

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
Minutes**

Mr. Paul Darpel, Chair, called the meeting to order at 6:15 p.m. on Thursday, February 6, 2014, then opened the proceedings with the Pledge of Allegiance and an invocation by Mr. Hilgeford. 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														
Doug Neuspickle	Ryland Heights		X														
Barry Coates	Covington	X	X														
Gailen Bridges	Kenton Co		X														
Paul Darpel, Chair	Edgewood	X	X														
Tom France, V.Chair	Ludlow	X	X														
Joe Gray	Covington		X														
David Hilgeford	Villa Hills	X	X														
Lynne Hood	Crestview Hills	X*	X														
Marc Hult	Covington		X														
Keith Logsdon	Lakeside Park	X	X														
Joe Pannunzio	Elsmere	X	X														
Stan Porter	Taylor Mill		X														
Mark Rogge	Crescent Spgs	X	X														
Paula Rust	Kenton Co		X														
Jack Toebben	Fort Wright	X	X														
Shad Sletto, Treasurer	Fort Mitchell	X	X														
Maura Snyder	Independence	X	X														
Joe Tewes	Bromley	X	X														
Carl Gerrein	Park Hills	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: Mr. Martin Scribner, Director of Planning and Zoning, Mr. Scott Hiles, Director of Infrastructure Engineering, and Ms. Sharmili Reddy, Planning Manager.

Prior to the start of the meeting, Mr. Darpel recognized outgoing commissioner Jim Cook. Mr. Cook was present and was recognized for being a commission member since 1998. He noted the previous committees he has worked on and the tremendous amount of time he gave to serving on the Commission. Mr. Darpel also noted there were two new commission members appointed, namely Paula Rust representing Kenton County and Gailen Bridges representing Kenton County.

### **AGENDA**

Mr. Darpel stated he had a request to move up item 18 from the agenda so the audience members do not have to wait. He then asked for a motion to approve as amended. Ms. Snyder made the motion to approve the agenda as amended. Mr. Hult seconded. All in favor by acclamation.

### **APPROVAL OF THE MINUTES:**

Mr. Darpel asked for any corrections or comments with regard to the minutes. Mr. Sletto stated he thought he asked a question with regard to page 8 bottom of the page. The minutes were amended to reflect his comments. Mr. Logsdon then stated he was present so the minutes need to reflect that. Mr. France then made the motion to approve as amended. Ms. Snyder seconded. A roll call vote on the matter found Mr. France, Ms. Snyder, Ms. Brown, Mr. Coates, Mr. Hilgefjord, Ms. Hood, Mr. Logsdon, Mr. Pannunzio Mr. Rogge, Mr. Toebben, Mr. Sletto, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. Ms. Rust, Mr. Neuspickle, Mr. Bridges, Mr. Gray, Mr. Hult and Mr. Porter abstained. The motion carried.

### **RECEIPTS AND EXPENDITURES:**

Mr. Darpel asked for any questions or comments. Mr. Darpel noted everything looked like it was pretty much in line. He stated everything seems to be on track. He asked for a motion to approve. Ms. Snyder made the motion to approve. Ms. Hood seconded the motion. A roll call vote on the matter found Ms. Snyder, Ms. Hood, Ms. Brown, Mr. Coates, Mr. France, Mr. Hilgefjord, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Mr. Toebben, Mr. Sletto, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. Mr. Bridges, Mr. Gray, Mr. Neuspickle, and Ms. Rust abstained. 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-1401-0001**

**APPLICANT:** City of Covington per Larry Klein, City Manager

**REQUEST:** a proposed text amendment to the Covington Zoning Ordinance adding New Vehicle and Equipment Sales, Light as a conditional use, with use-specific standards, within the

Central Business District (CBD) Zone.

Mr. Sletto recused himself from the following issue due to a conflict of interest.

Staff recommendations and Staff presentation by Ms. Reddy.

**NKAPC STAFF RECOMMENDATION:**

Favorable recommendation of the proposed text amendment to the Covington Zoning Ordinance adding New Vehicle & Equipment Sales, Light as a conditional use along with use standards within the Central Business District (CBD) Zone.

