

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
Minutes**

Mr. Darpel, Chairman, called the meeting to order on January 4, 2018 at 6:15 p.m. and opened the proceedings with the Pledge of Allegiance and invocation by Mr. Darpel. 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.

<b>Commission Member</b>	<b>Jurisdiction</b>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Jeff Bethell	Fort Mitchell	X											
Gailen Bridges	Kenton Co	X											
Diane Brown, V. Chair	Erlanger	X											
Nancy Collins	Ryland Hts.												
Paul Darpel, Chair	Edgewood	X											
Brian Dunham	Kenton Cty												
Mike Gaiser	Ludlow	X											
Lynne Hood	Crestview Hills	X											
Marc Hult	Covington												
Keith Logsdon	Lakeside Park	X											
Matthew Martin	Taylor Mill	X											
Ron Padgett	Covington	X											
Joe Pannunzio	Elsmere	X											
Sean Pharr	Covington	X											
Phil Ryan, Treasurer	Park Hills	X											
Marco Sansone	Bromley												
Greg Sketch	Crescent Spgs	X											
Maura Snyder	Independence	X											
Jack Toebben	Fort Wright	X											
Robert "Bob" Whelan	Covington	X											
Brian Wischer	Villa Hills	X											

Also present were Mr. Mathew Smith, Legal Counsel, and the following PDS staff: Ms. Emi Randall, Mr. Andy Videkovich, Mr. Alex Koppelman, Ms. Jill Conniff and Mr. Patrick Denbow. "X" denotes attendance at the regular meeting and "x" denotes attendance at the continuation meeting. "\*" denotes arrival after roll call was taken.

**AGENDA**

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

**APPROVAL OF THE MINUTES:**

Mr. Darpel stated because of the special meeting and rather than go through the approval of the minutes he suggested tabling approval of those to the end of the meeting or at the next meeting to be held on Tuesday. He then asked for a motion on the matter. Ms. Snyder made the motion to approve at a later time. Ms. Brown seconded. All in favor by acclamation.

**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. 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:** PC1710-0002 (action required)

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

**LOCATION:** An area of approximately 43.6 acres located on the east side of Buttermilk Pike bounded by the Norfolk Southern Railroad to the north, Interstate 71/75 to the south, Terry Lane and Ritchie Avenue to the west, and Buttermilk Pike to the east.

**REQUEST:** Proposed map amendment to the Crescent Springs Zoning Ordinance changing the described area from R-1G(P) NSC (a single-family residential zone phased to commercial), NSC (Neighborhood Shopping Center), LHS (Limited Highway Service), and PO (Professional Office) to a new zoning district, the MC (Mixed Commercial) Zone. The purpose of the new MC Zone is to implement land use recommendations of the Crescent Springs Gateway Study.

\*Mr. Whelan recused himself from any consideration and voting on the issue.  
Staff presentation and Staff recommendations by Mr. Alex Koppelman

**PDS STAFF RECOMENDATION:**

Favorable recommendation to change the described area from R-1G(P) NSC, NSC, LHS, and PO to the MC (Mixed Commercial) Zone, subject to the condition that the corresponding text amendment adding the MC Zone to the Crescent Springs Zoning Ordinance (PC1710-0003) be adopted prior to or simultaneously with this map amendment.

Mr. Mike Baker addressed the Commission in favor of the application. He stated this simplifies their procedures and he is really just present to answer any questions.

All others registered to speak had nothing to add.

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

**FILE:** PC1712-004 (action required)

**APPLICANT:** Stites and Harbison PLLC per Thomas Breidenstein, Esq. on behalf of Marcus and Harriet Carey

**LOCATION:** An area of approximately 1.24 acres located approximately 200 feet northwest of Dixie Highway between Price Avenue to the northeast and McAlpin Avenue to the southwest, approximately 250 feet southwest of Price Avenue; the site in question comprises the rear portion of 3814 Dixie Highway in Erlanger

**REQUEST:** A proposed map amendment to the Erlanger Zoning Ordinance changing the described area from R-1F (a single-family residential zone) to NC (a neighborhood commercial zone).

