

## KENTON COUNTY PLANNING COMMISSION

### SPECIAL MEETING

#### Minutes

Mr. Paul Darpel, Chair, called the meeting to order at 6:15 p.m. on Tuesday March 10, 2015, and opened the proceedings with the Pledge of Allegiance and invocation by Mr. Hult. The meeting was held in the Commission Chambers of the PDS Building in Fort Mitchell. Attendance of members (for this meeting as well as those during the year to date) was as follows:

**ROLL:** Mr. Bethell, Mr. Bridges, Ms. Brown, Mr. Coates, Mr. Darpel, Mr. gray, Mr. Hilgefurd, Ms. Hood, Mr. Logsdon, Mr. Porter, Mr. Rogge\*, Ms. Rust, Mr. Ryan, Ms. Snyder, Mr. Tewes and Mr. Toebben.  
Absent: Mr. France, Mr. Neuspickle and Mr. Pannunzio.

\*arrived after roll was taken

**AGENDA:** A motion was made by Ms. Snyder to approve the agenda and seconded by Ms. Hood. All in favor by acclamation.

#### Public Hearing

##### **File SRA1502-0001**

**APPLICANT:** Kenton County Planning Commission per Paul J. Darpel, Chairman

**REQUEST:** a recommendation from the Subdivision Regulations Committee to adopt new subdivision regulations for all Kenton County jurisdictions

Mr. Darpel made some opening comments regarding the issue prior to the start of the public hearing. He thanked all the mayor's groups, the Home Builders Association of Kentucky, regulatory and utility, conservation districts, and the general public for their input. He also thanked the engineers committee who also put in a tremendous amount of time and effort into giving their input. He thanked the subdivision regulation committee for their work and effort to get to tonight. He then thanked PDS and specifically Scott Hiles for doing all he has for these regulations and stated he did a great job. Mr. Darpel commented that there were literally hundreds of meetings held on this issue. Mr. Darpel then referenced the four issues that were brought up after this was submitted. He referenced definitions and defining language within the subdivision regulations. He also commented that the additional comments were whittled down from thirty-eight to essentially one issue involving bike trails. He stated Scott Hiles will limit his comments to those changes that were made after this was sent out.

Staff presentation by Mr. Scott Hiles.

Mr. Hiles referenced three definitions to be changed within the regulations, specifically bike trails would be added to bicycle facilities, under Planning Commission the words "of in" are to be deleted or removed from the definition. He further noted the word "Kenton" should actually read "Kentucky" and stated that was a typo that needed to be changed. Mr. Hiles also commented as to the Green Infrastructure Options under Article 5. He commented there were some redline changes made by SD1 and also suggestions by Mr. Hult to be made to this section. Mr. Hiles briefly highlighted those changes to be made under that section. He commented these are simply a refinement of terms and nothing has changed substantially to the regulations. Mr. Hiles commented on the Transition Rules section and referenced the requested changes there. He further commented on the infrastructure and design standards for streets. He specifically discussed Bike Lanes and the specifics as to that. Mr. Hult then referenced the paragraph that was added by the Home Builders, item i), and requested that that be removed as it is no longer necessary with reference to the pre-application meeting. Mr. Hiles clarified at Mr. Ryan's request what exactly occurs at pre-application meetings and who will be in attendance. He stated the pre-application meeting is simply a discussion and no decisions are made.

Mr. Darpel then read the list of those wishing to speak on the issue.

Mr. Brian Miller addressed the Commission and distributed a handout to the Commissioners. He stated it seems there is a memory problem. He stated they were told to pare down their comments to the committee or to this public hearing. He stated they submitted over 30 comments on 3.6 (A). He noted one was very simple and that was to make it an option and not mandatory. He stated at the last committee meeting it was voted on at the last meeting that this was not going to be discussed. He stated he does appreciate everyone's input over the last five years. He stated to suggest that this came through in some back room deal is absurd and not appreciated. He then addressed bicycle regulations. He stated he doesn't understand how this can be decided. He stated they are here not to clear up the confusion. Mr. Miller then cited on page 13 of his handout referencing the average cost of bicycle paths would increase the average price of a home. He further noted on page 25 of the document it references the cost of multi-use paved paths per mile and noted this would increase the average cost of the average lot by over \$3,000. He stated it is doubtful that cities would be willing to accept these costs. Mr. Miller then noted for a mile of dedicated paths it would cost \$137,280 for every fifteen years to maintain. He further stated they have two more items to consider with regard to bicycle paths. He then called on Mike Schottelkotte to address the issue. Mr. Schottelkotte stated they are not against bike paths and in fact the Drees Company has developed many communities that have bike paths. He then stated bike paths are fine, but let's leave them to the developer to develop and maintain and work into the development. He stated he doesn't think it was a very well thought out proposal and that it should be at the discretion of the developer. Mr. Miller

