

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
Minutes**

Mr. Darpel, Chairman, called the meeting to order on April 6, 2017 at 6:15 p.m. 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
Jeff Bethell	Fort Mitchell		X	X	Xx								
Diane Brown, V. Chair	Erlanger	X	X	X	Xx								
Nancy Collins	Ryland Hts.		X	X	Xx								
Gailen Bridges	Kenton Co	X	X	X	Xx								
Paul Darpel, Chair	Edgewood	X	X	X	Xx								
Brian Dunham	Kenton Cty	X	X	X	Xx								
Mike Gaiser	Ludlow		X	X	Xx								
Lynne Hood	Crestview Hills	X	X	X	Xx								
Marc Hult,	Covington	X	X	X	Xx								
Keith Logsdon	Lakeside Park	X	X	X	Xx								
Matthew Martin	Taylor Mill			X	X								
Ron Padget	Covington			X	Xx								
Joe Pannunzio	Elsmere	X	X	X	Xx								
Phil Ryan, Treasurer	Park Hills	X	X		Xx								
Marco Sansone	Bromley		X	X									
Greg Sketch	Crescent Spgs	X	X	X	Xx								
Maura Snyder	Independence	X	X	X	X								
Jack Toebben	Fort Wright	X	X	X	Xx								
Robert "Bob" Whelan	Covington			X	Xx								
Brian Wischer	Villa Hills	X	X	X	Xx								

"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 Mr. Matt Smith, Legal Counsel, and the following PDS staff: Ms. Emi Randall, Mr. Andy Videkovich and Mr. Alex Koppelman.

**AGENDA**

Mr. Darpel asked to move PC-1703-0008 to after item twelve on the agenda. He then asked for a motion for items 13 through 16 to be heard at a continued meeting on Tuesday, April 11<sup>th</sup> at 6:15. Mr. Darpel asked for the motion to postpone and continue the aforementioned items to the following Tuesday. Mr. Hult made the motion to postpone and continue the meeting for those items only. Ms. Snyder seconded the motion. A roll call vote on the motion found Mr. Hult, Ms. Snyder, Mr. Bethell, Mr. Bridges, Ms. Brown, Ms. Collins, Mr. Dunham, Mr. Gaiser, Ms. Hood, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Padget, Mr. Ryan, Mr. Sketch, Mr. Toeppen, Mr. Wischer, Mr. Whelan and Mr. Darpel in favor. The motion carried unanimously..

**APPROVAL OF THE MINUTES:**

Mr. Darpel asked for any comments or questions with regard to the minutes from March. Mr. Bridges commented on page seven, last sentence paragraph of paragraph one that he felt something was missing after the word “after”. Mr. Sketch clarified that is what he said that the plastics company came in after the industrial zone. He also commented about paragraph 4 and stated he clarified with Mr. Hult it should read “city” vs. “zone”. He commented further to the statement where it reads Mr. Bethell echoed Mr. Bridges comment should be removed. He noted his statement was not included. Mr. Darpel clarified and stated it should read “Mr. Bethell knew there was industrial right up the road”. He commented further the repeated statement needs to be removed. Mr. Darpel asked for any additional comments or changes to the minutes. There being none, he asked for a motion. Ms. Snyder made the motion to approve the minutes as amended. Mr. Hult seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Hult, Mr. Bethell, Mr. Bridges, Ms. Brown, Ms. Collins, Mr. Dunham, Mr. Gaiser, Ms. Hood, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Padget, Mr. Sketch, Mr. Toeppen, Mr. Wischer, Mr. Whelan and Mr. Darpel in favor. Mr. Ryan abstained. The motion carried.

**RECEIPTS AND EXPENDITURES:**

Mr. Darpel stated the receipts and expenditures report was distributed. There being no comments or questions he asked for a motion to approve. Ms. Snyder made the motion to approve the receipts and expenditures. Mr. Ryan seconded. All in favor by acclamation.

**RECENT ACTIONS BY STAFF:**

*(No action required)*

**RECENT ACTIONS BY LEGISLATIVE BODIES:**

*(No action required)*

**PUBLIC HEARINGS:**

**FILE:** PC1702-0001 (action required)

**APPLICANT:** City of Park Hills per Matt Mattone, Mayor

**LOCATION:** 1560 Sleepy Hollow Road; an area of approximately 1.83 acres located on south and west sides of Audubon Road between Lawton Road to the east and Park /drive to the North, approximately 600 feet to the west of Lawton Road.

**REQUEST:** A proposed map amendment to the Park Hills Zoning Ordinance changing the zoning of the described area from R-1C (a low density single-family residential zone) to R-1D (a medium density single-family residential zone).

Mr. Sketch recused himself from any consideration and voting on the issue due to a conflict of interest.

Staff presentation and Staff recommendations by introduced by Mr. Andy Videkovich

**PDS STAFF RECOMENDATION:**

Favorable recommendation on the proposed map amendment to the Park Hills Zoning Ordinance changing the described are from R-1C (a low density single-family residential zone) to R-1D (a medium density single-family residential zone).

Mr. Matt Mattone addressed the Commission in favor of the application and stated this area was in a less dense area and because of the proximity to existing homes the zone would allow them to push the development farther away from the residential development. The city felt this was a positive solution to the issue and they are in favor of the application. He stated he was happy to take any questions.

Mr. Kevin Theissen addressed the Commission in favor of the application and stated he is the adjoining property owner on the south side and he is in favor of the application. He commented that he spoke to many of the other residents and they are also in favor.

All others registered to speak had nothing to add.

At this time Mr. Darpel recessed the public hearing for discussion on the issue. There being none he then reconvened and closed the public hearing. Mr. Darpel asked for a motion on the issue. Mr. Ryan made the motion to approve the application based on Staff's recommendation and that it is in compliance with the comprehensive plan, and also the applicant's testimony. Mr. Hult seconded the motion. A roll call vote on the matter found Mr. Ryan, Mr. Hult, Mr. Bethell, Mr. Bridges, Ms. Brown, Ms. Collins, Mr. Dunham, Mr. Gaiser, Ms. Hood, Mr. Martin, Mr. Pannunzio, Mr. Padget, Ms. Snyder, Mr. Toebben, Mr. Wischer, Mr. Whelan and Mr. Darpel in favor. Mr. Sketch recused himself for any voting or consideration on the issue. The motion carried unanimously.

**FILE:** PC1703-0007 (action required)

**APPLICANT:** Pendleton Sears Architects per Hap Pendleton on behalf of Willies of NKY

**LOCATION:** 401 Crescent Avenue; an area of approximately 1.9 acres on the west side of Crescent Avenue and the east side of Western Avenue, located between Highway Avenue to the north and West 5<sup>th</sup> Avenue to the south, approximately 600 feet south of Highway Avenue

**REQUEST:** A proposed map amendment to the Covington Zoning Ordinance changing the described area from CC-1A (a commercial – community zone) to IP-3A (an industrial park zone); this request include the review of a conditional use for self-storage as permitted by the Covington Zoning Ordinance.

