

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
Minutes**

Mr. Darpel, Chairman, called the meeting to order at 6:15 p.m. on Thursday, August 4, 2016, 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.

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, V. Chair	Erlanger	X	X		X		X	X	X				
Nancy Collins	Ryland Hts.					X	X	X	X				
Barry Coates	Covington	X	X	X		X	X	X					
Gailen Bridges	Kenton Co	X	X	X	X	X	X	X	X				
Paul Darpel, Chair	Edgewood	X	X	X	X	X	X		X				
Tom France	Ludlow	X	X	X	*		X	X	X				
Joe Gray	Covington	X	X	X	X		X	X	X				
Brian Wischer	Villa Hills		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				
Keith Logsdon	Lakeside Park	X	X	X		X	X	X	X				
Joe Pannunzio	Elsmere	X	X	X	X	X	X	X					
Stan Porter	Taylor Mill	X	X	X		X	X	X	X				
Greg Sketch	Crescent Spgs	X	X	X	X	X			X				
Brian Dunham	Kenton Cty			X	X	X		X	X				
Jack Toebben	Fort Wright	X	X	X	X	X	X	X	X				
Jeff Bethell	Fort Mitchell	X	X	X	X	X	X	X	X				
Maura Snyder	Independence	X	X	X	X		*		X				
Joe Tewes	Bromley	X	X	X	X								
Phil Ryan, Treasurer	Park Hills	X	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 PDS staff: Ms. Emi Randall, Mr. Andy Videkovich and Mr. Scott Hiles.

**AGENDA**

Mr. Darpel asked for a motion to approve the agenda for August. Mr. Darpel stated he would like to move item ten from the agenda to be heard prior to item number nine which is the map amendment. He stated it is going to be one presentation, but the Commission would act on the text amendment prior to the map amendment. He then asked for a motion for approval on the agenda. A motion was made by Ms. Snyder and seconded by Mr. Ryan to approve the agenda as amended. All in favor. None opposed.

**APPROVAL OF THE MINUTES:**

Mr. Darpel stated the minutes were before the Commissioners and had been distributed prior to the meeting for review. There being no comments or changes with regard to the minutes, he then asked for a motion to approve. Ms. Brown made the motion to approve. Ms. Snyder seconded the motion. A roll call vote on the motion found Ms. Brown, Ms. Snyder, Mr. Bethell, Mr. Bridges, Mr. Dunham, Mr. France, Mr. Gray, Ms. Hood, Mr. Hult, Mr. Logsdon, Ms. Collins, Mr. Porter, Mr. Ryan, and Mr. Toebben in favor. Mr. Sketch, Mr. Wischer and Mr. Darpel 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.

**RECEIPTS AND EXPENDITURES:**

Mr. Darpel stated this one was kind of interesting being at the end of the fiscal year. He commented briefly about the report and then asked for any questions or comments. There being none, he asked for a motion to approve. Ms. Snyder then made the motion to approve. Mr. Ryan seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Ryan, Mr. Bethell, Mr. Bridges, Ms. Brown, Mr. Dunham, Mr. France, Mr. Gray, Ms. Hood, Mr. Hult, Mr. Logsdon, Ms. Collins, Mr. Porter, Mr. Sketch, Mr. Toebben, Mr. Wischer and Mr. Darpel in favor. The motion carried unanimously.

**RECENT ACTIONS BY STAFF:**

*(No action required)*

**RECENT ACTIONS BY LEGISLATIVE BODIES:**

*(No action required)*

**PUBLIC HEARINGS:**

\*Mr. Darpel and Mr. Dunham recused themselves from any consideration and voting on the following item due to a conflict of interest. Ms. Brown, Vice Chair, presided over the following issue.

**FILE:** PC1606-0002

**APPLICANT:** The City of Park Hills per Matt Mattone, Mayor

**LOCATION:** An area of approximately 9.1 acres located on the south side of Amsterdam Road and at the terminus of Hamilton road and Old State Road, approximately 200 feet east of Arlington Road in Park Hills.

