KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING
Minutes

Mr. Paul Darpel, Chair, called the meeting to order at 6:15 p.m. on Thursday, June 2, 2016, and opened the proceedings with the Pledge of Allegiance and invocation by Mr. Bridges. 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	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Diane Brown, V. Chair	Erlanger	X	X		X		X						
Nancy Collins	Ryland Hts.					X	X						
Barry Coates	Covington	X	X	X		X	X						
Gailen Bridges	Kenton Co	X	X	X	X	X	X						
Paul Darpel, Chair	Edgewood	X	X	X	X	X	X						
Tom France	Ludlow	X	X	X	*		X						
Joe Gray	Covington	X	X	X	X		X						
Brian Wischer	Villa Hills		X	X	X	X	X						
Lynne Hood	Crestview Hills	X	X	X	X		X						
Marc Hult,	Covington	X	X	X		X							
Keith Logsdon	Lakeside Park	X	X	X		X	X						
Joe Pannunzio	Elsmere	X	X	X	X	X	X						
Stan Porter	Taylor Mill	X	X	X		X	X						
Greg Sketch	Crescent Spgs	X	X	X	X	X							
Brian Dunham	Kenton Cty			X	X	X							
Jack Toebben	Fort Wright	X	X	X	X	X	X						
Jeff Bethell	Fort Mitchell	X	X	X	X	X	X						
Maura Snyder	Independence	X	X	X	X		*						
Joe Tewes	Bromley	X	X	X	X								
Phil Ryan, Treasurer	Park Hills	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: Ms. Emi Randall, Mr. Andy Videkovich, Mr. Ed Dietrich and Mr. Alex Koppelman.

AGENDA

Mr. Darpel noted with regard to the agenda that the text amendment was listed before the map amendment on the agenda. He commented further the by-laws stated the map amendment needs to be heard prior to the text amendment. He then asked for a motion to amend the agenda to switch item 10 and 11 on the agenda. Ms. Brown made the motion to amend the agenda. Mr. Bethell seconded the motion. All in favor by acclamation. Mr. Ryan then commented the agenda lists the meeting as June 6, 2016 and he wanted to clarify that it was advertised for June 2nd and not the 6th. Mr. Gray then clarified that it was listed for June 2, 2016.

APPROVAL OF THE MINUTES:

Mr. Darpel asked for any questions or comments regarding last month's minutes. Mr. Bethell commented his name is spelled with two "l's" versus one. Mr. Ryan stated on page 6 in the last paragraph where it says "and of the cities" it should read "any of the cities." Mr. Ryan also asked if page numbers could be inserted in the minutes. Mr. Bridges commented regarding the bottom of page 4 where it references the Erlanger Zoning Ordinance it should state Kenton Vale. He also noted on page seven where it reads "Sharmili" the format should be changed to reflect "Ms. Reddy." There being no further questions or comments, Mr. Darpel then asked for a motion to approve the minutes as amended. Mr. Bridges made the motion to approve as amended. Mr. Bethell seconded the motion. A roll call vote on the motion found Mr. Bridges, Mr. Bethell, Mr. Coates, Mr. France, Mr. Logsdon, Ms. Collins, Mr. Pannunzio, Mr. Porter, Mr. Ryan, Mr. Toebben, Mr. Wischer and Mr. Darpel in favor. Ms. Brown, Mr. Gray and Ms. Hood abstained. The motion carried.

RECEIPTS AND EXPENDITURES:

Mr. Darpel stated the receipts and expenditures were distributed. He asked for any questions or comments. Mr. Darpel questioned on the infrastructure inspections there was a negative number listed and asked for clarification on that. He stated he didn't ask Staff about that and was wondering what that was. There being no further questions or comments, Mr. Ryan made the motion to approve the receipts and expenditures. Mr. Pannunzio seconded the motion. A roll call vote on the motion found Mr. Ryan, Mr. Pannunzio, Mr. Bethell, Mr. Bridges, Ms. Brown, Mr. Coates, Mr. France, Mr. Gray, Ms. Hood, Mr. Logsdon, Ms. Collins, Mr. Porter, Mr. Toebben, Mr. Wischer and Mr. Darpel in favor. The motion carried unanimously.