Staff presentation and Staff recommendations by Ms. Emi Randall.

**PDS STAFF RECOMMENDATION:**

For request 1) Unfavorable recommendation on the proposed map amendment to the Covington Zoning Ordinance changing the described area from CC-1 (community commercial) to IP-3A (industrial park).  
For request 2) Unfavorable recommendation on the proposed Conditional Use Permit.

Mr. Darrell Sears addressed the Commission as the applicant. He stated they had a little bit of an issue on the use of the building. Mr. Sears stated both of the uses fall through a loop and that's why they are submitting for the request for the zone to be converted over. He stated both uses lend themselves to a commercial use. He further stated the actual dog boarding is directly related to a residential use so it is in direct access to the residences as an ease of access. Mr. Sears stated this is why they came upon this site and therefore the request for the zone change. He stated as to height or visibility, the actual top of the building is four feet above the resident's first floor elevation so no views will be blocked. Mr. Sears stated because of the drop off of the site and the retaining wall, he commented that much of the building is not visible. He additionally commented that the design of the building will actually be beneficial to the residents because the sound from the highway will be blocked due to the building. Mr. Sears stated the impact that would occur if a shopping center went in will be much higher than the proposed development. Mr. Sears commented with the storage facility, people come and drop off and they are gone. He further stated he would be happy to answer any question. Mr. Darpel then reiterated the conditions necessary in order to grant the zone change and asked the applicant what it was he was asking the Commission to do. Mr. Sears then stated they believe the Community Commercial zone is not appropriate. With regard to the conditional use aspect and the 1.89 acre requirement he commented they just found out about that issue yesterday. Mr. Sears stated they would be willing to extend the lot line the additional thirty feet in order to comply and meet the 2 acre minimum. He stated they would have been happy to adjust that if they had known that earlier.

Mr. John Bishop addressed the Commission in favor of the application and stated he represents the ownership group involved with the application. He stated they found the property about a year ago and were interested in purchasing and developing a building in Covington. He stated he works for a company that has many different businesses so they run a big gamut for the businesses he represents. Mr. Bishop further stated what they try to do with the Red Dog business is offer a first class facility. He noted their typical facility is about 20,000 square feet. He stated the hours of operation are Monday through Friday from 7-7 and noted they are strictly for cats and dogs. He also stated the two biggest aspects of the facility are daycare and boarding. He stated they do not have daycare hours after 7:00 p.m. and they have someone that is staffed around the clock at the facility. He commented about the self storage facility and stated there is not a whole lot of traffic to maintain since it is not a 24 hour facility. He stated there are not people coming and going twenty-four hours a day. Mr. Bishop stated you won't see any roll up doors on the exterior of the property as it was all interior. He then commented this property works well because it is tucked into the hillside. He stated they are trying to explore the opportunity with the site and that is why they hired Pendleton Sears Architects to look at the site. He additionally commented this may not be something that can be voted on in its current form but they are willing to modify the plan to get it to the two acres that is required. He noted they have multiple facilities and there will be a substantial amount invested in the facility. Mr. Darpel stated they need to hear evidence that existing zone is inappropriate and the proposed zoning is appropriate. Mr. Darpel stated they need to have that in front of them, no matter how much they like the development, it has to meet the requirements. Mr. Darpel then asked him what about the Community Commercial zone makes it inappropriate. Mr. Bishop stated unfortunately when looking at the zone it doesn't fall into just a flat out commercial use. He stated they are not a manufacturer, they are not distributing any industrial products, but they are not able to go in and get a commercial use approval so that is why they have to go to the industrial use to make it work.

Ms. Ashley Webber addressed the Commission against the issue and stated she lives on the south side of Western Avenue. She stated she feels for her neighbors who will have to look out at the roof of the building. She additionally stated they don't want the business in this area. She stated they have plenty of storage because they all have basements and don't need the storage. She also commented that to her the highway is white noise and the dog barking would be different. Ms. Webber asked why a developer would come before the Commission and present something that is a half done proposal. She questioned the zone change in terms of the future if this is the way it is going to be or how the project is going to be done.

Mr. Rodman Denu addressed the Commission against the issue. He stated this would block his view if this plan is developed. He stated in order to do four stories you would have to dig into the ground because the top of the tree line it would be above his third floor. He stated the road is white noise also and he would much rather have that than not seeing the sun rise in the morning. He also stated he does not want to have a loss of property value. He further commented this would be a great place to have a gym and he would rather see that than a storage facility.

Mr. Robert Behan addressed the Commission against the issue and stated this is the entrance and gateway to Devou Park. He stated there is nothing blocking the way and to see this go up would be a tragedy. He noted in March alone, while self storage facilities serve the community well, they also serve the drug dealers well too. He stated he does not want to see a decrease in home values and commented that views would be blocked. He additionally stated grooming is not a permitted use in the area. He stated another issue he wanted to bring up is the bottom of Willies has no assigned businesses and he is concerned with what else could go in there with this zoning.

Ms. Kathy McCafferty addressed the Commission and stated she is not in favor of the zone change for many of the reasons stated but one of her major concerns is she is worried about in five or ten years when this business is gone what type of industry could go in. She stated she does not feel it is a good use of the space and she is in favor of leaving it the way it is now.

Mr. Thomas Flarity addressed the Commission and stated he would agree that there is no proof that the current zoning is inappropriate. He stated this is really a commercial use and yet commercial is not viable here so he stated he has a hard time with that logic. He stated this will be detrimental to land values in the area.

Mr. Douglas Wisher addressed the Commission against the issue and thanked the Commission for the chance to learn about new zoning codes. He stated he is old enough to remember when this area was all residential. He stated he believes commercial is the correct zoning for this location. He noted as a commercial zone it is a viable zone and he hates to imagine what could go in there. He stated they could use the building for a lot of different things and it wouldn't be what any of the residents want. He further commented this is not going to be good for Devou Park and for Covington.

Mr. Ray Kingsbury addressed the Commission against the issues and stated this will be the best worst planning to create an island of industrial in the middle of residential zone. He stated his idea of zoning is to protect in the present as well as the future so he stated they are asking to vote against the issue.

Ms Amy Hammerly addressed the Commission against the issue. She stated she is very much opposed to the development and hopefully it will just die and they can look for something else. She commented she thinks commercial is the best use.

Mr. George Hammerly addressed the Commission against the issues and stated they have invested a lot of their time and money into their home and have decided to start a family there. He stated this is kind of the front door to Covington and Kenton County. He stated he personally wouldn't want to be responsible for putting a big ugly metal building as the first thing you see off the bridge. He stated he was happy to see that the government takes an interest in what goes on in the zoning. He stated property values will definitely be hurt and noted he thinks there are a lot better uses for the property. He stated he thinks there are better options for the property instead of a giant metal building. He further commented all he views would be destroyed and he is hoping the Commission does not go for it.