Staff presentation and Staff recommendations by Mr. Alex Koppelman

**PDS STAFF RECOMENDATION:**

Unfavorable recommendation on the proposed map amendment to the Erlanger Zoning Ordinance changing the described area from R-1F (a single-family residential zone) to NC (a neighborhood commercial zone).

Mr. Tom Breidenstein addressed the Commission on behalf of the applicant. He stated in addition to being an attorney he is also a planner and is also the chairman of his planning commission in Glendale, Ohio where he lives. He stated as far as an addition to the back of the property he did not feel it would fit. He stated they believe the current zoning line is a result of an error. He stated he would like to turn the floor over to Mr. Carey to give some background information on the property.

Mr. Marc Carey addressed the Commission in favor of the issue and gave some background information on how he came into ownership of the property. He stated when he purchased the property he recognized that it was a historic building and restored it and it became his office for his law practice. He stated while it has been a great office location he recognizes at some point he will have to sell it. He stated the property was once owned by the Schwartz family. He then gave some background on the history of the house and stated it is one of the existing beautiful homes in Erlanger. He stated as a part of his retirement plan he is going to have to sell it and has tried to sell it for years. He stated because of the zoning line he cannot sell it. He noted if he sold the property outright the home would probably be torn down and that is not acceptable to him. He stated he has put a lot of time and money into restoring the home and does not want to see it torn down. He stated he started looking into someone that could purchase the house. He additionally noted when he decided to sell the home he spoke

to all his neighbors about a potential sale. Mr. Carey stated he just can't imagine selling it to someone that would put in six small houses. He stated he thinks he found a very good solution in a buyer that wants to preserve the home and put in a funeral home. He stated the bulk of the back of the property would be for the parking lot. He further noted six small homes would be very disruptive to the neighbors and a funeral home would be much less. He stated it is very subdued and people that would come would be very respectful. He noted there is not a lot of activity with a funeral home. He then stated it is his goal to keep the property intact and he thinks he has a buyer with the map amendment allowing him to sell it.

Mr. Breidenstein then readdressed the Commission and stated the submitted use is appropriate and relevant for the use as stated. He noted the comprehensive plan is a guide and not set in stone. He stated with that in mind he took a closer look at the land use map and stated part of the property is within the area that is designated for commercial use as noted in his exhibit. He stated Staff did a very good job in their presentation and no fewer than seven of the recommendations for the plan are included. He then highlighted the goals and objectives of the plan as it relates to the issue and how the request is in compliance with the comprehensive plan. He noted Staff seems to find disagreement in terms of the housing of the plan. He stated this plan is not inconsistent with the goals of the housing element. He noted this is not taking away from any housing market for Erlanger with this plan. He stated this is a split zone and having this lot bisected by two different types of zoning makes it difficult for the reuse of the property. Mr. Breidenstein stated there really seems to be no rhyme or reason to how the zoning line follows the back of the property. Mr. Breidenstein then stated where the line was drawn was probably the result of an error because there is no other way to explain why the entire property was not included. He then stated he would submit that the current zoning is inappropriate. He noted there is no other access or frontage on Price and access is only through the Dixie Highway frontage. He noted the back portion of the property is land locked to an extent. He then referenced another exhibit from his packet and stated to squeeze six homes into the property is not the best use for the property. He stated all sorts of commercial uses would not be appropriate for the property and the suggested use is appropriate. Mr. Breidenstein stated it is consistent with the zone and the land use map. He then stated the proposed NC zone is a natural extension of the current NC zone. He stated another thing to point out is they are not asking for a blank slate but that it is limited to what is being proposed and it is a very limited use for the property. He noted the funeral home is designed to only hold one funeral at a time and the hours of operation will be Monday through Friday from 9-5. He then addressed the accessory use of the front of the home. He noted it was an acceptable accessory use but it would need to be located in the rear of the yard. He noted they are working with Mr. Stewart for ways that the two structures can be attached in order to meet the requirements. He stated he feels there is plenty of opportunity to work with the Board of Adjustment on the issue with regard to development of the property. He noted they are well aware of the lighting requirements, etc. that would be necessary for the property. He then stated he is asking that the Commission find that the proposed zoning is appropriate and the current zoning is inappropriate.

