

"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, Ms. Jenna LeCount and Mr. Edward Dietrich.

AGENDA

Mr. Hult stated there was a request to table issue PC1503-0002 for a period of one month. Mr. Hult then asked for a motion to table the matter for the requested time period. Mr. France then made the motion. Mr. Bethell seconded the motion. All in favor by acclamation. Mr. Martin Scribner then commented that item number 15 is connected with the same issue and would also need to be tabled. Mr. France then made the motion to table issue W-739 for a period of one month. Mr. Bethell seconded the motion. All in favor by acclamation. The motion carried.

APPROVAL OF THE MINUTES:

Mr. Hult asked for any comments or questions with regard to the minutes. There being none, Mr. Hult then asked for a motion to approve the minutes from March. Mr. Tewes then made the motion to approve. Mr. Bridges seconded the motion. A roll call vote on the matter found Mr. Tewes, Mr. Bridges, Mr. Bethell, Ms. Brown, Mr. Coates, Mr. Gray, Mr. France, Mr. Hilgefurd, Mr. Hult, Mr. Logsdon, Mr. Neuspickle, Mr. Porter, Mr. Rogge and Mr. Ryan in favor. Mr. Pannunzio and Ms. Rust abstained. The motion carried unanimously.

RECEIPTS AND EXPENDITURES:

Mr. Hult stated the receipts and expenditures were distributed. Mr. France made the motion to accept the report. Ms. Brown seconded the motion. A roll call vote on the motion found Mr. France, Ms. Brown, Mr. Bethell, Mr. Bridges, Mr. Coates, Mr. Gray, Mr. Hilgefurd, Mr. Hult, Mr. Logsdon, Mr. Neuspickle, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Ms. Rust, Mr. Ryan and Mr. Tewes in favor.

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:

*Mr. Bridges recused himself from any voting and consideration regarding the following issue due to a conflict of interest.

PC-1411-0003

APPLICANT: Pike Legal Group, PLLC, per David A. Pike on behalf of Capital Telecom Acquisition, LLC, and New Par d/b/a Verizon Wireless

LOCATION: 6433-45 Taylor Mill Road; an approximate 3,850an approximately 300 feet west of Taylor Mill Road in Independence

REQUEST: to review the location and extend of a Wireless Communications Facility that

includes a 199-foot monopole and associated ground structures; and, to review waivers from the Kenton County Planning Commission's Administrative Policy 6 as it relates to minimum required setbacks tables at the February 5, 2015 meeting)

Staff presentation and Staff recommendation by Mr. Andy Videkovich.

PDS STAFF RECOMMENDATION:

1. To approve the waiver from Administrative Policy 6 as it relates to the minimum required setbacks.
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 relate the minimum required area.
4. To approve the location and extent of a Wireless Communications Facility, including a 199-foot high monopole 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.

Mr. David Pike addressed the Commission in favor of the issues and introduced Tom Veneskey, Martin Brown, Marshall Slagle and Lance Wade as part of his team. He commented he would be as brief as possible and wanted to make a few points. He stated the design changes are minimal. He commented the reason the previous tower was not built was because it was with Cincinnati Bell Wireless they either decided for economic reasons or otherwise to not build it. As such, a new approval had to be sought for the site. He further commented the more potential co-locators they can place at the site, the less towers that will need to be placed in the area. Mr. Pike stated this is a shorter tower than what they originally applied for. He commented the previous tower was 240 feet. He stated they can construct the tower at a lesser height which will then not require it to be lighted and can be constructed more economically. He stated this was part of the reason for the previous request to table so they could work out those other issues with the tower, but wanted to note this tower is shorter than their previous request. He then distributed some binders of information and exhibits regarding to the issue to all commissioners. Mr. Hult then marked the binder as an exhibit to be made a part of the record on the matter. Mr. Pike noted there is no new information and that the binder contains copies of the exhibits and documents for reference if necessary. Mr. Pike then commented about the lighting of the tower and reiterated that this would not be required since the tower is less than 200 feet. Mr. Pike commented briefly as to the requested waivers and noted these meet all the requirements necessary. He additionally commented it is over 219 feet from the nearest structure. He stated there are a limited number of options that are non-residential and were not as viable a location. He commented that 70% of all 911 calls are from mobile devices, and 44% of all American homes have no landline so they depend entirely on mobile devices. Mr. Pike stated this is the best that can be done in this area and is a site that was previously approved. Mr. Pike stated to address the concerns addressed by Staff's RF Consultant, they are proposing constructing a more substantial foundation to allow for an expansion if needed at a later date to accommodate the additional height. He then asked that his expert reports be introduced as