Mr. Brian Frye addressed the Commission against the issue and stated he doesn't know that he has a great deal of new content but he has a different perspective. He stated they own and operate the Hampton Inn across from the property in question. He stated it is a viable commercial area and having it industrial will absolutely destroy the property values. He stated he would completely agree that this would be detrimental to the community and property values.

Ms. Mona Sherman addressed the Commission against the issue and stated she is absolutely opposed to this. She stated her house is the only one that is built on a flat area. She stated she would have to look at a metal roof and a metal building. She stated the drug dealing that would go on around the proposed building scares her, as well as the diminished property values of her home.

Ms. Misty Perholtz addressed the Commission against the issue and stated her view would definitely be diminished. She commented she has the unique distinction of growing up across the street from a dog kennel and the noise was constant. She stated it doesn't matter if it is overnight you will still hear them. She stated her concern is the dogs will be making noise at all times of the day. She further commented that she agreed that this will affect the well being of everyone's property and the City of Covington.

Jeff Perholtz addressed the Commission against the issue and stated there is no one that is going to benefit from this. He stated this is a bad place and he sees litigation in the future because this is not a good site for this use. Mr. Darpel clarified the findings necessary in order to vote in favor of the issue. He stated they cannot vote yet on something that does not meet the requirements. He reiterated they are a recommending body and it will go back to the city for a vote.

Mr. Doug Gallenstein passed.

Ms. Sherry Carran addressed the Commission against the issue and stated she believes this area is very viable for commercial use and that it has great potential. She stated the Hampton Inn has invested a tremendous amount of money into their property and that place is hopping so she knows that commercial works and it is a viable option. She further commented it would be a shame if this area went industrial. She noted the Lewisburg neighborhood always seems to get the brunt of development and because of that there are people that have lived there for a long time and are wanting to stay there but it just seems like no one takes an interest in that area. She commented if this was allowed to go in will be a kick in the stomach for the people of Lewisburg. Ms. Carran further stated why would you take up so much prime commercial space with a storage facility. Ms. Carran stated she thinks the north parking lot belongs to the City of Covington and at some point in time there will be an interest in that lot. She stated it is now being used for parking for sports events and other things so it is not vacant. She additionally commented being kept residential would be better. Mr. Hult asked if Ms. Karan could speak to the hillside issues in the area. She commented that the area is one of the only in Kentucky with hillside preservation in place. She stated Crescent Avenue doesn't have the capacity to handle additional development because the hillside will

require more work and geotechnical surveys prior to work being done. She noted the developer did put a good amount of time into the project and she stated she hopes they can put a nice commercial project in the area instead.

Ms. Diane Agree had nothing to add.

Mr. Brian New addressed the Commission against the issue and commented that it was stated earlier that this development would promote new business growth. He stated the area is pretty much land locked so he doesn't see how it will promote new business growth. He stated he thinks dogs barking would be much more annoying than the white noise of the highway.

Ms. Erica Wischer addressed the Commission against the issue and stated she is a local realtor and the one thing she will mention is the business owner never came and knocked on their door and asked what they thought about the development. She stated if you want to develop a property that you want the community to take an interest in you might want to work with the community you want to use the development. She stated no one asked and she thinks that's why there are so many people present at the meeting.

Mr. Joe Cotton addressed the Commission against the issue and stated he has been a commercial realtor and the people should know the property used to be all residential. He stated the people on Western Avenue didn't want the property zoned commercial at the time. He further commented that he's sure no one wants to hear barking dogs because that's an irritating noise. Mr. Cotton stated it's hard to believe that the architectural firm didn't know they needed to have two acres to develop the property for industrial. Mr. Bridges asked Mr. Cotton how long he had been a commercial realtor and whether or not this was a viable commercial property. Mr. Cotton stated he has been a commercial realtor since 1980 and this is very much a commercial property.

Mr. Alex Koenig addressed the Commission as a neutral party and stated he was available to answer any questions. Ms. Brown asked how much he had worked with the developer on the property. Mr. Koenig stated he met with them in November and again before President's Day. She asked if at any time the two acre parcel requirement came up during those meetings. Mr. Koenig stated unfortunately it did not and it was an oversight on their part. Mr. Hult stated to clarify, the city is taking a neutral stance on this issue. Mr. Koenig stated that was correct. Mr. Ryan asked about dog grooming being permissible in this zone or not. Mr. Ryan also asked about the lot on the north end of the property and whether or not the city did in fact own that. Mr. Koenig stated he was not aware that the city owned that lot and is not aware of any proposal by the developer to purchase the additional lot.

Mr. Darpel then read four letters received against the issue into the record. He marked them as exhibits to be made a part of the record on the matter.

Mr. Darpel then called the applicant, Mr. Sears and Mr. Bishop, to address the Commission in rebuttal. Mr. Sears addressed the Commission and stated the actual kennels are located inside of the building and the only portion outside the building would be he runs and they would not be outside twenty-four hours a day. He also stated with regard to the HVAC that is designed to not be visible to the surrounding residents. Mr. Sears stated the second floor would be at an elevation of 634 feet and the actual elevation of the houses on Western Avenue is 656 feet. He commented with regard to the elevation that that is part of the Stage II review and it was provided to show what the proposal involves. Mr. Sears stated this is not the first time he has been involved with the site and it is actually the fourth time but this is the farthest they have gotten with it this time.

Mr. Bishop had nothing to add in rebuttal.

Mr. Darpel then recessed the public hearing for discussion on the issue. He stated there are certain criteria that have to be found in order to grant approval. He stated he felt it was pretty clear cut. He then reconvened and closed the public hearing. Mr. Darpel then asked for a motion on the issue. Mr. Hult made the motion to approve based on Staff's recommendations for both the map amendment and zone change. Mr. Martin seconded the motion. Mr. Darpel then asked Mr. Smith to clarify the rationale of the motion. Mr. Smith stated since the denial was based on Staff's recommendation and Staff's report that is sufficient for the motion. A roll call vote on the motion found Mr. Hult, Mr. Martin, Mr. Bethell, Mr. Bridges, Ms. Brown, Ms. Collins, Mr. Dunham, Mr. Gaiser, Ms. Hood, Mr. Logsdon, Mr. Pannunzio, Mr. Padget, Mr. Ryan, Mr. Sketch, Ms. Snyder, Mr. Toebben, Mr. Wischer, Mr. Whelan and Mr. Darpel in favor. The motion carried unanimously.

At this time (8:56 p.m.) a five minute break was taken.

**FILE:** PC1701-0002 (action required)

**APPLICANT:** City of Independence per Chris Moriconi, City Administrator

**REQUEST:** A proposed text amendment to the Independence Zoning Ordinance adding design standards for new detached single-family homes; if approved, these standards will apply only to single-family homes constructed on subdivision lots created after enactment of these regulations.