**REQUEST:** Proposed map amendment to the Park Hills Zoning Ordinance changing the described area from R-1EE (a single-and two-family residential zone) and HC (a highway commercial zone) to R-1EE (PUD) (a single-and two-family residential zone with a planned unit development overlay).

**FILE:** PC1606-0003

**APPLICANT:** City of Park Hills per Matt Mattone, Mayor

**REQUEST:** A proposed text amendment to the Park Hills Zoning Ordinance adding Planned Unit Developments to the list of permitted uses within the R-1EE (a single-and two-family residential) zone.

Staff presentation and Staff recommendations by Mr. Videckovich.

**PDS STAFF RECOMENDATION:**

Favorable recommendation on the proposed map amendment to the Park Hills Zoning Ordinance changing the described area from R-1EE (a single-family and two-family residential zone) and HC (a highway commercial one) to R-1EE (PUD) (a single-family and two-family residential zone with a planned unit development overlay).

Mr. Matt Mattone registered to speak on the issue and stated the city recognized this property as one of the last developable areas in the City. He commented they have worked with Covington looking down the road as to how to develop it moving forward. Mr. Mattone further stated council had some reservations as to what could happen with the property so council looked at how it could be retained and developed. He stated to explain how they got to here, they learned that Gateway was going to sell and they met to discuss how the property could be developed with the current zoning regulations. He further stated the sale came about and they wanted to see how it would be developed in terms of the zone. Mr. Kyle Winslow, attorney for the City of Park Hills addressed the Commission and stated he didn't really have much to add except that Park Hills and the City of Covington are really trying to work together as to how they can best collaboratively develop the property. He then stated he was available to answer any questions. Mr. Gray inquired about the sale of the property. Mr. Mattone stated it has not sold and it still on the market. Mr. Gray also asked if there was a plan to extend State Road from the Park Hills side of the property. Mr. Mattone stated the initial concern is that that traffic would overwhelm the local streets and they would like to encourage a developer to extend it as that would be the best route of travel. Mr. France asked if the current owner is on board with the request for the map amendment. Mr. Mattone stated they haven't asked but he feels they support it.

Mr. Cyrus Miller addressed the Commission and stated he owns a piece of property on Amsterdam Road. He commented a lot of his questions have been answered but the biggest concern he has is the environmental element. He stated there is a hill behind him and in front of him. He stated he witnessed the landslide when other property was developed in the area and if there is more slippage of the hills, that is a real problem. He stated he did want to bring that concern to the Commission's attention.

Mr. Frisch addressed the Commission and asked if the planned use development allowed for apartment complexes. Mr. Smith and Ms. Brown stated it does. Mr. Frisch stated that is all he needed.

Mr. Hult asked Mr. Videckovich to go over the requirements for a geotechnical study. Mr. Videckovich then reviewed those requirements. Ms. Brown asked for clarification on the land use as it pertains to apartments. Mr. France asked if the area is rezoned would it come back to the Planning Commission for approval or would it go to Staff for approval. Mr. Videckovich stated it would come back before the Commission for approval. Mr. Gray stated Covington's requirements are a little more stringent and asked if they allowed apartments also. Mr. Videckovich clarified and stated their language is almost identical. Ms. Brown then recessed the public hearing for discussion amongst the Commissioners. Mr. Hult commented that the fact that there would be a geotechnical study done is all said and good but the issues have to be addressed and he wanted that kept in mind. Mr. Sketch then commented that any subdivision requires a preliminary geotechnical report and a final geotechnical report s that will have to be done regardless. Ms. Brown then reconvened the hearing and closed the public hearing. She then asked for a motion. Mr. Ryan made the motion to approve based on Staff's recommendations and the testimony heard. Mr. Hult seconded the motion. A roll call vote on the motion found Mr. Ryan, Mr. Hult, Mr. Bethell, Mr. Bridges, Ms. Brown, Mr. France, Mr. Gray, Ms. Hood, Mr. Logsdon, Ms. Collins, Mr. Porter, Mr. Sketch, Ms. Snyder, Mr. Toeppen and Mr. Wischer in favor. Mr. Dunham and Mr. Darpel recused themselves from any consideration and voting on the matter. The motion carried. Ms. Brown then asked for a motion on the map amendment. Mr. Ryan then made the motion to approve the issue based on Staff's recommendations and the additional information comment suggested by Staff. Mr. Porter seconded the motion. A roll call vote on the motion found Mr. Ryan, Mr. Porter, Mr. Bethell, Mr. Bridges, Ms. Brown, Ms. Collins, Mr. France, Mr. Gray, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Sketch, Ms. Snyder, Mr. Toeppen and Mr. Wischer in favor. Mr. Dunham and Mr. Darpel recused themselves from any consideration and voting on the matter. The motion carried.

