

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING
Minutes**

Mr. Darpel, Chairman, called the meeting to order on December 7, 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	J	A	S	O	N	D
		a	e	a	p	a	u	u	u	e	c	o	e
		n	b	t	r	y	n	l	g	p	t	v	c
Jeff Bethell	Fort Mitchell		X	X	Xx	X	X	X		X	X	X	X
Gailen Bridges	Kenton Co	X	X	X	Xx	X		X	X	X	X	X	
Diane Brown, V. Chair	Erlanger	X	X	X	Xx		X	X	X	X	X	X	X
Nancy Collins	Ryland Hts.		X	X	Xx	X		X	X	X	X	X	X
Paul Darpel, Chair	Edgewood	X	X	X	Xx		X	X	X	X		X	X
Brian Dunham	Kenton Cty	X	X	X	Xx	X	X	X	X	X		X	X
Mike Gaiser	Ludlow		X	X	Xx	X		X	X	X		X	X
Lynne Hood	Crestview Hills	X	X	X	Xx		X	X	X	X		X	X
Marc Hult	Covington	X	X	X	Xx	X	X	X			X	X	X
Keith Logsdon	Lakeside Park	X	X	X	Xx	X		X	X	X	X		X
Matthew Martin	Taylor Mill			X	X	X	X	X	X		X	X	X
Ron Padgett	Covington			X	Xx	X	X	X	X	X			X
Joe Pannunzio	Elsmere	X	X	X	Xx		X	X	X	X	X		
Phil Ryan, Treasurer	Park Hills	X	X		Xx	X	X	X		X	X	X	X
Marco Sansone	Bromley		X	X		X		X		X	X		X
Greg Sketch	Crescent Spgs	X	X	X	Xx	X		X	X	X	X	X	X
Maura Snyder	Independence	X	X	X	X	X		X	X		X	X	X
Jack Toebben	Fort Wright	X	X	X	Xx	X	X	X		X	X		X
Robert "Bob" Whelan	Covington			X	Xx	X	*	X		X	X		X
Brian Wischer	Villa Hills	X	X	X	Xx	X	X	X	X	X	X	X	X

"X" denotes attendance at the regular meeting and "x" denotes attendance at the continuation meeting. "*" denotes arrival after roll call was taken.

Also present were Mr. Mathew Smith, Legal Counsel, and the following PDS staff: Ms. Emi Randall, Mr. Andy Videkovich, Mr. Alex Koppelman, Mr. Scott Hiles and Mr. Patrick Denbow.

AGENDA

Mr. Darpel asked for any questions or comments regarding the agenda. There being none, he asked for a motion to accept the agenda. Ms. Snyder made the motion to accept the agenda for December. Mr. Ryan seconded. All in favor by acclamation.

APPROVAL OF THE MINUTES:

Mr. Darpel asked for any questions or comments regarding the minutes for November. There being none, he asked for a motion to approve. Ms Brown made the motion to approve the minutes for November. Ms. Snyder seconded the motion. A roll call vote on the matter found Ms. Brown, Ms. Snyder, Mr. Bethell, Ms. Collins, Mr. Darpel, Mr. Dunham, Mr. Gaiser, Ms. Hood, Mr. Hult, Mr. Martin, Mr. Ryan, Mr. Sketch and Mr. Wischer in favor. Mr. Logsdon, Mr. Padgett, Mr. Sansone, Mr. Toebben and Mr. Whelan abstained. 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. Mr. Hult asked about the line indicating “checks” and inquired as to what that referred to. Mr. Darpel stated he believed that was referring to cash but would double check that. Mr. Darpel then asked for a motion. Ms. Snyder made the motion to approve. Mr. Ryan seconded the motion. All in favor by acclamation.

