

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
Minutes**

Mr. Darpel, Chairman, called the meeting to order on June 1, 2017 at 6:15 p.m. 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	F	M	A	M	J	J	A	S	O	N	D
		a	e	a	p	a	u	u	u	e	e	o	e
		n	b	r	r	y	n	l	g	p	t	y	c
Jeff Bethell	Fort Mitchell		X	X	Xx	X	X						
Diane Brown, V. Chair	Erlanger	X	X	X	Xx		X						
Nancy Collins	Ryland Hts.		X	X	Xx	X							
Gailen Bridges	Kenton Co	X	X	X	Xx	X							
Paul Darpel, Chair	Edgewood	X	X	X	Xx		X						
Brian Dunham	Kenton Cty	X	X	X	Xx	X	X						
Mike Gaiser	Ludlow		X	X	Xx	X							
Lynne Hood	Crestview Hills	X	X	X	Xx		X						
Marc Hult,	Covington	X	X	X	Xx	X	X						
Keith Logsdon	Lakeside Park	X	X	X	Xx	X							
Matthew Martin	Taylor Mill			X	X	X	X						
Ron Padget	Covington			X	Xx	X	X						
Joe Pannunzio	Elsmere	X	X	X	Xx		X						
Phil Ryan, Treasurer	Park Hills	X	X		Xx	X	X						
Marco Sansone	Bromley		X	X		X							
* Greg Sketch	Crescent Spgs	X	X	X	Xx	X							
Maura Snyder	Independence	X	X	X	X	X							
Jack Toebben	Fort Wright	X	X	X	Xx	X	X						
Robert "Bob" Whelan	Covington			X	Xx	X	*						
Brian Wischer	Villa Hills	X	X	X	Xx	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 Mr. Matt Smith, Legal Counsel, and the following PDS staff: Ms. Emi Randall, Mr. Andy Videkovich and Mr. Alex Koppelman and Mr. Scott Hiles.

**AGENDA**

The agenda was before the Commissioners. Mr. Darpel stated he received a request to table issue PC704-0005. Mr. Wischer made the motion to table the item. Mr. Padgett seconded the motion. A roll call vote on the motion found Mr. Wischer, Mr. Padgett, Mr. Bethell, Ms. Brown, Mr. Dunham, Ms. Hood, Mr. Hult, Mr. Martin, Mr. Pannunzio, Mr. Ryan, Mr. Toeppen and Mr. Darpel in favor. The motion carried. Mr. Darpel commented about issue nine on the agenda that references the public hearing and procedure. He asked how the Commissioners would like to have the video played in terms of the agenda. He stated he would like to have it heard earlier but is perfectly fine with whatever is the preference. Mr. Bethell commented that he agreed that it may be better heard after the roll call. Mr. Darpel commented from this point it would be moved to item 4 on the agenda. All in favor, none opposed.

**APPROVAL OF THE MINUTES:**

Mr. Darpel asked for any questions or changes to the minutes for May. Mr. Whelan commented with regard to PC-1704-0001. He noted that it had Mr. Martin as seconding the motion and it was actually him. He noted the motion was on page 8. There being no further comments or changes Mr. Darpel asked for a motion to approve. Mr. Wischer made the motion to approve the minutes from May. Mr. Ryan seconded the motion. A roll call vote on the motion found Mr. Wischer, Mr. Ryan, Mr. Bethell, Mr. Dunham, Mr. Martin, Mr. Padgett and Mr. Toeppen in favor. Ms. Brown, Ms. Hood, Mr. Hult, Mr. Pannunzio and Mr. Darpel abstained. The motion carried.

**RECEIPTS AND EXPENDITURES:**

Mr. Ryan stated the receipts and expenditures report was distributed. There being no comments or questions he asked for a motion to approve. Ms. Brown then made the motion to approve. Mr. Ryan seconded. All in favor by acclamation. The motion carried.

**RECENT ACTIONS BY STAFF:**

*(No action required)*

**RECENT ACTIONS BY LEGISLATIVE BODIES:**

*(No action required)*

**PUBLIC HEARINGS:**

**FILE:** PC1705-0001 (action required)

**APPLICANT:** Ben Heuser

**LOCATION:** 4272 and 4280 Richardson Road; an area of approximately 6.78 acres located between Briarwood Drive to the east and Dixie Highway to the west, approximately 500 feet west of Briarwood Drive in Independence.