Mr. Darpel then marked the exhibit submitted to be made a part of the record on the issue. He noted a concern is that if the funeral home does not work out and the zone has been changed, and now all the uses that are permitted could then go in. He stated this is a concern they have with the issue in zoning it neighborhood commercial. Mr. Breidenstein commented he understands the concern but stated if someone wanted to redevelop the property they

would have to come back for a zone change. He stated they are just asking for a funeral home and not for car washes and other uses. Mr. Logsdon asked what the back part of the property was used for in the past. Mr. Carey stated to his knowledge the back portion was used as a field. He further noted it was overgrown and to his knowledge it was just a field.

Mr. Kaiser had nothing to add.

Mr. Jeff Nicely addressed the Commission and stated it would be nice to see the property developed into something nice. He further noted they have had some theft recently and having the property developed may deter that. He additionally stated there does not look like there is room for residential development in the back field. He stated he does think the split zone really restricts the use of the property. He stated he feels a funeral home would be a good use of the property and it would not have a lot of use but would be a good use for the property. He commented about the water runoff and stated he would like to see that addressed. He reiterated he feels it is a great use of the property.

Ms. Claudia Harmeling addressed the Commission and stated when she first heard of the proposal she was concerned about what would be going in. She stated the variance from her home would only be about ten feet and she is concerned with how that will affect her property values if someone would be interested in buying her home. She stated this is her concern with the proposal. Mr. Darpel asked if she would object to the use of a funeral home. She stated she would rather have a funeral home than a mechanics garage going in. Mr. Darpel then asked about additional homes going into the property. Ms. Harmeling stated she would not mind some houses going in but not six homes.

Mr. Breidenstein addressed the Commission in rebuttal and addressed Ms. Harmeling's comment about the ten feet from her home. He stated the ten feet is the portico drop off but that is an open structure and that would be worked out with the Board of Adjustment. Mr. Smith commented that it is rather rare that they have a development plan that on its face does not comply with the zoning codes. He then stated the buffering and accessory building are going to have to comply with any necessary zoning requirements.

Mr. Darpel recessed the public hearing for discussion. Mr. Bethell stated this is a great development plan but a concern is if something would happen with the funeral home, any other use under the neighborhood commercial zone would be permitted. Ms. Brown stated she doesn't feel anyone else is going to be able to meet the requirements either with regard to the setbacks. Mr. Padgett stated he doesn't have a concern with the funeral home not being successful. Mr. Whelan stated he feels they have the same concern with the funeral home not going through, but that he feels this is a good use for the property. Mr. Logsdon stated he understands what Ms. Brown is saying but that he doesn't agree with the statement that it would be difficult to find another use for the property should the funeral home not go through. There being no further comments, Mr. Darpel then reconvened and closed the public hearing. He asked for a motion on the issue. Ms. Brown made the motion to approve the map amendment as proposed based on the evidence submitted and that the proposed zoning is appropriate and the current zoning is inappropriate. Mr. Sketch seconded the motion. A roll call vote on the matter found Ms. Brown, Mr. Sketch, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. Gaiser, Mr. Martin, Mr. Padgett, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Ms. Snyder, Mr.

Toebben, Mr. Whelan and Mr. Wischer voted in favor. Ms. Hood and Mr. Logsdon voted against. The motion carried.

**FILE:** PC1712-0006 (action required)

**APPLICANT:** Drees Homes per Matt Mains on behalf of Gary W. Koch and Deborah A. List, and Norbert and Patricia List Family, LLC

**LOCATION:** An area of approximately 70 acres located on the north side of Narrows Road between Mesa Drive to the west and Buckhill Drive to the east, approximately one quarter mile west of Buckhill Drive in Erlanger

**REQUEST:** A proposed map amendment to the Erlanger Zoning Ordinance changing the described area from R-1C (a suburban density detached single-family residential zone) to R-1C (RCD) (a suburban density cluster development zone that permits attached and detached single-family residential).