RECENT ACTIONS BY STAFF:

(No action required)

RECENT ACTIONS BY LEGISLATIVE BODIES:

(No action required)

PUBLIC HEARINGS:

FILE: PC1710-0004 (action required)

APPLICANT: Steve Berling on behalf of Revere’s Crossing LLC, Fischer Single Family Homes III LTD, and Stephen and Jamie Gunning

LOCATION: An area of approximately 4.8 acres located at the terminus of Boston Lane in Independence

REQUEST: A proposed map amendment to the Independence Zoning Ordinance changing the described area from R-1A* (a low density single-family residential zone as regulated by Unincorporated Kenton County) to R-1C (a moderate density suburban single-family residential zone)

Staff presentation and Staff recommendations by Mr. Patrick Denbow

Mr. Sketch recused himself from any consideration or voting on the following issue.

PDS STAFF RECOMENDATION:

Favorable recommendation on the proposed map amendment to the Independence Zoning Ordinance changing the described area from R-1A* to R-1C.

Mr. Steve Berling registered to speak in favor of the issue. He stated he agrees with Staff and is really just available to answer any questions.

Mr. Darpel recessed the public hearing for discussion amongst the Commissioners. There being none, he reconvened and closed the public hearing. He then asked for a vote on the issue. Ms. Snyder made the motion to approve based on Staff's recommendations. Mr. Ryan seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. Ryan, Mr. Bethell, Ms. Brown, Ms. Collins, Mr. Darpel, Mr. Dunham, Mr. Gaiser, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Martin, Mr. Padgett, Mr. Sansone, Mr. Toebben, Mr. Whelan and Mr. Wischer in favor. Mr. Sketch recused himself from any consideration and voting. The motion carried.

FILE: PC1710-0003 (action required)

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

REQUEST: Proposed text amendments to the Crescent Springs Zoning Ordinance: (1) adding several light industrial uses to the list of permitted uses within the IP-1 (Industrial Park One) Zone; (2) adding outdoor self-storage units as an accessory use to a warehousing and wholesaling establishment along with development controls and updates to the outdoor storage industrial performance standards of the IP-1 Zone; and, (3) adding a new zoning classification – the MC (Mixed Commercial) Zone – to Article X, Zones, along with necessary cross references to other sections of the Zoning Ordinance. The proposed MC Zone permits a variety commercial retail, service, and office uses within an organized development. The purpose of the new MC Zone is to implement the land use recommendations of the adopted Crescent Springs Gateway Study.

Staff presentation and Staff recommendations by Mr. Alex Koppelman

Mr. Whelan recused himself from any consideration or voting on the following issue.

PDS STAFF RECOMENDATION:

With regard to Requests (1) and (2): Favorable recommendation on the proposed text amendment adding several light industrial uses to the list of permitted uses and outdoor self-storage units as an accessory use to a warehousing and wholesaling establishment along with development controls, and updating the outdoor storage industrial performance standards of the IP-1 Zone. With regard to Request (3): Favorable recommendation adding a new zoning classification – the MC (Mixed Commercial) Zone Ordinance, subject to the condition that churches and other buildings for the purpose of religious worship be added as a conditional use.

Mr. Baker addressed the Commission in favor of the application. He stated they fully support the effort and recommendations made by Staff. Mr. Sketch asked if the city is okay with adding churches as conditional uses. Mr. Baker stated they were.

Mr. Ripberger registered to speak but had nothing to add.

Mr. Huffman addressed the Commission in favor. He stated he is the person wanting to develop the property. He thanked the Commission for their time and stated he was really just available to answer any questions.

Mr. Cumler registered to speak but had nothing to add.

