. Hiles stated he did talk to Mr. Schoettelkotte about just that because there is no way to keep track of it if paid in portions. Mr. Hiles stated that would involve another review of the plan if only a portion was developed and the fees paid. In doing this it would essentially add another \$700 to the developer by only paying the fees for what is being developed. Mr. Hilgeford stated he understands what Mr. Schoettelkotte's argument is and also what Mr. Hiles is. He stated at 11:00 he doesn't feel we should be discussing the budget and feels by allowing this will negatively affect the budget. Mr. Darpel then stated the Commission does not have any mechanism to approve this and that it has to go to the By Laws Committee for review and discussion. Mr. Logsdon stated he doesn't think it's a good idea to solve one problem by creating another. Mr. Gray asked if this would cause any delay if this isn't decided quickly. Mr. Hiles then stated Mr. Schoettelkotte is awaiting a decision because the approval cannot be granted until the fees are paid and he is waiting to pay the fees based on what is decided. Mr. Schoettelkotte stated it just made sense to complete the entire process due to the nature of the development and that is why the question of the fees came up. He stated he understands but it just seems like a lot of fees to be paying up front if there's a way to not have to do that. He then stated if there was a way to avoid that in the future he would prefer to do so.

**Public Comments:** None.

There being nothing further to come before the commission, a motion to adjourn was made by Mr. Hult and seconded by Mr. Gray. All in favor by acclamation. The meeting then adjourned at 11:25 p.m.

APPROVED:

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Chair \_\_\_\_\_

Date