

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
Minutes**

Mr. Darpel, Chairman, called the meeting to order on August 3, 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 | F | M | A  | M | J | T | A | S | O | N | D |
|-----------------------|-----------------|---|---|---|----|---|---|---|---|---|---|---|---|
|                       |                 | n | e | a | p  | a | n | u | u | u | e | e | e |
|                       |                 | n | b | r | r  | y | n | l | g | p | t | v | c |
| Jeff Bethell          | Fort Mitchell   |   | X | X | Xx | X | X | X |   |   |   |   |   |
| Diane Brown, V. Chair | Erlanger        | X | X | X | Xx |   | X | X | X |   |   |   |   |
| Nancy Collins         | Ryland Hts.     |   | X | X | Xx | X |   | X | X |   |   |   |   |
| Gailen Bridges        | Kenton Co       | X | X | X | Xx | X |   | X | X |   |   |   |   |
| Paul Darpel, Chair    | Edgewood        | X | X | X | Xx |   | X | X | X |   |   |   |   |
| Brian Dunham          | Kenton Cty      | X | X | X | Xx | X | X | X | X |   |   |   |   |
| Mike Gaiser           | Ludlow          |   | X | X | Xx | X |   | X | X |   |   |   |   |
| Lynne Hood            | Crestview Hills | X | X | X | Xx |   | X | X | X |   |   |   |   |
| Marc Hult,            | Covington       | X | X | X | Xx | X | X | X | X |   |   |   |   |
| Keith Logsdon         | Lakeside Park   | X | X | X | Xx | X |   | X | X |   |   |   |   |
| Matthew Martin        | Taylor Mill     |   |   | X | X  | X | X | X | X |   |   |   |   |
| Ron Padgett           | Covington       |   |   | X | Xx | X | X | X | X |   |   |   |   |
| Joe Pannunzio         | Elsmere         | X | X | X | Xx |   | X | X | X |   |   |   |   |
| Phil Ryan, Treasurer  | Park Hills      | X | X |   | Xx | X | X | X |   |   |   |   |   |
| Marco Sansone         | Bromley         |   | X | X |    | X |   | X |   |   |   |   |   |
| Greg Sketch           | Crescent Spgs   | X | X | X | Xx | X |   | X | X |   |   |   |   |
| Maura Snyder          | Independence    | X | X | X | X  | X |   | X | X |   |   |   |   |
| Jack Toebben          | Fort Wright     | X | X | X | Xx | X | X | X |   |   |   |   |   |
| Robert "Bob" Whelan   | Covington       |   |   | X | Xx | X | * | X |   |   |   |   |   |
| Brian Wischer         | Villa Hills     | X | X | X | Xx | 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 Mr. Daniel Hunt, legal counsel, and the following PDS staff: Mr. Andy Videkovich, Mr. Alex Koppelman and Ms. Emi Randall.

**AGENDA**

Mr. Darpel asked for a motion to accept the agenda as stated. There being none, Ms. Snyder made the motion to accept the agenda as submitted. Mr. Gaiser seconded. All in favor by acclamation.

**APPROVAL OF THE MINUTES:**

Mr. Darpel asked for any questions or changes to the minutes for July. Mr. Bridges noted a misspelling of Mr. Ripberger’s name on page three of the minutes, third paragraph. Mr. Padgett also noted his name was listed with one “T” and should have two. There being no additional questions or comments, Mr. Darpel asked for a motion. Ms. Snyder then made the motion to approve the minutes as amended. Ms. Brown seconded the motion. A roll call vote on the motion found Ms. Snyder, Ms. Brown, Mr. Bridges, Ms. Collins, Mr. Dunham, Mr. Gaiser, Mr. Hult, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Sketch, Mr. Wischer and Mr. Darpel in favor. Mr. Padgett voted against. The motion carried.

**RECEIPTS AND EXPENDITURES:**

Mr. Darpel stated the receipts and expenditures report was distributed. There being no comments or questions he then asked for a motion to approve. Ms. Snyder made the motion to approve. Mr. Gaiser seconded. All in favor. None opposed.