Mr. Darpel recessed the public hearing for discussion amongst the Commissioners. Mr. Hult asked what is the rationale for making churches and religious places a conditional use. Mr. Koppelman stated essentially they were a conditional use in the residential zone and they wanted to make them a conditional use also in the MC zone. There being nothing further, Mr. Darpel reconvened and closed the public

hearing and asked for a motion. Mr. Sketch made the motion to approve based on Staff's recommendations for all three requests and added a condition that Staff recommended it. Mr. Martin seconded the motion. Mr. Dunham stated Mr. Hult made an interesting comment with regard to making churches a conditional use. He stated he understands the reasoning but stated anyone that wanted to put in a church would now have another step. Mr. Darpel stated technically the discussion should be on the motion since the discussion was closed. Ms. Brown asked for clarification on the motion as to whether it included the conditional use related to churches. Mr. Sketch stated his motion did include the conditional use related to churches. A roll call vote on the matter found Mr. Sketch, Mr. Wischer, Mr. Bethell, Ms. Brown, Ms. Collins, Mr. Darpel, Mr. Dunham, Mr. Gaiser, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Martin, Mr. Padgett, Mr. Ryan, Mr. Sansone, Mr. Sketch, Ms. Snyder and Mr. Toebben in favor. Mr. Whelan recused himself from any consideration and voting on the issue. The motion carried.

FILE: PC1711-0002 (action required)

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

REQUEST: Proposed text amendments to the Fort Mitchell Zoning Ordinance: (1) permitting structures with nonconforming side yard setbacks to expand horizontally and vertically in all residential zones, subject to limitations; (2) adding ornamental iron fences to the list of permitted fences around swimming pools; and, (3) allowing ornamental iron fences up to six feet in height in residential zone.

Staff presentation and Staff recommendations by Mr. Andy Videkovich

PDS STAFF RECOMENDATION:

With regard to Request (1): Favorable recommendation on the proposed text amendments to the Fort Mitchell Zoning Ordinance permitting structures with nonconforming side yard setbacks to expand horizontally and vertically in all residential zones, subject to limitations. With regard to the Requests (2) and (3): Favorable recommendation on the proposed text amendments to the Fort Mitchell Zoning Ordinance adding ornamental iron fences to the list of permitted fences around swimming pools, and allowing ornamental iron fences up to six feet in height in residential zones.

No one registered to speak for or against the issue. Mr. Bethell commented Sharmili was unable to attend and he wanted to indicate that the City of Park Hills and other areas have the ability to expand their properties. He stated he wanted to comment that she was unable to attend. Mr. Logsdon stated he's a bit antsy about taking this away from the Board of Adjustment. He additionally noted that 30% was a reasonable amount but 50% is rather a lot. He stated he would highly suggest the Commission stay within the 30%. Mr. Sketch asked if Staff talked with the city about decreasing that from 50% to 30%. Mr. Videkovich stated they did and they tried to balance it out with what would be reasonable. Mr. Videkovich stated the Board recommended 30% and they wanted to stay with that. Mr. Smith stated the Commission could not amend their text amendment but could send it along with a suggestion to the city. Mr. Darpel then read a letter into the record from Sharmili Reddy. He then marked it as an exhibit to be made a part of the record on the issue. There being nothing further, Mr. Darpel recessed the public hearing for discussion. There being none, he then reconvened and closed the public hearing. Mr. Darpel then asked for a motion. Mr. Bethell made a motion with regard to Request (1) to approve with the 30% limitation. Mr. Martin seconded the motion. A roll call vote on the motion found Mr. Bethell, Mr. Martin, Ms. Brown, Ms. Collins, Mr. Darpel, Mr. Dunham, Mr. Gaiser, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Padgett, Mr. Ryan, Mr. Sansone, Mr. Sketch, Ms. Snyder, Mr. Toebben, Mr. Whelan and Mr. Wischer in favor. The motion carried unanimously. Mr. Bethell then made a motion with regard to Requests (2) and (3) to approve both requests. Mr. Martin seconded the motion. A roll call vote on the motion found Mr. Bethell, Mr. Martin, Ms. Brown, Ms. Collins, Mr. Darpel, Mr. Dunham, Mr. Gaiser, Ms. Hood, Mr. Hult,

Mr. Logsdon, Mr. Padgett, Mr. Ryan, Mr. Sansone, Mr. Sketch, Ms. Snyder, Mr. Toebben, Mr. Whelan and Mr. Wischer in favor. The motion carried unanimously. The motion carried unanimously.

