

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
Minutes**

Mr. Paul Darpel, Chair, called the meeting to order at 6:15 p.m. on Thursday, June 4, 2015, and opened the proceedings with the Pledge of Allegiance and an invocation by Mr. Hult, Vice Chair. 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.

Commission 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						
Doug Neuspickle	Ryland Hts.		X	X	X		X						
Barry Coates	Covington	X	X	X	X		X						
Gailen Bridges	Kenton Co	X	X	X	X	X	X						
Paul Darpel, Chair	Edgewood	X	X	X		X	X						
Tom France	Ludlow		X	X	X	X	X						
Joe Gray	Covington		X	X	X		X						
David Hilgefurd	Villa Hills		X	X	X	X	X						
Lynne Hood	Crestview Hills		X	X		X	X						
Marc Hult, V. Chair	Covington	X	X	X	X	X	X						
Keith Logsdon	Lakeside Park	X	X	X	X								
Joe Pannunzio	Elsmere	X	X		X	X	X						
Stan Porter	Taylor Mill	X	X	X	X	X	X						
Mark Rogge	Crescent Spgs		X	X	X	X							
Paula Rust	Kenton Cty	X	X		X	X							
Jack Toebben	Fort Wright		X	X		X	X						
Jeff Bethell	Fort Mitchell	X	X	X	X	X							
Maura Snyder	Independence	X	X	X			X						
Joe Tewes	Bromley	X	X		X		X						
Phil Ryan	Park Hills		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 PDS staff: Mr. Martin Scribner and Mr. Andy Videkovich.

### AGENDA

Mr. Darpel stated a request to withdraw had been received regarding item 10 from the agenda, Tristar Ventures. He then asked for a motion to accept the withdrawal. Ms. Brown made the motion. Mr. Hult seconded. All in favor by acclamation. He also marked the notice as an exhibit to the minutes. Mr. Darpel then stated a request to withdraw was received regarding issue W-334. He asked for a motion on the issue. Ms. Snyder made the motion to accept the withdrawal. Mr. Ryan seconded the motion. All in favor. None opposed. Mr. Darpel then asked for a motion to approve the agenda as amended. Mr. Ryan seconded the motion. All in favor by acclamation.

### APPROVAL OF THE MINUTES:

Mr. Darpel noted on page 8 with regard to the waiver that specific physical conditions existed to grant the waiver. He stated exceptional physical conditions existed and he would like the minutes to reflect that. He then asked for a motion to approve the minutes with the changes noted. Mr. Bridges made the motion to accept. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Bridges, Ms. Snyder, Ms. Brown, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Pannunzio, Mr. Porter, Mr. Toeppen, Mr. Ryan and Mr. Darpel in favor. Mr. Coates, Mr. Gray, Mr. Neuspickle and Mr. Tewes abstained. The motion carried.

### RECEIPTS AND EXPENDITURES:

Mr. Darpel stated the receipts and expenditures were distributed. He asked for any questions with regard to the receipts and expenditures. There being none, Ms. Snyder made the motion to approve. Ms. Brown seconded the motion. A roll call vote on the matter found Ms. Snyder, Ms. Brown, Mr. Bridges, Mr. Coates, Mr. Gray, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Pannunzio, Mr. Porter, Mr. Toeppen, Mr. Ryan, Mr. Tewes and Mr. Darpel in favor. Mr. Neuspickle 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:

Mr. Darpel stated the three legislative items that were approved the past month were in front of the Commissioners. No action was required.

### PUBLIC HEARINGS:

FILE: PC1504-005

**APPLICANT:** McBrayer Attorneys at Law per W. Brent Rice on behalf of Global Acquisitions

**LOCATION:** 5400 Old Taylor Mill Road; an approximate 3,750-square foot area located approximately 975 feet west of Pride Parkway between Lakewood Drive and Wayman Branch Road, approximately 575 feet south of Lakewood Drive in Taylor Mill

**REQUEST:** to review the location and extent of a Wireless Communications Facility that included a 186-foot monopole and associated ground structures; and, to review waivers from Administrative Policy 6 as it relates to barbed wire, minimum required screening and landscaping, and minimum lease area.

Staff presentation and Staff recommendation by Mr. Videkovich.

