

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING
Minutes**

Mr. Paul Darpel, Chair, called the meeting to order at 6:15 p.m. on Thursday, September 3, 2015, 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	c	o	e
		n	b	r	r	y	n	l	g	p	t	v	c
Diane Brown	Erlanger	X	X	X	X	X	X	X	X				
Doug Neuspickle	Ryland Hts.		X	X	X		X	X	X				
Barry Coates	Covington	X	X	X	X		X		X	X			
Gailen Bridges	Kenton Co	X	X	X	X	X	X	X	X	X			
Paul Darpel, Chair	Edgewood	X	X	X		X	X	X	X	X			
Tom France	Ludlow		X	X	X	X	X	X	X	X			
Joe Gray	Covington		X	X	X		X	X	X	X			
David Hilgefurd	Villa Hills		X	X	X	X	X		X				
Lynne Hood	Crestview Hills		X	X		X	X	X	*	X			
Marc Hult, V. Chair	Covington	X	X	X	X	X	X			X			
Keith Logsdon	Lakeside Park	X	X	X	X				X	X			
Joe Pannunzio	Elsmere	X	X		X	X	X	X	X	X			
Stan Porter	Taylor Mill	X	X	X	X	X	X	X		X			
Greg Sketch	Crescent Spgs								X	X			
Paula Rust	Kenton Cty	X	X		X	X		X	X	X			
Jack Toebben	Fort Wright		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	X	X			
Joe Tewes	Bromley	X	X		X		X		X	X			
Phil Ryan	Park Hills		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: Mr. Andy Videkovich, Ms. Emi Randall and Mr. Chris Schneider.

Mr. Dennis Gordon introduced the new Planning Director, Emi Randall. He gave a brief background on Ms. Randle’s prior work history and experience and also noted she had worked on the Direction 20/30 project. He also introduced Mr. Chris Schneider as the new planner and gave a brief background on him as well. Mr. Gordon and Mr. Darpel welcomed them both to PDS.

AGENDA

Mr. Darpel asked for any questions or comments with regard to the agenda. There being none, Mr. Darpel then requested a motion. A motion was then made by Mr. France and seconded by Ms. Snyder to approve the agenda as submitted. All in favor my acclamation.

APPROVAL OF THE MINUTES:

Mr. Darpel asked for any questions or comments with regard to the minutes for August. There being none, he then asked for a motion to approve as submitted. Mr. Bethell made the motion to approve the minutes from August. Mr. Bridges seconded the motion. A roll call vote on the motion found Mr. Bethell, Mr. Bridges, Mr. Coates, Mr. Gray, Mr. France, Ms. Hood, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Ms. Sketch, Ms. Rust, Mr. Toebben, Ms., Snyder, Mr. Tewes and Mr. Darpel in favor. Mr. Hult abstained. The motion carried.

RECEIPTS AND EXPENDITURES:

Mr. Darpel stated the receipts and expenditures were distributed. There were no questions or comments. Mr. Darpel asked for a motion to accept. Ms. Snyder then made the motion to accept Mr. Sketch seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. Sketch, Mr. Bethell, Mr. Coates, Mr. Gray, Mr. France, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Ms. Rust, Mr. Toebben, Mr. Tewes and Mr. Darpel in favor. 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: PC1506-004

APPLICANT: City of Erlanger per P. David Hahn, Economic Development Director

LOCATION: an approximate 62-acre area located on the north and south sides of Dixie Highway, bounded by Alice Street on the east and the Boone County line on the west in Erlanger

REQUEST: a proposed map amendment to the Erlanger Zoning Ordinance removing the RP (Renaissance Protection) Overlay Zone from the described area which is currently zoned R-1G (RP), R-2 (RP), NC (RP), and NC-2 (RP)

Staff presentation and Staff recommendation by Mr. Andy Videkovich.

PDS STAFF RECOMMENDATION:

To provide a favorable recommendation of proposed map amendment to the Erlanger Zoning Ordinance removing the RP (Renaissance Protection) Overlay Zone from the described area which is currently zoned R-1GC(RP), R-2 (RP), NC(RIP) and NC-2(RP).

Mr. David Hahn registered to speak on the issue. He stated they certainly agree with Staff on the issue. He further noted this was a joint effort between the two cities. Mr. Hahn additionally stated this is a housekeeping item to get back to the underlying zone.