exhibits to avoid having them testify as to the information contained in them. Mr. Pike then stated they have done everything they can do to provide for the wireless coverage in the area. He commented this is a state of the art facility. Mr. France asked about the property values associated with cell towers and surrounding neighborhoods. He asked if any studies have been done as to property values in Kenton County. Mr. Pike then asked for Martin Brown to come up and address that issue. Mr. Brown stated they began doing neighborhood impact studies for years and are very familiar with Kenton County. Mr. Ryan inquired about interior vs. exterior wiring of the monopole. Mr. Pike then stated they would stipulate to interior wiring for the monopole as a condition of the approval. Mr. Ryan also asked about any camouflaging of the pole such as a flagpole. Mr. Pike then stated that one of the problems with the flagpole is it comes at a higher cost, but also it requires more antennas due to the fact that the LTE deployment is less with the flag poles. Mr. Pike continued to comment that with the flagpole, with the issue of the LTE deployment you essentially reduce a multi-carrier monopole into a single carrier due to the additional antennas required.

Mr. Ken Lancaster addressed the Commission against the issue. He stated he was present back in 2010 when this was originally presented for approval. He stated at that time it was approved but they couldn't meet the screening requirements. He then asked if they are able to meet the screening requirements for the facility. Mr. Hult then stated they are asking for a waiver with regard to the screening. Mr. Lancaster stated this is the wrong location for a cell tower and it's being squeezed in between buildings. He then stated he is concerned that maybe the policies are going to have to be changed because 5000 square feet is not a lot of space to work with. He commented that he does not understand why they want to build it in this location. He further commented this is directly across from his property and in direct view of his deck. He stated he is really concerned if they use this location. He stated he spoke to his neighbors and they would be interested in talking with the applicant about putting in on their property which would be further away from the residential properties. He then commented the requirements state it has to be set back 98 feet from the nearest building and they can't set it back 40 feet. He commented they are asking for approval when they can't meet any of the minimum requirements.

Ms. Wendy Badawi addressed the Commission against the issue. She stated she is speaking on behalf of the property owner to the south. She cited two major concerns with the application. She stated with regard to the access location there was a verbal agreement with regard to the easement for access to the property. She stated the second concern is the setback requirement. She stated the tower itself is about forty feet from their building. She further stated they were apparently doing boring testing back in February and they were using water and the water was running onto their property. She also commented about a 3.8 acre lot next to this property that could also be used as a site. She stated they suggested this site to the applicant but they stated they were already too far into the process. Mr. Gray asked if the alternate location would place the tower closer to the residential properties and she then stated it would but that it has 30-40 foot existing trees that would help shield the tower.

All others registered to speak had nothing to add.

Mr. Hult then read a letter into the record against the issue from thirteen individuals in the neighborhood collectively. The letter was then marked as an exhibit and made a part of the record on the matter.

Mr. Pike addressed the Commission in rebuttal and stated a copy of the recorded easement was filed and emailed to the adjoining property owner. He then handed a duplicate copy to be made a part of the record. With regard to the water runoff he stated they would be subject to the requirements regarding adhering to that. He stated they will be glad to take any issues up with those necessary to address the water drainage issues. He noted as to the adjoining lot that was suggested, this lot would place the tower much closer to residential homes and they would lose the visual barrier between the buildings. He commented that they could plant trees, but since this is a paved area it will be difficult. He stated they will be installing a wood fence.

