

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING
Minutes**

Mr. Paul Darpel, Chair, called the meeting to order at 6:15 p.m. on Thursday, October 1, 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 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	Erlanger	X	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	X		
Gailen Bridges	Kenton Co	X	X	X	X	X	X	X	X	X	X		
Paul Darpel, Chair	Edgewood	X	X	X		X	X	X	X	X	X		
Tom France	Ludlow		X	X	X	X	X	X	X	X	X		
Joe Gray	Covington		X	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	X		
Marc Hult, V. Chair	Covington	X	X	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	X	X		
Stan Porter	Taylor Mill	X	X	X	X	X	X	X		X	X		
Greg Sketch	Crescent Spgs								X	X	X		
Paula Rust	Kenton Cty	X	X		X	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	X		
Maura Snyder	Independence	X	X	X			X	X	X	X	*		
Joe Tewes	Bromley	X	X		X		X		X	X	X		
Phil Ryan	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: Mr. Andy Videkovich and Ms. Emi Randall.

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. Bethell and seconded by Mr. France 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 September. Mr. Darpel noted there was a typo on page 2 where it reads “20/30”. He stated there should be no dash between the numbers and it should read “2030”. He also noted on page four the spelling of Ms. Counsman should be with a “K”. He then asked for a motion to approve the minutes with amendments. Mr. Hult made the motion to approve the minutes from October with amendments. Mr. Sketch seconded the motion. A roll call vote on the matter found Mr. Hult, Mr. Sketch, Mr. Bridges, Mr. Bethell, Ms. Brown, Mr. Coates, Mr. Gray, Mr. France, Ms. Hood, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Ms. Rust, Mr. Toebben, Mr. Ryan, Mr. Tewes and Mr. Darpel in favor. 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. Mr. Hult then made the motion to accept. Ms. Brown seconded the motion. A roll call vote on the matter found Mr. Hult, Ms. Brown, Mr. Bethell, Mr. Bridges, Mr. Coates, Mr. France, Mr. Gray, Ms. Hood, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Mr. Sketch, Ms. Rust, Mr. Toebben, Mr. Ryan, 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: PC1508-0002

APPLICANT: DaVon Auto, LLC per Dave Von Bokern on behalf of Chris Klensch

LOCATION: 5347 Old Taylor Mill Road (Pride Parkway); an approximate 4.95 acre area located on the west side of Pride Parkway, located between Lakewood Drive and Wayman Branch Road, approximately 500 feet south of Lakewood Drive.

REQUEST: a proposed map amendment to the Taylor Mill Zoning Ordinance changing the zoning of the described area from R-1D (Residential -One D0 to NC (Neighborhood Commercial)

Staff presentation and Staff recommendation by Mr. Andy Videkovich.

PDS STAFF RECOMMENDATION:

Unfavorable recommendation on the proposed map amendment to the Erlanger Zoning Ordinance, changing the described area from R-1D to NC.