Mr. Darpel then recessed the public hearing for discussion amongst the commissioners. There being none, he reconvened and closed the public hearing. Mr. Darpel then asked for a motion on the issue. Mr. Gray made the motion to approve based on Staff's recommendations. Mr. Sketch seconded the motion. A roll call vote on the motion found Mr. Gray, Mr. Sketch, Mr. Bethel, Mr. Bridges, Mr. Coates, Mr. France, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Ms. Rust, Mr. Toebben, Ms. Snyder, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously.

FILE PC1507-0006

APPLICANT: City of Erlanger per P. David Hahn, Economic Development Director

LOCATION: an approximate 3,900-square foot area located on the southwest side of Commonwealth Avenue, between Dixie Highway and Home Street, approximately 175 feet northwest of Dixie Highway in Erlanger

REQUEST: a proposed map amendment to the Erlanger Zoning Ordinance changing the zoning of the described area from R-1F (Residential-1F) to NC (Neighborhood Commercial)

Staff presentation and Staff recommendations by Mr. Videkovich

PDS STAFF RECOMMENDATION:

To provide a favorable recommendation of the proposed map amendment to the Erlanger Zoning Ordinance changing the described area from R-1F to NC.

Mr. David Hahn registered to speak in favor of the issue. He stated the property is owned by the church and CVS has a contract to purchase the property. He mentioned they are waiting to move forward on building the new CVS.

Mr. Darpel then recessed the public hearing for discussion. There being none, Mr. Darpel reconvened and closed the public hearing and then asked for a motion. Mr. France made the motion to approve as recommended by Staff and the testimony provided. Mr. Bethell seconded

the motion. A roll call vote on the matter found Mr. France, Mr. Bethell, Mr. Bridges, Mr. Coates, Mr. Gray, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Mr. Sketch, Ms. Rust, Mr. Toebben, Ms. Snyder, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously.

FILE PC1508-0001

APPLICANT: City of Park Hills per Julie Alig, City Clerk

REQUEST: proposed text amendments to the NC (Neighborhood Commercial) Zone within the Park Hills Zoning Ordinance: 1) permitting drive-thru candy stores, soda fountains, ice cream stores, drug stores, and eating and drinking places; 2) excluding drive-in and drive-thru package liquor and wine stores; and 3) allowing outdoor dining areas to be operated no later than 1:00 am on Friday and Saturday

Staff presentation and Staff recommendations by Mr. Chris Schneider

PDS STAFF RECOMMENDATION:

With regard to Request #1, Unfavorable recommendation on the proposed text amendment to the Park Hills Zoning Ordinance to permit drive-thru candy stores, soda fountains, ice cream stores, drug stores, and eating and drinking places. Request #2 Favorable recommendation on the proposed text amendment to the Park Hills ordinance to exclude drive-in and drive-thru package liquor and wine stores. Request #3, Unfavorable recommendation on the proposed text amendment to the Park Hills Zoning ordinance allowing outdoor dining areas to be operated no later than 1:00 a.m. on Friday and Saturday.

Ms. Tracy Counsman addressed the commission and stated she has had the property on the market for over three years. She stated she has had interested parties but has lost opportunities due to there not being drive-thrus allowed. She further stated the access on Dixie Highway would not be affected by a drive-thru. Ms. Counsman further stated she has had interested parties and the property would be more marketable with the zone change. She further noted most of the residents are not directly involved with the property that would have outdoor dining.

Mayor Matt Mattone represented Park Hills. He stated no one currently on council knew why it flip flopped on the zone and further stated it was always intended to have drive-thrus as a permitted use. He stated the city has been trying to re-develop the area for a while and would ask for a favorable recommendation. He further commented there is a pretty good buffer on the north and east side of Dixie Highway. Mr. Mattone additionally stated they would ask for more than they need in the hopes of getting the later time closer to midnight. Mr. Mattone stated their intent was to exclude the drive-thru liquor store. He noted there are very few lots with the square footage to even allow for drive-thrus. Mr. Mattone stated they are hoping this could be the catalyst for redevelopment of the commercial area.