Staff presentation and Staff recommendations by Mr. Andy Videckovich

**PDS STAFF RECOMMENDATION:**

Favorable recommendation of the proposed text amendment to the Independence Zoning Ordinance adding design standards for new detached single-family homes.

Mr. Chris Reinersman addressed the Commission in favor of the issue and stated this came about as a result of wanting to have smart growth. He stated he not only thinks it's a good idea but something that he hears over and over. He stated they tried to not be too overreaching on the issue and he understands the thinking of aesthetics being part of zoning. He further commented he doesn't know where else to have it other than in zoning. Mr. Reinersman stated he doesn't see any other recourse other than this. He stated another consideration is the cost of upkeep of the roads. He additionally commented he doesn't think there is a whole lot they deviated from and he doesn't feel it is arbitrary like some comments made. He stated one of their intents was to offer some options and a list of what can be used so they worked hard to do just that. He stated this is an effort in the right direction so there are options to get to the 25%. He stated they did not want to build a narrow box with the requirements and that is why it appears somewhat convoluted. He noted it is not their intention to not allow someone that wants to split off their property for a child to put a house on to be limited by these regulations. He stated if this is approved they will address that issue and he will take it to council. He stated he would like to discuss it with their city attorney to see what they can come up with. Mr. Reinersman said the intention is for residential developments and was not their intention for a farmer what wants to split his property for his kids to be limited. Mr. Sketch wanted to clarify that the regulations seem to be arbitrary and he did not mean the committee itself was arbitrary. Mr. Sketch commented further that they have done a great job. Mr. Ryan stated while it has not been challenged in the State of Kentucky, it has been in other areas and as the Commission's legal counsel has advised them on the issue, he will have to go along with what he recommends. Mr. Logsdon stated the fact that it has not been challenged in Kentucky could be a good thing. Mr. Darpel stated he



doesn't feel that because it's not something that has been challenged in Kentucky does not necessarily mean it's a good thing, it's just that the circumstances have not come up in order for that to take place. Mr. Ryan stated he feels it is well crafted and not overly restricted. Ms. Snyder stated she feels this is something that gives a builder other options without being very restrictive to avoid the typical cookie cutter house or subdivision. Mr. Hult asked what the various cost would be for a house. He stated they did discuss that and he would defer to Mr. Miller on that but he felt all those things could be accomplished for less than five thousand dollars.

Mr. Moriconi addressed the Commission and stated he remembers some of the same discussions when design standards were done down at Notre Dame. He stated all they were trying to do is put a little gingerbread on the house so they don't all look alike. He stated he feels like they can control their destiny a little bit and this is probably ten to fifteen years down the road. He said in the pictures that were shown in the presentation every single house looks alike and this just changes it up a little. He stated he does appreciate the Commission's time. Mr. Sketch asked if this was only being applied to single family homes. He stated duplexes are about as monotonous as you can get. Mr. Moriconi stated that hasn't really been an issue so it was mainly just the single family homes.

Mr. Al Daly addressed the Commission and thanked Mr. Smith for clearing up the law on the issue. He stated zoning should be dominated to public safety and that's what he believes it was intended for. He further stated he opposes any state regulations.

Mr. Miller of the Home Builders Association addressed the Commission and stated he will agree with the mayor but noted raising the cost of a home by five thousand dollars is not a nominal fee. He stated they appreciate the time and the city working with them. He stated the good thing is with this regulation you do end up with houses that are different etc. He then noted the bad side is the economical side of it. He stated they want to thank the city and he is a neutral party on the issue. Mr. Padget asked if the idea behind this is to get in a higher market of homes. Mr. Miller stated there are communities that have 200-300,000 dollar homes and they don't want the cookie cutter homes going in next to them.

Mr. Darpel recessed the public hearing for discussion. Ms. Brown stated there is nowhere else to offer a city the ability to list these things out other than the zoning code. She stated she doesn't think this boxes out a level of a home buyer simply by stating we want it to look different. She also stated they spent a lot of time talking about building character in neighborhoods. Mr. Toebben stated the problem is when you are in an entry level subdivision there are only so many ways you can build it to get that square footage. He stated in essence Independence is saying we don't want any entry level homes, they want the more expensive home. Ms. Hood stated there are nothing but entry level homes over there and it's not about keeping them out. She noted she wouldn't want an entry level home next to a four hundred thousand dollar home. Ms. Snyder stated this is a little character that makes it a little different and she doesn't think it's keeping anybody out. Mr. Padget stated he doesn't think five thousand is a deal killer. Mr. Sketch stated he does think it's a deal killer. Mr. Sketch further stated an extra five thousand dollars on a two hundred and fifty thousand dollars is not and it's probably already meeting these guidelines. He further noted on a starter home it is raising the cost and it will mainly affect starter homes with these regulations. Mr. Darpel then reconvened and closed the public hearing. He then asked for a motion on the issue. Ms. Snyder made the motion to approve the matter based on Staff recommendations and the testimony heard. Mr. Wischer seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. Bethell, Ms. Brown, Ms. Hood, Mr. Hult and Mr. Logsdon in favor. Mr. Bridges, Ms. Collins, Mr. Dunham, Mr. Gaiser, Mr. Martin, Mr. Pannunzio, Mr. Padget, Mr. Ryan, Mr. Sketch, Mr. Toebben, Mr. Wischer, Mr. Whelan and Mr. Darpel voted against. The motion failed. Mr. Darpel then asked for another motion on the matter. Mr. Sketch made the motion to deny the request. Mr. Wischer seconded the motion. A roll call

vote on the matter found Mr. Sketch, Mr. Wischer, Mr. Bridges, Ms. Collins, Mr. Dunham, Mr. Gaiser, Mr. Martin, Mr. Padget, Mr. Pannunzio, Mr. Ryan, Mr. Toeppen, Mr. Whelan and Mr. Darpel in favor. Mr. Bethell, Ms. Brown, Ms. Hood, Mr. Hult, Mr. Logsdon and Ms. Snyder voted against. The motion carried.

**FILE:** PC1703-0008 (action required)

**APPLICANT:** City of Park Hills per Matt Mattone, Mayor

**REQUEST:** Proposed text amendments to the HC (Highway Commercial) Zone within the Park Hills Zoning Ordinance: (1) removing the rental of automobiles and trucks weighing up to 25,999 pounds from the list of permitted uses, and removing development regulations pertaining to this use; (2) allowing home improvement design, sales, service and installation, along with the fabrication of such products, to the list of permitted uses, subject to restrictions; and (3) adding professional offices to the list of permitted uses.