Mr. Yuengling registered to speak in favor of the issue stating they are obviously in favor of the issue. He stated he was available to answer any questions. He noted the use restrictions are there to protect the environment so that's why they put those in there.

Mr. Banta addressed the Commission in favor and stated he is in favor of the issue and was available to answer any questions.

Mr. Darpel recessed the public hearing for discussion. Mr. Hult stated he has some trepidation with having a motorcycle and not being able to have it serviced. Mr. Darpel then reopened and closed the public hearing and asked for a motion. Mr. Hult then made the motion to approve based on the recommendations by Staff. Ms. Brown seconded the motion. A roll call vote on the matter found Mr. Hult, Ms. Brown, Ms. Rust, Mr. Neuspickle, Mr. Coates, Mr. Bridges, Mr. Gray, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Mr. Toebben, Ms. Snyder, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. The motion carried.

Mr. Darpel recused himself from the foregoing issue due to a conflict of interest. Mr. France then presided over the issue as Vice Chair.

**W-727**

**APPLICANT:** Matt Daniels

**LOCATION:** 1548 Walton Nicholson Pike; an approximate 7.5-acre parcel located on the west side of Walton-Nicholson Pike immediately opposite Southridge Drive and Don Street in unincorporated Kenton County.

**REQUEST FOR ACTION:** to grant a waiver to the requirement of Section 4.1E of the Kenton County Subdivision Regulations; granting the request would waive the requirement that access points along Walton Nicholson Pike be spaced a minimum distance of 600 feet.

Staff recommendations and Staff presentation by Mr. Scott Hiles.

**NKAPC STAFF RECOMMENDATION:**

To deny the requested Waiver to Section 4.1 E and require the existing home and the two proposed new homes to utilize a single access point along Walton Nicholson Pike.

Mr. Matt Daniels registered to speak in favor of the issue. He addressed the Commission and stated he went to the state and received approval for two curb cuts. He stated he had it designed, paid a surveyor to lay out the plats, and then was told by the NKAPC that he could only have one curb cut. Mr. Daniels stated it is not safe letting three different households

entering and exiting one driveway and feels having another access is safer. He noted the site distance is about four seconds leaving his driveway and it would not be safe to have three more lots accessing this one driveway. He further stated it would probably cause a drainage issue to use one driveway. Mr. Daniels stated he has two contracts on the lots that he will lose if he can't gain access so he feels it will make his lots unsellable. He further noted there is a safety issue with having a road running alongside Route 16 and they would then blind the oncoming vehicles along 16. Mr. Bridges asked why it would make the lots unsellable by having an access driveway. Mr. Daniels stated no one wants an access driveway running across their property to another house. He further stated it would decrease the value of his home and property as well by moving the driveway down further. He then noted he has a letter from his realtor stating this fact. Mr. Daniels stated the area where he wants to put the driveway is the safest spot to place another driveway. Ms. Snyder asked why the driveway could not be placed right in the middle of the lot. He stated there is a berm there and a telephone pole that would make it difficult to move so that is not feasible. Ms. Brown commented that the existing properties to the left of his property that also share a driveway are very different from the lots he is proposing. Ms. Brown stated the configuration of his lot layout is very conducive to a single driveway to be shared for those two. Mr. Daniels stated the lots were designed to use the one driveway. He further reiterated if he can't gain the access for the additional two lots he will lose his contracts. He also stated to change the configuration of the lots as suggested would also cause him to lose the contracts because they are contingent on this design. Mr. Daniels stated this design was made around what the state told him was the safest way to design it with the other access points.