Proposed 2017 Budget:

Mr. Darpel commented briefly as to the budget and stated he didn't see anything that jumped out. He asked for any questions or comments. He did comment none of the education and training monies were spent. He stated technically a budget is supposed to be passed prior to the July meeting. He then asked for a motion to approve. Mr. Ryan made the motion to approve. Mr. France seconded the motion. A roll call vote on the motion found Mr. Ryan, Mr. France, Mr. Bethell, Mr. Bridges, Ms. Brown, Mr. Coates, Mr. Gray, Ms. Hood, Mr. Logsdon, Ms. Collins, Mr. Pannunzio, Mr. Porter, Mr. Toebben, Mr. Wischer and Mr. Darpel in favor. The motion carried unanimously.

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: PC1605-0001
APPLICANT: James E. Roenker on behalf of Eileen Herzog
LOCATION: 1600 Highland Pike; an area of approximately 5.6 acres located on the northwest side of the intersection of Highland Pike with Bluegrass Drive in Fort Wright.
REQUEST: Proposed map amendment to the Fort Wright Zoning Ordinance changing the zoning of the described area from R-1C (Residential One-C, a single-family zoning district permitting single-family residential dwellings with a minimum lot size of 12,500 square feet

Staff presentation and Staff recommendation by Mr. Alex Koppelman

PDS STAFF RECOMENDATION:
To provide a favorable recommendation of the proposed map amendment to the Fort Wright Zoning Ordinance

Mr. James Roenker addressed the Commission in favor of the application and stated he is in agreement with Staff's recommendation on the issue.

Mr. Darpel then recessed the public hearing for discussion amongst the commissioners. There being none, he then reconvened and closed the public hearing. Mr. Darpel then asked for a motion on the issue. Mr. Bethell made the motion to approve the issue based on Staff's recommendation. Mr. Toebben seconded the motion. A roll call vote on the motion found Mr. Bethell, Mr. Toebben, Mr. Bridges, Ms. Brown, Mr. Coates, Mr. France, Mr. Gray, Ms. Hood, Mr. Logsdon, Ms. Collins, Mr. Pannunzio, Mr. Porter, Mr. Ryan, Mr. Wischer and Mr. Darpel voted in favor. Ms. Snyder abstained. The motion carried.

FILE: PC1604-0002
APPLICANT: City of Fort Mitchell per Jude Hehman, Mayor
REQUEST: A proposed text amendment to the Fort Mitchell Zoning Ordinance adding building design criteria pertaining to exterior wall materials, roofs, and mechanicals within the LHS (Limited Highway Service) Zone, LSC (Limited Service Commercial) Zone, NC (Neighborhood Commercial) Zone and the SC (Shopping Center) Zone.

Staff presentation and Staff recommendation by Ms. Emi Randall

PDS STAFF RECOMMENDATION:
Favorable recommendation on the proposed text amendment to the Fort Mitchell Zoning Ordinance adding building design criteria pertaining to exterior wall materials, roofs,, and mechanicals within the LHS (Limited Highway Service) Zone, LSC (Limited Service Commercial) Zone, NC (Neighborhood Commercial) Zone and the SC (Shopping Center) Zone.

Ms. Sharmili Reddy addressed the Commission in favor of the issue. She stated she really didn't have a lot to add and stated the city attorney has looked at this and they feel it is legal and the city can adopt these amendments to preserve the character of the city. Mr. France commented about what the city is saying what they can and can't use. Ms. Reddy stated they feel this hasn't been challenged in the courts yet and it has been around a long time. She commented they are willing to take that risk and they felt this is a good code. Mr. Darpel stated he feels it is overreaching in the zoning code. He further stated he understands the city wants to do it, but he feels it is overreaching in the zoning code.

