

“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, Mr. Andy Videkovich, and Mr. Ed Dietrich.

AGENDA

Mr. Darpel noted the audit report is being delayed until next month. Ms. Snyder then made the motion to approve the agenda with changes noted. Mr. Wisner seconded. All in favor by acclamation.

APPROVAL OF THE MINUTES:

Mr. Darpel noted the minutes were distributed and asked for any questions or comments. Mr. Bridges commented the minutes did not reflect an end time as is usually the case. Mr. Darpel asked that that be clarified and the minutes be amended. Mr. Dunham noted on page four, the last full paragraph halfway down where it says “Mr. Pannunzio denies the request...” He stated he wasn’t sure about that motion because it failed. He stated it seemed like it was inconsistent. Mr. Smith noted the initial motion was to approve with the second being to deny. It was clarified the record should then read Mr. Pannunzio made the motion to approve instead of deny. Mr. Darpel then asked for a motion with regard to the minutes. Ms. Snyder made the motion to approve as amended with Mr. Sketch seconding the motion. A roll call vote on the motion found Ms. Snyder, Mr. Sketch, Mr. Bethel, Mr. Bridges, Mr. France, Mr. Dunham, Mr. Gray, Ms. Hood, Mr. Pannunzio, Mr. Ryan, Mr. Tewes, Mr. Toebben, Mr. Wisner and Mr. Darpel in favor. Ms. Brown abstained. The motion carried.

RECEIPTS AND EXPENDITURES:

Mr. Darpel stated the receipts and expenditures were distributed. He stated everything seemed to be going fairly consistently and nothing jumped out. He then asked for a motion to approve. Ms. Snyder made the motion to approve the receipts and expenditures. Mr. Ryan seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Ryan, Mr. Bethel, Mr. Bridges, Ms. Brown, Mr. Dunham, Mr. France, Mr. Gray, Ms. Hood, Mr. Pannunzio, Mr. Sketch, Mr. Tewes, Mr. Toebben, Mr. Wisner 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 legislative items that were approved the past month were in front of the Commissioners. No action was required.

PUBLIC HEARINGS:

FILE: PC1603-0001

APPLICANT: Marilyn Franxman

LOCATION: 303 Madison Pike; an area of approximately 37.4 acres located on the east side of KY 17 between Hands Pike to the north and Fowler Creek Road to the south, approximately 2,000 feet south of Hands Pike in Covington.

REQUEST: A proposed map amendment to the Covington Zoning Ordinance changing the described area from RS-7.5 (a suburban residential zone) to CG-2A (a general commercial zone).

Staff presentation and Staff recommendation by Mr. Andy Videkovich.

PDS STAFF RECOMMENDATION:

Unfavorable recommendation on the proposed map amendment to the Covington Zoning Ordinance changing the described area from RS-7.5 to CG-2A.

