

“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 and Mr. Paul Fausz.

Prior to the start of the meeting, Mr. Darpel recognized Mr. Gerrein for his dedication in serving on behalf of the City of Park Hills. He was then presented with a plaque in recognition of his service to the Commission.

AGENDA

Mr. Darpel asked for a motion to approve the agenda for February. Ms. Snyder made the motion to approve the agenda. Mr. Rogge seconded the motion. All in favor by acclamation.

APPROVAL OF THE MINUTES:

Mr. Bethel noted on page three under the PDS Staff Recommendation in the middle of the page it should read “Commonwealth Station”. He further noted on page 6, the top line should have one “l” in Bethel and not two. Mr. Darpel noted on the approval of the minutes it should read “Mr. Hult would be interested in taking over a commission if there was a vacancy so he wanted that added to the minutes...” There being no other comments, Mr. Darpel then asked for a motion to approve the minutes as amended. Ms. Snyder made the motion to approve. Mr. Bethel seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Bethel, Ms. Brown, Mr. Bridges, Mr. Coates, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Ms. Rust, Mr. Tewes and Mr. Darpel in favor. Mr. Gray, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Neuspickle, Mr. Rogge, Mr. Ryan and Mr. Toebben abstained. The motion carried.

RECEIPTS AND EXPENDITURES:

A motion was made by Mr. Rogge and seconded by Ms. Brown to accept. A roll call vote on the motion found Mr. Rogge, Ms. Brown, Mr. Bridges, Mr. Coates, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Logsdon Mr. Pannunzio, Mr. Porter, Ms. Rust, Mr. Toebben, Mr. Bethel, Ms. Snyder, Mr. Tewes and Mr. Darpel in favor. Mr. Gray, Mr. Neuspickle and Mr. Ryan 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:

PC1411-0003

Mr. Darpel read a letter into the record received from Pike Legal requesting to extend the hearing on issue PC1411-0003 for a period to April 2, 2015. Mr. Bridges recused himself from any consideration due to a conflict of interest. A motion was made by Ms. Snyder to table the issue

and authorize the chair to sign the extension. Mr. Gray seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. Gray, Mr. Bethel, Ms. Brown, Mr. Coates, Mr. France, Mr. Hilgeford, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Neuspickle, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Ms. Rust, Mr. Ryan, Mr. Toebben, Mr. Tewes and Mr. Darpel in favor. Mr. Bridges abstained. The motion carried unanimously.

PC1501-0001

FILE: City of Independence per Chris Moriconi, City Administrator

APPLICANT: City of Independence per Chris Moriconi, City Administrator

REQUEST: a proposed text amendment to the Independence Zoning Ordinance to allow outdoor dining areas to provide entertainment, music, and sound amplifying systems as a condition use in the NSC (Neighborhood Shopping Center) Zone.

Staff presentation and Staff recommendations by Mr. James Fausz.

PDS STAFF RECOMMENDATION:

Unfavorable recommendation of the proposed text amendment to the proposed text amendment to the City of Independence Zoning Ordinance to allow outdoor dining areas to provide entertainment, music, and sound amplifying systems as a conditional use in the NSC (Neighborhood Shopping Center) Zone.

No one was present from the city to speak on the issue.

Mr. Bill Cobble addressed the Commission as a neutral party and stated they already have different city events where you can't hear other people talk that are standing right next to you. He further commented he feels there should be a limit to the decibel levels on what is allowed. He stated there should definitely be rules and regulations that pertain to loud music. He then noted he knows OSHA states protection is required for anything over a decibel level of 80. Mr. Hilgeford then asked if there were any conditional uses that have been given in the neighborhood zone. Mr. Fausz then stated they are not aware of any. Mr. Rogge asked whether or not this would have a time constraint. Mr. Fausz stated this would have time constraints to it. Mr. France then asked if the BOA could place conditional uses on events granted permits for amplified sound. Mr. Smith clarified the BOA could place any conditions on the use.

Mr. Chris Gentry addressed the Commission on behalf of the Kentucky Motorcycle Association and stated they are in favor. He stated there have been other groups that have attempted to hold "bike nights" but the limitation of amplified sound prohibits this. He said it also limits groups such as scouts, teams and radio stations from promoting event to be prohibited also. He further stated they do not feel it is fair to allow some groups and not all to have events with amplification.