**RECENT ACTIONS BY STAFF:**

*(No action required)*

**RECENT ACTIONS BY LEGISLATIVE BODIES:**

*(No action required)*

**PUBLIC HEARINGS:**

**FILE:** PC1706-0007 (action required)

**APPLICANT:** City of Crescent Springs per George Ripberger, City Administrator

**REQUEST:** Proposed text amendments to the MLU-2 (Mixed Land Use-Two) Zone in the Crescent Springs Zoning Ordinance: (1) removing drive-list thru restaurants from the list of conditional uses; (2) adding them to the list of permitted uses; and, (3) adding outdoor dining to the list of permitted uses.

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

**PDS STAFF RECOMENDATION:**

Unfavorable recommendation for removing drive-thru restaurants from the list of conditional uses and adding them to the list of permitted uses in the MLU-2 Zone.

Mr. Alan DePompei, public works supervisor for Crescent Springs, addressed the Commission on behalf of the applicant and stated businesses tend to walk away from areas where they don’t find a permitted use and only a conditional use in the zone they are looking at. He noted they tend to look for other areas where they don’t have to fight those battles. He additionally noted the amount of road frontage on Buttermilk Pike is quite substantial and lends itself well to fast food restaurants. Mr. DePompei commented there are two other businesses in the same zone that have drive thrus but are not restaurants available for their customers so drive thrus are already there as part of the zone.

All others registered to speak had nothing to add.

Mr. Dunham commented that he hasn't seen it be that big of a hurdle that folks who otherwise want the site are going to move on. He noted he would follow Staff's recommendation. Mr. Sketch stated he doesn't know how when you go to the Board of Adjustment how you distinguish who gets drive thrus and who doesn't. He stated it doesn't really make sense to him so if they want that site they're going to want that drive thru and it's going to be an automatic stamp from the Board of Adjustment so why go through another process. He noted in that case he does not agree with Staff's recommendation. He stated he would be voting to support all three. Mr. Sketch commented further about the curb cuts and stated that is controlled by the transportation cabinet in terms of how many you're going to get and whether you have a drive thru or not so he doesn't think that's going to dictate anything. Mr. Dunham stated one of the issues is you're going to have more traffic vs. a sit down restaurant. There being no further discussion, Mr. Darpel reconvened and closed the public hearing. He asked for a motion on the matter. Mr. Sketch made the motion to approve the requests for a conditional use for Request #1 and #2 based on. Mr. Wischer seconded the motion. A roll call vote on the motion found Mr. Sketch, Mr. Wischer, Ms. Brown, Mr. Gaiser, Mr. Martin, Mr. Pannunzio, and Mr. Padgett in favor. Mr. Darpel, Mr. Bridges, Ms. Collins, Mr. Dunham, Mr. Hult, Mr. Logsdon and Ms. Snyder voted against. The motion did not pass with a 7-7 vote. Mr. Darpel asked if anyone would like to make another motion and if not, it would be sent to the city without a recommendation. He then asked for a motion with regard to Request #3. Mr. Sketch made the motion to approve based on Staff's recommendations and to also include the conditions of Staff. Mr. Wischer seconded the motion. A roll call vote on the motion found Mr. Sketch, Mr. Wischer, Mr. Darpel, Mr. Bridges, Ms. Brown, Ms. Collins, Mr. Dunham, Mr. Gaiser, Mr. Hult, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Padgett and Ms. Snyder. The motion carried unanimously.

**FILE:** PC1707-0001 (action required)

**APPLICANT:** City of Taylor Mill per Jill Bailey, City Manager

**REQUEST:** A proposed text amendment to the Taylor Mill Zoning Ordinance adding existing restaurants as a permitted use within the R-1C Zone along with outdoor dining in conjunction with the restaurant subject to area, time and noise restrictions.