The hearing was recessed for discussion amongst the commissioners. Mr. France asked about the differences from one municipality to the next and what the comprehensive plan says. Mr. Bridges stated he feels the 1:00 a.m. end time for the outdoor dining is way beyond what any other municipality currently has a conditional use. He continued to say that sound travels at 1:00 a.m. Mr. Darpel stated in order to get the area revitalized he doesn't see a big problem with that time. The public hearing was then reconvened and closed. Mr. Darpel then asked for a motion on the issue for Request #1. Mr. France made the motion to deny based on Staff's report and the

conditions listed. Mr. Hult seconded the motion. A roll call vote on the motion found Mr. France, Mr. Hult, Mr. Bridges, Mr. Gray, Mr. Logsdon, Mr. Porter, Ms. Rust and Mr. Tewes in favor. Mr. Bethell, Mr. Coates, Ms. Hood, Mr. Pannunzio, Mr. Sketch, Mr. Toebben, Ms. Snyder and Mr. Darpel voted against. The motion did not pass with a tie vote. Ms. Snyder then made the motion to approve based on the fact that it is in compliance with the comprehensive plan and the testimony given. Mr. Sketch seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. Sketch, Mr. Bethell, Mr. Coates, Ms. Hood, Mr. Pannunzio, Mr. Toebben and Mr. Darpel voted in favor. Mr. Bridges, Mr. Gray, Mr. France, Mr. Hult, Mr. Logsdon, Mr. Porter, Ms. Rust and Mr. Tewes voted against the issue. The motion yet again did not pass. Mr. Smith then reviewed the statues and stated the commission can send a vote of no recommendation to the city with regard to Request #1. With regard to Request #2, Mr. Hult made the motion to approve based on Staff's recommendations. Mr. Bethell seconded the motion. A roll call vote on the matter found Mr. Hult, Mr. Bethell, Mr. Bridges, Mr. Coates, Mr. Gray, Mr. France, Ms. Hood, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Mr. Sketch, Ms. Rust, Mr. Toebben, Mr. Snyder, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously. With regard to Request #3, Mr. Bridges made the motion to deny based on Staff's report, Mr. Gray seconded the motion. A roll call vote on the motion found Mr. Bridges, Mr. Gray, Mr. Bethell, Mr. Coates, Mr. France, Mr. Hult, Mr. Logsdon, Ms. Rust and Mr. Tewes in favor. Ms. Hood, Mr. Pannunzio, Mr. Porter, Mr. Sketch, Mr. Toebben, Ms. Snyder and Mr. Darpel in favor. The motion carried with a vote of 9-7.

In follow up to the tie vote and no action, Mr. Smith stated he thinks with the tie vote of 8-8 at the end of the 60 days the city can act on it. He stated the commission has given their recommendation and in this instance that is a vote of 8-8. Mr. Darpel stated the options are to let it stand and the city has to wait the 60 days, or go back and take another vote and in that case the city can take immediate action. Mr. Darpel stated with no mention of another vote, the commission made the recommendation as it stands.

Reports from Committees:

20/20 Sourcebook (model zoning): – Nothing to report.

By Laws: – Mr. Hult commented about a handout referencing fees and commented they haven't been changed since 2008. He asked the commission what they wanted to do about the rate schedule and whether or not they wanted to make any changes. He then pointed out the costs of text amendments which cost \$280 cost the Staff over \$1000. Mr. Bethell commented that Boone and Campbell County charge by dwelling units and Kenton County charges by acre. He noted there can be a great discrepancy there and that should be looked into.

Direction 2030: – Nothing to report.

Executive: – Nothing to report.

Subdivision Regulations – Mr. Darpel stated they have a meeting scheduled on the 16th. He noted Mr. Sketch is taking over Mr. Rogge's place on the committee. He further stated with regard to the concrete that they have gotten more information with regard to the concrete plants and they will be discussing that.

Reports from Commission Members – Mr. Hult stated OKI has not met.

Reports from Legal Counsel - Nothing to report.

Announcements from Staff - Mr. Videkovich stated a request was received to waive a submitted fee involving the map amendment a while back on the corner of Hands Pike and KY 17. He spoke briefly about the issue and request and stated they could not waive the site plan. Mr. Smith clarified the city can waive various points of the site plan but not the site plan itself. He noted the city did not take any action so the commission's decision held in this regard. Mr. Smith then stated they would not be paying reapplication fee since the fee has been paid. Mr. Darpel then asked for a motion to approve the waiver of the fee with a condition that it not include any additional information and be limited to this site plan only and to limit the time frame to six months. Mr. Hult seconded the motion. A roll call vote on the motion found Mr. Gray, Mr. Hult, Mr. Bridges, Mr. Bethell, Mr. Coates, Mr. France, Ms. Hood, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Mr. Sketch, Ms. Rust, Mr. Toebben, Ms. Snyder, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously.


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 Mr. Bridges. All in favor by acclamation. The motion carried unanimously. The meeting was adjourned at 8:14 p.m.

APPROVED:



Chair 10/1/15

Date