The public hearing was then recessed for discussion amongst the Commissioners. Mr. Bridges stated there is nothing that stops restaurants from having indoor bands, and that it is only when it's outside that the problem occurs. Mr. Logsdon suggested writing in the text what is allowed instead of waiting for the BOA to decide on it. Mr. Darpel then reconvened and closed the public hearing. He then asked for a motion on the issue. Ms. Snyder then made the motion to

disapprove based on Staff's recommendations and discussion heard. Mr. Bridges seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Bridges, Mr. Bethel, Ms. Brown, Mr. Coates, Mr. Gray, Mr. France, Mr. Hilgefurd, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Neuspickle, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Ms. Rust, Mr. Ryan, Mr. Toebben, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously.

FILE: PC1501-0002

APPLICANT: City of Taylor Mill per Jill Bailey, City Administrator

REQUEST: proposed text amendments to the Taylor Mill Zoning Ordinance to: 1) amend Section 9.29 Downtown Taylor Mill (DTM) Design and Development Standards pertaining to building location, off-street parking location, minimum development area, roof forms, landscaping buffers, and on-street parking; and 2) amend Section 10.19 DTM-2 (Downtown Taylor Mill Office – Service) Zone to add convenience store, hair salon, and barber shop to the list of permitted uses; amend Area and Height Regulations pertaining to off-street parking location, front, side and rear yard depth, street wall requirement, and buildings heights; and, amend gas station regulations pertaining to attendant station location, number of gas pumps, canopy height, retaining walls, and walkways.

Staff presentation and Staff recommendations by Mr. Martin Scribner.

PDS STAFF RECOMMENDATION:

Unfavorable recommendation on proposed text amendments to the Taylor Mill Zoning Ordinance to: 1) amend Section 9.29 Downtown Taylor Mill (DTM) Design and Development Standards pertaining to building location, off-street parking location, minimum development area, roof forms, landscaping buffers, and on-street parking; 2) amend Section 10.19 DTM-2 (Downtown Taylor Mill Office – Service) Zone to add convenience store, hair salon, and barber shop to list of permitted uses; 3) amend Area and Height Regulations pertaining to off-street parking location, front, side, and rear yard depth, street wall requirement, and building heights; and, 4) amend gas station regulations pertaining to attendant station location, number of gas pumps, canopy height, retaining walls, and walkways.

Ms. Jill Riley addressed the Commission on behalf of the City of Taylor Mill. She then stated she will defer to the city attorney and is available to answer any questions. Mr. Frank Wichman then addressed the Commission and stated the reason they have focused on the DTM-2 Zone is because there is a property owner that wants to develop in that zone. Mr. Hult asked if it was correct that the DTM-2 zone is approximately 35 acres. Mr. Wichman stated that was correct. Mr. Hilgefurd asked if the majority of the City Council is against the submission, then how did it get before the Planning Commission to begin with. Mr. Wichman then stated because there are some that want it approved.

Mr. Phil Peace addressed the Commission and distributed a handout regarding the issue. Mr. Darpel then marked it as an exhibit and made a part of the record on the issue. He stated he owns about 7.5 acres in the DTM-2 Zone and is the only parcel not developed. He then reviewed the handout explaining their journey to today. He stated the city travelled to Louisville, Kentucky to see the Norton development. He further stated he then took his family to see what the Norton development was about. Mr. Peace stated he immediately noticed the difference in Taylor Mill

and Louisville. He then commented that Brookfield Commons is filing for Chapter 1 Bankruptcy at the busiest intersection in Wisconsin and asked how does the City of Taylor Mill think this can be successful the way they are proposing. He stated it has been a battle to get the text amendments before the Commission to be heard and he appreciates a favorable decision on the issue.