**REQUEST:** A proposed map amendment to the Independence Zoning Ordinance changing the described area from R-2 (PUD)(a multi-family planned unit development zone) and IP (an industrial park zone) to R-1D (a suburban single-family residential zone).

Staff presentation and Staff recommendations by introduced by Mr. Alex Koppelman

**PDS STAFF RECOMENDATION:**

Unfavorable recommendation on the proposed map amendment to the Independence Zoning Ordinance changing the described area from R-2 (PUD)(a multi-family planned unit development zone) and IP (an industrial park zone) to R-1D (a suburban single-family residential zone).

Mr. Heuser addressed the Commission in favor of the issue and stated the reason they are looking to have this zoning change done is because at one time they tried to sell their property commercially and there was interest in their property but after doing research the potential buyer decided there wasn't going to be a way to develop it and he really wanted the property badly. He then stated they were going to sell their property residentially but they are landlocked and you can't add anything to the house, you can't add any square footage to the property whatsoever. He stated they cannot sell it and they are just landlocked. He noted there are three houses that can't do anything with their property and to develop it industrially they are finding it difficult. He further noted they have wanted to do additions to their homes but they cannot do anything with their property. Mr. Wischer asked how long he has owned his residence. Mr. Heuser stated they owned it for fifteen years. Mr. Darpel then reiterated the procedures for finding in favor for a map amendment. Mr. Heuser stated they entertained any offer for the property and they could not come up with a way to make it work for the individual that was really interested in the property. Ms. Brown asked about the bridge in the area and if he knew if there were any plans to widen the bridge at all. Mr. Heuser stated he was not aware of any plans to do so. Ms. Brown then asked if the bridge could handle any industrial traffic. Mr. Heuser stated absolutely not and commented that when the traffic backs up and you're stuck sitting on that bridge it shakes terribly with just cars. He stated whatever way this comes out they just want to be able to do something with their property. He stated they would like to put on a garage or add a bedroom but they cannot. He additionally stated they would just like to do something with what they have and he doesn't think that is too much to ask. Mr. Toeppen asked if anyone had approached them about an industrial use and Mr. Heuser stated they had not. Mr. Ryan asked if it were zoned industrial would he be allowed to put on a three bay garage. Mr. Smith clarified and stated he would be permitted to do whatever is permitted in the industrial zone. Mr. Darpel reiterated the findings necessary to grant a zone change and commented Ms. Brown was trying to help him out in suggesting the bridge could not handle further industrial traffic without being widened.

There being no further questions or comments, Mr. Darpel recessed the public hearing for discussion. Mr. Bethell stated he is not sure how this area was zoned industrial because the bridge cannot withstand industrial and everything around it is residential. He stated you would have a heck of a time getting a tractor trailer getting in and out of there. He further stated you would have to break it down to a manageable size to get across the bridge. Ms. Brown noted the railroad bridge was closed for a significant amount of time and it was just patched and she doesn't feel it could handle any type of industrial traffic. Mr. Hult stated at one point in time Kenton County needed industrial land and he thinks that's why it was zoned this way years ago. Mr. Padgett stated if this is zoned industrial then he thinks at some point in time the bridge would be repaired to be able to withstand the industrial traffic. Mr. Martin stated if this were zoned industrial and the bridge is shut down, that can really affect a business. Mr. Whelan stated he doesn't feel the current zoning is appropriate because the bridge cannot sustain the industrial traffic. Mr. Darpel then reconvened and closed the public hearing. He asked for a motion on this issue. Ms. Brown made the motion to approve the application based on a major change to the area that was not anticipated that has substantially altered the area. Mr. Whelan seconded the motion. A roll call vote on the motion found Ms. Brown, Mr. Whelan, Mr. Bethell, Ms. Hood, Mr. Hult, Mr. Martin, Mr. Pannunzio, Mr. Padgett, Mr. Ryan and Mr. Toeppen in favor. Mr. Darpel, Mr. Dunham and Mr. Wischer voted against. The motion carried.

**FILE:** PC1705-0002 (action required)

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

**REQUEST:** A proposed text amendment to the Park Hills Zoning Ordinance adding regulations for signs located on windscreens used in conjunction with athletic facilities located within the INST (Institutional) Zone.

Staff presentation and Staff recommendations by Mr. Andy Videkovich

**PDS STAFF RECOMMENDATION:**

Favorable recommendation of the proposed text amendment to the Park Hills Zoning Ordinance adding regulations for signs located on widescreens used in conjunction with athletic facilities located within the INST (Institutional) Zone.