Staff presentation and Staff Recommendations by Mr. Alex Koppelman

**PDS STAFF RECOMMENDATION:**

Regarding (1) Unfavorable recommendation removing the rental of automobiles and trucks weighing up to 25,999 pounds from the list of permitted uses, and removing development regulations pertaining to this use; (2) Favorable recommendation of the proposed text amendment allowing home improvement design, sales, service and installation as a permitted use, subject to the condition that the fabrication of products associated with these uses be listed as a conditional use; (3) Favorable recommendation of the proposed text amendment to the Park Hills Zoning Ordinance adding professional offices to the lists of permitted uses in the Highway Commercial (HC) Zone.

Mr. Matt Mattone addressed the Commission in favor and stated he would defer to Staff's presentation and is available to answer any questions. Mr. Sketch asked if on the first request if he was agreeable to making it a conditional use. Mr. Mattone stated there is some reservation in having automobile rentals in Park Hills moving forward. He stated ideally they would like to not penalize those currently but moving forward want to monitor it. Mr. Dunham stated he did not understand what the issue was in having that in that particular highway commercial zone. Mr. Mattone stated they felt it was probably best to just strike that because back in 2013 it was probably something that shouldn't have been approved at the time. Mr. Ryan gave a brief history of the property in question and stated it's probably something that truck rentals don't fit in well any longer in the area. Mr. Mattone stated he wasn't aware of the deep history of the Dixie Corridor and the idea is to raise the tide little by little. He stated he thinks the city has spot zoned to encourage development to come to the city in the past. He further commented the city has learned that these types of businesses (truck rental properties) are not the highest and best use for the property along the Dixie Corridor. He stated they as a legislative body are looking at how they can comprehensively encourage smart growth.

Mr. Nienaber addressed the Commission and stated he probably promptly initiated each one of these changes in attempting to purchase properties in the area. He stated his goal has always been to clean up Dixie Highway and stated Park Hills is just as much his town as Ft. Wright. He stated they are trying to be part of the tide that rises and their intention is to be a good neighbor. He stated every business is operating for the most part down there as a non-conforming use. He further commented he understands why they are coming up with no automobile rentals and he will stand by what is recommended.

Mr. Darpel recessed the public hearing for discussion. Mr. Darpel then reconvened and closed the public hearing. He asked for a motion on the issues. Mr. Ryan made the motion with regard to the first request to

approve the removal of the use from the permitted uses and removing development regulations in the HC Zone. Mr. Sketch seconded the motion. A roll call vote on the motion found Mr. Ryan, Mr. Sketch, Mr. Bethell, Ms. Collins, Mr. Gaiser, Mr. Logsdon, Mr. Pannunzio, Mr. Padget, Ms. Snyder, Mr. Toebben, Mr. Wischer, Mr. Whelan and Mr. Darpel in favor. Mr. Bridges, Ms. Brown, Ms. Hood, Mr. Hult and Mr. Martin voted against. Mr. Dunham abstained. The motion carried. Mr. Darpel asked for a motion on the second issue. Mr. Ryan then made the motion to approve with the language attached. Ms. Brown seconded the motion. A roll call vote on the motion found Mr. Ryan, Ms. Brown, Mr. Bethell, Mr. Bridges, Ms. Collins, Mr. Gaiser, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Padget, Mr. Sketch, Ms. Snyder, Mr. Toebben, Mr. Wischer, Mr. Whelan and Mr. Darpel in favor. Mr. Dunham abstained. The motion carried. Mr. Darpel then asked for a motion on the third request. Mr. Ryan made the motion to approve the adding of professional offices to the list of permitted uses. A roll call vote on the motion found Mr. Ryan, Mr. Sketch, Mr. Bethell, Mr. Bridges, Ms. Brown, Ms. Collins, Mr. Gaiser, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Padget, Ms. Snyder, Mr. Toebben, Mr. Wischer, Mr. Whelan and Mr. Darpel in favor. Mr. Dunham abstained. The motion carried.

\*At this time, (11:04 p.m.) Mr. Darpel asked for a motion to recess the public hearing until 6:15 on Tuesday on April 11<sup>th</sup>. Ms. Snyder made the motion to recess until April 11<sup>th</sup>. Mr. Ryan seconded. All in favor by acclamation. The meeting was recessed.

#### **Continuation Meeting April 11, 2017, 6:15 p.m.**

**FILE:** PC1703-0003 (action required)

**APPLICANT:** City of Covington per Loren Wolff, Interim City Manager

**REQUEST:** Proposed text amendments to the Covington Zoning Ordinance permitting two projection signs for businesses located on corner lots within the General Business and Commercial-General, and Commercial-Community Zones) and the Downtown Districts (Central Business District, Commercial-Tourist, and Linden Gateway District Zones.)

Staff presentation and Staff Recommendations by Mr. Alex Koppelman

#### **PDS STAFF RECOMMENDATION:**

Favorable recommendation of the proposed text amendment permitting two projection signs for businesses located on corner lots within the General Business and Commercial Districts (Commercial-Neighborhood, Commercial-General, and Commercial-Community Zones) and the Downtown Districts (Central Business District, Commercial-Tourist, and Linden Gateway District Zones).

Mr. Alex Koenig addressed the Commission in favor of the issue. Mr. Sketch asked what the definition of unique architecture was. Mr. Koenig stated that would be subjective and would involve architecture that was enacted prior to what is currently existing. Mr. Sketch then asked why a building that was torn down would not have the same opportunity to have two signs like before. Mr. Koenig stated they did have a few instances where a new business coming into the city did not want to place a projected sign on the new business.

At this time Mr. Darpel recessed the public hearing for discussion. There being none he then reconvened and closed the public hearing and asked for a motion. Mr. Hult made the motion to approve the issue based on Staff's recommendations. Mr. Padget seconded the motion. A roll call vote on the issue found Mr. Hult, Mr. Padget, Mr. Bethell, Mr. Bridges, Ms. Brown, Mr. Dunham, Mr. Gaiser, Ms. Hood, Mr., Pannunzio, Mr. Ryan, Mr. Sketch, Mr. Toebben, Mr. Wischer, Mr. Whelan and Mr. Darpel in favor. The motion carried unanimously.

**FILE:** PC1703-0004 (action required)

**APPLICANT:** City of Covington per Loren Wolff, Interim City Manager

**REQUEST:** Proposed text amendments to the Covington Zoning Ordinance amending the violation procedures and penalties for violations to bring the City's enforcement procedures and penalties into compliance with legislative changes enacted in 2016 by the Kentucky General Assembly via House Bill 422.

Staff presentation and Staff Recommendations by Mr. Andy Videkovich

**PDS STAFF RECOMMENDATION:**

Favorable recommendation of the proposed text amendments to the Covington Zoning Ordinance amending the violation procedures and penalties for violations to bring the City's enforcement procedures and penalties into compliance with legislative changes enacted in 2016 by the Kentucky General Assembly via House Bill 422.