Mr. Robert Franxman addressed the Commission in favor of the issue and stated he is representing his mother Marilyn Franxman. He thanked staff and the chairman for their review and noted they are happy to be present. He presented a slide show with images and photographs of the area. He pointed out various properties and businesses in the area. He noted the existing property is designated as residential. He then pointed out the commercial areas in relation to the Franxman property. Mr. Franxman stated the proposed map amendment is consistent with Direction 2030. He further noted this will attract jobs and a number of businesses to the area. He stated it should improve the quality of life for the residents in the area. He further noted commercial development does represent the highest and best use for the property. Mr. Franxman also pointed out the current commercial uses within the area. He stated there is not much space left for commercial and noted there is only one direction for it to move and that is south. He stated the existing properties have been in existence since 1990. Mr. Franxman stated in their opinion it lacks an anchor store and they believe the population and traffic exists in the area. He noted they believe new businesses will revitalize the area and expand the area. He stated in a three mile radius you won't find any major commercial development. He further noted within that three mile radius the residential population is 47,000 and they believe the area can support a major commercial development. Mr. Franxman commented a portion of the property already lies within the commercial area. He stated the project centerline will bisect the property and completely change the way it is currently. He noted they feel commercial neighborhood is not appropriate and that commercial general is more appropriate for the area. He noted there is not a sidewalk anywhere in this area. He stated commercial general can accommodate a wide variety of uses. He then noted they are not ruling out any office uses for the area. He stated the different types of commercial that would be proposed for both the north and south sides of the properties. Mr. Franxman then stated the concept development plan intends for all buildings to be a single story. He noted an error on page eight where it notes 125 parking spaces and it should read 45. He further noted the area would be lit to specification and the applicant also intends for all parking surfaces to be paved with concrete. He also noted they understand a traffic impact study will be necessary at some point. Mr. Franxman noted they will make requests for the entrances to the KYTC in terms of what is required. He stated at this point in time they do not intend to use any fences or walls. He noted they understand sidewalks will likely be required at some point in time but at this time it is unclear whether or not KYTC will be implementing those as part of the construction of the road. He further noted the concept grading plan has been submitted to Mike Yeager multiple times and he has not issued any concerns regarding the hillside protection regulations. He stated a portion of the property is already in the existing community service area. He reiterated the existing zoning is inappropriate and the proposed zoning is appropriate. He noted they respectfully request approval. He noted the applicant is simply seeking to market the property to enhance the suburban living in the area. Mr. Smith then noted the applicant's packet

clarifies this as a concept plan, and stated it is a Stage I development plan. He stated he doesn't think staff clarified it as deficient but that there will be items required later. Mr. Smith then noted the additional information comments are so the applicant is aware of what will be required at the Stage II level and it's not to point out that the existing plan is deficient, but that additional items will be required. Mr. Franxman presented the Commission with the transcript of the power point presentation to be made a part of the record. Mr. Darpel then marked it as such.

Mr. Alex Tannen with the City of Covington addressed the Commission against the issue and stated he is in concurrence with staff's recommendation. Mr. Tannen commented further that several players have changed with the city since last year. Ms. Brown then asked what part of the application they are in agreement with. He noted further that they are relying upon the comprehensive plan. The opponent clarified further that at this point in time things have not changed from an economic standpoint, a social standpoint, a physical standpoint- that would necessitate or make it right for the map change. Mr. Sketch asked if they communicated with the applicant that city staff was not in favor of this zone change. Mr. Tannen commented they did not make the applicant immediately aware of this. He noted there was some internal discussion on the issue and further commented they had just had a meeting this week after getting the staff report. Mr. Darpel asked if they were of the opinion that this should remain residential. The opponent stated that they feel at this point in time for the current conditions that it should remain residential. Ms. Brown stated she feels it is very unfair to the applicant, who of his own, came to the city with the Stage I development plan and the city never expressed to them that there was a change with city's opinion about the property. Mr. Tannen then stated he has been on the job for less than two months. He further noted they are reacting to what the staff report is. Mr. Ryan asked if the city does believe that if the Hands Pike change went through then a commercial zone is appropriate. Mr. Tannen then stated he feels they can support that. Mr. Sketch asked if they can surmise that he is speaking for the city commission. Mr. Tannen clarified he is speaking on behalf of the city manager and the department development director. Ms. Snyder asked why he didn't go to them and get a background on the issue. She asked if he addressed Larry Klein how he feels on the issue. Mr. Tannen stated the message he was given is that they are in support of staff's recommendation.

All others registered to speak had nothing to add.