**PDS STAFF RECOMMENDATION:**

1. To approve the waiver from Administrative Policy 6 as it relates to barbed wire.
2. To approve the waiver from Administrative Policy 6 as it relates to the minimum required screening.
3. To approve the waiver from Administrative Policy 6 as it relates to the minimum required area.
4. To approve the location and extent of a Wireless Communications Facility, including a 186 foot high monopole and associated ground structures, but only subject to compliance with the following conditions:
  - a. Unless required by state and/or federal regulations, the proposed monopole shall be a uniform gray color.
  - b. Unless required by state and/or federal regulations, the proposed monopole shall not have any warning or identification lighting.
  - c. All lighting that was necessary and/or required for the flag pole structure be disabled.
  - d. The existing flag pole structure be removed within 90 days of the Planning Commission's final action.

Preston Morely registered to speak in favor of the issue. He then addressed the Commission and stated he agreed with Staff's report and obviously they were in favor. He then stated he would like to add one comment and requested a change from 90-120 days. Mr. Morley commented while this is an entirely new tower it will be exactly the same as what was there. He commented as to the barbed wire and stated it has never come up as a concern with any application. He stated there is equipment in there and the barbed wire would serve as a deterrent. He further commented the tower can accommodate up to five carriers. He stated he would be happy to answer any questions. Mr. Ryan asked if the current structure has barbed wire. Mr. Morely stated it did not. Mr. Ryan further asked if the wiring is in the interior of the monopole. Mr. Morely responded stating it was in the interior.

Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners. Ms. Brown stated she has some concerns with the barbed wire. She further commented it is in the middle of a ball field and she doesn't see it as necessary to have the barbed wire. Mr. Gray also stated he doesn't see a need for the barbed wire and further stated it is not consistent with other similar issues. Mr. Darpel stated the barbed wire is currently prohibited so this would be a waiver for the barbed wire. Mr. Pannunzio asked if the barbed wire was on top of an eight foot fence. He stated he feels the barbed wire should be there. He further commented it is just a precaution and a deterrent. Mr. Hilgeford commented it was prohibited purely for aesthetic reasons. He stated it was more aesthetically unpleasing to have the barbed wire on top of the chain link fence. Mr. France stated it starts to look prison like to have barbed wire and more obvious to have the barbed wire on top of the fence. Mr. Darpel then reconvened and closed the

public hearing. Mr. Tewes asked Mr. Morley if he would like to comment further on the barbed wire. He asked if it would provide some additional safety. Mr. Morley stated that is his understanding that with the new additional equipment it gives rise to the necessity of the barbed wire. He stated if the barbed wire becomes the sticking point they can certainly come back on that issue if necessary. Mr. Smith then stated he would have to withdraw the request for the waiver and would have to come back at another time and resubmit the request. Mr. Videkovich stated in his opinion it would just be a review of additional information and Mr. Morley would be able to come back on that issue if necessary. Mr. Morley asked if he could have a statement on the record that if he were to withdraw the waiver request for the barbed wire that he could come back at later time. Mr. Darpel stated he could not do that but commented if at a later time he had additional information he could come back. Mr. Smith further stated the Commission could proceed with the original request along with the other two waivers and then Mr. Morley could ask for a tabling of the waiver issue on the barbed wire. Mr. Darpel then asked if that was the request to then table the waiver request for a period not to exceed six (6) months. Mr. Hult then made the motion to accept the request of the application to table the waiver related to the barbed wire for a period of six (6) months. Mr. Ryan seconded. A roll call vote on the matter found Mr. Hult, Mr. Ryan, Mr. Bridges, Mr. Brown, Mr. Coates, Mr. France, Mr. Gray, Mr. Hilgefurd, Ms. Hood, Mr. Neuspickle, Mr. Pannunzio, Mr. Porter, Mr. Toebben, Ms. Snyder, Mr. Tewes and Mr. Darpel in favor. The motion was approved. Mr. Darpel then asked for a motion with regard to the screening, the minimum required area and with the conditions as stated in the application. Mr. Hilgefurd then made the motion to approve with all conditions provided by Staff, the elimination of the waiver as noted by Staff but to approve waivers two and three with regard to the screening and the minimum requirement, and also to change the recommended time from 90 to 120 days. He stated this is based on Staff's report and the testimony heard. Mr. Hult seconded the motion. A roll call vote on the matter found Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Neuspickle, Mr. Pannunzio, Mr. Porter, Mr. Toebben, Ms. Snyder, Mr. Ryan, Mr. Tewes, Mr. Darpel, Mr. Bridges, Ms. Brown, Mr. Coates, Mr. Gray and Mr. France in favor. The motion carried unanimously.