Mr. Alex Koenig addressed the Commission and stated the city is bringing this about in order to be consistent and in compliance. Mr. Bridges asked about the notification via certified mail aspect and referenced someone that had been out of town and did not receive the notice and came back from vacation only to lose his building because he had ten thousand dollars worth of fines on it. Mr. Koenig then commented that he would take that into consideration. Mr. Ryan asked if other communities are doing this in the area. Mr. Videkovich stated they are not that he is aware of. Mr. Padget stated as a long time Covington resident the Code enforcement has been somewhat sporadic in the enforcement and stated it's his understanding that this is just to make it consistent. Mr. Darpel then recessed the public hearing for discussion. There being none, he then reconvened and closed the public hearing and asked for a motion. Mr. Padget made the motion to approve based on Staff's recommendations. Mr. Bethell seconded the motion. A roll call vote on the matter found Mr. Padget, Mr. Bethell, Ms. Brown, Mr. Dunham, Mr. Gaiser, Ms. Hood, Mr. Hult, Mr. Pannunzio, Mr. Ryan, Mr. Sketch, Mr. Toebben, Mr. Wischer and Mr. Whelan in favor. Mr. Bridges and Mr. Darpel voted against. The motion carried.

**FILE:** PC1703-0006 (action required)

**APPLICANT:** City of Fort Mitchell per Sharmili Reddy, City Administrator

**REQUEST:** Proposed text amendments to the Fort Mitchell Zoning Ordinance adding Barber and Beauty Shops as a permitted use within the PO (Professional Office) Zone.

Staff presentation and Staff Recommendations by Mr. Andy Videkovich

**PDS STAFF RECOMMENDATION:**

Unfavorable recommendation of the proposed text amendment to the Fort Mitchell Zoning Ordinance adding Barber and Beauty Shops as a permitted use with the PO (Professional Office) Zone.

Ms. Sharmili Reddy addressed the Commission and stated they have a business that is interested in locating within one of the professional office zones. She further stated she is available to answer any questions. Mr. Dunham asked if there was any other reason why the city would not be interested in having it is a conditional use. Ms. Reddy stated she could not.

Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners. Mr. Bethell stated he does not think it's appropriate in the Professional Office zone. Mr. Padget stated if this is

approved this could open things to other businesses and he asked what those would be. Mr. Videkovich stated barber shops or beauty shops could go into other zones. Mr. Dunham stated he does not think it's appropriate in the PO zone but he would be open to having it as a conditional use. Mr. Bridges stated he too is not in favor of it. Mr. Dunham stated if it is approved as it submitted one of his concerns is it is a retail type use in a PO zone but with a conditional use it's clearly listed as a commercial use in that zone. Mr. Darpel then reconvened and closed the public hearing. He asked for a motion on the issue. Mr. Bethell made the motion to deny the issues based on. Staff's recommendations as well as the discussion on the issue. Mr. Bridges seconded the motion. A roll call vote on the motion found Mr. Bethell, Mr. Bridges, Mr. Dunham, Mr. Hult, Mr. Pannunzio, Mr. Padget, Mr. Ryan, Mr. Sketch, Mr. Toebben, Mr. Wischer, Mr. Whelan and Mr. Darpel in favor. Ms. Brown, Mr. Gaiser and Ms. Hood voted against. The motion carried.

\*The following two related issues were combined for purposes of the meeting

**FILE:** PC1703-0001 (action required)

**APPLICANT:** Kenton County Planning Commission per Paul J. Darpel, Chair

**REQUEST:** Proposed text amendments to the Bromley, Covington, Crestview Hills, Edgewood, Elsmere, Erlanger, Fairview, Independence, Unincorporated Kenton County, Lakeside Park, Ludlow, Park Hills, Taylor Mill and Villa Hills zoning ordinances; (1) updating the sign regulations to be "content neutral" as necessitate by the US Supreme Court decision in Reed vs. Gilbert, Arizona; and (2) updating provisions of the general regulations and sign regulations to address new trends and technology in signs, nonconforming signs, and out of date cross references.

**FILE:** PC1703-0002 (action required)

**APPLICANT:** Kenton County Planning Commission per Paul J. Darpel, Chair

**REQUEST:** opposed text amendments to the Fort Mitchell, Fort Wright, Crescent Springs, Ryland Heights, and Kenton Vale zoning ordinances: (1) deleting all current definitions pertaining to signage; (2) deleting all current sign regulations; (3) adding new definitions pertaining to signage; and (4) adding new sign regulations. The proposed new regulations are Content neutral" as necessitated by the US Supreme Court decision in Reed vs. Gilbert, Arizona

Staff presentation and Staff Recommendations by Mr. Andy Videkovich

### **PDS STAFF RECOMMENDATIONS:**

Issue PC1703-0001:Favorable recommendation on the proposed text amendments to the Bromley, Covington, Crestview Hills, Edgewood, Elsmere, Erlanger, Fairview, Independence, Unincorporated Kenton County, Lakeside Park, Ludlow, Park Hills, Taylor Mill, and Villa Hills zoning ordinances: (1) updating the sign regulations to be "content neutral" as necessitated by the US Supreme Court in *Reed vs. Gilbert, Arizona*; and, (2) updating provisions of the general regulations and sign regulations to address new trends and technology in signs, nonconforming signs, and out-of-date cross references, subject to the condition that the recommended definitions for "inflatable sign" and "automated retail kiosk" be included.

Issue PC1703-0002: Favorable recommendation on the proposed text amendments to the Fort Mitchell, Fort Wright, Crescent Springs, Ryland Heights, and Kenton Vale zoning ordinances: (1) deleting all current definitions pertaining to signage; (2) deleting all current sign regulations; (3) adding new definitions pertaining to signage; and, (4) adding new sign regulations. The

proposed new sign regulations are “content neutral” as necessitated by the US Supreme Court decision in *Reed vs. Gilbert, Arizona*, subject to the condition that the recommended definitions for “inflatable sign” and “automated retail kiosk” be included.

Mr. Kelly addressed the Commission in favor of the issue and referenced the key issues and gave background information with the issue involving the *Reed v. Gilbert* matter and how those issues relate to the issue at hand. Mr. Kelly stated it is extraordinarily difficult to enforce something under strict scrutiny.

Following the discussion on the ruling involved *Reed v. Gilbert*, he then reviewed the items that would not be changing with text amendment. He stated he thinks they are okay with that.