Mr. Mattone addressed the Commission in favor of the application and stated when this was originally passed they were approached by both institutions on the issue. He stated they are interested in an immediate fix but also their long term needs. He stated they have done a fantastic job with working with both institutions.

There being no further comments Mr. Darpel recessed the public hearing for discussion. There being none, he then reconvened and closed the public hearing. Mr. Darpel then asked for a motion on the issue. Mr. Ryan made the motion to approve based on testimony and Staff recommendation on the issue. Mr. Dunham seconded the motion. A roll call vote on the issue found Mr. Ryan, Mr. Dunham, Mr. Bethell, Ms. Brown, Ms. Hood, Mr. Hult, Mr. Martin, Mr. Pannunzio, Mr. Padgett, Mr. Toeppen, Mr. Wischer, Mr. Whelan and Mr. Darpel in favor. The motion carried unanimously.

\*Mr. Darpel recused himself from any consideration on the following issue due to a potential conflict of interest. Ms. Brown presided over the meeting on the issue.

**FILE:** W-484 Battleridge Subdivision, Phase H, Part 2 (action required)

**APPLICANT:** An approximate 17 acre parcel at the terminus of Infantry Drive within Battleridge Subdivision in Independence.

**REQUEST:** To grant a waiver to the requirements of Section 1.10-4 of the Kenton County Subdivision Regulations; granting the request would waive the requirement that the remaining portion of Battleridge Subdivision, Phase H, Part 2 utilize the new subdivision regulations. Specifically, this would allow the developer to utilize the old subdivision regulations for earthwork within the right-of-way, utility crossovers, subgrade preparation and testing, and the pavement and curb and gutter cross sections.

Staff presentation and Staff recommendations by Mr. Scott Hiles

**PDS STAFF RECOMMENDATION:**

To deny the requested waiver to Section 1.10-4 of the Kenton County Subdivision Regulations and require that the remaining portion of Battleridge Subdivision, Phase H, Part 2 (approximately 1,850 feet of remaining street) utilize all of the new Subdivision Regulations.

Mr. Jim Wygant addressed the Commission in favor of the issue and stated he works primarily installing sewer systems, etc. He stated the project was delayed until 2014 when the initial partner bailed and they had to secure financing that wasn't finalized until 2015. He then showed a map of the subdivision and described the area that was completed when the initial partnership bailed. He stated every time they would finish five to ten lots he would contact the utilities to get the crossover plans approved and get a

plat that was approved by PDS and SD1, etc. so he could start selling the land. He further noted by doing that, they were able to sell some the lots to keep the project moving along. He noted in January of 2016 they wanted to get it moving further and quicker and the remaining section required a lot more contouring than the other area had. He additionally stated they had to use another company to expedite the entire thing so they hired a company that specialized in this sort of thing at a high cost to get the contouring done. Mr. Wygant noted they were hoping that would be completed by mid 2016, which didn't happen. He noted by the time they did get it completed in January 2017 the waiver had expired. He noted to comply with the new regulations will cost a considerable amount of money and cause a severe handicap and hardship. He further stated he contacted Thelen to do compression testing but now would have to have them there every single day at a cost of about \$1,000 a day. Mr. Wygant stated half the road will have one type of configuration and the other will have another type. He stated they do not have the ability to do the new road with the new structure and that will have to be done at a huge cost. He then stated one the things they wanted to avoid was depression in the road which would not be a good thing at all. He noted all they have been doing for twenty years is water and sewer. He stated they did the best they could with the resources they had to get the project done in a timely manner. Mr. Wygant stated to put the sewer in under the new regulations will cost an additional \$3,000 per lot. He stated for that reason they are asking for a waiver on the issue. Mr. Ryan stated to approve the waiver they have to show one of five reasons to do so. He then asked Mr. Wygant if strict compliance would create a substantial hardship. Mr. Wygant stated it would create a hardship and also the unusual topographical conditions of the area as well because of the additional work that needed to be done to the area created delays.