Staff presentation and Staff recommendations by Mr. Videkovich

**PDS STAFF RECOMENDATION:**

Favorable recommendation on the proposed map amendment to the Erlanger Zoning Ordinance changing the described area from R-1C to R-1C (RCD), subject to the following conditions:

1. All accessory structures meet the requirements of the underlying R-1C Zone, aside from the proposed entry features identified on the submitted plan;
2. Provide internal trails within all open spaces. The trail located in the large center open space should have connections at the terminus of Streets D, E, and F, and connections from Streets A and C, along with the potential to connect to the adjacent properties to the north;
3. A vehicular and pedestrian connection be made to Mesa Drive, unless a waiver is granted by the KCPC;
4. The developer work with appropriate agencies to provide a safer walkway and crosswalk across Narrows Road to the Park trail in The Glades of Erlanger Park;
5. Crosswalks be provided at the new intersections to the existing sidewalks across Narrows Road; and
6. Provide sidewalks along Narrows Road and Nelson Road along the entire frontage of the development, unless a waiver is granted by the KCPC.

Mr. Ben Taylor addressed the Commission on behalf of the applicant and stated his objective is to provide a narrative beyond what the Staff has presented. He gave some background history on the Drees Company in reference to the application. He commented on the existing trail system that is already in the area in trying to make a connection to those. He noted they have been working with the List family for about a year on the project. He stated some of the neighbors in the surrounding area were once part of the List property that had been subdivided. He additionally noted there is quite a bit of topography around the site and incorporated that into the design of the proposal. He further commented with regard to the trails and stated those were incorporated into the sidewalks as part of the development. Mr. Taylor additionally stated the trails and sidewalks would be designated as such that there is a clear line of what is private and personal property. He stated the paths would be maintained as part of the homeowner's association. He then commented on the type of homes that would be built as part of the development. He referenced depictions of the different styles and types of homes being proposed. He noted the homes would each have two car garages so that would minimize the need for on street parking. He then reviewed the price range for the different types of homes in the development. With regard to the Mesa Drive connection he stated due to the topography it would

not be feasible to connect at that point. He additionally stated from a zoning standpoint and a practical standpoint that connection will not work.

Mr. Jeff Nordlowe addressed the Commission against the issue and distributed a handout with regard to the application. He stated the concept would be incompatibly incorporated into the area. He then referenced portions of Staff's report and commented the reference to cluster development zones as being inaccurate as it pertains to the Lakemont development. He commented as to why the Staff's report states there is another cluster development in the area when this is not accurate. He then stated the fact of the matter is that this is a bad decision. He noted the lot sizes in the R-1C zone as being much smaller than the surrounding lot sizes. He additionally stated essentially the lot sizes compare the zoning of a mobile home park. Mr. Nordlowe reiterated that this is a bad deal and that Drees cannot be trusted. Mr. Darpel then marked the handout as an exhibit to be made a part of the record on the matter.

Mr. Dave Costello addressed the Commission against the issue and stated he is a bit concerned about the trails and condition two of the application. He then inquired about things as part of Stage 1 that do not appear to be in Stage II. Mr. Darpel explained why things were done in stages based on how things are developed. Mr. Darpel then reiterated that the Commission is a recommending body and the city will have the final say on the matter.

Mr. Pat Kaiser addressed the Commission against the issue and stated he just wanted to give some ideas of living in the area and how this development will impact their lives. He stated adding this development will add additional traffic to the area. He then noted at times he has had to wait ten minutes to pull out of his driveway. He stated having an additional hundred or so cars would be unthinkable with the traffic. He stated to add this many additional cars would add an additional thirty minutes to the commute in the mornings. Mr. Kaiser stated the home values mentioned are significantly below what the other homes in the area currently are. He stated this would decrease the value of their homes. He stated there are already apartment buildings nearby and there doesn't appear to be a need for more in the area. He stated this would increase the need for additional police and fire in the area. He further stated this development will add an additional thirteen neighbors. He then stated they do not need or require additional density in the area.

Ms. Lisa Kaiser addressed the Commission against the issue and stated her organization owns two properties in this area. She referenced the placement of the proposed sidewalks along Narrows Road and stated this having sidewalks in this area would essentially dump a sidewalk right into their property. She stated this development will also decrease their property values.