Mr. Marty Butler addressed the Commission representing Phil and Laurie Peace on the issue. He stated 6.5 acres is on one side of Honey and the other acre is on the other side. He said the property is landlocked essentially and it is virtually impossible to develop the property. He further stated this is essentially taking the property. Mr. Butler then stated the Staff report notes stated there are approximately 189 acres in the DTM-2 Zone but the vast majority of those acres are developed. He then stated what is going to be important is the pedestrian access of the area. He then commented the DTM 2 Zone is specifically designed to be pedestrian friendly. Mr. Butler stated the downtown business district is not urban but suburban. He stated no residential uses are permitted in the DTM-2 Zone which is odd for an area designed to be a dense urban community. He stated properties fronting KY 16 are not main street style. He further commented one must question how much of the 189 acres can possibly be developed. He additionally stated the DTM-2 Zone is simply not pedestrian friendly with 4-6 lanes and 45 mph speed limits. Mr. Butler stated it is not safe and not pedestrian friendly. He commented further there is a large topographical change within the DTM-2 Zone. He additionally noted potential businesses do not want to locate with parking in the rear of the building and prefer convenience for shoppers. He noted potential developers do not want to invest millions into a zero setback property. He then commented zero setbacks are not economically sustainable. He further stated section 9.29 of the Taylor Mill zone has essentially made his client's property undevelopable. Mr. Butler stated his client has continued to bear the expense of property taxes and maintaining his property. He stated the development and design standards are impeding his clients to develop their property. He further commented these changes are only being proposed to the DTM-2 Zone so there are 150 acres being left out. He further stated he and his client would ask the Commission to approve the changes being suggested by the city. He then stated the crux of the issue is the setbacks. Mr. Porter asked if the access to the property is off of Honey. Mr. Butler stated it was and noted there may be as possibility of a right turn into the property.

Mr. Berling addressed the Commission and stated he met with the developer a couple years ago and he is very familiar with the area. He stated the city worked very hard to get the new highway and when Mr. Peace came to him, they tried to help him as much as they could. He stated Mr. Peace worked very hard to get to here and in getting the monies together. Mr. Berling stated he has run into trouble at every turn and he is still here and someone like him is good for the city.

Ms. Jane Garsh registered to speak but had nothing to add.

Ms. Sarah Fritch addressed the Commission and stated she is representing residents of the city after the last meeting on the issue back in January. She stated she went to 16 residents on her street and obtained signatures. She then read a statement into the record stating all resident but two whom she could not get back to signed the petition. She then stated she went into Mill Valley and obtained more signatures. Ms. Fritsch commented when you have citizens that unanimously show what the residents want, that is very powerful. She stated UDF is family

oriented and has always been a great business to the community. She also commented that there are still people that are out of work and UDF is a place that is affordable to take their kids. She also commented the right decision is to vote for the text amendments.

Mr. Kling addressed the Commission behalf of UDF. He stated he came out to answer any questions. He further commented basically without the text amendments, UDF will not be able to locate there.

Mr. Scott Smith addressed the Commission and stated he took the time to look at the lots in the DTM-2 3 Zone. He stated he and his son were almost hit riding bikes to the plaza. He commented he does not feel it is pedestrian friendly. He then cited traffic studies indicating the heavy traffic that is currently in the area and how much the traffic will be increased. He further commented that even if the three areas on the island combined in DTM 3 there still would not be enough land to meet the 2.5 required. He reiterated the 2.5 just does not work. Mr. Smith then cited various problems with developing the areas in the DTM-2 and DTM-4 Zones due to current zoning. He stated it just doesn't work. Mr. Smith additionally stated he would actually like the text to say hair salon and noted that is something that would be important to him. He stated his wife is a hair stylist and he may want to buy or lease a space in the future.

Ms. Judy Train addressed the Commission and stated she is a 21-year resident to the area. She stated she is just present to ask for approval of Mr. Peace's proposal.

Mr. Mike Blackburn addressed the Commission and stated he is a 35 year resident and his mother is an 80 year resident. He stated they are both in favor of UDF. He commented he is also a construction worker and a real estate investor. He further stated he is going to leave it up to the experts of the Commission to decide. He stated the minimum requirement should be much smaller. He then stated he fears all the restrictions are going to discourage businesses to come into the area. He further stated when you restrict people you take away their liberties and the pursuit of happiness.