Mr. Franxman addressed the commission in rebuttal and stated the communication has been non-existent with the city since the last meeting. He stated he finds it extremely prejudicial to show up in support of staff's recommendation at this time. He then commented about a letter from the city of May 26, 2015 with regard to the map amendment request. He read that letter into the record that was signed by Andrey Yuengling. He read an additional email into the record from Andrew Yuengling referencing that the zone change would be appropriate. Mr. Franxman commented after reading these that he doesn't know how you can take it as anything other than positive support for the application. Mr. Franxman then commented he would like to add copies of those letters to be made a part of the record on the matter. Mr. Franxman asked if based on the comments from the City of Covington would it be more appropriate to table the request until the city feels there has been enough of an economic change as it relates the road project being funded. Mr. Darpel stated Mr. Franxman has to make that decision and the commission cannot

make that recommendation on his behalf. Mr. Franxman then asked what the procedure was at this point. Mr. Darpel then clarified the procedure of the Commission with regard to the issues.

Mr. France asked if staff routinely consults with the city before their recommendation is made. Mr. Videkovich stated they do not and did not in this case. Mr. Gray asked as part of the map amendment process if the residents abutting the property would be notified. Mr. Videkovich stated the adjoining property owners would be notified but any abutting would not. There being no further questions or comments, Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners. Mr. Gray stated he used to live in this area and he disagrees with Staff in that there has not been a significant economic change to the area. Mr. Darpel noted this is definitely a commercial piece of property and should be designated as such. Mr. France commented he thinks there is a need for something larger than what the Community Service Area envisioned. Mr. Darpel then reconvened the public hearing. Mr. Darpel then asked Mr. Franxman if he felt the application is in compliance with the comprehensive plan. Mr. Franxman stated it was. Mr. Ryan asked if he was in discussion with the state about the property. Mr. Franxman stated the state has been to the property but at this time there has not been an offer submitted. There being no further comments, the public hearing was then closed. Mr. Darpel asked for a motion on the issue. Mr. Gray then made the motion to approve the request on the basis that existing zoning is inappropriate and the requested zoning is appropriate. Ms. Brown seconded the motion. A roll call vote on the motion found Mr. Gray, Ms. Brown, Mr. Bethel, Mr. Bridges, Mr. Dunham, Mr. France, Ms. Hood, Mr. Pannunzio, Mr. Ryan, Mr. Sketch, Ms. Snyder, Mr. Tewes, Mr. Toebben, Mr. Wischer and Mr. Darpel in favor. The motion carried unanimously.

FILE: PC1603-0002

APPLICANT: Erpenbeck Consulting Engineers, Inc.

LOCATION: An area of approximately 45 acres located on the northeast corner of the intersection of Cox Road with Fowler Creek Road in Independence

REQUEST: A proposed map amendment to the Independence Zoning Ordinance changing the zoning of the described area from R-1C (a residential zone with a minimum lot size of 12,500 square feet) to R-1D (a residential zone with a minimum lot size of 9,000 square feet).

*Mr. Bridges recused himself from any consideration or voting on the issue.

Staff presentation and Staff recommendation by Mr. Ed Dietrich

PDS STAFF RECOMMENDATION:

Favorable recommendation on the proposed map amendment to the Independence Zoning Ordinance, changing the described area from R-1C to R-1D, subject to the condition that density of the development does not exceed 4.0 dwelling units per net acre.

Mr. Erpenbeck addressed the Commission in favor of the application and stated this is extending the existing Lake Field subdivision. He stated the easiest place to tie in a secondary access road is off Cox Road and they do not meet the site conditions to do so. He further noted it is physically very difficult to make a second connection and that is why one is shown. He stated it meets the comprehensive plan. He

stated 1.9 units per acre are probably what the final density will be. Mr. Erpenbeck stated the R-1D gives a little more flexibility to what he wants to do by way of variety of house size.

Mr. Bridges stated he would answer any questions at a later time after some of the residents have spoken.

Mr. Mike Robbins addressed the Commission against the issue and stated there have been depreciations in value of his home he has lived in for fifty years. He stated with the new development being proposed there is a lot of density and the houses will be cheaper than the all brick houses currently there. He stated the top price up the street is around \$132,000. He stated he has taken a big hit over the years and he doesn't want it to happen again. He stated it's the residents that take the hit and with this density going in it will really hit the Lake Field subdivision. He noted the people on his street developed their street before it was a part of the City of Independence. He further commented they are very proud of their street since they have paid for it personally. He commented the density will be a killer if this goes forward.