Staff presentation and Staff recommendations by Mr. Alex Koppelman

**PDS STAFF RECOMMENDATION:**

Unfavorable recommendation of the proposed text amendment to the Taylor Mill Zoning Ordinance adding existing restaurants as a permitted use, along with outdoor dining in conjunction with the restaurant subject to area, time, and noise restrictions.

Ms. Bailey addressed the Commission in favor of the issue and stated this issue is unique as it is the only restaurant located in the R-1C zone. She stated they wish to expand and add an outdoor patio which is the trend with restaurants and to provide a non smoking area for patrons. She stated the zoning predates her tenure with the city of twenty two years so she cannot state why this wasn't addressed prior. She further stated this has always been a restaurant and believes it possibly predates the incorporation of the city. She noted if this use goes away the potential use of the property goes away as well. She noted they feel like they are limiting the noise issue and met with residents of surrounding area. She noted this was done for the sole purpose of gauging whether or not this would be a noise issue and overwhelming the people came out in support of the issue. She further stated they don't believe having an outdoor patio will negatively affect the area. She additionally noted the time restrictions that will be noted so the residents are not

negatively impacted. She stated she was happy to answer any questions. Mr. Darpel stated one of the things he noticed with this is they try to avoid spot zoning and this is spot zoning. He further asked if that has been addressed or discussed at all. Mr. Darpel also inquired about the residents having input with regard to the proposed issue. Ms. Bailey stated they made a very concerted effort to reach out to residents that could potentially be impacted. Ms. Bailey addressed the issue of spot zoning and stated their city attorney felt like this addressed that and was not a concern. She noted of approximately twenty-five people contacted two residents could not attend the meeting. Mr. Hult asked if this had been zoned in another zone it would not be an issue to address. Mr. Hult stated this zone deals with one business and is more than spot zoning and he asked if that had been discussed with the city attorney. Ms. Bailey stated the language in the zone identifies existing restaurants and there just aren't any others in this zone. She noted they are trying to deal with it the best way that they can and allow them to be competitive. She noted it is definitely a unique circumstance.

Mr. Workman deferred speaking to Mr. Tim Theissen.

Mr. Tim Theissen addressed the Commission in favor of the issue and stated the handout he distributed he would like marked as exhibit A. He noted the restaurant owners have been collecting signatures in favor of an outdoor patio and submitted that list of over 300 signatures of those in favor of an outdoor patio. Mr. Theissen then stated there are eighteen residents within 622 feet of the restaurant and none of them are in opposition. He stated he has never encountered a restaurant that has such passionate supporters and noted this restaurant has been in existence since the 1920's so long before any zoning was in effect. Mr. Theissen then submitted a binder of the signatures as exhibit B in support of the issue. He stated they are trying to figure out a way to not violate the rules and have spot zoning. He stated the way the law has been adopted is that buildings that have been in existence before zoning was in effect are grandfathered in. He noted this isn't really spot zoning but a legal principle. He noted this is a unique situation because it has been in existence way before zoning and this is just a way to clear that up. Mr. Theissen then commented on the issue of the owner preparing a patio and receiving a stop work order. He wanted to clear that up and stated the owner thought he could put in the patio where he had the concrete poured and found out later that he could not. Mr. Theissen wanted to note that this was not a property owner that went and built a patio without any approval, it was a misunderstanding and he wanted to verify that. Mr. Theissen stated this is a great gathering place for people in Taylor Mill and the surrounding area. He reiterated it is a unique situation and is a way of using the law properly so the property owner can put in a patio. He then stated the sole purpose of this request is to allow outdoor dining. He stated it is a trend to offer outdoor seating and there is actually another proposal on the agenda for the same thing. He stated this applies only to this one location and noted the proposal was created by the city commission in order to fix the problem. He stated the city commission actually came to the property owner with this to find a solution. Mr. Theissen stated one of the reasons to approve this is smart growth as it locates a neighborhood business near the residents. He noted it attracts business from other areas. He also noted it promotes business retention as it will allow them to compete with other businesses that have outdoor dining. He also noted it promotes creativity and the unique identify of Taylor Mill. He then referenced aspects of his handout marked as exhibit A and made various points with regard to that. He then asked that the commission make a recommendation to make it more clear with regard the reference of "structure" within the regulations so that is better understood.