Mr. Reinersman addressed the Commission and stated he was present to answer any questions and to state the City of Independence is strenuously opposed to the waiver. He stated it doesn't make a whole lot of sense as to why it is even being considered. He further stated he doesn't look at this as being an extenuating circumstance. He noted this is a small subdivision in and of itself. He further noted he feels they had ample time to finish the project. Mr. Reinersman stated he noted topography as one of the reasons to grant the waiver and noted if the topography is an issue then they will be granting waivers for every subdivision in Independence. Mr. Reinersman stated these regulations certainly improved the conditions of the streets and he does not see why that would be approved in this case. He noted he can certainly sympathize with the applicant, but these regulations are in place for a reason. He stated he does not see any extenuating circumstances as to why this would be approved. Mr. Reinersman stated they have quite a challenge with the roads in Independence and asked the Commission to please not add another 1,850 feet to his challenges.

Mr. Wygant addressed the Commission in rebuttal and stated he understands his position and that the new regulations are very costly. He noted they are talking about a cul de sac road that very few cars will be driven on. He noted the ground in the area is very rocky and hard and is difficult to build on. He stated that ground is going to be used to compact the underground the utilities. Mr. Wygant stated when it ultimately comes down to it, cost is everything when you're adding hundreds of thousands of dollars to finish a project when there are only two streets left to do. He then noted that is what makes it an extraordinary circumstance to continue it so he is asking the Commission to grant the waiver. He stated he does not mean to shun the regulations and he respects Staff and the work they have done on these but he feels a waiver is in order.

Ms. Brown then recessed the public hearing for discussion amongst the Commissioners. Mr. Dunham stated he doesn't feel the standard has been met and realizes it will be at an added cost. Mr. Toebben stated he does realize how long things do take but they had ample time to finish it. Mr. Hult stated the purpose of a deadline is to have a deadline. Ms. Brown then reconvened and closed the public hearing and asked for a motion. Mr. Padgett then made the motion to approve the waiver for the reasons stated

under subsection 1 and subsection 2. The motion failed for lack of a second. Mr. Wischer then made a motion to deny the request in its entirety based on Staff's report. Ms. Hood seconded the motion. A roll call vote on the motion found Mr. Wischer, Ms. Hood, Mr. Bethell, Ms. Brown, Mr. Dunham, Mr. Hult, Mr. Martin, Mr. Pannunzio, Mr. Ryan and Mr. Toebben and Mr. Whelan in favor. Mr. Padgett voted against. Mr. Darpel recused himself from any consideration or voting on the issue. The motion carried.

### **Ongoing Business**

#### **Reports from Committees**

***By Laws:*** - Ms. Brown stated they have nothing to report as they have not met.

***Direction 2030 implementation:*** Mr. Bethell stated they were going to have a meeting but they really didn't have any topics to discuss.

***Executive:*** – Mr. Darpel stated they did not meet but he would like to schedule to meet to go over the budget.

***Social Media:*** - Mr. Ryan stated they have not met but have submitted the contract to the outside contractor regarding the email instructions. He noted it is kind of in limbo and asked Alex Koppelman if he had a chance to look into it. Mr. Koppelman stated their IT staffer was not in today but he did print out some instructions to set this up on your phones. He noted they would get that straightened out so people could get that activated tomorrow morning. Mr. Koppelman stated if you still can't get it activated to feel free to call him. He noted he would send out an email in the morning about it and also distributed a handout with instructions on how to get that set up. Mr. Darpel stated once this is set up they can all be set up on the email to take care of issues involving the Commissioners. Mr. Smith noted email is primarily for communications between Commissioners to discuss communications and not ongoing issues.

***Subdivision Review*** – No report, no meeting held.

***Reports from Commission Members:*** Mr. Hult noted that OKI has a great website and noted there are 39 projects on there currently and you might want to make sure your project is on there. He commented about the TIP Program and stated there are 26 million dollars of that that has been preliminarily approved and that should be looked at to compare costs of these types of things.

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

***Announcements from Staff*** – Ms. Emi Randall addressed the Commission and stated the new fee table will go online starting July 1 and is ready to be rolled out. She also wanted to point out that the next meeting would be held the Thursday after the Fourth of July and asked for a showing of hands to make certain there would be a quorum for the meeting. She then showed a picture of James Fausz where he accepted the award for the cell tower regulations. She stated Pam Messer wanted everyone to know she had put the continuing education hours at everyone's seats so everyone is aware of how much is needed and what is required. Ms. Randall additionally stated they did receive additional funding for more online training for those interested.

***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 Mr. Bethel, seconded by Ms. Brown to adjourn. All in favor by acclamation. The meeting then adjourned at 8:10 p.m.

APPROVED:

Chair  \_\_\_\_\_

Date 7/6/17 \_\_\_\_\_

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