Mr. Jeff Flarity registered to speak in favor of the issue. He stated a survey has not been performed and they have reached out to the state regarding that. He further noted the applicant has agreed to verify the acreage. Mr. Flarity also noted with regard to the road classification of Pride Parkway that the comprehensive plan could not have known if this is the proper classification. He then played short video clips of a Taylor Mill council meeting. He then commented that the area is not conducive to residential development. He further stated with the access being right in and right out, it is not conducive to residential development. Mr. Flarity also commented that the property could not be feasibly developed as residential due to all the infrastructure that would need to be done. He also stated the proposed application involves leaving the existing structures as they are and adding some landscaping. He then commented that building a four lane highway should be a major physical change to the area. He cited additional changes to the area that would further meet the requirements of a zone change. Mr. Flarity commented further that the city does in fact have an ordinance that allows for auto sales within the zone. He then distributed a copy of ordinance #139 that shows auto sales are allowed as long as the vehicles are registered to the property owner. He additionally noted the auto sales are done completely online and therefore no direct sales will be done on the property. Mr. Flarity noted he thinks it's obvious that Pride Parkway will be classified as an arterial street. With regard to the fenced in area, he noted this area will only be used for loading and unloading vehicles. He further noted the applicant is working with the city as to the signage for the proposed development. Mr. Flarity stated the sales of the cars seems to be the whole hang up with the car sales. He noted they sell approximately one hundred cars per year and only 10-15 cars will be stored on the property. He further commented that the State actually is very strict as to where they can store the cars for sale and are limited to where they can do that. He stated most of the sales are done before the car even gets on the lot. He also stated the cars will be located behind the fence on the property and noted the only exterior modification will be adding garage doors to the storage building. He stated there will also be landscaping around the property and the sign will change. He further noted the hours of operation are 9-5 and employees typically will be gone by 6. Mr. Darpel then stated they are recommending body and they cannot recommend a zone change to something that is not in compliance and for something that may or may not happen in the future. Mr. Smith then added the commission cannot approve something that is not in compliance with the comprehensive plan. Mr. Flarity stated the code says you can use the deeds and plats of record for calculating acreage, and if you do that, you do have the 5 acres required. Mr. Ryan then asked if there was a reason a survey was not done. Mr. Flarity stated it was because the right of way had changed and the survey could not be done until that was finalized.

Mr. Klensch then addressed the Commission and stated he wanted to correct one thing for the

record that that was he is not going out of business but downsizing. He stated he would like to sell or lease the property and was approached by Mr. Von Bokern about the property. He stated the property changed in elevation since the new road went in. He further noted due to this he had to fence in the property due to it being more visible. He stated he would like to see the deal go through and would not let just anything go into the site. He additionally stated he thinks it is a viable business and would like to see it work out. Mr. Flarity then added the rest of the commercial zones in the city are all surrounded by commercial zones.

Mr. Gary Moser addressed the Commission against the issue. He stated Klenco has been a great neighbor. He further stated when he purchased his property he contacted staff and was told another similar business or nonconforming use could go in but that it would remain residential. He additionally stated he supports Mr. Von Bokern using the property as a non-conforming use but he does not support him changing the zone. He then stated he feels it will reduce property values in the area. He also stated Klenco has shown that a commercial business can operate in the residential zone.

Mr. Steve Preston addressed the Commission against the issue. He stated he was the first house in the area when it was developed. He stated the development was created by the Klenschs and they have kept up the property for the 26 years he has lived there. He stated he is not against Mr. Von Bokern going in there under the current zoning and maintaining it as a residential property. He also stated he is not in favor of changing the zoning to commercial.

Mr. Edward Garrett addressed the Commission against the issue and stated there is an island of commercial activity taking place within a residential area. He further noted the use that might come after the applicant is finished with the property is what concerns him. He then cited all the permitted uses in a commercial zone. He stated if the applicant cites 4.95 acres then it does not meet what is required.

Mr. Haligan addressed the Commission against the issue and stated he is opposed to the application and stated he could open the business as the zoning is today. He then stated he is against changing the zone for his benefit when he can operate as it is.

Mr. Mike Blackburn registered but had no comment.

Mr. Michael Smitt addressed the Commission and stated he is somewhat neutral. He stated he doesn't know how the last line of the local ordinance was missed where it refers to a business performing general automotive servicing other than body work. He stated he is surprised this was overlooked by the city and staff because this is clearly what will occur with this business. He then commented the biggest piece to him is that you can't have body work and that is what will be done.

Mr. Flarity stated in rebuttal that under the conditional use, body work would be allowed.

Mr. Von Bokern stated in rebuttal that everyone is concerned about fumes and such and dumping paint down the drain and that is not the case. He stated all that is so regulated and the EPA monitors that so that is not going to happen. He stated the value of the property 10-20 years

down the road will be effected by it being a nonconforming use. He then stated the only reason he is asking for the zone change is he wants to be conforming. Mr. Von Bokern also stated he doesn't have any plans for a pool hall out back. Mr. Darpel then stated down the road who should bear the risk, him coming in or the residents. He further stated he wanted Mr. Flarity to understand, it's just that is the situation.

Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners. Mr. Ryan asked about the procedure if the Commission takes a vote and if it doesn't meet the requirements. Mr. Darpel stated in his opinion that would be the basis for denial because it doesn't meet the minimum requirements. Mr. Darpel then marked the handout of the ordinance as an exhibit to be made a part of the record on the matter. Mr. France stated the bigger issue is the zone change and stated Klenco has been a good neighbor all these years. He stated it is not the issue of it being 4.95 acres and such, it is the zone change itself. Mr. Smith clarified that if it would be changed, the opportunity arises for another allowable use to come in and if that then meets the requirements, then something else can go in. Ms. Rust then stated there are many businesses that operate as a nonconforming use so he can operate. Mr. Darpel then reconvened the public hearing and closed the hearing for discussion. He asked for a motion on the issue. Mr. Porter then made the motion to deny based on the comments heard and Staff's recommendations. Ms. Rust seconded the motion. A roll call vote on the motion found Mr. Porter, Ms. Rust, Mr. Bridges, Mr. Bethell, Ms. Brown, Mr. Coates, Mr. Gray, Mr. France, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Sketch, Mr. Toebben, Ms. Snyder, Mr. Ryan, Mr. Tewes and Mr. Darpel in favor. The motion carried unanimously.

FILE PC1509-001

APPLICANT: Zaremba Program Development LLC on behalf of James E. and Pamela Menefee

LOCATION: 2805 and 2815 Rich Road (KY 14); an approximate 1.9 acre area located on the southeast corner of the intersection of Madison Pike with Rich Road in Unincorporated Kenton County.

REQUEST: a proposed map amendment to the Kenton County Zoning Ordinance changing the zoning of the described area from A-1 (Agricultural) to RC (Rural Commercial)

Staff presentation and Staff recommendations by Ms. Emi Randall

PDS STAFF RECOMMENDATION:

Unfavorable recommendation on the proposed map amendment to the Unincorporated Kenton County Zoning Ordinance, changing the described area from A-1 to RC.

Mr. Brookings registered to speak on behalf of the applicant. He distributed a handout to the Commission which was marked as an exhibit and made a part of the record on the matter. He commented that Staff did an excellent job in presenting the issue. He then stated Dollar General will do a market study to determine if there is a need for a particular area and they have determined Piner to be a location that could benefit. He added the site has two access points and both were found to be in compliance. He noted there are a number of buildings beyond the scale they are proposing. He further stated the size is in compliance with the surrounding buildings. He also added they did not ask for a waiver as to sidewalks since they did not want it questioned about a sidewalk to nowhere. He then reiterated they are not opposed to putting in sidewalks or landscaping. Mr. Brookings stated many Dollar General stores are build to suit

stores and are leased back by the developer to Dollar General. He noted this Dollar General will be owned by Dollar General. He stated the pylon sign will be 5x10 in size. He further noted the existing zoning is inappropriate and the proposed zoning is appropriate. He then respectively asked for the zone change from A-1 to RC.

Mr. Todd Hamula addressed the commission and stated he wanted to address why they would not be able to make the other RC property work. He noted they would have to demolish existing buildings and purchase multiple properties to make it work. He then stated they do not like to rezone property unless they have to. He noted the size is small at 9,000 square feet as compared to a Walmart that is much larger. He also stated there are much larger buildings in the area such as the fire department and churches, etc. He noted they truly did not seek to rezone but there just wasn't the land in the area that was feasible. He stated the comprehensive plan kind of gave an arrow of where to look to put in the development. Mr. Hamula stated they believe this is a great location for this retailer.

Mr. Bayer had nothing to add but requested to reserve his right later to speak on the issue.

Mr. Darpel then read various emails into the record in opposition which were then marked as exhibits to be made a part of the record on the matter.