**PC1504-0006**

**APPLICANT:** Marilyn Franxman

**LOCATION:** an approximate 37.4 acre area located at 303 Madison Pike in Covington

**REQUEST:** a proposed map amendment to the Covington zoning Ordinance changing the described area from RS-7.5 (Suburban Residential) to CC-2A (Commercial-Community)

Staff presentation and Staff recommendations by Mr. Martin Scribner

**PDS STAFF RECOMMENDATION:**

To provide an unfavorable recommendation of proposed map amendment to the Covington Zoning Ordinance changing the described area from RS-7.5 (Suburban Residential) to CC-2A (Commercial Community).

Mr. Darpel then read a letter into the record a letter received from the city asking for approval to change the zoning as requested. Mr. Darpel then marked the letter as an exhibit and entered into the record on the matter.

Mr. Guilfoyle addressed the Commission on behalf of the applicant. He stated they appreciate

Mr. Darpel reading the letter in to the record from the city. He stated they have worked with Covington on this issue and they have expressed their views for the area. He noted this really going to change the character of the whole neighborhood. He then stated this will be perfectly suited to commercial development. Mr. Guilfoyle then distributed a handout to the Commissioners from Rob Hans regarding a presentation he did last year. He cited an excerpt on the document on the six year plan. He stated this is about as certain a thing as road projects get and it is much needed. He stated when it happens it is going to dramatically change the character of the property they are requesting to rezone. He further commented this map amendment will have a positive impact on the surrounding properties in the area. He also pointed out in Staff's report that they did try to speak up during the Direction 2030 process with regard to this issue. He further stated maybe the feeling a year ago was that this project wasn't going to go through but it is obvious it is in fact going through. He further commented that construction has not begun but everything leading up to it has been done and they feel it will happen.

Mr. Robert Franxman addressed the Commission and stated one thing he wanted to point out was that with this project, KY 17 carries over eighteen thousand vehicles per day. He stated in an area that is considered residential it seems to be inconsistent given the amount of traffic that goes through the area.

Mr. Darpel stated the challenge is that to approve the zone change they have to be able to say the current zoning is inconsistent with the comprehensive plan and the proposed zoning is consistent. He commented further that without a Stage I Plan in front of them with some idea of what might go in there it's hard to say that is the case. He stated that is the complication they are faced with. Mr. Hilgefurd stated he applauds the fact that they want to get ahead but he thinks in some ways it's putting the cart before the horse. He further commented he feels the appropriateness is a change to the comprehensive plan and not to the zone. Mr. Darpel marked the handout by Mr. Guilfoyle as an exhibit to be made a part of the record on the matter.

Mr. Steven Carson addressed the Commission and stated there are three very modest homes that sit on Hands Pike and he asked what is the traffic impact to those three homes. He further asked where the new Hands Pike is going to come down there. He stated the characterization of the area does not fit. He suggested maybe further south would be more appropriate at this point.

All others registered to speak had nothing to add.

There was no rebuttal by the applicant.

At this time Mr. Darpel recessed the public hearing for discussion amongst the Commissioners. Mr. France commented on the question posed by Mr. Hult about the city being the applicant. Mr. Hult stated the question in his mind isn't to change from residential to commercial; it's what is the most appropriate commercial zone to change it to. Mr. Darpel then reconvened and closed the public hearing and asked for a motion on the matter. Mr. Hult then made the motion to approve the requested map amendment based on the fact that the new highway will significantly change the circumstances of the comprehensive plan and that it is a major physical change. Mr. France seconded the motion. A roll call vote on the motion found Mr. Hult, Mr.

France, Ms. Brown, Mr. Coates, Ms. Hood and Mr. Toebben in favor. Mr. Hilgefard, Mr. Neuspickle, Mr. Pannunzio, Mr. Porter, Ms. Snyder, Mr. Ryan, Mr. Tewes, Mr. Darpel, Mr. Bridges and Mr. Gray voted against. Mr. Darpel asked for another motion on the issue. Mr. Hult then made the motion to deny the map amendment for the reasons specified by Staff. Mr. Gray seconded the motion. A roll call vote on the matter found Mr. Hult, Mr. Gray, Mr. Hilgefard, Mr. Neuspickle, Mr. Pannunzio, Mr. Porter, Ms. Snyder, Mr. Ryan, Mr. Tewes, Mr. Darpel, Mr. Bridges and Ms. Brown in favor. Mr. Coates, Mr. France and Ms. Hood voted against. Mr. Toebben abstained. The motion carried.