Mr. Kevin Novisal addressed the Commission in favor of the issue and stated he was available to answer any questions should there be any. Mr. Bridges asked if he had approached the owner of the vacant lot next door. The applicant stated he spoke to them about it but noted it is not worth what they are asking for it. Mr. Bridges asked if he had spoken to them about buying a portion of it. The applicant stated they will not sell off portions of the property.

Mr. Justin Booth addressed the Commission in favor of the issue. He noted he has never had an issue with noise with the restaurant. He noted he thinks it is important to go ahead with the patio and he thinks small businesses and mom and pop businesses are the lifeblood of the community and

Ms. Paula Rust addressed the Commission in favor of the issue and stated they strongly support the restaurant. She stated the restaurant is the heart and soul of Taylor Mill and noted they strongly support the restaurant. She stated local teens gather there to celebrate after games and it's where people go to celebrate birthdays, anniversaries and graduations. She noted in a recent meeting there was standing room only in favor and only two people expressed opposition. She noted it is one of the earliest businesses in the city and is the "Cheers" of Taylor Mill. She then referenced K.R.S. 100.253 and asked if the Commission might consider it with regard to this issue. She stated it talks about being able to grant approvals or extensions of existing buildings that are seen as major attractions. She stated she has copies of that if they would like to see it. She stated it does have notoriety and wins best wings year after year. She stated she realizes it is a stretch to consider K.R.S but asked the Commission to consider it.

Mr. Mike Blackburn addressed the Commission and stated there have been some restaurants that have come in over the years and none of them have lasted as long as this one. He stated he has been in real estate for a number of years and stated this is a very unique piece of property. He stated hopefully this is granted because it has been accepted as a business for so long and it has been a long time business of Taylor Mill. He then addressed the noise level concerns and stated he is in favor of letting them have some music out there and he is in favor of giving them what they need. He then noted Taylor Mill needs to build their businesses and keep businesses that have been there for twenty years. He further stated they need to accommodate the long term businesses in Taylor Mill.

All others registered to speak in favor of the issue had nothing to add.

Mr. Darpel then read a letter into the record in support of the issue. The letter was then marked as an exhibit to be made a part of the record on the matter. Mr. Darpel then recessed the public hearing for discussion and stated since has been there this long well before zoning of the area he feels it isn't right to come in after something has been there that long and say they are now non-conforming. Mr. Dunham stated he appreciates the support but the language being proposed is really inconsistent with everything they have talked about and noted it is a big hurdle for him to get over. He inquired about other individuals that come in and want to change something for their own personal use. Mr. Darpel stated it is still the city that is proposing the change, not the property owners so that is something that needs to be considered. He then stated he thinks the language definitely needs to be cleared up. He stated they were there before the R-1C was active and noted it is a very unique circumstance. Mr. Bridges stated he disagreed and stated this is the second time someone has come before the Commission with a request for being in existence for a long period of time. He noted that is irrelevant and it doesn't mean anything from a zoning standpoint whether it has been there a hundred years or six months. He further stated he thinks it