Mr. Donald Barnett passed.

Mr. James Nixon passed.

Mr. Brian Schluff passed.

Mr. David Dean addressed the Commission against the issue and stated he has lived in the area for forty-four years. He stated when this area is filled up there won't be any woods or anything around or any wildlife if this goes in. He stated Fowler Creek is not a road that was built for this kind of density. He stated this would be a nice area to have developed as a walking trail or park instead of what is being proposed. He cited concerns with loss of habitat and the loss of green space. He stated he would like the property owners to make something out of it that would be good for the neighbors. He stated wildlife will have nowhere else to go and it would be nice to have an area that is wooded.

Mr. Bob Burton addressed the Commission against the issue and stated there are 79 lots going in and questioned how many cars that means for the area. He stated there is no way these houses can go in there without another ingress or egress going in. He stated the infrastructure is already bad back in there. Mr. Burton stated his biggest thing is the traffic because the road can't handle it. He then noted additional concern is safety.

Ms. Pam Burton addressed the Commission against the issue and stated what she wanted to also say is they already have new construction going on in Lake Field that hasn't been brought up. She stated they already have a construction zone in their neighborhood. She noted with only one entrance and exit they can't take any more in their neighborhood. She noted they have to have another entrance for the safety of their neighborhood.

Ms. Abigail Munce addressed the Commission against the issue and stated she is not against new development in the neighborhood. She stated she has concerns with traffic and about another access point. She further noted if you lived their daily life you would wonder why another access point isn't

required. She stated she thinks this needs to be discussed more. Ms. Munce stated when you talk about promoting the community that is here, she loves it and loves that they are promoting the neighborhood. She then noted she is concerned with the lot size. She stated essentially she is concerned about the property value of her phone and is concerned about the community that might disappear because there is so many people, nobody knows everybody anymore. She further noted a 12,500 lot is necessary to keep the neighborhood what it is.

Ms. Erin Barnes passed.

Ms. Dana Wolfe passed.

Ms. Cheryl Flack addressed the Commission against the issue and stated one of the concerns is it is going to overload the infrastructure and increase the taxes. She stated to make the lots smaller to just have more lots to sell is going to add more to what is already going on.

Mr. Ron Flack had nothing to add.

Mr. Darpel then read a letter into the record from Norm Davidson against the issue. Mr. Darpel marked the letter as an exhibit to be made a part of the record on the matter.

Mr. Greg Bridges addressed the Commission in rebuttal and stated he would like to address some of the concerns. He noted they are doing some additional development currently in the area. He stated if they keep the current zoning they will have to take out more trees because the houses will be pushed back further. He then stated they will be able to keep more trees at the requested zoning. He also stated the intersection at Cox is bad as it is and it is not feasible to do another access point there. He noted it is well within the guidelines to take the amount of traffic generated. He stated it will be developed whether they use 80 foot lots or 70 foot lots. He noted all they are asking to do is drive through 70 foot lots to put in more 70 foot lots. He stated it is in keeping with everything that is there currently.

Mr. Erpenbeck then commented in rebuttal that they are trying to keep more trees. He noted it sounds funny saying by putting in more house at 80 foot lots will take less but that's the way it is. He stated in terms of the access there just isn't the site distance to put in another access point at Cox Road.

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. Ms. Snyder then made the motion to approve based on staff's recommendations and conditions as well as the testimony heard. Mr. Sketch seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Sketch, Mr. Bethel, Ms. Brown, Mr. Dunham, Ms. Hood, Mr. Pannunzio, Mr. Ryan, Mr. Toebben and Mr. Darpel in favor. Mr. France, Mr. Gray, Mr. Tewes and Mr. Wischer voted against. The motion carried.