Mr. Lancaster addressed the Commission in rebuttal and stated the reason he suggested the other site is because it is a better location. He further stated this is going to greatly reduce the value of his home since it is in direct view of the tower.

At this time Mr. Hult recessed the public hearing for discussing amongst the commissioners. Mr. Tewes asked about the other two locations at St. Patrick's Church and Mills Park. Mr. Videkovich commented that these two locations were actually farther away and the coverage wouldn't be as sufficient. Mr. Porter stated he actually thinks it's a good location and that wherever you put a cell tower it's going to be visible so you're going to have the same argument wherever you put it. He stated this seems to not interfere and it's in a commercial area and he doesn't have a problem with it. Mr. Ryan commented that the expansion of the facility has him a little concerned. Mr. Hult commented it would have to come back to the commission for approval. Mr. Hult then reconvened the public hearing and closed it for discussion. Mr. Hilgefjord made the motion to approve PC-1411-0003 based on Staff's recommendation including the waivers and the testimony heard. He stated it also includes the condition about the wiring being interior mounting. Mr. Pannunzio seconded the motion. A roll call vote on the motion found Mr. Hilgefjord, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Ms. Rust, Mr. Ryan, Mr. Tewes, Mr. Bethell, Ms. Brown, Mr. Coates, Mr. Gray, Mr. France, Mr. Hult, Mr. Logsdon and Mr. Neuspickle in favor. Mr. Bridges recused himself from any voting on the issue. The motion carried.

PC1503-0004

APPLICANT: Prism Engineering & Design Group, LLC, on behalf of Bob Raterman, Inc.

LOCATION: 3394 Madison Pike in Fort Wright

REQUEST: review of a proposed Stage 1 Development Plan for the parcel which is zoned CC (Community Commercial)

Staff presentation and Staff recommendations by Ms. Jenna LeCount.

PDS STAFF RECOMMENDATION:

To approve the submitted Stage 1 Development Plan, subject to the following conditions;

1. The plan be modified to reflect a reduction in total impervious surface area on the site be reduced to meet the maximum 70 percent requirement.
2. The northern access point along Madison Pike, should be eliminated in order to meet the requirements of the Fort Wright Zoning Ordinance.
3. The plan be modified to reflect the inclusion of sidewalk connections to adjacent properties.
4. A certification from appropriate water and sewer agencies shall be provided, stating that services will be available.

5. The Stage II Development Plan shall meet the minimum requirements of the zoning ordinance, planned connectivity enhancements, and subdivision standards, as identified in the staff comments.

Mr. Jay Nixon addressed the Commission in favor of the application. He stated with the restraints put on the Stage II development plan he thinks eliminating the north exit will allow them to meet their 70% requirement for green space. He further stated he doesn't see a problem with meeting the requirements of Staff.

Mr. Schroeder addressed the Commission against the issue and stated he is the adjacent property owner. He stated he had a couple questions on the access. He stated he thought the access points were more than 600 feet but they are less than 600 feet. He stated he wanted to know if the entrance point is eliminated are the requirements also going to be eliminated. Ms. Jenna LeCount stated they are not aware of any access point being planned. Mr. Schroeder cited concerns with his access point remaining. Mr. Scribner clarified the issue and stated each parcel would have a curb cut.

Mr. Hult recessed the public hearing for discussion. Ms. Brown asked the applicant if he would be agreeable to leaving access to the adjoining property that is currently vacant. Mr. Nixon stated he thought it had access not and that wasn't being eliminated. He stated they are thinking of making access to the back of his property but the existing access would still be there. Mr. France then asked if you could drive all the way from UDF through the lots and if he was going to take the paved area to the north end of the property. Mr. Gray asked Mr. Schroeder was concerned about having access off of 17 to which he replied he was. Mr. France then stated that the concern was to have the area paved all the way through the front of his property for connectivity. Mr. Logsdon stated access may be more important than 70% green space. Mr. Hilgeford then stated we are talking about a lot that may not be developed for the next twenty years. He stated he tends to agree with Mr. Ryan in that if the city is not present to make the argument for the connectivity then the Commission should go what is on the table tonight. At this time Mr. Hult reconvened and closed the public hearing. Mr. Gray then made the motion to approve PC1503-0004 with the four conditions as recommended by Staff and agreed to by the applicant. A roll call vote on the matter found Mr. Gray, Mr. Bethell, Mr. Coates, Mr. Hilgeford, Ms. Hood, Mr. Hult, Mr. Neuspickle, Mr. Pannunzio, Mr. Porter, Mr. Rogge, Ms. Rust and Mr. Ryan in favor. Ms. Brown, Mr. France, Mr. Logsdon and Mr. Tewes voted against. The motion carried. Bridges