**FILE: W-660**

**APPLICANT:** Handerson, LLC

**LOCATION:** Aosta Valley Subdivision; and approximate 180-acre area along the east side of Walton Nicholson Pike, approximately 3,000 feet south for Percival Road within both Kenton and Boone Counties and the City of Walton

**REQUEST FOR ACTION:** a waiver to the requirement of Appendix A of the Kenton County Subdivision Regulations; granting the request would waive the requirement for sloped or barrier curb and permit construction of a roll curb for the remaining portions of street in Aosta Valley.

Staff presentation and Staff recommendation by Mr. Scott Hiles

**PDS STAFF RECOMMENDATION:**

To grant the requested waiver to Appendix A and allow roll curb along all of the remaining street construction in Aosta Valley Subdivision.

Discussion was had amongst the Commissioners regarding the issue. Mr. Hiles discussed the differences between the rolled curb and a sloped curb. He commented one of the interesting aspects of the issue is that Boone County requires rolled curb so you would have part of the subdivision then being rolled curb and part would be sloped. He further noted the developer is ten years into the development and it would be different if this were a brand new development. He also commented

should it be changed mid-stream, it is the city who is taking over the streets and they are in favor of the rolled curb. It was additionally noted that part of the subdivision is in Boone County and part is in Kenton County. Mr. Darpel then read a letter into the record from the City of Walton's Mayor Mark Carnahan in support of keeping the curbs consistent throughout the development. Mr. Darpel then marked the letter as an exhibit and made it a part of the record on the matter. Mr. Hiles stated he doesn't feel it is a hardship for the developer, he feels it is a hardship for the applicant to not give the city what they are asking for and what they have been working in for a number of years. Mr. Gray commented that if this is approved then a statement has to be included that it only applies to this subdivision and not the entire city. Mr. Sketch emphasized the City of Walton is not the applicant; they are just expressing their support. Mr. Hiles stated there is no doubt that if granted this waiver applies only to this subdivision.

Mr. Jim Winstrup addressed the Commission in favor of the applicant. He stated he is supporting continuing what the curb is. He stated he thinks it is just changing it is just changing mid-stream and they'd like to stay with what they've got.

Mr. Roger Williams addressed the Commission on behalf of the City of Walton and stated he is in support of the request. He stated since they will be maintaining it they would like to see it stay the way it is.

Mr. Ron Mullens addressed the Commission and stated Staff has done a great job and he really doesn't have much to add. He stated in regards to the hardship he doesn't think there is any one element that stands out but when you put them all together it does create a hardship. He further commented they have no plans to come back years from now and ask for another waiver.

Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners. He stated he can see the problems it would cause to change mid-stream. He further commented he does see it being a hardship and he does see it falling within one of the criteria. Mr. Bridges stated he disagrees and doesn't see it articulated as a hardship. Mr. Bethell stated since this is a continuation of a development it makes sense to continue what they have. He further commented it makes sense in his mind to have consistency with the development. Ms. Brown commented she thinks it is the city that is putting the developer in the pinch in wanting it to remain the same. She stated the developer is not getting a choice about it. She noted the only option they had is to ask for a waiver. Mr. Darpel then reconvened the public hearing for discussion. Mr. Bridges asked if there were specific things you can ask a waiver for or if there were any limitations. Mr. Hiles commented you can ask for a waiver for any regulation. There being no further questions or comments, Mr. Darpel then closed the public hearing. He then asked for a motion. Mr. Dunham made the motion to grant the waiver and stated in light of the staff recommendation and testimony heard, and based on the finding that it is not detrimental to the public interest, and that strict compliance with the regulations would create an extraordinary hardship in the face of exceptional conditions. Mr. Bethell seconded the motion. A roll call vote on the motion found Mr. Dunham, Mr. Bethell, Ms. Brown, Ms. Hood, Ms. Collins, Mr. Porter, Mr. Ryan, Ms. Snyder, Mr. Toebben and Mr. Darpel in favor. Mr. Bridges, Mr. France, Mr. Gray, Mr. Hult, Mr. Logsdon and Mr. Wischer voted against. Mr. Sketch abstained. The motion carried.

**Reports from Committees:**

**By Laws:** - Ms. Brown stated the met this week and will have come some language will be forthcoming this week relating to continuing education. She noted they also will be meeting next month to discuss the issues regarding reserves and what those fee structures will be going forward.

**Direction 2030 Implementation:** – Mr. Brown stated a meeting would be held August 25<sup>th</sup>. Ms. Brown stated since they have the list of committee members she encouraged the Commissioners to attend and stated they're input is not only necessary it is valued.

**Executive:** – Mr. Darpel stated they went over the issue of small cell towers. He noted there were discussions on clarifications on the language involving small cell towers. He noted the Commissioners will probably see some language coming out about that. He stated legal counsel gets a lot of calls about small cell towers and he commented it's nice to be in the forefront on the issue. Mr. Darpel also commented about the reserves and what the different amounts are. He noted he thinks the reserves need to be in a separate account because that money should not be touched without some sort of action by the committee. He commented further in setting a reasonable amount, he thought if they had a year's worth of funds if something were to happen they would be covered. He stated he would be recommending to put in for that reserve amount.

**Social Media:** - Mr. Ryan commented they had their first meeting and he wanted to thank Staff and especially Alex Koppelman for taking the lead and prepared some story boards and put up some videos that might be used. He noted it is in the beginning stages. He also commented if you can please try to attend as they only had two attendees. He stated the next meeting is on Wednesday the 24<sup>th</sup> at 5:30 p.m.

**Subdivision Review** – No meeting held.

**Reports from Commission Members:** Mr. Hult commented OKI had their annual luncheon and it was sold out and possibly because it the guest speaker was Gov. Mike Pence, who wasn't able to make it. He noted what was emphasized was the cooperative nature of the board. He stated he met with other people from around the area and he really enjoyed it.

**Reports from Legal Counsel** – Nothing to report.

**Announcements from Staff** – Ms. Randall stated the projector that was used died and it was cheaper to get monitors for everybody than to replace it. She also noted everyone got an email from Dennis earlier in the week and she just wanted to hit a few highlights about it. She commented on the small area study of Latonia. She noted ever since then there has been a citizen's actions group that has been meeting monthly. She then highlighted some of the things they have been working on. She noted they are moving forward with many of these initiatives. She wanted to point out that this was something that had a real impact in the community and thanked the Commissioners for their involvement in that study and for the support. She additionally stated the continuing education webinars are available until February as a reminder. She also noted there are also discs available if anyone was interested.

**General Correspondence:** Mr. Darpel commented that they had received a resignation from Joe Tewes resigning his position with the Commission. He commented his schedule has changed causing him to have to resign. He noted he has been a good and outstanding member of the Commission and a great member of the community. He additionally noted the city would be appointing a new representative.

**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. Brown to adjourn. All in favor by acclamation. The meeting then adjourned at 8:22 p.m.

APPROVED:

✓Chair Diane Brown

Date 9-1-16

Diane Brown