is a unique way to call it spot zoning and it's changing a residential zone. He stated to allow an outdoor patio is stretching a residential zone and stated he is having a real hard time with it. Mr. Hult noted KRS 253 seems to be at odds with the issue of the Board of Adjustment hearing the issue versus the planning commission. Mr. Padgett stated he really wants to vote in favor for this but he also stated as a commission they have to consider the future of the county, not what is good today. Mr. Dunham stated he would feel more comfortable if the surrounding property owners were in favor because they will be more affected and impacted by this. Mr. Dunham stated this really has nothing to do with a residential zone and was created for a specific business. He further stated if the city wants to approve it they should go for it but he doesn't feel comfortable approving it. Ms. Brown stated this Commission is very cognizant of spot zoning but are also cognizant of non-conforming uses. She stated this is an issue that became non-conforming not because of any changes they made but because of zoning that was placed upon it. She noted she doesn't think you will find many businesses in Northern Kentucky that have been in existence this long that have had zoning come on them. Mr. Darpel then reconvened and closed the public hearing. He asked for a motion on the issue. Mr. Martin then made the motion to approve the application based on the fact that it in compliance with the comprehensive plan, based on the evidence and the testimony submitted, and that it is consistent with the principles of smart growth, the testimony heard and with a recommendation back to the city to make a recommendation to edit the paragraph and clarify that it is not intended to apply to the restaurant by changing the language to something such as the primary structure existed prior to the zone was enacted. Ms. Brown seconded the motion. A roll call vote on the motion found Mr. Martin, Ms. Brown, Ms. Collins, Mr. Gaiser, Mr. Hult, Mr. Pannunzio, Mr. Padgett, Mr. Sketch, Ms. Snyder, Mr. Wischer and Mr. Darpel in favor. Mr. Dunham, Mr. Logsdon and Mr. Bridges voted against. The motion carried.

**FILE:** PC1706-0002 (action required)

**APPLICANT:** City of Taylor Mill per Jill Bailey, City Manager

**REQUEST:** Proposed text amendments to the DTM (Downtown Taylor Mill) Zones of the Taylor Mill Zoning Ordinance.

**Request 1:** amending the Design and Development Standards pertaining to allowable roof types, and parking and sidewalk requirements within the DTM (Downtown Taylor Mill-One) Zone.

**Request 2:** amending the DTM-1 Zone to include changes to the list of permitted uses, as well as changes to the requirements for setbacks, the minimum development area and drive-through facilities.

**Request 3:** amending the DTM-2 Zone to include changes to the list of permitted uses as well as changes to the requirements for setbacks, drive-through facilities, and gas pumps.

**Request 4:** amending the DTM-3 Zone to include changes to the list of permitted uses, the determination of yard areas as well as changes to the requirements for building height, the minimum development area, and drive-through facilities.

**Request 5:** amending the DTM-4 Zone to include changes to the determination of yard areas and the minimum development area requirement.

**Request 6:** amending the off-street parking regulations to permit off-street parking within the minimum front, side, or rear provided a five-foot setback from the right of way is provided.

Staff presentation and Staff recommendations by Mr. Andy Videkovich

**PDS STAFF RECOMMENDATION:**

1. Unfavorable recommendation on the proposed text amendments amending the design and development standards in regard to the placement of structures and off-street parking within the DTM-1 Zone. 2.

Favorable recommendation on the proposed text amendment allowing the DTM-1 Zone to have pitched roofs, subject to the condition that pitched roofs be permitted within all the DTM Zones. 3. Unfavorable recommendation on the proposed text amendment removing the requirement for on-street parking along public streets within the DTM-1 Zone. 4. Unfavorable recommendation on the proposed text amendments allowing off-street parking in the front, side, and rear yards of the DTM-1 Zone, and allow four rows of parking within any one yard within the DTM Zones. 5. Favorable recommendation on the proposed text amendment reducing the requirement for an eight-foot sidewalk to a five-foot sidewalk, subject to the condition that it only apply to the DTM- 1 and DTM-2 Zones.

Ms. Jill Bailey addressed the Commission in favor of the issue and stated the city would agree with Staff on all favorable items and disagree with all unfavorable items. She stated at the time the city was very invested in the direction of the city and since then there have been multiple changes. She stated this has come about in direct result of those changes as well as a result of the new direction of new city officials that have come on board since then. She further noted she is happy to answer any questions. She noted the consultants recommended multi-family which was previously not recommended several years ago. She noted multi-family is needed to spur that walkable growth they are looking for.

Any additional individuals registered to speak left the meeting.

