



“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: Ms. Emi Randall and Mr. Alex Koppelman.

Mr. Darpel recognized Mr. Hilgefurd for his twenty-eight years of service to the Planning Commission. Mr. Darpel noted Mr. Hilgefurd was the senior commissioner and performed his duties out of love for community. He stated he served his community very well with little or no thanks at times. Mr. Darpel stated he appreciated everything he had done for the Commission and Northern Kentucky is made better and Kenton County specifically because of his service. Mr. Hilgefurd was then presented with a plaque for his years of dedication to the Commission. Mr. Hilgefurd commented briefly and stated he feels very good about the strength of the Commission and feels this is very easily one of the strongest Commissions he has seen in years. He stated Villa Hills couldn't have chosen a more qualified replacement.

Mr. Darpel stated the new commissioner for Villa Hills replacing Mr. Hilgefurd is Mr. Brian Wischer. He then welcomed Mr. Wischer to the Commission.

#### AGENDA

Mr. Darpel asked for a motion regarding the agenda for the month. Mr. Darpel noted the audit report would not be happening this evening. Ms. Snyder made the motion to accept the agenda with the change as noted with the auditor's report. Ms. Rust seconded the motion. All in favor by acclamation. The motion carried.

#### APPROVAL OF THE MINUTES:

Mr. Darpel asked for any questions or comments with regard to the minutes for January. There being none, Ms. Brown made the motion to accept the minutes from January. Mr. Bridges seconded the motion. A roll call vote on the motion found Ms. Brown, Mr. Bridges, Mr. Bethell, Ms. Brown, Mr. Coates, Mr. France, Mr. Gray, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Mr. Sketch, Ms. Rust, Mr. Ryan, Mr. Tewes, Toebben and Mr. Darpel in favor. Mr. Wischer abstained. The motion carried.

#### RECEIPTS AND EXPENDITURES:

Mr. Darpel stated the receipts and expenditures were distributed. Mr. Darpel commented briefly about the report, specifically the infrastructure expenditures and reserves on hand. There being no further comments, Ms. Snyder made the motion to accept the receipts and expenditures. Mr. Ryan seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Ryan, Ms. Brown, Mr. Bethell, Mr. Bridges, Mr. Coates, Mr. France, Mr. Gray, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Porter, Ms. Rust, Mr. Sketch, Mr. Tewes, Mr. Toebben and Mr. Darpel in favor. Mr. Wischer 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:

Mr. Darpel stated the legislative items that were approved the past month were in front of the Commissioners. No action was required.

**PUBLIC HEARINGS:**

**FILE:** PC1512-0003

**APPLICANT:** City of Erlanger per David P. Hahn, Economic Development Director  
**LOCATION:** 4300-4408 Dixie Highway; an approximately 3.8 acre area located on the northwest corner of the intersection of Cave Run Drive with Dixie Highway in Erlanger  
**REQUEST:** a proposed map amendment to the Erlanger Zoning Ordinance changing the described area from R-2 (a multi-family residential zone) and NC (a neighborhood commercial zone with a binding development plan) to NC (a neighborhood commercial zone with no binding development plan).

Staff presentation and Staff recommendation by Mr. Koppelman.

**PDS STAFF RECOMMENDATION:**

To provide a favorable recommendation of the proposed map amendment to the Erlanger Zoning Ordinance changing the described area from R-2 (a multi-family residential zone) and NC (a neighborhood commercial zone with a binding development plan) to NC (a neighborhood commercial zone with no binding development plan).

Mr. David Hahn addressed the Commission in favor of the application. He stated the city agrees with Staff's recommendation. He noted further they view this as mainly a cleanup of what was left of the area. He stated the development plans attached with the properties required the use to stay the same and that is primarily the reason for the cleaning up of the zone. He commented further the city felt that whole area should be the same zone to open it up to various development.

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

**FILE:** PC1601-0001

**APPLICANT:** City of Covington per Larry Klein, City Manager  
**REQUEST:** a proposed text amendment to the Covington Zoning Ordinance to add secondhand stores as a conditional use within the Commercial-Neighborhood (CN) Zoning District.

Staff presentation and Staff recommendation by Ms. Emi Randall

**PDS STAFF RECOMMENDATION:**

Favorable recommendation of the proposed text amendment adding secondhand stores as a conditional use within the CN (Commercial-Neighborhood) Zone.

Ms. Larisa Sims addressed the Commission for the city and commented this is a very exciting project for the city. She noted the developer has worked really hard to find a location for the development to find a location that met everyone's needs. She stated the city is obviously in support of the development.

Mr. Fossett addressed the Commission and stated the property has been vacant and has been for sale. He stated they recommend approval of the application.