Mr. Darpel recessed the public hearing for discussion. Ms. Brown commented she has two issues with this. She stated she doesn't feel it needs KRS 100. She stated the problem is it leapfrogs through the city and it then eliminates the special character by leaping all the way through. She stated her second problem is if there is nowhere else for them to go with this, then it is appropriate for them to come to the commission. Mr. France then stated they have a record of approving these for two other cities and there is a history there. Mr. Darpel stated when the comprehensive plan was going on he doesn't know how many meetings they had with Ft. Mitchell and Ft. Wright, and personal property rights were number one and it took months and months of working this out, and now they're coming in and saying they want their own ordinance and they want this. He further stated he doesn't feel the comprehensive plan has the right to tell people what they can build houses or commercial buildings out of. Mr. Darpel stated he feels this is missing the boat and if somebody wanted to be creative and do something different we're saying no. He further commented he doesn't feel that's where the zoning is supposed to go. Mr. Darpel then reconvened and closed the public hearing. Mr. Bethell made the motion to approve based on Staff's recommendations and the testimony presented. Mr. Gray seconded the motion. A roll call vote on the motion found Mr. Bethell, Mr. Gray, Mr. Logsdon, Ms. Collins, Mr. Pannunzio, Mr. Bridges, Mr. Coates and Mr. France in favor. Ms. Hood, Mr. Porter, Mr. Ryan, Ms. Snyder, Mr. Toebben, Mr. Wischer, Mr. Darpel and Ms. Brown against. The vote resulted in a tie vote. Mr. Smith stated another motion would need to be submitted within thirty days according to statute. Mr. Darpel stated he didn't feel a need to wait the thirty days. He then asked for a motion to reconsider the matter. Mr. Ryan stated building colors and types of materials really should be in an architectural overlay. He further commented that what's to stop somebody from saying you have to have green shutters and a blue house – he thinks that a design standard. Mr. Bethell stated there are a variety of different things that can be used for new construction. He commented the city wants to create some type of standard for what goes in and maintain some semblance of quality. Mr. Ryan stated he thinks that's great but does it belong in zoning. He commented it should be in architectural guidelines or standards. Mr. Gray commented this is all in commercial zone and not residential. He further commented no one has shown up against this from the city also. Mr. Darpel stated this is not within the intent of what the Comprehensive Plan does. Mr. Gray stated he doesn't feel this cuts into the area of individual rights. Mr. Toebben stated do we as a zoning body want to have somebody coming in here saying I want you guys to make a decision on if I can have smooth face block or split face block. He stated that is not our decision, that is a zoning decision. Mr. Porter stated this just doesn't seem to make sense. He commented you can still build an ugly building out of the required materials. Mr. Ryan asked Ms. Randall what other cities have design standards. Ms. Randall stated Ft. Wright, Independence have design standards and Villa Hills has building material standards. Mr. Darpel then asked for a motion to consider to try and move the issue forward. Mr. Bethell then made the motion to approve based on Staff's recommendations and the discussion herein. Mr. Gray seconded the motion. A roll call vote on the matter found Mr. Bethell, Mr. Gray, Mr. Bridges, Mr. Coates, Mr. France, Mr. Logsdon, Ms. Collins, Mr. Pannunzio and Mr. Wischer in favor. Ms. Hood,

Mr. Porter, Mr. Ryan, Ms. Snyder, Mr. Toebben, Mr. Darpel and Ms. Brown voted against. The motion passed.

FILE: PC1605-0003
APPLICANT: City of Independence per Chris Moriconi, City Administrator
REQUEST: Proposed text amendments to the Independence Zoning Ordinance adding restrictions on outdoor storage and business activities within the DI (Downtown Independence) Zone and the GMU (Gateway Mixed Use) Zone.

Staff presentation and Staff recommendation by Mr. Andy Videkovich

PDS STAFF RECOMMENDATION:
Favorable recommendation on the proposed text amendments to the Independence Zoning Ordinance adding restrictions on outdoor storage and business activities within the DI (Downtown Independence) Zone and the GMU (Gateway Mixed Use) Zone.

Mr. Moriconi addressed the Commission and stated he doesn't really have a lot more to add and it is really a housekeeping issue. He stated this is already in five other zones so they just want to clean it up. He stated especially with the national historic district that is about to be approved they want to have things cleaned up.

There being nothing further, Mr. Darpel recessed the public hearing for discussion on the issue. There being none, Mr. Darpel reconvened and closed the public hearing. He then asked for a motion on the matter. Ms. Snyder made the motion to approve based on Staff's recommendation. Ms. Hood seconded the motion. A roll call vote on the motion found Ms. Snyder, Ms. Hood, Mr. Bethell, Mr. Bridges, Ms. Brown, Mr. Coates, Mr. France, Mr. Gray, Mr. Logsdon, Ms. Collins, Mr. Pannunzio, Mr. Porter, Mr. Ryan, Mr. Toebben, Mr. Wischer and Mr. Darpel in favor. The motion carried unanimously.

FILE: PC1605-0004
APPLICANT: City of Edgewood per Brian Dehner, City Administrator
REQUEST: Proposed text amendments to the Edgewood Zoning Ordinance: (1) amending the regulations pertaining to allowable location, number of vehicles and length of time for the parking or storing of trailers, recreational vehicles, campers, boats, and similar equipment; and, (2) adding administrative and faculty office, classrooms, and lecture halls associated with colleges and universities as conditional uses within the PO (Professional Office) Zone.