PC 1502-0001

APPLICANT: City of Elsmere per Mayor Lenhof

REQUEST: proposed text amendments to Section 10.12 IP-1 (Industrial Park One) Zone of the Elsmere Zoning Ordinance adding: 1) outside storage of commercial materials as a permitted use subject to restrictions; and, 2) dog boarding and grooming as a conditional use.

Staff recommendations and Staff presentation by Mr. Edward Dietrich.

PDS STAFF RECOMMENDATION:

Request 1: Favorable recommendation of proposed text amendment to the Elsmere Zoning Ordinance adding outdoor storage of commercial materials, subject to restrictions, within the

IP-1 (Industrial Park-One) Zone. Request 2: Favorable recommendation of proposed text amendment to the Elsmere Zoning Ordinance adding dog boarding and grooming within the IP-1 (Industrial Park-One) Zone.

No one was present to speak either for or against the issue.

Mr. Hult then recessed the public hearing for discussion. Ms. Brown asked if the dog boarding was going to apply to the entire industrial park zone. Mr. Edward Dietrich stated there is a dog grooming business that is going to put in a business in the IP-1 zone. Mr. Hult then reconvened and closed the public hearing. Mr. Pannunzio made the motion to approve based on Staff's recommendation. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Pannunzio, Mr. Ryan, Mr. Bethell, Mr. Bridges, Ms. Brown, Mr. Coates, Mr. Gray, Mr. France, Mr. Hilgefurd, Mr. Hult, Mr. Logsdon, Mr. Neuspickle, Mr. Porter, Mr. Rogge, Ms. Rust and Mr. Tewes in favor. The motion carried.

PC 1503-0001

APPLICANT: City of Erlanger per P. David Hahn Economic Development Director
REQUEST: proposed text amendments to the Erlanger Zoning Ordinance adding variety stores as a permitted use within the NC (Neighborhood Commercial) Zone

Staff recommendations and Staff presentation by Mr. Andrew Videkovich

PDS STAFF RECOMMENDATION:

Favorable recommendation of the proposed text amendment to the Erlanger Zoning Ordinance adding variety stores as a permitted use within the NC (Neighborhood Commercial) Zone.

No one registered to speak for or against the issue. Mr. Hult then read a letter into the record received from David Hahn in favor of the issue. The letter was then marked as an exhibit and made a part of the record on the matter. The public hearing was recessed.

Ms. Brown made the motion to approve based on Staff's recommendation and the evidence provided. Mr. Ryan seconded the motion. Mr. Hilgefurd commented that it doesn't make a lot of sense to have a list of 52 permitted uses and that separate categories or something can't be determined to avoid having so many conditions. A roll call vote on the matter found Ms. Brown, Mr. Ryan, Mr. Bethel, Mr. Bridges, Mr. Coates, Mr. Gray, Mr. France, Mr. Hult, Mr. Logsdon, Mr. Neuspickle, Mr. Pannunzio, Mr. Porter, Ms. Rust and Mr. Tewes in favor. Mr. Hilgefurd and Mr. Rogge voted against. The motion carried.