Mr. Rick Kimbel addressed the Commission in favor of the application. He spoke briefly on the proposed development and stated it is a 17 million dollar development. He stated they are very excited about the project and have been working on it for a couple years. He then commented he had a handout which is an explanation of the development from the project team. Mr. Darpel then marked the handout as an exhibit to be made a part of the record on the matter.

All others registered had nothing to add.

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

**FILE: PC1601-0002**

**APPLICANT:** City of Elsmere Alex Mattingly, City Administrator

**REQUEST:** proposed text amendments to the NC (Neighborhood Commercial) Zone within the Elsmere Zoning Ordinance: (1) adding gyms and fitness entities, veterinary clinics, furniture repair, pet grooming, and electronics and telecommunications sales and services to the list of permitted uses; (2) removing automotive and truck rentals and radio and television stores from the list of permitted uses; (3) excluding pick-up and drop-off of temporary employees at employment agencies; (4) adding automotive and truck rental and tobacco or electronic cigarette shops as conditional uses; and, (5) allowing outdoor dining areas.

Staff presentation and Staff recommendation by Mr. Schneider

**PDS STAFF RECOMMENDATION:**

For recommendation #1, Staff is recommending a favorable recommendations on the proposed text amendment to the Elsmere Zoning Ordinance to add gyms and fitness entities, veterinary clinics, furniture repair, pet grooming, and electronics and telecommunications services to the list of permitted uses; to remove radio and television stores from the list of permitted uses; to add tobacco and electronic cigarette shops as a conditional use and to change automotive and truck rentals from a permitted use to a

conditional use; For recommendation #2, Staff is recommending a favorable recommendation on the proposed text amendment to the Elsmere Zoning Ordinance to exclude pick-up and drop-off of temporary employees at employment agencies; For Request #3, Staff is recommending a favorable recommendation on the on the proposed text amendment to the Elsmere Zoning Ordinance allowing outdoor dining areas with the condition that outdoor dining be added as a conditional use to the NC Zone.

Mr. Mattingly addressed the Commission in favor of the amendment and stated they agree with Staff on the application. He commented they are trying to revitalize the area and economic development efforts. He commented briefly about the questions raised with regard to the U-Haul and the issues that would be created with the text amendment in terms of the business being allowed to expand under a grandfathered use. He stated there is no definition of gym currently. He commented about the pickup and drop off as it related to staffing. He stated that restriction were added due to the traffic issues on Dixie Highway. Mr. Smith then commented that there is other wording as to loitering that would be appropriate. Mr. Darpel stated when he read it it sounded problematic. Mr. Ryan asked if it would be better addressed as a city ordinance as to pick up and drop off. Mr. Logsdon stated he feels you would almost have an impossibility of enforcing that portion. He stated it is not a land use and zoning type of regulation. Mr. France commented it is fraught with problems and almost borders on discrimination. Mr. Mattingly stated he supposes they could not allow staffing agencies altogether. Ms. Rust questioned if there was a problematic staffing agency currently within the city. Mr. Mattingly stated there is not. He stated this is a short term measure to look at zoning along Dixie Highway and the discussion was started to do some short term fixes along Dixie Highway. He then commented on the outdoor dining issue and stated the conditional use is acceptable.

There being no further comments, Mr. Darpel then recessed the public hearing for discussion. Mr. Hult stated he thinks this is a good example of what we are trying to do with the by-laws. Mr. Bridges commented we seem to take the Comprehensive Plan and pick out what we want. He noted the first request the applicant's goals and objectives are to attract and create new jobs and retain existing jobs while the second request seeks to discourage drop-off of temporary employees. He stated this is ridiculous to read. Mr. Mattingly clarified the matter discussed about the U Haul business and any expansion they would want to do. Mr. Darpel stated he should have reconvened the meeting prior to hearing Mr. Mattingly's clarification. He then reconvened and closed the public hearing and asked for a motion on request #1. Mr. Pannunzio then made the motion with regard to Request #1 to approve and stated it is in compliance with the comprehensive plan and also based on Staff's report. Mr. Darpel stated his only issue with the request is changing automotive and truck rentals from a permitted use to a conditional use. Mr. Pannunzio then amended his motion with regard to item "c" of Request #1 to separate that item out and vote on it separately. Mr. Smith stated he could amend the motion with the exception of changing the automotive truck rentals from a permitted use to a conditional use as a separate item but the remaining items of "c" will stay the same in terms of the motion. Mr. Sketch seconded the motion. A roll call vote on Request #1 found Mr. Pannunzio, Mr. Sketch, Mr. Bethel, Mr. Bridges, Ms. Brown, Mr. Coates, Mr. France, Mr. Gray, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Porter, Mr. Ryan, Ms. Rust, Ms. Snyder, Mr. Tewes, Mr. Toebben, Mr. Wischer and Mr. Darpel in favor. The motion carried unanimously. Mr. Pannunzio then made the motion