Ms. Ruby Heisler addressed the Commission and stated she is a 50 year resident. She stated she and her husband are in support of UDF for Taylor Mill and are in favor so UDF can come to Taylor Mill.

Mr. Shariff Odrabo addressed the Commission and stated while watching Staff's presentation it struck him as odd to look at a proposed change without looking at the Taylor Mill Zoning Ordinance. He stated it lists the permitted uses in alphabetical order. He noted you will not see barber shop listed. He stated you will also not find convenience stores or hair salons. He stated the commented that last year it was voted on and 15-0 in favor of the gas stations. He encouraged approval of the text amendments as this is what the people want.

Mr. Darpel then read a letter into the record in favor of the issue. He then marked it as an exhibit and made it a part of the record on the issue. He then read a second letter from Brian Henderson also in favor. Mr. Darpel also marked this as an exhibit to the issue.

Mr. Brian Howard addressed the Commission against the issue and stated five years ago he

would agree it not pedestrian friendly but now he is excited to be able to walk to Remke and the Trifecta building. He stated he thinks there is room to go back and possibly relax the requirements for this parcel. He stated he would like to see some balance on the issue.

Mr. Frank Wichman addressed the Commission in rebuttal and stated in reality this is pretty simple. He stated the essential parts are the setbacks and the parking. He further commented the issue is whether or not the property owner should be given relief on regulations that they city spent a lot of money and time to develop. Mr. Wichman further stated they are asking for relief essentially to be able to do what they want to do. Ms. Jill Bailey then commented a lot of times the issue becomes about UDF and the city is excited about UDF, but they want UDF to meet the design standards in place. She further stated there are other aspects that come into play it's not just about UDF. Mr. France stated the majority of the testimony is that the downtown area is really not a walkable area and the whole text seems to be around it being a walkable community. He further commented with it being 45 mph it is not going to be a walkable community. Ms. Bailey stated from the beginning they have wanted to see a pedestrian area and they now have sidewalks and bike paths, etc. She stated they do agree and they are working on that and that that is a work in progress.

Mr. Peace then addressed the Commission in rebuttal and stated it is a weird situation that the city would agree to this and then do and about face. He stated it is really about parking and setbacks and that causes many other smaller pieces to have to change. He also stated they do realize it is a 45 mph State highway. Mr. Gray asked if a consultant was hired in 2006 to develop the zoning. Ms. Bailey stated they did hire a consultant and worked with Staff closely at the time to develop those. Mr. Darpel stated with a zero lot line you won't create a main street and this area will never be a main street. Mr. Scribner then clarified the matter of the Staff report being factually correct referencing the text amendments listed with regard to grocery and salon uses. He then stated the term "main street" came out of the land use text.

Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners. Mr. Logsdon asked if the Commission votes on this as two separate issues can the city take it apart and vote on it separately. Mr. Smith clarified that his opinion would be to vote on it as one issue as it has been presented. He noted the city can override what the Commission decides but he feels it should be taken as one. Mr. Logsdon stated he could vote either way but eth city needs to decide what they want to do and work it some more. He then commented in his opinion this shouldn't even be here before the Commission. Mr. Logsdon stated he feels the city still needs to go back and do some work. Mr. Porter stated some adjustments are needed but the plan needs to stay. Mr. Bridges then commented he is impressed that the people proposing the changes have worked with the city. He then commented it has been eight years since this has been adopted and only one building has been built. He further commented he likes to listen to the people and he thinks the people have spoken. Mr. Rogge stated he thinks they are trying to put a square peg in a round hole. Mr. Ryan stated he is in agreement with Mr. Darpel. He further commented it reminds him of the Ft. Wright district. Mr. Ryan stated he is in agreement that the city can do what they wish. Mr. Hult stated he thinks the city put together a workable plan but it needs work. Ms. Brown stated it is natural for a city to have a plan and have to do some tweaking. Mr. Darpel then reconvened and closed the public hearing. Mr. Hilgefurd then made the motion to approve the application based on the testimony heard. Mr. Ryan seconded the motion. A roll

call vote on the matter found Mr. Hilgeford, Mr. Ryan, Mr. Bethel, Mr. Bridges, Ms. Brown, Mr. Coates, Mr. France, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Neuspickle, Mr. Pannunzio, Mr. Rogge, Ms. Rust, Mr. Toebben, Ms. Snyder, Mr. Tewes and Mr. Darpel in favor. Mr. Gray and Mr. Porter voted against. The motion carried.