Ms. Kathy Donohue addressed the Commission against the issue and stated they formed a South Kenton County Citizens Group when developing Direction 2030 and even it has passed, they are still working. She stated the two primary tasks they are concerned with is to evaluate the current list of permitted uses and to recommend updates to better reflect the needs of rural communities. She stated their position is that it should not be approved. She then introduced Henry Menke who is on the zoning committee. Mr. Menke stated in the resident survey over 85% said they were satisfied with their services in the area. He further stated a new mid-size chain store does not support Piner's small community character. He additionally noted that nothing significant has occurred around Piner in order to comply with the comprehensive plan for a zone change. He stated this size store does not preserve small scale services values. He further noted Dollar General already has a business operating under a small scale business. Mr. Menke stated this would have a detrimental effect on land values for the area.

Ms. Cheryl Menke addressed the Commission against the issue and referenced an OKI study from 2002 that recommended improved the intersection of Rich road and KY 17 at the cost of 2.5 million dollars. She stated having a Dollar general at this intersection will increase traffic at this intersection that 2.5 million was spent to fix.

Ms. Susan Beck addressed the Commission against the issue and stated the South Kenton County group has spent days, weeks and month surveying the area. She stated they do not support the zone change. She then submitted a signed petition against the issue with 165 signatures. Mr. Darpel then marked the petition as an exhibit to be made a part of the record on the matter

Mr. Charles Humphrey addressed the Commission against the issue and stated he wanted to address the bus issue with the school. He noted this would increase the traffic issues at that intersection if the zone is changed.

Mr. Ron Davis addressed the Commission against the issue and stated this is about 500 feet from where he lives. He stated his main point is Piner doesn't need this store. He then stated traffic is a problem and he is against this and doesn't think Piner needs it.

Ms. Terry Schrock addressed the Commission against the issue and stated when he moved there out of the city, they moved to get to the country. He stated there is a vast difference when you compare stores to churches.

Mr. Mark Kelsch addressed the Commission against the issue and stated he has a Facebook page for southern Kenton County and he asked a question if a Dollar General came to the area would you want it. He then stated he got 40 responses to his question and all said no.

Ms. Angela Brenner stated she is against the issue and had nothing to add.

Ms. Jennifer Mika addressed the Commission and stated she is against the issue and agrees with everything stated in opposition so far. She noted the only thing that wasn't addressed was the rural landscape. She stated anything that resembles a strip mall or something similar would not preserve the rural landscape.

Mr. Dorsey Chastine addressed the Commission against the issue and noted he moved to Piner four months ago to get away from the city. He stated this may not be big box but it is big box business.

Mr. Jim Cook addressed the Commission against the issue and stated he owned a store across the road from this property. He stated he wanted to know where the sanitation is going to go. He noted he still owns property in the area and he was not contacted about buying any property. He further noted if this store goes through, the small general store will close within thirty days. He then stated they want to stay rural and keep things the way they are.

Mr. Jeremy Cook addressed the Commission against the issue and stated most has been covered on the issue. He commented they have to go to Walton or Independence to get fuel and they just don't need a Dollar General. He stated they just had a farm tour and most people don't know where Piner is. He further stated if this is put in, the first thing you'll see from the top of the hill is a Dollar General. He also commented about the crime involving shop lifting that is involved with many Dollar General stores and that would be brought to the area.

Mr. Brooking addressed the Commission in rebuttal and stated he loved that the community came out to talk about the issue because it shows they have a strong community. He then stated Dollar General has a stigma and went on to say if it were a general store would they speak out against it. He noted this is not a dollar store that sells dollar store items. He stated Dollar General sells name brand items. He further stated if they are successful they would like to see area residents shop there. He additionally noted they are meeting the comprehensive plan. He also stated the two driveways were designed for a commercial use. He then stated he understands about the congested aspect of the issue. Mr. Brooking then showed a rendering of what the store would look like and commented they do not need to light up their parking lots at night. He noted the lights go out when the store closes. Mr. Brooking reiterated they respectfully request approval. Mr. Gray asked if the primary business will come from passers through the area after hearing the majority of the people from Piner would not.