with regard to Request #1, item "c" as it relates to automotive and truck rentals to change it from a permitted use to a conditional use, that it not be approved based on discussion and testimony heard. Mr. Bridges seconded the motion. A roll call vote on the motion found Mr. Pannunzio, Mr. Bridges, Mr. Bethell, Ms. Brown, Mr. Coates, Mr. France, Mr. Gray, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Porter, Mr. Ryan, Ms. Rust, Mr. Sketch, Ms. Snyder, Mr. Tewes, Mr. Toeppen, Mr. Wischer and Mr. Darpel in favor. The motion carried unanimously. With regard to Request #2, Mr. Pannunzio made the motion to deny the proposed text amendment to exclude pickup and drop-off of temporary employees based on the discussion and that it is not in compliance with the comprehensive plan. He noted further he doesn't believe is it appropriate. Mr. Ryan seconded the motion. A roll call vote on the motion found Mr. Pannunzio, Mr. Ryan, Mr. Bethel, Mr. Bridges, Ms. Brown Mr. Coates, Mr. France, Mr. Gray, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Porter, Mr. Ryan, Ms. Rust, Mr. Sketch, Ms. Snyder, Mr. Tewes, Mr. Toeppen, Mr. Wischer and Mr. Darpel in favor. The motion carried unanimously. With regard to Request #3, Mr. Pannunzio made the motion to approve the amendment with making outdoor dining a conditional use and not as under development control. Ms. Hood seconded the motion. A roll call vote on the motion found Mr. Pannunzio, Ms. Hood. Mr. Bethel, Mr. Bridges, Mr. Coates, Mr. France, Mr. Gray, Mr. Hult, Mr. Logsdon, Mr. Porter, Mr. Ryan, Ms. Rust, Mr. Sketch, Ms. Snyder, Mr. Tewes, Mr. Toeppen, Mr. Wischer and Mr. Darpel in favor. Ms. Brown voted against. The motion carried.

#### **Reports from Committees:**

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

***By Laws:*** - Ms. Brown stated she requested all of the agenda and committee meeting minutes to be sent out to the committee members so they can be better informed about which committee meetings they want to attend. She also stated she highly recommended coming to the webinars offered as it would be very informative. She further noted there are upcoming changes to the By Laws will be coming before the Commissioners probably at the April meeting. She stated at this time the committee is withdrawing the request to review the processing fees which is article 18. She noted this was withdrawn and not included on the revised agenda.

***Direction 2030 Implementation:*** – Nothing really to report. Ms. Brown stated there would be a meeting scheduled soon.

***Executive:*** – Mr. Darpel stated one of the concerns is the mini cell towers. He stated they are working on drafting new regulations pertaining to these. He stated the mini cell towers are coming quickly and there are going to be a lot. He then stated Thursday the 25th there will be a couple folks from the cell tower industry to discuss the mini cell towers so we can better understand them. He stated the more information we can get the better we can understand and deal with them. He asked the Commissioners to please try to attend the meeting at 5:30 on the 25th.

***Subdivision Regulations*** – Mr. Darpel stated no meeting was held. He noted there have been some issues with the new regulations and they are working through those with the developers.

**Reports from Commission Members** – Mr. Hult commented that OKI had a December hiatus but met in January. He stated he commended their website and stated it is very, very informative. He noted there have been two major developments; he commented briefly about the House and Senate highway bill that was recently signed which is the first time in ten years on a highway bill. He also commented about the 536 corridor and referred people to that issue on the OKI website. He noted there is a nice four page synopsis on the site to explain this further and the straightening of it and various details of the 536 corridor.

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

**Announcements from Staff** – Ms. Randall stated next Thursday the 11th she will be hosting the Kenton County premier of the webinar “Ethics for Planning Commissioners” at 5:30. She commented the 25th will be the presentation on mini-cell towers and she will be reaching out to Boone and Campbell County about this as well. She noted this will also count toward continuing education requirements. She stated recently the GIS staff met with the PDS staff on the Buttermilk Pike and Orphanage Road project if that gets developed. She stated it was a neat collaboration she thought the Commission might be interested in seeing.

**General Correspondence:** Nothing to report.

**New Business:** None.

**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. Brown. All in favor by acclamation. The motion carried unanimously. The meeting was adjourned at 8:17 p.m.

APPROVED:

  
Chair

Date 3/3/16