PC 1502-0003

APPLICANT: City of Fort Mitchell per Mayor Jude Hehman
REQUEST: proposed text amendment to the Fort Mitchell Zoning Ordinance adding animal clinics, excluding boarding and outside runs, as a permitted use in the NC (Neighborhood Commercial) Zone

Staff recommendations and Staff presentation by Mr. Martin Scribner

PDS STAFF RECOMMENDATION:

Favorable recommendation of the proposed text amendment to add Animal Clinics, excluding boarding and outside runs, as a permitted use in the NC (Neighborhood Commercial) Zone.

Mr. Ryan Alexa registered to speak in favor of the issue. He stated his goal is to not have overnight boarding. He stated in the event of an illness there may be, but his goal is to not have that because he doesn't have the staff for it. Ms. Rust asked if it wasn't typical to have veterinarians overnight. He stated typically the definition of clinic implies an outpatient facility and a hospital infers a longer stay.

Mr. Hult then recessed and closed the public hearing. Mr. Bethell made the motion to approve based on Staff's recommendation. Ms. Brown seconded the motion. A roll call vote on the matter found Mr. Bethell, Ms. Brown, Mr. Bridges, Mr. Coates, Mr. Gray, Mr. France, Mr. Hult, Mr. Logsdon, Mr. Neuspickle, Mr. Pannunzio Mr. Porter, Mr. Rogge, Ms. Rust, Mr. Ryan and Mr. Tewes in favor. Mr. Hilgefjord voted against. The motion carried.

Reports from Committees:

20/20 Sourcebook – Nothing to report.

By Laws: - Nothing to report.

Direction 2030 – Mr. Scribner stated they are still working on the efforts from the direction 2030 and the two sub areas staff is currently work with. He stated they are also working on a project with the 536 corridor with students from UC. He stated they are getting ready to launch the new web site that will lay out any kind of activity that is going on and things that are happening. He stated that will probably be launched in the next couple of weeks.

Subdivision Regulations – Mr. Hult stated they will need to finalize the action and approve the minutes from the meeting. He noted those have to be approved for the record.

Executive: - No meeting held.

Reports from Commission Members – Mr. Bridges stated they attended a session on 536 and had an open house that was very well attended and it was a good presentation.

Reports from Legal Counsel – Nothing to report.

Announcements from Staff – Mr. Scribner stated there are some upcoming training opportunities coming up on Tuesday nights. He asked that anyone interested to please contact him. He also stated he had an announcement to make. He stated the national conference is coming up in a couple weeks in Seattle and he was very happy to announce that two of their staff had been chosen to present. He stated he was chosen and further commented James Fausz will be presenting the electronic web based plan. He stated they are very proud and happy they were chosen to present at that conference as it is a very competitive process to get to be chosen to present so he is very proud of that.

General Correspondence: Nothing to report.

New Business: Presentation and Discussion: Vision Plan for KY 536 Environs

Mr. Videkovich gave a brief update on the KY 536 plan. He stated this is pretty much a done deal and is just waiting on funding from the state. In addition a scoping study is being done and the goal of that is to identify some alternatives and eventually an alternative for the new 536

through the Eastern portion of Kenton County. He stated this is going to have a significant impact on the adjacent community and they would rather have a plan in place for when this occurs vs. trying to play catch up when it's in place. Mr. Videkovich stated two groups from the University of Cincinnati would present some of what they are working on with regard to the impact of 536. He asked for the Commission's input with regard to their ideas and added that this is a student project and nothing that is going to be implemented. Travis Gysegem presented on behalf of the Kenton County Connection and gave his group's ideas on the project. Another presentation was given by Michael Milco as to his group's project of Envisioning the 536 Corridor. He then gave a brief overview of their project and what their projection of the future is for the 536 Corridor.

Mr. Ryan asked about the idea of having a smart board for the Commissioners to have an alternate view of the presentations and proposals. Mr. Scribner commented they are looking into that and stated it was a good idea.

Public Comments: None.

There being nothing further to come before the commission, a motion to adjourn was made by Mr. Hilgefurd and seconded by Mr. Gray. All in favor by acclamation. The motion carried unanimously. The meeting was adjourned at 9:32 p.m.

APPROVED:

Via
Chair Mike Hill
 Mark Hill
Date May 7 2015