then introduced Mike Rigler to address other issues. He stated they have been in business over 60 years. He stated the problem you run into is the collectors and the driveways. He stated if the road is put in and they go ahead and do the path right afterwards, the pros are they can get better paction. He then noted the way they go into doing this after the houses are built is they go in and strip the ground where they are to go in. He stated they try to get into undercutting and fixing the grade but then you run into the problem of utilities, etc. He stated they did a job in New Orleans and ran into a number of problems in putting the bike paths after the fact. He commented further it's very, very difficult to build afterwards and then you run into maintaining it. He stated the constructability causes a lot of problems. Mr. Miller then stated the regulation requires connecting directly into a planned bike path but asked how many actually come to fruition. He stated he thinks we will end up with bike paths that go to nowhere like sidewalks. He stated again, this was taken without any input after a five year process of meetings at the eleventh hour. He stated it's extremely expensive, unaffordable, and pure conjecture. He further stated it is a gamble with other people's money. He asked that the recommendation not be considered as presented today.

Mr. Rogge stated this was done without any input as to cost which might have made a difference. Mr. Logsdon then stated the reason he suggested this change is because we need to start developing a modern community. He then stated right below the article that he submitted is the economic benefits of bike paths and the economic benefit to bike paths. Mr. Miller stated that is why they are in favor of a regional plan and not one such as this. Mr. Logsdon stated the costs that were provided, many are retrofitting than actual costs. He stated it is more expensive to retrofit than to build it from the start. He further commented we need to encourage these types of transportation to get some of the vehicles of the streets. He then stated that is why he suggested this to bring this to the 21<sup>st</sup> century. Mr. Darpel also commented that one of the limitations of what was suggested is having the bike path along the street. Mr. Darpel stated to put this here is premature and doesn't serve what it is intended to serve. He stated it seems to him that the proper investigation should be done and not two meetings. Mr. Bridges suggested setting the bike issue aside for the time being and having it studied in more depth. Mr. Rogge stated the point is if it's kicked out now, it's not the last time it can be heard and can be revisited later. Mr. Ryan stated he would like to defer and see what the study comes up with than putting it in at this time. Mr. Bethell stated he would concur and would also suggest studying it further. He stated he is wholeheartedly in favor of bike paths but would like this looked at county wide.

Mr. Paul Meyer addressed the Commission on behalf of the mayor's group and distributed a handout. He stated the new street designs will cost home builders and home owner's more money but will be a cost savings in the long run. He stated cities for years have been replacing under drains. He then referenced the handouts depicting the underdrains and pictures showing

streets without underdrains. He commented there is going to be greater cross slope than in the past. He stated the other thing you will see is the joints are going to be salt cut differently so axles of heavy trucks will hit at different times so that will be an improvement. He commented further that there are going to be a lot of expansion joints to keep the separation from occurring. He stated as part of the handout of the mayor's group you will see a cost breakdown and he thinks in the future it's going to save the cities money. He stated he looks forward to these regulations being adopted tonight. He then thanked everyone for the opportunity. Mr. Darpel stated he marked the handouts as an exhibit to be made a part of the record.

Mr. Dave Hatter addressed the Commission and stated it is a pretty amazing accomplishment to have this all come together. He stated he does not want to see streets get built that have issues. He stated from a taxpayer standpoint, a tenth to a fifth of the budget is spent to maintain the roads and streets. He stated budgets are increasingly taxed. He further commented that twice a road tax has been introduced. He stated the idea of when you build the bike paths that people will come and use them is a joke. Mr. Hatter commented it should go before the residents that are going to pay for it. He further stated he is 100% against anything that is going to put more strain on their city budget. He stated he is asking that these regulations be approved as they were submitted without the amendments.

Tyson Hermes addressed the Commission and stated he concurred with Mr. Millers and Mr. Hatter's comments. He stated he has been riding for almost 30 years. He stated he doesn't prefer riding on bike paths. He commented that constant driving throws the pebbles onto the bike paths from the road and so he prefers not to ride on them. He further commented that he has three children and they all have bikes. He stated he really doesn't allow them to ride on bike paths just because they are dangerous. He then commented with multiuse paths it's not really a good place for a road cyclist either due to it being used at different speeds by other people on the path. He stated he feels it should be an option and not really a requirement. He stated the free market will decide if they want to have it.