Mr. Mike Chisholmal addressed the Commission against the issue and stated the residents of Lakemont have had to go the city three times to keep them from changing the original plan. He stated they had to hire an attorney and go to the city to get them to stop and get them to do what they agreed to do in the original plan. He noted the first thing they changed was the condominiums. He noted they were to build condominiums without garages and they were essentially apartments that brought their property values down. He noted he is against the proposal. Mr. Darpel asked if he had an objection to the development of the property and they weren't really here to discuss past history of other developments. Mr. Darpel stated he just wanted him to understand what they were tasked to do with the proposed development. Mr. Chisholmal stated he did not trust Drees.

Mr. William Whitley addressed the Commission against the issue and stated his main concern is the traffic flow. He asked where the additional cars on Narrows Road are going to go. He further asked where the safety was for the kids that would be living along Narrows Road in the condos.

Mr. Ron Jividen addressed the Commission against the issue and stated when he first moved in forty-five years ago he could go in and out of his driveway with ease. He stated he can't back his trailer in his driveway without having two cars inching up on him. He stated the land should be developed but not as what is being proposed now. He noted this development will add three hundred cars to the area and the way it is proposed is ludicrous.

Ms. Addressed the Commission against the issue and stated she owns the largest lot and it runs alongside the proposed development. She noted she moved there to get away from the noise of the subdivision and they bought the house because of the size of the lot. She stated there will essentially be thirteen homes alongside her lot. She stated the town homes are the next problem. She stated they don't need any more in the area. She further stated she had an issue with the traffic this will bring. She stated it is already busy and in the ten years she has lived there it has gotten so much busier. She stated she used to be able to sit on her porch and it would be quiet. She further commented it is not quiet until 11:30 at night now. She stated all she is asking is that the Commission think about the people currently living there.

Ms. Tracey Templeman addressed the Commission against the issue and stated she agrees with everything everyone along Narrows Road has said. She stated her concerns with devaluing her property and asked that the Commission not approve this and leave it residential so they can build houses and not have to rezone everything.

Mr. Nick Neiswander addressed the Commission against the issue and stated the type of planning they have for this concept is totally wrong. He stated there needs to be some type of development control. He further noted he cannot believe that there are not drainage problems with Doe Run. Mr. Neiswander also addressed the issue of safety for the local fire department in the area. He reiterated this is a bad plan and it doesn't cover what it needs to do and it will change the whole economic and physical nature of the area if it goes in.

Ms. Pamela Brophy addressed the Commission against the issue and stated it has always been a concern that they would push the road through at the end of Mesa. She stated people will probably cut through their subdivision rather than go around. She also noted there is a very dangerous curve along the road and there are issues with safety. She also cited concerns with the safety of the children in the area.

Caroline Casside addressed the Commission against the issue and stated she is two houses from the fire department. She stated she is against the townhome/condo aspect of the proposal. She stated the drainage is her yard so she is concerned with a lot more traffic in the area. She noted she has an issue with backing out of her driveway as well. She stated she is not against smaller homes however, she understands the devaluation of the properties surrounding the area. She stated she is against condos and townhomes because there is just no way to make them look nice.

Mr. Brian Durret addressed the Commission against the issue and spoke on behalf on his brother as well. He stated there is no reason he's against the development he just doesn't want the zone changed.



Mr. Jerry Durret had nothing to add.

Ms. Linda Motts addressed the Commission against the issue and stated it is an awful intersection as it is now. She stated it is a very dangerous situation now. She stated she knew it would be developed at some point but not for these small lots and to add that many more people. She stated the extra sidewalks will not help the surrounding areas. She also noted the lot sizes are much larger than what is being proposed.

Ms. Adriana Williams had nothing to add.

Ms. Mary Brown had nothing to add and that her issues have been addressed.

Mr. Kevin Needham addressed the Commission against the issue and stated his concern is small lots. He noted they have a right to develop but it's not right to put thirteen small houses along his property.

Ms. Robin Clare had nothing to add.

All others registered to speak had nothing to add.