FILE: W-768 Ashley Oaks

APPLICANT: ACG Floral, LLC

LOCATION: 21 Floral Avenue, an approximate six-acre parcel at the terminus of Floral Drive in Fort Mitchell.

REQUEST: To grant a waiver to the requirements of Section 4.3-12 of the Kenton County Subdivision Regulations; granting the request would waive the requirement that eleven new, single-family residences at the end of Floral Avenue be provided a minimum fire flow of 500 gallons per minute (gpm) at a pressure of 20 psi.

Mr. Dunham and Mr. Martin recused themselves from any consideration or voting on the issue.

Staff presentation and Staff recommendations by Mr. Scott Hiles
After the presentation Mr. Hiles reiterated the criteria for granting a waiver.

PDS STAFF RECOMMENDATION:

To approve the requested waiver to Section 4.3-12 of the Kenton County Subdivision Regulations and allow an Improvement Drawing to be approved prior to the provision of a minimum fire flow of 500 gpm at a pressure of 20 psi, subject to the following conditions:

1. That the applicant submit a performance bond in accord with the Subdivision Regulations for the reconstruction of the approximate 610 foot section of water main at issue along Highland Avenue between Oak Street and Floral Avenue.
2. That the Water District submit written verification that when the approximate 610 foot section of water main along Highland Avenue between Oak Street and Floral Avenue is reconstructed, the fire flow along Floral Avenue will be increased to the minimum Subdivision Regulation standards.
3. That the Water District approve the amount of the performance bond.
4. That prior to issuance of zoning permits beyond the first one, the reconstruction of the approximate 610 foot section of water main along Highland Avenue between Oak Street and Floral Avenue be completed and operational, and that the Water District submit written verification that the minimum required fire flow along Floral Avenue conforms to the minimum Subdivision Regulation Standards.

Mr. Darpel read a letter into the record received from Sharmili Reddy with the City of Fort Mitchell in favor of the issue. The letter was then marked as an exhibit to be made a part of the record on the matter.

Mr. Gerry Dusing addressed the Commission in favor of the issue and stated if condition 4 is in place (which they agreed to) that no building permit can be issued, then fire protection is not an issue - and that's really the issue at hand. He stated he wanted to add the developer has worked with the city at numerous city council meetings. He further noted they are willing to put the bond up and are agreeable to that.

Mr. Jason Yeager stated he had nothing further to add and was available to answer any questions. Mr. Darpel stated this is a testament to their dedication and ability to step up and put up the bond and make sure it gets done. Mr. Logsdon stated in reading the criteria he doesn't see any one of them that fits. Mr. Darpel stated technically the waiver is being granted under this. Mr. Logsdon further stated it is like

approving a subdivision plan that Scott can't approve. Mr. Darpel then stated right now, technically under an improvement drawing without that water flow the improvement drawing can't be approved. Mr. Smith stated he understood where he was coming from but it is within the purview of the subdivision regulations to approve. There being nothing further, Mr. Darpel then recessed the public hearing for discussion. There being nothing further, he then reconvened and closed the public hearing and asked for a motion on the matter. Mr. Bethell made the motion to approve with the stipulation to include Staff's recommendation and including the bond. Mr. Smith clarified the motion and asked if he was basically approving based on the conditions agreed upon and imposed by Staff. Mr. Bethell agreed. Ms. Hood seconded. A roll call vote on the matter found Mr. Bethell, Ms. Hood, Ms. Brown, Ms. Collins, Mr. Darpel, Mr. Gaiser, Mr. Hult, Mr. Logsdon, Mr. Padgett, Mr. Ryan, Mr. Sansone, Mr. Sketch, Ms. Snyder, Mr. Toebben, Mr. Whelan and Mr. Wischer in favor. Mr. Dunham and Mr. Martin recused themselves from any consideration and voting on the issue. The motion carried.