Crystal Fedders passed and had nothing to add.

J.R. Roth addressed the Commission and commented about the notice for the meeting tonight in the newspaper. He stated he represented the concrete ready mix industry and a couple questions about the items he didn't understand. He asked why the sidewalks had to be 9 foot wide and wondered why when it used to always be 8 feet wide. He also referenced if there is a driveway that is 150 feet long it has to be twelve feet wide. He asked why this is listed that way. He also questioned why concrete is listed as an item not permitted on the chart. He then commented he is also against the bike paths and also stated the free market should decide if they want them.

Susan Mullins addressed the Commission and asked about the issue of traffic. She stated when she visits her daughter they ride bikes and they frequently drive the kids to locations to ride bikes. She stated if some of their friends live in an area where there is a bike path and it brings more people into the area, it will also bring more traffic. She stated she is in favor of a regional bike path but that also is concerned about cost.

Ed Norlow addressed the Commission and stated he opposes the concept of bike trails and bike paths due to costs. He stated he would like to see that money go to refurbishing sidewalks in the area instead of bike paths. He stated he lives in a subdivision off of Turkeyfoot Road. He stated he hardly sees anyone except for children riding a bike. He further stated he has only seen about ten people over the years using the bike trails that were put in on Turkeyfoot and wanted to know how you can justify the cost.

Mr. Reinersman addressed the Commission and stated the primary reason he is present is as the Mayor of Independence. He stated he is certainly in favor of the transition. He stated he would like to see this passed tonight.

William Scheper passed and nothing to add.

Jan Schofield addressed the Commission and stated she wanted to speak out against the bicycle paths. She stated she doesn't think it is something that should be passed at the last minute. She stated the developers know what their buyers want.

Mr. Nienaber addressed the Commission and stated he wanted to thank everyone for letting him come in late and speak. He stated when he was a kid he remember the green line or the TANK bus coming down the streets. He stated it came to a point where they could no longer justify the buses for such a small number of riders and the buses were eventually phased out of the cities. He also commented that it became economically difficult to maintain the streets where damage was being done to the streets by the heavy buses. He stated there probably should be a study done on the bike trails. He stated when you put in the bike trails the cost better be understood per mile in terms of enforcing the maintenance of the bike trails before something like that is decided.

Mr. Bob Schroeder addressed the Commission and stated he works for Arlinghaus Builders. He stated they put bike paths in communities where they think they are needed and wanted. He further commented that they build a variety of homes in Kenton County and Boone County and in doing a very informal survey, the residents did not want a bike path.

Gorgette Nordlow addressed the Commission and stated she supports the comments of her husband. She asked for clarification on Mr. Hilgefords's comments as to what he was referring to on the sidewalk issue relating to her husband's statements. Mr. Hilgefords stated he thought

it was ironic that he was commenting about sidewalks when there have been recent requests for sidewalk waivers. Mr. Nordlow then clarified that she thought her husband was merely intending to say that he would rather the money that would be spent on bike paths to be spent on maintaining the existing sidewalks. She further commented she really values the street regulations. She also stated she took an exception to the statement that we all want modern communities. She stated she thinks we all want what we can afford.

Mr. Brueggeman addressed the Commission and stated he was just making himself available if there was anyone that had question about the design elements. He had no further comments.