Reports from Committees:

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

By Laws: - See Below.

Mr. Ryan stated Ms. Nicole McCullum spoke at the meeting with regard to infrastructure fees.

Direction 2030 Implementation: – Nothing to report.

Executive: – Mr. Darpel stated they had a couple meetings. He stated they did meet with the auditor and there were a couple concerns. He noted one of the primary concerns was the infrastructure and associated fees. Mr. Darpel noted in looking at it further PDS has always done the inspections. He stated the bottom line is years and years ago there was a fund established to help pay for the inspections. Mr. Darpel stated KCPC does not have the ability to supplement through the funds. He then noted they are going to basically allow PDS to continue to do the inspections and then set a fee for the inspection. He stated they have to supplement it anyway. He then noted under our contract they have to do the inspections and continue to do them but it stays on their books instead of KCPC's books. He then noted the audit report is being revised for the second time. He then noted if anyone has any questions the auditor will be available next month if so.

Subdivision Regulations – No meeting held.

Reports from Commission Members – Nothing to report.

Reports from Legal Counsel – Nothing to report.

Announcements from Staff – Ms. Randall stated for those that may have seen it in the news, Direction 2030 was awarded an Award of Excellence in the Comprehensive Plan-Large Jurisdiction category. She noted it continues to receive accolades and will hopefully continue to do so in the future. She also noted the Plan4Health project is wrapping up and the follow up meeting will be held on May 3rd at 6:30 p.m.

General Correspondence: Nothing to report.

New Business: Mr. Darpel commented Matt Smith and Staff is doing a great job with this and implementing new regulations for small cell tower regulations. He stated we owe them a great deal of gratitude for what they've done with the regulations. Mr. Darpel asked Ms. Randall if this is going to be finalized in May and it was stated she would leave it up to the Commission. Ms. Randall stated they do have a summary of comments from the previous meetings. Mr. Darpel stated his feeling would be to summarize some of the comments and then be prepared to act on the issue next month. Mr. Videkovich then briefly went through the comments submitted with regard to the small cell towers. The representative for the Home Builders stated they feel most of their comments have been addressed. Mr. Darpel then commented he would like to allow Staff to come up with some recommendations a couple weeks prior to the next meeting based on what was discussed and the Commission will act on the regulations at the next meeting. Mr. Darpel asked for a motion with regard to making those recommendations. Mr. Sketch made the motion with Ms. Brown seconding the motion. All in favor by acclamation.

Public Comments: None.

By Laws: Ms. Brown commented briefly about the requirement to submit any handouts prior to the meeting to give Commissioners the opportunity to review them. She noted in addition with regard to Article 18 the fees had remained the same. She stated the By Laws committee spent a good amount of time reviewing those fees and where those fees come from. She stated the construction review fees are being removed all together. Discussion was had with regard to Article 18 and the proposed amendments and pulling that out from the motion and approving that separately. Following the discussion, Mr. Bridges made the motion to adopt the proposed changes as submitted. Mr. Bethell seconded. A roll call vote on the motion found Mr. Bridges, Mr. Bethell, Ms. Brown, Mr. Dunham, Mr. France, Mr. Gray, Ms. Hood, Mr. Pannunzio, Mr. Ryan, Mr. Sketch, Ms. Snyder, Mr. Tewes, Mr. Wischer and Mr. Darpel in favor. The motion carried unanimously. Mr. Darpel thanked all those who worked on the By Laws committee.

There being nothing further to come before the commission, a motion to adjourn was made by Ms. Snyder and seconded by Ms. Brown. The meeting then adjourned at 10:32 p.m.

APPROVED:

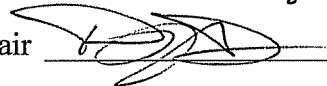
Chair _____

Date _____

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APPROVED: w/ changes recommended in 5/5/16 Meeting

Chair 

Date 5/5/16

PRELIMINARY