Mr. Darpel stated they wanted to work with the city but he also said he has a hard time thinking this will work in all jurisdictions. Mr. Dunningham echoed the concerns about the abandonment. He noted it’s not unheard of for a commercial project to take 18-24 months to get a business in there and he would hate them to lose their sign. Mr. Dunham then suggested if this was for temporary signage he would understand that but that’s not the way it’s written. He also noted it would be his preference to remove it all together. Mr. Sketch asked if the Staff has been working with all the cities on this and if all of them are going to change this and adopt it. Mr. Videkovich stated that would be up to the individual cities if it’s passed. He noted they fully intend to have to sit down with the cities and go through this to work it out with each one and stated further this isn’t something that would change overnight. He stated they fully expect this to be a process. Mr. Videkovich additionally stated they will expect that some cities will not want the inflatable signs and noted it will be up to each individual city attorney to make that designation. Mr. Darpel stated he has an issue with saying signs held by people spinning them in front of businesses are absolutely banned. He noted he just has a problem with an absolute banning of signs like this and he felt the same way years ago when a complete ban on all new billboards was implemented. Mr. Bridges commented that it might be a good idea to table the issue to address the concerns raised. Mr. Hult stated he felt the same way. Following the discussion Mr. Darpel recessed the public hearing for discussion. There being none, he then reconvened and closed the public hearing and asked for a motion. Mr. Bridges then made the motion to table issue PC-1703-0001 for up to 6 months to work through any issues there may be with the proposal. Mr. Gaiser seconded the motion. A roll call vote on the motion found Mr. Bridges, Mr. Gaiser, Mr. Bethell, Ms. Brown, Mr. Dunham, Ms. Hood, Mr. Hult, Mr. Pannunzio, Mr. Padget, Mr. Ryan, Mr. Sketch, Mr. Toebben, Mr. Wischer, Mr. Whelan and Mr. Darpel in favor. The motion to table carried.

Mr. Darpel then referenced PC1703-0002 and asked if everyone was clear on the issue. He then asked Mr. Kelly if he had anything to add on this particular issue. Mr. Kelly stated he did not have anything different to add other than this issue is more urgent than the other but that if nothing has happened in nine years, then six months more will not be an issue.

Mr. Darpel then recessed the public hearing for discussion. There being none, he then reconvened and closed the public hearing and asked for a motion on the second part of the issue. Mr. Bridges then made the motion to table the issue for a period of up to six months. Mr. Ryan seconded the motion. A roll call vote on the motion found Mr. Bridges, Mr. Ryan, Mr. Bethell, Ms. Brown, Mr. Dunham, Mr. Gaiser, Ms. Hood, Mr. Hult, Mr. Pannunzio, Mr. Padget, Mr. Sketch, Mr. Toebben, Mr. Wischer, Mr. Whelan and Mr. Darpel in favor. The motion carried.

Mr. Darpel then stated Staff did do a good job on this and he doesn’t want this to reflect in any way on the quality of the work on the issue. He then asked how to address it and move forward and asked if he

wanted to meet monthly or get a committee to work with Staff on the issue. Mr. Kelly stated that he didn't know that a committee would help on the couple issues the Commission is concerned about. He stated with regard to the abandonment of signs issue he didn't know if having a committee would help in having even ground for that. He stated he didn't feel a committee would solve the issue and suggested coming p with a couple suggestions and bringing it back. Mr. Darpel stated he is kind of committed out. Mr. Dunham stated he would be willing to work with Staff on the issue to resolve the questions raised.

**WAIVER:** W-517 Sherbourne, Phase H Part 2

**APPLICANT:** The Drees Company

**LOCATION:** An approximate 4.2 acre parcel at the terminus of Twinridge Way within Sherbourne Subdivision in Erlanger

**REQUEST FOR ACTION:** To grant a waiver to the requirements of Section 1.010-4 of the Kenton County Subdivision Regulations; granting the request would waive the requirement that the remaining portion of Twinridge Way (approximately 500 feet) utilize the new concrete curb and gutter section, new pavement cross slope, new asphalt pavement section, and new storm sewer underdrain regulations.

Staff presentation and Staff Recommendations by Mr. Scott Hiles

**PDS STAFF RECOMMENDATION:**

To deny the requested waiver to Section 1.10-4 of the Kenton County Subdivision Regulations and require that the remaining portion of Twinridge Way (approximately 500 feet) utilize all of the new Subdivision Regulations.

Mr. Schottelkotte addressed the Commission as the applicant and stated he recalls an email coming out with a notice about the necessity of having the development completed prior to the deadline. He stated they had a substantial amount completed and after checking with Scott they were advised that they would have to finish under the new regulations. He then stated basically they are here to obtain the waiver to complete it under the new regulations. He further noted one of the exceptional conditions was a cemetery was found that caused a delay with the development. He stated no one located the cemetery until that time and began the process of relocating the cemetery and relocating utilities in order to do so. Mr. Schottelkotte stated they began the detailed work of uncovering the graves and locating the headstones, etc. He stated the more they worked on recovering that the more it got out into the right of way. He noted they originally thought it consisted of 6-9 graves and ended with the remains of 44. He stated needless to say, all the relocation took time and pushed them back in terms of the deadline. He noted they could not do grading in that area and could not run sanitary sewer until they had removed all of the graves. Mr. Schottelkotte stated once they got that completed they began to do all the work that they could so their focus went to getting the lots in. He then stated the basis of their waiver is the exceptional condition of the cemetery and the delays caused by this. He stated they had gotten the pricing for the remaining lots and because were not able to get it completed by the deadline. He noted they had contractors quote under the new regulations and the old regulations and he stated it would be \$600-\$800 per lot just to change the specifications, which is just their cost. Mr. Schottelkotte stated they feel the unforeseen rise in cost is also a basis in allowing them to continue with the existing specifications because of the unusual condition of the cemetery issue. He stated if they hadn't run into the issue they ran into, the street would have been installed timely and he feels putting the street in under the new regulations is detrimental the public. He then stated they are requesting the waiver to finish the street under the old regulations. Ms. Brown stated if they were in the clear in October, November and December, what then is the reasoning for waiting 6 months to bring the waiver. Mr. Shottelkotte stated honestly with all the projects they have going on and with the issue with the cemetery they just did not think of it. He stated it wasn't until Scott Hiles' article in

the newsletter that they thought they were close to the deadline or they would have just gone ahead with the construction under the old regulations.

Mr. Darpel reminded the Commissioners of the requirements necessary in order to grant the waiver. Mr. Padget asked how many graveyards are out there that might be affected with regard to waivers. He asked if four of the seven are moving forward with the new regulations then what is the problem in going forward with these three? Mr. Darpel stated he had also been contacted on this issue because this one will effect what will happen potentially with the other two related issues.

Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners. Mr. Bridges stated he felt Mr. Shottelkotte was very candid in stating they just overlooked it. He further stated he felt the cemetery was a justification after the fact. Mr. Bridges further noted he doesn't think the topographical issue exists now so he doesn't see what the problem is. Mr. Sketch stated the problem existed and they couldn't finish the project. Mr. Ryan stated he feels the cemetery is a physical condition that exists. Mr. Darpel stated he doesn't feel you can punish them just because they didn't bring the waiver in time. He stated if they had brought it before the Commission may not have granted the waiver because they technically weren't out of time yet so why would a waiver be granted. He stated they had other work to do and they did that but he doesn't feel they can be punished on a timing issue. Mr. Toebben stated this is very simple; it is not detrimental to the public. He asked how much more exceptional can you get then running into a cemetery? You can't just run over it and you have to stop work. Ms. Brown stated she is no way faults Drees and noted she understands they had to stop work. She commented further that Drees had a representative at every meeting for three years at the regulation committee meetings. Ms. Brown stated they knew of this exceptional condition and her gut reaction is this applicant have known this was going to be expiring and they needed to request a waiver. She further noted that at the end of the day it is an exceptional condition but they should have known a waiver would be required. Mr. Darpel stated the reality is that you have a builder that came in because a cemetery was discovered and they were delayed. He further stated taking the time to move 44 graves is a justification for an exceptional condition. Mr. Sketch stated it is a process to move a cemetery and it takes a long time going through state regulations, etc. so it is a process. Mr. Bethell stated they perhaps should have contacted them in January but it they certainly didn't expect to find 44 graves and that obviously slowed things down. He stated if they came in here in January they still wouldn't have gotten the waiver. There being no further comments, Mr. Darpel reconvened and closed the public hearing. He then asked for a motion on the issue. Ms. Brown then made the motion to grant the waiver due to exceptional topographical conditions on the property and that it is not detrimental to the public. Mr. Ryan seconded the motion. A roll call vote on the matter found Ms. Brown, Mr. Ryan, Mr. Bethell, Mr. Dunham, Mr. Gaiser, Ms. Hood, Mr. Hult, Mr. Pannunzio, Mr. Padget, Mr. Sketch, Mr. Toebben, Mr. Wischer, Mr. Whelan and Mr. Darpel in favor. Mr. Bridges voted against. The motion carried.

**APPLICANT:** Kenton County Planning Commission per Paul J. Darpel, Chairman

**REQUEST:** To adopt an amendment to Article 18 (Application Fees) of the KCPC Bylaws to hold application fees current through June 30, 2017. Fees will be adjusted on July, 2017 and at the beginning of each new fiscal year according to the prior year's Metro-Cincinnati CPI-U. PDS shall maintain a current schedule of fees on its website.

Mr. Miller addressed the Commission on the issues and stated they understand this will be based upon CPI and asked which one it is. Mr. Miller asked if the CPI went down would the fees go down. Ms. Brown stated it adjusts to whatever way CPI is. Mr. Miller also asked about CPI increases of 10, 11 and 13% during an extreme recessionary period would there be any increase to the fees at that time. Mr. Darpel stated they could review them at that time and make adjustments where necessary. He noted



Kenton is not growing at the rate that Campbell and Boone counties are. Mr. Miller noted this seems a lot more tolerable now that it is a smaller increase over what was proposed before. He then stated in a short period of time these regulations will cost a considerable amount of money so he stated in moving forward they are not in support of any price increase. He stated to think that these cost increases are easy to pass off, it is not, so they need to be extremely attentive to market analysis. Mr. Darpel stated they always appreciate him coming out and educating them on issues and they appreciate his input. He additionally noted they resisted on increasing any fees and held off in trying to hold costs down where they can. Mr. Darpel stated he feels they have done a good job in terms of that and he is very proud of the final outcome of this.

Mr. Darpel then recessed the public hearing for discussion. Mr. Toeppen stated he is dead set against any automatic increases in terms of the CPI. He stated he can't vote for anything that is an automatic increase. Mr. Darpel stated he agreed it needs to be looked at. Mr. Toeppen then commented that's why it's a good idea to look at it every year. He stated they need to do something to encourage more development in Kenton County and if you keep adding fees it's just going to nickel and dime developers. Mr. Hult stated he thinks it would be a mistake to try to balance the budget with the developer and micromanage it. He further commented the reason Campbell County is catching up is because the prohibition on development has been lifted due to the sanitation plant issue and once that was lifted it allowed new development to occur. He stated it didn't have anything to do with fees. Mr. Darpel then reconvened and closed the public hearing. He asked for a motion on the issue. Ms. Brown made the motion to adopt the application language as stated. Mr. Hult seconded the motion. A roll call vote on the motion found Ms. Brown, Mr. Hult, Mr. Bethell, Mr. Bridges, Ms. Hood, Mr. Padget, Mr. Pannunzio, Mr. Ryan and Mr. Darpel in favor. Mr. Dunham, Mr. Gaiser, Mr. Sketch, Mr. Toeppen, Mr. Wischer and Mr. Whelan voted against. The motion carried.

### **Ongoing Business:**

#### **Reports from Committees**

***By Laws:*** - No meeting held. Ms. Brown commented about the recent changes to the By-Laws and the reserve fund. She stated they need to adjust the article language. Ms. Brown made a motion to hear the issue at next month's meeting. All in favor my acclamation.

***Direction 2030 implementation:*** Mr. Bethell stated one of the things the need to do is do a five year review for all the cities and unincorporated areas. He stated the best they have come up with is to have the cities visit with their entities and determine what they want to do.

***Executive:*** – Mr. Darpel stated they did not meet.

***Social Media:*** - Mr. Ryan stated they met in March and there is a flyer at everyone's seat on how to set up the email for the social media. He additionally commented about establishing a web site and discussed web site design. He stated they discussed getting bids for different things and then as a committee looked at it. He noted there is a contract for the service and purchase of the KCPC website and asked for a vote on this. Mr. Ryan stated the motion is to approve the December 16, 2016 proposal from Systems Insight, Inc. for presentation to the full commission subject to confirmation of appropriate cost analysis by an outside service. Ms. Brown seconded the motion. All in favor by acclamation.

**Subdivision Review** – Mr. Darpel stated they had very little negative feedback and felt the feedback received was really positive. He stated that is basically what they have done and they really haven't done anything else. He stated Scott has done a great job. He also commented he thinks people are now understanding the process.

**Reports from Commission Members:** Mr. Hult stated they haven't met but he wanted to mention they don't expect an increase in infrastructure funds to be coming anytime soon. Mr. Darpel commented that Mr. Bridges had expressed an interest in attending in the event Mr. Hult could not attend a meeting. He encouraged the new Commissioners to attend as well. He stated Mr. Hult is very involved in the southern end of the county and he always lets the Commission know what's going on.

**Reports from Legal Counsel** – Mr. Smith commented that there was an appeal of a planning commission's decision that now requires a bond be filed in order to be able to file with the Kentucky Court of Appeals. He stated he didn't see anything else that was related.

**Announcements from Staff** – Mr. Videkovich stated there was nothing to report.

**General Correspondence:** Mr. Darpel stated he had received a letter from the Benedictine Sisters thanking the Commission for their time and effort on the recent issue.


**New Business:** None.

**Public Comments:** None.

There being nothing further to come before the commission, a motion to adjourn was made by Ms. Brown and seconded by Mr. Padget. All in favor by acclamation. The meeting then adjourned at 9:38 p.m.

APPROVED:

Chair



Date

6/6/17