Mr. Darpel then asked for any comments or questions. Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners. Ms. Snyder stated her concern with the bike paths issue and the cost to the taxpayers, the developers, the home buyers, etc. She stated she felt it needed to be looked at before jumping in with it. Mr. Toebben stated he felt it should be pulled out of the collector language if PDS is going to do a study on this. He stated some of the studies he's read indicate they are used by the minority so why is the majority being asked to pay for them. Mr. Bridges stated he would like to discuss each issue individually and vote on them individually. Mr. Darpel stated from a procedural standpoint each issue would be voted on separately. Since the only issues requiring discussion were the bike path issue and the regulations for the preliminary meeting issue. Mr. Bridges commented it isn't fair to anybody to put something in at the last minute after five years. He stated there was not one person that was for the bike paths that spoke. He stated he thinks it should come out and be studied. Mr. Darpel stated he feels there is an opportunity to still do it if that is what ends up being what is wanted. Mr. Darpel then asked about the pre-application meeting revision. Mr. Darpel then commented that he had received emails from three individuals all in favor of the water shed issue. Mr. Darpel commented about the pre-application revision and commented the words "and invitees" should be added to the proposed language. Mr. Hilgefjord suggested removing the word "only" from the proposed language. Mr. Bridges asked how this is different from what is there. Mr. Hult stated it puts the onus on the applicant to invite whomever they want and not be limited. Mr. Hult then suggested removing item "i" from the suggested language. Mr. Logsdon asked if there is a problem with leaving it the way it was. Mr. Hiles then responded that Staff was being questioned about it and having item "i" locks it down as to who can be at the pre-application meeting. Mr. Darpel then reconvened the public hearing. Mr. Toebben then asked Mr. Miller what his feelings were on the pre-application issue and who would be in attendance. Mr. Miller stated the developers appreciate having the pre-application meeting and being able to talk to those entities that can possibly speed up the process with the development and getting down to business. Mr. Darpel then closed the public hearing and asked for a motion regarding the minor changes with the definitions, the SD 1 language, the green infrastructure language, the South Kenton Group, etc. that that be included

in the draft proposed for adoption to get that included in the draft of the subdivision regulations proposed to be adopted. Mr. Hult made the motion. Ms. Hood seconded. A roll call vote on the motion found Mr. Hult, Ms. Hood, Mr. Logsdon, Ms. Rust, Mr. Toebben, Ms. Snyder, Mr. Ryan, Mr. Tewes, Mr. Darpel, Mr. Rogge, Mr. Bridges, Mr. Bethell, Ms. Brown, Mr. Gray, Mr. Coates and Mr. Hilgefurd all in favor. The motion carried unanimously. Mr. Darpel then asked for a motion regarding the sub collector street and the bike paths. Ms. Snyder made the motion to approve the regulations as presented without the bike paths in there based on the recommendations of Staff, the testimony heard, and the hard work put into the efforts of the stake holders. Ms. Hood seconded the motion. Mr. Hiles clarified the motion to only exclude the changes made three weeks ago. Ms. Snyder clarified that was the case. A roll call vote on the motion found Ms. Snyder, Ms. Hood, Hult, Logsdon, Ms. Rust, Mr. Toebben, Ryan, Mr. Tewes, Mr. Darpel, Mr. Rogge, Mr. Bridges, Mr. Bethell, Ms. Brown, Mr. Coates, Mr. Gray and Mr. Hilgefurd in favor. The motion carried. Mr. Darpel then asked for a motion with regard to 3.36a1C(i). Mr. Hult made the motion to remove (i) from the text of the proposed regulations and to leave in place the regulations that have been in place for years. Mr. Bridges seconded the motion. Mr. Gray clarified that the motion was to strike "i" and to leave "c". A roll call vote on the motion found Mr. Hult, Mr. Bridges, Mr. Gray, Mr. Hilgefurd, Mr. Logsdon in favor. Mr. Bethell, Ms. Brown, Mr. Coates, Ms. Hood, Ms. Rust, Mr. Toebben, Ms. Snyder, Mr. Ryan, Mr. Tewes, Mr. Darpel and Mr. Rogge voted against. The motion failed. Mr. Bridges then made the motion to strike the language and add "invitees". Mr. Ryan seconded. A roll call vote on the motion found Mr. Bridges, Mr. Ryan, Mr. Tewes, Mr. Darpel, Mr. Rogge, Mr. Bethell, Ms. Brown, Mr. Coates, Mr. Gray, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Logsdon, Ms. Rust, Mr. Toebben and Ms. Snyder in favor. The motion carried. Mr. Darpel then asked for a motion to approve the final language for the Kenton County Subdivision Regulations as amended. Mr. Rogge made the motion to approve. Ms. Brown seconded the motion. Mr. Hiles clarified this would be effective at 12:01 p.m. on March 11, 2015. There being no further comments, the roll was taken finding Mr. Rogge, Ms. Brown, Mr. Coates, Mr. Gray, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Logsdon, Ms. Rust, Mr. Toebben, Ms. Snyder, Mr. Ryan, Mr. Tewes, Mr. Darpel, Mr. Bridges and Mr. Bethell in favor. The motion carried.

Mr. Darpel stated again he can't say enough about Scott and all he's done and thanked everyone who was involved.

Motion to adjourn by Ms. Snyder and seconded by Ms. Hood. All in favor. The motion adjourned at 9:33.

  
Chairman, KCPC 5/7/15