Ongoing Business

Mr. Darpel asked if Ms. Snyder would head the nominating committee once again. Mr. Bethell made the motion to approve. Mr. Gaiser seconded. A roll call vote on the matter found Ms. Brown, Ms. Collins, Mr. Darpel, Mr. Dunham, Ms. Hood, Mr. Hult, Mr. Logsdon, Mr. Martin, Mr. Padgett, Mr. Ryan, Mr. Sansone, Mr. Sketch, Ms. Snyder, Mr. Toebben, Mr. Whelan and Mr. Wischer in favor. The motion carried unanimously.

Reports from Committees

By Laws: - No report. No meeting held.

Direction 2030 implementation: Mr. Bethell stated they did meet but they did not have quorum. He stated they discussed land use and discussed some of the various cities that had been met with. He noted the next meeting would be January 25, 2018 at 5:30 p.m.

Executive: Mr. Darpel stated they did not meet.

Social Media: Mr. Ryan noted they did not meet but he did meet with Alex Koppelman and Emi Randall to go over the past history of what has been done to get some guidance before they proceed. He stated it is their hope to have someone from Systems Insight at the next meeting.

Subdivision Review: Mr. Darpel stated there was nothing to report.

Reports from Commission Members: Mr. Hult reminded everyone that OKI has a great web site and noted the tools that provide for environmental mapping of the whole region. He also noted this is a useful tool for assessing economic impacts. Mr. Darpel stated they received the audit report in July of this year and have not acted on it. He noted that has to be acted on and commented he had gotten a chastising letter about compliance with regard to the audit. He noted he would deal with that. Mr. Darpel stated technically the Commission has a year to act on it. He stated he feels everyone has gotten a copy of the audit report and he will be putting his notes together. He asked if anyone has any comments to get them to him in the next week or so. Mr. Dunham asked about the bubble aspect that was recently approved in the Tuscany development. He stated he felt we needed to get out in front of that because it's going to be coming up more and more and wondered if Staff has had any discussions about it. Ms. Emi

Randall stated they have had discussions and will be pulling together examples together and will present those to communities wanting to update their zoning. Mr. Darpel stated there is a fairly significant agenda in process for the next meeting and noted Pam contacted him about putting together a dinner for those interested prior to the meeting. Mr. Darpel asked that those interested to get with Pam on that. He noted he appreciated the effort whether the Commission takes advantage of that or not. He stated there would be an email coming out and asked that those interested would respond. He asked if anyone is not set up on the KCPC email to please do so. Mr. Darpel commented briefly on continuing education and then asked for a motion to approve the continuing education item, including the application of Donald Stegman of Cardinal Engineering for approval of his continuing education requirements. Mr. Dunham made the motion to approve Mr. Stegman's continuing education application. Mr. Hult seconded. All in favor by acclamation.

Reports from Legal Counsel: Mr. Smith commented on the audit and stated the Commission is in complete compliance and this board, as much as any, always acts with due diligence. He further commented that any insinuation otherwise is not based in fact.

Reports/Announcements from Staff: Ms. Emi Randall stated there is a very full agenda for January and so far there are seven that are complex map amendments that will take a good amount of time. She asked that the Commissioners plan on the alternate date for that agenda. She asked that the nominating committee forward a list of those nominated so Pam could prepare the ballots for the next meeting. She then gave a brief update on the Z-21 Project and stated they are drafting reports and those will be distributed in January. She further noted they anticipate discussion on that early next year. She also noted coming soon there would be KCPC Pre-App meetings regarding map amendment requests and stage development plans. She noted they would keep everyone updated on that process.

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. Ryan seconded the motion. All in favor by acclamation. The meeting then adjourned at 8:10 p.m.

APPROVED:

v.Chair Diane Brown

Date February 1, 2018