### Reports from Committees:

*20/20 Sourcebook:* - Nothing to report.

*By Laws:* - Mr. Hult stated they had a short session. He commented they split up the tasks they need to accomplish and will be meeting on the first Tuesday of the month.

*Direction 2030:* - Mr. Darpel stated Staff has been working on the implementations of various things and trying to stay current on all their internal happenings. Nothing specific to report.

*Executive:* - Mr. Darpel stated they met regarding the proposed budget. He stated their recommendation was to have an internal accounting of what they pay us so it can be shown and it can be funded. He stated they have redesigned how it is presented. He then commented briefly on the proposed budget for fiscal year 2016 and explained the various line items. He spoke on the importance of having a reserve and explained how this will be done using the application fees. He commented about Staff Services being listed in the budget as "Staff Services -PDS" at the suggestion of Mr. Hult. He stated this is a good idea. He also suggested that line item meeting space/technology/servers/software <sup>be moved</sup> to Staff Services KRS 100. He commented the commission is 1000% better than they were a few years ago. He stated he thinks these budgets are realistic. He further commented that reserves shouldn't be touched but that miscellaneous items can be reallocated as needed. Mr. Darpel then explained all the changes to be made so everyone had a clear understanding of the budget. He then asked if anyone had any questions or comments. Mr. Darpel stated he thinks this is a good budget and it's better than it ever was. He stated what he would like to do is to have it approved since it has to be approved by July. He asked for a motion and requested that the motion include the meeting space/technology/servers/software fee be removed and included under Staff services. Ms. Snyder then made the motion to approve the budget and to move the meeting space/technology/servers/software to Staff Services: KRS 100 and to also list Staff Services as Staff Services-PDS. Mr. Ryan seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Ryan, Mr. Bridges, Ms. Brown, Mr. Coates, Mr. Gray, Mr. France, Mr. Hilgefard, Ms. Hood, Mr. Hult, Mr. Neuspickle, Mr. Pannunzio, Mr. Porter, Mr. Toebben, Mr. Tewes and Mr. Darpel. The motion carried.

*Subdivision Regulations* - No meeting held.

*Reports from Commission Members* - Mr. Bridges commented that Heritage Day went well and there were good crowds. He commented about the Kenton County Conservation District and the naming ceremony that took place. He further stated it was a very good day all around.

*Reports from Legal Counsel* – Mr. Smith asked if there was another application like tonight he would ask that the application be determined to be incomplete if there is a map amendment and not a Stage I Development Plan with it. He stated it would just be his preference to have it be listed as incomplete and not be placed on the agenda. He commented further that you could possibly run into a dangerous precedent. He stated that fundamentally when it breaks down into procedure, a Stage I Development Plan is required and he didn't want any kind of slippery slope effect. He stated he wanted to make that clear going forward.

*Announcements from Staff* – Mr. Darpel stated for those of you that are unaware this is Mr. Scribner's last meeting as he has decided to move to Arizona with an excellent opportunity. He stated he is sad for the Commission and has nothing to say but great things about Martin and Kenton County is better off. He stated they appreciate all the effort and we respect his work and respect him as a person as well as all the efforts that have been put in on behalf of Kenton County. Mr. Scribner stated he wanted to thank everyone and he is going to go away from these five years having learned so much about the way different communities do things. He commented about one of his favorite meeting moments from his time here that occurred involving a cell tower issue and a lengthy meeting. In other matters, he stated Sharmili Reddy has moved to Ft. Mitchell as City Manager and Jenna LeCount has moved onto Colerain Township. He further commented that Andy Videkovich has been promoted to planning manager as well. Mr. Scribner further stated they do intend to keep the planning staff fully staffed. He stated Dennis is taking resumes for the director's position in the coming weeks. He commented Dennis had hopes to fill that position by July 1<sup>st</sup>.


*General Correspondence:* Nothing to report.

*New Business:* Nothing to report.

*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. Brown. All in favor by acclamation. The motion carried unanimously. The meeting was adjourned at 8:44 p.m.

APPROVED:



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Chair

Date 7/2/15