Mr. France then recessed the public hearing for discussion. Mr. France then stated what needs to be decided is the public safety as well as the hardship of the applicant in losing the contracts on the lots. Mr. Smith then reiterated the conditions on which to approve or deny the application. Mr. Smith then stated you can't combine these conditions and they have to be independent in order to grant or deny the waiver. Mr. Sletto stated he could see a hardship because in that stretch of highway, none of the driveways have a site distance of 600 feet. He then stated in order to move his existing driveway would create a hardship when you consider the cost of the land compared to the cost of putting in the driveway, it becomes cost-prohibitive. He further stated the commission would effectively be asking him to increase the cost of the lots by almost 25% in order to make up for the cost of relocating the driveway. Mr. Logsdon stated he personally doesn't think it meets any of the four conditions to grant the waiver. He further stated it's not that unusual of a condition to have a driveway running parallel to the Route 16 and noted it would be no different than driving along the interstate along I-71. Ms. Snyder stated she feels it would be more safe to move the driveway down and feed three lots off of it. Mr. Gray stated he can see where this could fit into the hardship category. Mr. France stated the existing house location is a given and he's gone to the state and he's gotten the best place to put a driveway for two more lots. He further noted he feels there is an argument for a hardship as well. Mr. Hilgefjord stated he agrees with Staff and he just doesn't think that anything that he's seen arises to the level of granting the waiver. He stated he does seem some design challenges but nothing that rises to a hardship to grant it. Mr. Rogge stated the way he sees it you've got to leave the driveway where it's at or you go to the new location for the proposed driveway. He further stated there are economic issues relating to that and to not doing that by the loss of his contracts. Mr. Rogge further noted the other issue is if you can improve the site distance you're helping the safety situation. He stated adding a second curb cut to another driveway is going to improve the safety situation. He then stated keeping the existing driveway for the other lots is less safe than creating another driveway. Mr. Porter stated he thinks it makes is safer having the second driveway and doesn't feel it causes problems with the regulation except for the 600 feet.

He stated it does cause a hardship for the owner. Mr. Sletto stated a rule that says 600 feet basically freezes anybody from doing any developing of their land. He further stated because we'd be asking him to do something to his property that doesn't exist anywhere else on the road creates a hardship. Mr. Gray stated it comes down to the spirit of the law and the letter of the law. He further stated if it was mainly up to the 600 feet then they wouldn't be discussing it.

Mr. France then reopened and closed the public hearing. The applicant then stated in rebuttal that he did everything he was told to do in going to the state and getting approved by the state as suggested by the NKAPC, then to go back to the NKAPC and be told he couldn't do it.

Mr. Sletto then made a motion to grant the waiver due to the fact that requiring the 600 foot site distance would create an extraordinary hardship in the face of exceptional conditions. Mr. Rogge seconded the motion. Mr. Hiles then asked if his motion included the fact that the waiver will not be detrimental to the public interest nor in conflict with the intent and purpose of these regulations. Mr. Sletto agreed. Mr. France then clarified that Mr. Rogge was okay with the modification to the motion. Mr. Rogge agreed. A roll call vote on the matter found Mr. Sletto, Mr. Rogge, Ms. Brown, Mr. Neuspickle, Mr. Coates, Mr. Bridges, Mr. Gray, Mr. France, Mr. Porter, Mr. Toebben and Mr. Gerrein in favor. Ms. Rust, Mr. Hilgefors, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Ms. Snyder and Mr. Tewes voted against. The motion passed by a vote of 11-8.