Mr. Ron Lewby addressed the Commission as a neutral party and stated his main concern has been addressed because of the green space. He noted his big problem is the trails that were proposed and that is not going to work. He noted he did talk to the conservancy and has discussed putting his property into the conservancy but that hasn't been resolved yet. He additionally noted the green space is very appealing.

Mr. Taylor addressed the Commission in rebuttal and commented on the issues of traffic. He stated this is not like a single family subdivision where everyone is heading out for their morning commute. With regard to the curve along the road they did have their engineer look into that and they will have to be careful with that area. He commented with this type of development there are very few children and this type of development does not appeal to families with kids. He also noted the type of buyer is similar in the other area of the development and there are not typically a lot of backyard parties. He stated some of the traffic issues will be addressed at the Stage three level. He stated there will be no apartments and noted everything will be single family homes so he's not sure where the statement about apartments came up. Mr. Darpel asked about the sidewalks along Narrows Road and Mr. Taylor stated they are not going to put them right up against the road. Mr. Logsdon asked about the traffic and doing a traffic study. He then asked if Drees was prepared to do improvements as a result of the traffic study. Mr. Taylor stated he would not commit to that right now and they would have to take a look at that. Mr. Taylor stated he would have to see what comes out of the study and cannot speak hypothetically. Mr. Ryan asked what the average width of the lot is in the single family portion. He stated they are all in the 52 foot wide size range and there are some that are 60 feet wide. Ms. Brown asked if there was a similar development anywhere in Northern Kentucky. Mr. Taylor stated in Hebron there is a similar development with the same size lots and floor plans. Mr. Padgett inquired about the tree line along the west side of the property for clarification.

Mr. Darpel asked Mr. Videkovich about the two developments being designated as cluster developments and whether or not he had a chance to take a look at that. Mr. Videkovich stated he did and that was a mistake and he takes full responsibility. He stated it is a planned unit

development. He stated he would have to back track his research to figure out where he came to that conclusion. He stated with that being said, the planned unit development and cluster development really aim for the same goals. He noted both allow for the clustering of houses. He noted he apologized and knows they expect more from Staff and it was just a mistake on his part. Mr. Darpel stated just wanted to get it right for the record. He noted the density wouldn't be any different from a cluster development. Ms. Brown asked what happens if the traffic study comes back and says it's not feasible to put in 180 homes in this development. Mr. Videkovich stated it would have to be up to the developer at that point. Ms. Brown asked about the ability for the developer to put in 260 homes under the existing zoning without any other review by any other legislative body. Mr. Videkovich stated that is correct. Mr. Logsdon inquired about the side and front yard setbacks and stated this could be problematic with this development.

Mr. Darpel recessed the public hearing for discussion amongst the Commissioners. He stated a concern is if this is turned down they can come in and build 260 homes in the development under the current zoning. He stated the task is to decide if this is in compliance with the Comprehensive Plan. Mr. Sketch stated his biggest concern is the lot size and noted it is being drastically reduced from the current zone. He stated it probably should have been put under a PUD versus a cluster. Mr. Logsdon stated his concern is not the lot size but the traffic. He stated he knows that area but he fears the traffic with this development. He stated he doesn't know if they have the standing to request a traffic study beforehand. He stated the design is fine but he fears the total impact of the traffic. Ms. Brown stated on paper this looks really good to give multiple options to leave green space, to leave the hillsides, etc. but she has been around Erlanger long enough to see Drees change their product and get caught changing the development plan. She further stated this is the third development for an aging population that has come in and she knows there is a need for that. She also stated the traffic scares the daylight out of her and that she lives in the area and there isn't room for twenty more cars. She stated she wishes she had the confidence in the developer that what is being proposed is what will go in. Mr. Darpel commented about the lot size and the reduction of the lot sizes to get this many homes in. Mr. Bridges commented that he was listening for something where he could help the people in the area but he hasn't heard anything. He stated if this is turned down they can build 245 homes on the property which doesn't help anything with the traffic. Mr. Whelan stated nothing he has heard tells him that this is improperly zoned. Mr. Darpel then reconvened and closed the public hearing. Mr. Darpel asked for a motion on the issue. Ms. Brown then made the motion to deny the application based on the testimony heard and that the current zoning is appropriate and the proposed zoning is inappropriate. Mr. Whelan seconded the motion. A roll call vote on the motion found Ms. Brown, Mr. Whelan, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. Gaiser, Mr. Logsdon, Mr. Martin, Mr. Padgett, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Mr. Sketch, Ms. Snyder and Mr. Toebben voted in favor. Mr. Wischer and Ms. Hood voted against. The motion carried.