Mr. Jay Bayer addressed the Commission and stated based on criteria they are not required to do a traffic study. Ms. Hood asked about the sanitation issue. He stated they have tested the soil and they can design a system that would work for the site. He then noted there might have been an issue with the store across the street but systems are improved now. He then stated the amount of sanitation generated by a Dollar General would be less than that of a house.

Ms. Donahue stated the problem isn't the name, it is the size of the building. She stated their survey was market research and it said they didn't need anything more commercial in the area. She noted it may be different if it was a barber shop or bakery but they don't need this.

Mr. Cook addressed the Commission in rebuttal and stated if anyone needs air care they pull off right there at Rich road. He reiterated Piner doesn't need this.

Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners. Mr. Sketch stated he did not hear any land use issues as to why this should be turned down. He stated he appreciated the passion but the Commission is charged with deciding on a land use issue and he hasn't heard it. Ms. Brown stated this will destroy the look and feel of Piner and destroy parts of the comprehensive plan. She stated the development hasn't occurred in Piner to warrant the commercial development. Mr. Bridges then stated everyone that lives in Piner works someplace else and drives past two or three Dollar Generals on the way. Mr. Bridges stated he thinks the people have spoken and not one person is for this development. Mr. Hult stated this is clearly a community that has spoken and this community does not want this.

Mr. Darpel then reconvened and closed the public hearing. He then asked for a motion on the matter. Mr. Bridges made the motion to deny for the reasons stated in Staff's report and the testimony heard. Mr. Hult seconded the motion. A roll call vote on the matter found Mr. Bridges, Mr. Hult, Mr. Bethell, Ms. Brown, Mr. Coates, Mr. Gray, Mr. France, Ms. Hood, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Ms. Rust, Mr. Toeppen, Ms. Snyder, Mr. Ryan, Mr. Tewes and Mr. Darpel in favor. Mr. Sketch voted against. The motion carried.

Reports from Committees:

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

By Laws: - Mr. Hult commented there is a meeting scheduled for October 6th. He asked those to attend to review the fee schedule.

Direction 2030: – Mr. Darpel stated there would be a meeting on October 28th at 3:30 to keep people apprised of what's going on. He stated he would send an email with the new members.

Executive: – Nothing to report.

Subdivision Regulations – Mr. Darpel stated they had some concrete suppliers that had issues with the required mix. He noted the committee met to make the amendments to the sub regs and would like to put that on the agenda for next month's meeting. Mr. Sketch made the motion to place the item on the agenda for November. Ms. Brown seconded the motion. A roll call vote on the issue found Mr. Sketch, Ms. Brown, Mr. Bethell, Mr. Bridges, Mr. Coates, Mr. Gray, Mr. France, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Ms. Rust, Mr. Toeppen,

Ms. Snyder, Mr. Ryan, Mr. Tewes and Mr. Darpel in favor. The motion carried.

Reports from Commission Members – Nothing to report.

Reports from Legal Counsel – Nothing to report.

Announcements from Staff – Nothing to report.

General Correspondence: Nothing to report.

New Business: Mr. Darpel noted Ft. Mitchell did not appoint anyone to the BOA in the time frame allotted so it comes to the Commission to appoint a representative. He then asked for a motion to appoint Lisa Meiman to the vacant spot. Mr. Bethell made the motion with Ms. Snyder seconding the motion. A roll call vote on the matter found Mr. Bethell, Ms. Snyder, Mr. Bridges, Ms. Brown, Mr. Coates, Mr. Gray, Mr. France, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Mr. Sketch, Ms. Rust, Mr. Toebben, Mr. Ryan, Mr. Tewes and Mr. Darpel in favor. The motion carried.

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. Hood. All in favor by acclamation. The motion carried unanimously. The meeting was adjourned at 10:07 p.m.

APPROVED:

Chair _____

Date