Reports from Committees:

2020 Sourcebook – Nothing to report.

By-Laws – Mr. France stated they put out a notice to have a standing meeting. Mr. Scribner noted he went back through the minutes and that was discussed and the next meeting would be the 19th at 5:30 or 6:00. Mr. Darpel suggested having action items. Mr. Scribner then stated he would send out an email with regard to that.

Direction 2030 - Mr. Darpel stated Kenton County is still very active so that was a good thing. He stated things are still moving forward. He stated he is going to continue to ask for Kenton County's own web site. He stated one of the things he did ask for and he is going to continue to ask for is their own web site. He stated he had a call today from someone looking for the comp plan and saying they could not find it. He further stated he thinks for clarity purposes if they have their own website all those objectives of what is going on and who does what would be answered if they had their own web site.

Executive – Nothing to report – no meeting held. Ms. Brown commented about a spreadsheet of fees they have been asking for with regard to fees. She asked if that was something the Executive Committee could take a look at.

Reports from Commission Members - Mr. Hult stated they actually had pretty skinny meeting since it was the first meeting they had. Mr. Bridges attended the South Group meeting and it was very well attended and was a nice meeting.

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Reports from Legal Counsel – Nothing to report.

Announcements from Staff – Mr. Scribner stated he has had a lot of questions about continuing education hours. He commented they haven't been offering a lot of webinars as in the past due to cost. Mr. Scribner stated they are going to do more round table type of meetings with Staff leading the sessions. He stated to look for emails with information relating to that. He then added a continuing education opportunity would be held on February 21st that would be a four hour training session. Mr. Darpel then commended Staff on the recent presentation on cell towers and stated they did a great job. He commented he hopes they continue to do others like that.

General Correspondence: Nothing to report.

New Business: Mr. Darpel commented on recommendations from the Subdivision Regulations

Committee regarding the scheduling of a public hearing on new subdivision regulations for all Kenton County jurisdictions. He stated they have basically sat down since 2010 to this week on this. He further stated the subdivision regulations committee has proposed a public hearing to present. Mr. Darpel then stated he needs direction on how to handle the issue of questions on the subdivision regulations by the Commission. He then stated he does not want to have his committee present it to the Commission and then spend hours discussing changes or suggestions. Mr. Logsdon stated he just got the final copy on the 15th of January and he has some questions. Mr. Darpel stated he disagrees and they've been up and he asked for any comments on these a year ago. He further stated the group has worked very hard to come to a consensus with the groups. He then stated if changes are made he has to go back to them again. Ms. Brown stated they opened the meetings for months and said here is the time we are meeting and invited commissioners to come and offer comments and suggestions. She said at this point she does not want to back track. Mr. Smith then commented that his thought was that a date would be set for the public hearing and move forward with presenting it. Mr. Darpel stated his concern is if the Commission has questions you open a Pandora's Box. Ms. Snyder stated you get to a point where you have faith in the Commission, in the Staff and all those who have worked so many hours on this and move forward. Mr. Smith suggested setting the meeting for the intended night and Mr. Logsdon can meet with Mr. Hiles on Monday to discuss any questions he has. Mr. Bridges then made the motion to set the date for the public hearing for March 10th, 2015. Ms. Rust seconded the motion. A roll call vote on the motion found Mr. Bridges, Ms. Rust, Mr. Bethel, Ms. Brown, Mr. Coates, Mr. France, Mr. Gray, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Neuspickle, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Mr. Toebben, Ms. Snyder, Mr. Tewes and Mr. Darpel in favor. Mr. Hilgeford and Mr. Ryan abstained. The motion carried.

Public Comments: None.

There being nothing further to come before the Commission, Mr. Darpel asked for a motion to adjourn. Ms. Snyder made the motion to adjourn. Mr. Rogge seconded. The motion carried unanimously. The meeting then adjourned at 10:50 p.m.

APPROVED:

Chair _____

Date _____