Staff presentation and Staff recommendation by Mr. Ed Dietrich

PDS STAFF RECOMMENDATION
Favorable recommendation on the proposed text amendment to the Edgewood Zoning Ordinance amending the regulations pertaining to allowable location, number of vehicles, campers, boats, and other such type of equipment.

No one registered to speak for or against the issue. Mr. Darpel then recessed the public hearing for discussion. Ms. Brown stated she does not feel comfortable rewriting the language with regard to

administrative and faculty offices without someone from the city present to explain. She further stated she is okay saying it is a conditional use. Mr. Bridges stated this is pretty serious business involving twenty people and four staff members and no one from the city has shown up to answer any questions. He stated he feels it should be tabled or denied. Mr. Darpel then reconvened the public hearing. Mr. Bridges stated rather than try to understand what the city is trying to say, he made the motion to table the matter. Mr. Wischer seconded the motion. A roll call vote on the issue found Mr. Bridges, Mr. Wischer, and Mr. Logsdon in favor. Mr. Bethell, Ms. Brown, Mr. Coates, Mr. France, Mr. Gray, Ms. Hood, Ms. Collins, Mr. Pannunzio, Mr. Porter, Mr. Ryan, Ms. Snyder, Mr. Toebben and Mr. Darpel voted against. The motion failed. Ms. Brown then made the motion as to Request #1 to approve the application based on Staff's report, and conditioned on 9.23d. Mr. Pannunzio seconded the motion. A roll call vote on the motion found Ms. Brown, Mr. Pannunzio, Mr. Bethell, Mr. Coates, Mr. France, Ms. Hood, Ms. Collins, Mr. Porter, Mr. Ryan, Ms. Snyder, Mr. Toebben, and Mr. Darpel in favor. Mr. Wischer, Mr. Bridges, Mr. Gray, Mr. Logsdon voted against. The motion carried. With regard to Request #2, Mr. France made the motion to approve based on Staff recommendations. Mr. Porter seconded the motion. A roll call vote on the motion found Mr. France, Mr. Porter, Mr. Bethell, Mr. Coates, Mr. Gray, Ms. Hood, Mr. Pannunzio, Mr. Ryan, Ms. Snyder, Mr. Toebben and Mr. Darpel voted in favor. Mr. Wischer, Mr. Bridges, Ms. Brown, Mr. Logsdon, Ms. Collins voted against. The motion carried

Reports from Committees:

20/20 Sourcebook (model zoning): – Mr. Darpel commented they need to meet but have not met.

By Laws: - Ms. Brown stated they met but did not have a quorum. She stated as they have nothing to discuss, she recommends meeting fifteen minutes prior to the July meeting to just approve the minutes.

Direction 2030 Implementation: – Mr. Darpel stated this committee does not have a chair. He asked if Mr. Bethell would like to chair. Ms. Brown stated she would like to chair.

Social Media: - Mr. Ryan stated they did not meet but are planning on meeting Thursday the 23rd of June. He stated Emi Randall is checking on that.

Executive: – Mr. Darpel stated they had not met this month.

Subdivision Regulations – No meeting held.

Reports from Commission Members: Mr. Bridges stated there would be a meeting of the South Kenton group on June 7th to present the results of the second South Kenton survey. Mr. Darpel stated it would be worth going to.

Reports from Legal Counsel – Nothing to report.

Announcements from Staff – Ms. Randall stated they have received their first small cell towers applications for Ludlow and for Villa Hills so these will be processed by Staff and they will report on how the regulations are working. Ms. Randall wanted to recognize the Link-GIS group was awarded a Kentucky APA special merit award for technology. She noted Staff has been

working on a small area study for Villa Hills and stated the process is well underway. She additionally stated there were over 250 people in attendance at that meeting and it went very well. She stated it is a process that they are really proud of and will be coming in the fall. She stated for the social media committee, they would like some assistance with putting together a video. Ms. Randall stated they are also working on a model zoning ordinance and commented that will be coming soon. She stated the ordinance and style is outdated so they want to look at a new type of ordinance and are looking for people to participate in this project. She also commented they are near completion of the new roadway functional classification. She stated this would probably be coming in July or August as an amendment to the comprehensive plan.

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. Hood. All in favor. None opposed. The meeting then adjourned at 8:40 p.m.

APPROVED:

V. Chair Diane Brown

Date July 7, 2016

Diane Brown