Mr. Darpel then recessed the public hearing for discussion. Mr. Padgett inquired about how to handle the motion on each request. Mr. Bridges stated he has an issue with a city that spends a hundred thousand dollars on a study and then is asked to include the study, and now they are basically saying to disregard the study and now consider other items. Mr. Martin stated the city wouldn't be there if the study was working. He stated there has been one development since the study was adopted. Mr. Darpel stated unfortunately they have a comprehensive plan and this is now a part of it. Mr. Dunham commented he would like the cities to pay more attention to the comprehensive plan process and get out in front of these things as opposed to putting the Commission and Staff in a difficult spot to try to fix it. Mr. Bridges stated he would like to do the right thing the right way instead of the right thing the wrong way. Mr. Sketch stated he's not sure if in the future we want to include the small area studies in the comprehensive plan. Ms. Brown commented it is very difficult to have a vision for the future and then deal with economic and development realities that come along and also changing political winds every two years. Following further discussion on the issue Mr. Darpel then reconvened and closed the public hearing. Mr. Darpel asked for a motion on Request # 1 of the issue. Mr. Martin then made the motion to approve Request #1 based on the fact that the request is reasonable and appropriate and brings it in line with the DTM-One Zone. Mr. Sketch seconded the motion. A roll call vote on the motion found Mr. Martin and Mr. Sketch in favor. Ms. Snyder, Mr. Wischer, Mr. Darpel, Mr. Bridges, Ms. Brown, Ms. Collins, Mr. Dunham, Mr. Gaiser, Mr. Hult, Mr. Logsdon, Mr. Pannunzio and Mr. Padgett voted against. The motion failed. Mr. Darpel then asked if anyone would like to make a subsequent motion. Mr. Hult made the motion to accept based on Staff's report for issues 1-5 and make those recommendations to the City of Taylor Mill, and on the presentation given by the city. Mr. Logsdon seconded. A roll call vote on the motion found Mr. Hult, Mr. Logsdon, Mr. Padgett, Ms. Snyder, Mr. Wischer, Mr. Darpel, Mr. Bridges, Ms. Brown, Ms. Collins, Mr. Dunham and Mr. Gaiser in favor. Mr. Martin, Mr. Pannunzio and Mr. Sketch voted against. The motion carried. Mr. Darpel then asked for a motion on Request #2. Mr. Martin made the motion to approve Request #2 along with the condition for the city to revisit the small area study. Mr. Sketch seconded the motion. A roll call vote on the motion found Mr. Martin, Mr. Sketch, Ms. Snyder, Mr. Wischer, Mr. Darpel, Mr. Bridges, Ms. Brown, Ms. Collins, Mr. Dunham, Mr. Gaiser, Mr. Hult, Mr. Logsdon, Mr. Pannunzio and Mr. Padgett voted against. The motion failed. Mr. Darpel asked for any follow up motion and if not it would be sent to the city with no recommendation. Mr. Bridges then made the motion with regard to Request #2 to approve as Staff recommended. Mr. Wischer