### **Ongoing Business:**

Mr. Reddy addressed the ongoing small area study for the members of the City of Covington present at the meeting. She stated a point of reference about the studies is the Covington study is probably one of the most successful. Rachel Hastings with the center for great neighborhoods addressed the Commission. She gave a brief background on the Linden Gateway Small Area Study. She stated they have some major goals and it is available on the website. She noted the contribution of St. Elizabeth to the community as well as the widening of 12<sup>th</sup> Street. She stated they want to keep the area walkable and also would like to see an increase in retail and also housing. She then introduced Peter Nerone who then addressed the Commission. He stated he originally came before the Commission for initial approval. He highlighted briefly what their goals and objectives were for the neighborhood. He noted they came back again with more updates when more changes were occurring in the area with suggestions for improvements to the area. He further noted they take a lot of pride in the fact that you can walk the streets and feel much safer now and that the area is improving. He noted several issues they advocated for along the widening of 12<sup>th</sup> Street and cited examples in his presentation. He noted one area he is excited about is Linden Grove Cemetery and how it has improved over the past fifteen years. He stated trees have been planted and it is now an asset to the property values of the area and the green space overall is also an asset to the community at large. He stated they are working to improve public understanding as well and getting the word out as to what they have been doing to improve the area also. Mr. France stated they should be commended for the spirit of activism in Covington's core and for all the improvements they are doing for the area. Ms. Hastings then spoke again with regard to the Latonia Small Area Study. She gave a brief background on the development of that study and where they are with the study. She outlined the Role of Plan Committee and turned to Paul Patton for further explanation of the study. He stated they have had several major achievements that have occurred in the last few years and noted the changing of Church Street to being a one-way street, the Latonia 5k Return of the Races run that is in its third year, hanging planters along the poles as well as flag poles being

installed. He then had Clare Norwood to discuss the current progress of this small area study and what is currently happening. She also highlighted future goals for the area as well as potential reconfiguration of roads to make them safer.

### **Reports from Committees:**

*By-Laws* – Mr. France stated they will need to appoint members to serve on the committee.

*Direction 2030* (comprehensive plan) – Ms. Reddy addressed the Commission and stated they are probably about six months away from any formal request with regard to the comprehensive plan. She stated the goal is to bring everyone in and to get it moving forward as well as keep everyone updated.

*Executive* – Mr. Darpel stated they had a few meetings and have been active and stated it was a very positive meeting. He stated he was going to have a meeting with Commissioner Sletto, treasurer, to go through some items with the audit.

*Subdivision Regulations* – Mr. Darpel stated they have been active with the subdivision regulations. He noted they have met and commented that the engineering association has asked if they could do a continuing education piece and give a seminar based on the Commissions subregs to get some feedback. He noted the committee has done a great job and that is the positive of it and the negative is that they will probably not make the first quarter. He stated Staff will be making the regulations available to everyone hopefully next week. He stated the committed feels very strongly about it and if anyone has any questions to talk with Scott about it.

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

*OKI* – Mr. Hult stated they have met and finalized the plans for the MLK freeway connection. He stated they are still working hard to get support for the Brent Spence Bridge.

*Report from Legal Counsel* – Nothing to report.

*Announcements from Staff* – Mr. Scribner stated the training opportunity on Wednesday February 19<sup>th</sup> from 4-5:30. He stated you do not have to R.S.V.P and can just show up. He stated it is worth an hour and a half of continuing education training. He reminded members that every two years you need to have eight hours of continuing education training. He asked that anyone who needed to know their totals to get with him on that.

Mr. Darpel in an effort to keep everything official, stated he would need a motion to accept Commissioner Rust's appointment since the change involved Ryland Heights. Mr. Hult made the motion. Ms. Snyder seconded. A roll call vote on the matter found Mr. Hult, Ms. Snyder, Ms. Brown, Mr. Neuspickle, Mr. Coates, Mr. Bridges, Mr. Gray, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Mr. Toebben, Mr. Sletto, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. The motion carried.

Mr. Darpel asked for a motion for the continuing education credit of two hours. Ms. Snyder made the motion with Ms. Brown seconding. A roll call vote on the motion found Ms. Snyder, Ms. Brown, Ms. Rust, Mr. Neuspickle, Mr. Coates, Mr. Bridges, Mr. Gray, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Mr.

Toebben, Mr. Sletto, Mr. Gerrein, Mr. Tewes and Mr. Darpel in favor. The motion carried.

*General Correspondence:* None.

*New Business:* None.

*Public Comments:* None.

There being nothing further to come before the commission, a motion to adjourn was made by Ms. Snyder and seconded by Ms. Hood. All in favor. None opposed. The meeting then adjourned at 8:50 p.m.

APPROVED:

\_\_\_\_\_

Chair \_\_\_\_\_

Date \_\_\_\_\_