\*At this time (10:00 p.m.) a five minute break was taken

**FILE:** PC1712-0002

**APPLICANT:** City of Elsmere per Matthew M. Dowling, City Administrator

**REQUEST:** Proposed text amendments to the Elsmere Zoning Ordinance adding nursery schools as a conditional use and allowing outdoor play areas associated with nursery schools within the Neighborhood Commercial (NC) Zone.

Staff presentation and Staff recommendations by Ms. Jill Conniff

**PDS STAFF RECOMENDATION:**

Favorable recommendation on the proposed text amendments to the Elsmere Zoning Ordinance adding nursery schools as a conditional use and allowing outdoor play areas associated with nursery schools within the Neighborhood Commercial (NC) Zone.

Mr. Matt Dowling addressed the Commission in favor of the application and stated he was available to answer any questions.

Mr. Jim Helton had nothing to add.

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 reconvened and closed the public hearing. Mr. Darpel asked for a motion on the issue. Mr. Pannunzio made the motion to approve based on Staff's recommendations and the comments made. Ms. Brown seconded. A roll call vote on the motion found Mr. Pannunzio, Ms. Brown, Mr. Bethell, Mr. Bridges, Mr. Darpel, M. Gaiser, Ms. Hood, Mr. Logsdon, Mr. Martin, Mr. Padgett, Mr. Pharr, Mr. Ryan, Mr. Sketch, Ms. Snyder, Mr. Toeppen, Mr. Whelan and Mr. Wischer in favor. The motion carried unanimously

**FILE:** PC1712-0003

**APPLICANT:** City of Taylor Mill per Jill Bailey, City Administrator and Chief Administrative Officer

**REQUEST:** Proposed text amendments to the Taylor Mill Zoning Ordinance: (1) allowing drive-through facilities associated with restaurants to have two ordering points within the DTM-1, DTM-2, and DTM-3 (Downtown Taylor Mill) Zones; and (2) decreasing the number of off-street parking spaces required for combination restaurants.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

**PDS STAFF RECOMENDATION:**

Request (1): Unfavorable recommendation allowing drive-through facilities associated with restaurants to have two ordering points within the DTM-1, DTM-2, and DTM-3 (Downtown Taylor Mill) Zones; Request (2): Favorable recommendation decreasing the number of off-street parking spaces required for combination restaurants.

Ms. Jill Bailey addressed the Commission in favor of the issue and stated one of the things that the city was seeking was clarify the stacking lanes as you enter the restaurant. She stated there is a difference of opinion in how to clarify the drive through so that it is more clearly defined. She stated this is a new design trend that is becoming more common in Northern Kentucky. She noted their zoning code does need to be updated and they understand there is an issue with the land use study that has been adopted. She further stated with the new council that is their direction to update that. She stated in terms of the issue of being pedestrian friendly they intend to put in benches, etc. and it is just a balance of pedestrian traffic. Mr. Padgett asked about the residents in the area and if there was a lot of foot traffic. Ms. Bailey referenced the 75 new units and buildings that have gone in recently as evidence of the increase in foot traffic in the area. Mr. Whelan asked about the intention by the city to do any traffic studies currently. Ms. Bailey stated

there are no plans for a traffic study at this time but if there was a new development they would consider that.

Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners. Mr. Logsdon stated the only thing he would comment on is clarifying merging from one lane into two and then back to one. Mr. Darpel stated that could be included with the motion. Mr. Darpel then reconvened and closed the public hearing. He then asked for a motion on the issue. Mr. Martin then made the motion to approve the issue based on Staff's recommendations. Mr. Sketch seconded the motion. A roll call vote on the motion found Mr. Martin, Mr. Sketch, Mr. Toebben, Mr. Whelan, Mr. Wischer, Mr. Bethell, Mr. Bridges, Ms. Brown, Mr. Darpel, Mr. Gaiser, Ms. Hood, Mr. Logsdon, Mr. Padgett, Mr. Pannunzio, Mr. Pharr, Mr. Ryan and Ms. Snyder in favor. The motion carried unanimously. With regard to request #2, Mr. Martin made the motion to approve the request based on Staff's recommendation. Mr. Sketch seconded the motion. A roll call vote on the motion found Mr. Martin, Mr. Sketch, Mr. Bethell, Mr. Bridges, Ms. Brown, Mr. Darpel, Mr. Gaiser, Ms. Hood, Mr. Logsdon, Mr. Padgett, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Ms. Snyder, Mr. Toebben, Mr. Whelan and Mr. Wischer in favor. The motion carried unanimously.

### **Ongoing Business**

With regard to approval of the minutes Mr. Darpel referenced some changes and noted the bottom of page three it should read "essentially churches were a conditional use..." Mr. Darpel clarified the language under the reports from legal counsel to read "this Commission has always acted with due diligence..." Mr. Darpel also noted on page six under Direction 2030 Implementation it should read "...they did meet but did not have a quorum..." Mr. Darpel then asked for a motion to approve the minutes as amended. Mr. Sketch made the motion approve. Mr. Ryan seconded. A roll call vote on the motion found Mr. Sketch, Mr. Ryan, Ms. Bethell, Ms. Brown, Mr. Darpel, Mr. Gaiser, Ms. Hood, Mr. Logsdon, Mr. Martin, Mr. Padgett, Mr. Ryan, Ms. Snyder, Mr. Toebben, Mr. Whelan and Mr. Wischer in favor. Mr. Bridges and Mr. Pannunzio abstained. The motion carried unanimously.

### **Reports from Committees**

***By Laws:*** - No report. No meeting held but will be meeting in the New Year.

***Direction 2030 implementation:*** Mr. Bethell stated they did not meet in December but will be meeting January 25<sup>th</sup> at 5:30.

***Executive:*** Mr. Darpel stated they reviewed the audit report with Nicole and clarified some items and is going to get back with the auditor on some questions they raised. He stated that will be sent out to all the Commissioners. Mr. Darpel also stated with regard to their reserves they need to define if and when and how the mechanisms for pulling from that account. He noted the plan is to let it sit there for emergencies but they need to discuss what constitutes as an emergency.

***Social Media:*** Mr. Ryan noted they are not having a meeting this month but will be having a meeting in February. He noted Matt is going to get with Alex to go over some legal language.

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

***Reports from Commission Members:*** Nothing to report.

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

**Reports/Announcements from Staff:** Ms. Emi Randall commented about a training opportunity February 7<sup>th</sup> from 8:30-5:00 for those interested. She noted it will cover all aspects of KRS 100. She stated the packets for the special meeting have been distributed and are at the Commissioners seats. She stated they are expecting a packed house so she asked that everyone please take the time to read the Staff reports.

**General Correspondence:** None.

**New Business:** Nominations Committee: Ms. Snyder commented on the nominating committee and stated the slate stands. Brian Dunham and Gailen Bridges expressed an interest if there were any vacant seats. She asked for any other nominations from the floor. There being none, Mr. Smith stated they could take the nominations of the existing slate of nominees. Ms. Snyder made the motion to accept the slate as it stands with Mr. Darpel as Chair, Ms. Brown as Vice Chair and Mr. Ryan as Treasurer. Mr. Padgett seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Padgett, Mr. Bethell, Mr. Bridges, Ms. Brown, Mr. Darpel, Mr. Gaiser, Ms. Hood, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Mr. Sketch, Mr. Toeppen, Mr. Whelan and Mr. Wischer in favor. The motion carried unanimously.

**Public Comments:** None.

There being nothing further to come before the commission, a motion to adjourn was made by Ms. Snyder. Mr. Bethell seconded the motion. All in favor by acclamation. The meeting then adjourned at 10:46 p.m.

APPROVED:

✓ Chair Diane Brown

Date February 1, 2018