seconded the motion. A roll call vote on the issue found Mr. Bridges, Mr. Wischer, Mr. Darpel, Ms. Brown, Ms. Collins, Mr. Denham, Mr. Gaiser, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Padgett and Ms. Snyder in favor. Mr. Martin and Mr. Sketch voted against. The motion carried. Mr. Darpel then asked for a motion with regard to Request #3. Mr. Darpel noted number five of staff recommendation should be listed as unfavorable as well as paragraph number five on the following page should essentially be the same as paragraph number 5 on page 8 to follow up with that consistency. Ms. Brown made the motion with a favorable recommendation as to # 1, 3 and 7 favorable and unfavorable on 2, 4, 5 and 6 as laid out in Staff's recommendations. Mr. Gaiser seconded the motion. A roll call vote on the matter found Ms. Brown, Mr. Gaiser, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Padgett, Ms. Snyder, Mr. Wischer, Mr. Mr. Darpel, Mr. Bridges, Ms. Collins and Mr. Dunham in favor. Mr. Martin and Mr. Sketch voted against. The motion carried. Mr. Darpel then asked for a motion with regard to Request #4. Mr. Hult then made the motion to accept Staff's recommendations 1 and 3 as favorable and not to make a recommendation on the remaining items, and also to include the recommendation the city revisit the plan. Ms. Brown seconded the motion. A roll call vote on the matter found Mr. Hult, Ms. Brown, Ms. Collins, Mr. Dunham, Mr. Gaiser, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Padgett, Mr. Sketch, Ms. Snyder, Mr. Wischer, Mr. Darpel and Mr. Bridges in favor. The motion carried unanimously. Mr. Darpel asked if anyone wanted to make any other motion on items 2, 4 and 5 of Request #4. Mr. Bridges then made a motion with regard to Request 2, 4 and 5 and gave an unfavorable recommendation based on Staff's recommendations. Mr. Wischer seconded the motion. A roll call vote on the matter found Mr. Bridges, Mr. Wischer, Mr. Darpel, Ms. Brown, Ms. Collins, Mr. Dunham, Mr. Gaiser, Mr. Hult, Mr. Logsdon, Mr. Pannunzio and Mr. Padgett and Ms. Snyder voted in favor. Mr. Sketch and Mr. Martin voted against. Mr. Darpel then asked for a motion with regard to Request #5. Mr. Padgett then made the motion to accept Staff's recommendations to send an unfavorable recommendation for item 1 and 2. Mr. Logsdon seconded the motion. A roll call vote on the motion found Mr. Padgett, Mr. Logsdon, Mr. Pannunzio, Mr. Wischer, Mr. Darpel, Mr. Bridges, Ms. Brown, Ms. Collins, Mr. Dunham, Mr. Gaiser, Mr. Hult and Mr. Logsdon in favor. Mr. Martin and Mr. Sketch voted against. The motion carried. Mr. Darpel then asked for a motion with regard to Request #6. Mr. Dunham made the motion to adopt Staff's unfavorable recommendation for the reasons submitted by Staff. Mr. Gaiser seconded the motion. A roll call vote on the motion found Mr. Dunham, Mr. Gaiser, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Padgett, Ms. Snyder, Mr. Wischer, Mr. Darpel, Mr. Bridges, Ms. Brown and Ms. Collins in favor. Mr. Martin and Mr. Sketch voted against. The motion carried.

**FILE:** PC1707-0003 (action required)

**APPLICANT:** City of Taylor Mill per Jill Bailey, City Manager

**REQUEST:** A proposed text amendment to the NC (Neighborhood Commercial) zone within the Taylor Mill Zoning Ordinance: 1) adding existing private clubs or lodges to the list of permitted uses; and, 2) adding outdoor dining areas in connection with a restaurant or private club or lodge subject to area, time, and noise restrictions.

Staff presentation and Staff recommendations by Mr. Alex Koppelman

**PDS STAFF RECOMMENDATION:**

Favorable recommendation of the Proposed text amendments to the NC (Neighborhood Commercial) Zone within the Taylor Mill Zoning Ordinance: (1) adding existing private clubs or lodges to the list of permitted uses with the condition that the word "existing" be removed; and, (2) adding outdoor dining areas in connection with a restaurant or private club or lodge subject to area, time, and noise restrictions.

Ms. Jill Bailey addressed the Commission in favor of the issue and stated she was available to answer any questions. Ms. Brown asked if there was a reason for listing existing lodge. Ms. Bailey stated they are



looking for an outdoor patio for the purpose of allowing outdoor smoking but not outdoor dining privileges. She noted they just want to level the playing field for all restaurants interested in coming to their community.

Mr. Darpel then recessed the public hearing for discussion. There being none, Mr. Darpel then reconvened and closed the public hearing. He then asked for a motion on the issue. Mr. Martin made the motion to approve the text amendment based on Staff's recommendations. Mr. Wischer seconded the motion. A roll call vote on the motion found Mr. Martin, Mr. Wischer, Mr. Darpel, Mr. Bridges, Ms. Brown, Ms. Collins, Mr. Dunham, Mr. Gaiser, Mr. Hult, Mr. Logsdon, Mr. Pannunzio, Mr. Padgett, Mr. Sketch and Ms. Snyder in favor. The motion carried unanimously.

**FILE:** PFAC1706-0001 (action required)

**APPLICANT:** Brandstetter Carroll, Inc. per Ben Brandstetter on behalf of the Kenton County Fiscal Court

**LOCATION:** 1840 Simon Kenton Way; an area of approximately 4 acres located at the northeast corner of Simon Kenton Way and W Martin Luther King Jr. Boulevard in Covington

**REQUEST:** A public facilities review per KRS 100.324; the applicant proposed to build a new building addition and renovate an existing building to serve as the Kenton County Administration Building

Staff presentation and Staff recommendations by Ms. Emi Randall

**PDS STAFF RECOMMENDATION:**

To approve a new building addition and renovate an existing building to serve as the Kenton County Administration Building subject to the following recommendations;

1. The development meet all required landscape regulations of the Covington Zoning Ordinance; and
2. Care consideration be given to pedestrian access and pedestrian crossing on the site and in the adjacent area, particularly across Simon Kenton Way which serves as an exit and on ramp to I-75/71.

Mr. Ben Brandstetter addressed the Commission in favor and stated he was available to answer any questions. Mr. Sketch asked about the access points. He then asked if Simon Kenton was a full access. Mr. Brandstetter stated Simon Kenton would be one way northbound so it would be right in and right out. Mr. Hult asked when Jillian's closed. Mr. Brandstetter stated he did not know but it was noted to be in 2006. Mr. Hult asked if he would agree that this plan is a brilliant solution to a problem that has affected Kenton County and the City of Covington for a decade. Mr. Brandstetter stated that is a very strong statement but he would have to agree with it.

Mr. Koenig addressed the Commission in favor and stated he was available to answer any questions. Ms. Brown asked for clarification on the (KRS)99 plan. Mr. Koenig stated the legal department has brought forth the determination on that issue to the City Commission and the Mayor so that is being discussed amongst themselves. He stated the elected officials are working amongst themselves to determine what that will be. He commented with regard to the parking requirement based on what they are proposing it would exceed the parking requirement there.

All others registered to speak had nothing to add.

Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners. There being none he then reconvened and closed the public hearing. Mr. Darpel then asked for a motion on the issue. Mr. Dunham made the motion and stated based on the testimony heard the proposed plan meets the comprehensive plan. Mr. Bridges seconded the motion. A roll call vote on the motion found Mr. Dunham, Mr. Bridges, Ms. Brown, Ms. Collins, Mr. Gaiser, Mr. Hult, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Padgett, Mr. Sketch, Ms. Snyder, Mr. Wischer and Mr. Darpel in favor. The motion carried unanimously.

### **Ongoing Business**

#### **Reports from Committees**

***By Laws:*** - No report.

***Direction 2030 implementation:*** No report.

***Executive:*** Mr. Darpel stated they did meet.

***Social Media:*** Nothing to report

***Subdivision Review:*** No report, but Scott Hiles stated there was favorable input from all the industry folks and he thinks the subdivision regulations are going well.

***Reports from Commission Members:*** Mr. Hult stated there was no OKI meeting in July. Mr. Dunham stated he has been working on sign regulations with Andy Videkovich and is confident they will have something to bring to the Commission and next month's meeting. Mr. Videkovich stated that issue will be put on the agenda for October.

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

***Reports/Announcements from Staff:*** Ms. Randall stated on August 31<sup>st</sup> there will be an all day training in Covington on planning and zoning regulations. If anyone would like to attend to let Pam know and they can get you signed up. She also stated KLC has recently released a city officials legal handbook and if anyone is interested in that for the library and they will take care of getting that. She also noted there is also online training available for those interested.

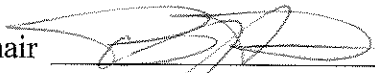
***General Correspondence:*** None

***New Business:*** None

***Public Comments:*** None.

There being nothing further to come before the commission, a motion to adjourn was made by Ms. Snyder. Mr. Bridges seconded. All in favor by acclamation. The meeting then adjourned at 10:33 p.m.

APPROVED:

Chair 

Date Sept 7, 2017

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