

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
Minutes**

Mr. Darpel, Chairman, called the meeting to order on March 1, 2018 at 6:15 p.m. and opened the proceedings with the Pledge of Allegiance and invocation by Mr. Ryan. 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	X	X									
Debbie Vaughn	Kenton Co			X									
Diane Brown, V. Chair	Erlanger	X	X	X									
Nancy Collins	Ryland Hts.			X									
Paul Darpel, Chair	Edgewood	X		X									
Brian Dunham	Kenton Cty		X										
Mike Gaiser	Ludlow	X	X	X									
Lynne Hood	Crestview Hills	X	X	X									
Keith Logsdon	Lakeside Park	X	X	X									
Matthew Martin	Taylor Mill	X	X	X									
Ron Padgett	Covington	X	X	X									
Joe Pannunzio	Elsmere	X	X										
Sean Pharr	Covington	X	X	X									
Phil Ryan, Treasurer	Park Hills	X	X	X									
Marco Sansone	Bromley												
Greg Sketch	Crescent Spgs	X	X	X									
Maura Snyder	Independence	X	X	X									
Jack Toebben	Fort Wright	X	X	X									
Robert "Bob" Whelan	Covington	X	X	X									
Brian Wischer	Villa Hills	X	X	X									

Also present were Mr. Mathew Smith, Legal Counsel, and the following PDS staff: Ms. Emi Randall, Mr. Patrick Denbow, Ms. Jill Conniff and Mr. Scott Hiles

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

Prior to the start of the meeting Chairman Darpel took a moment to recognize outgoing Commissioner, Mr. Gailen Bridges, for his years of service to the Commission. He was then presented with a plaque in recognition and Mr. Bridges spoke briefly.

**AGENDA**

Mr. Darpel noted with regard to items PC1802-0001 and PC1802-0003 a request to table had been received. He asked for a motion pertaining to PC1802-0001 be placed on the April agenda. Ms. Snyder made the motion to table. Mr. Ryan seconded. All in favor by acclamation. Mr. Darpel then asked for a motion to table with regard to item PC1802-0003 for a period of up to six (6) months. Ms. Snyder made the motion to table the issue. Mr. Ryan seconded the motion. All in favor by acclamation. Mr. Darpel then asked for a motion to approve the agenda as amended. Ms. Snyder made the motion to approve with the changes noted. Mr. Sketch seconded the motion. All in favor by acclamation.

**APPROVAL OF THE MINUTES:**

Mr. Darpel noted the minutes from the special meeting held on January 16, 2018 were not approved at the February meeting and needed to be approved. He then asked for a motion to approve. Ms. Brown made the motion to approve the minutes as amended. Mr. Bethell seconded the motion. A roll call vote on the motion found Ms. Brown, Mr. Bethell, Ms. Collins, Mr. Gaiser, Ms. Hood, Mr. Logsdon, Mr. Martin, Mr. Padgett, Mr. Pharr, Mr. Ryan, Mr. Sketch, Ms. Snyder, Mr. Toebben, Mr. Whelan and Mr. Wischer in favor. The motion carried. Mr. Darpel then asked for any questions or comments with regard to the meeting minutes from February. There being none he then asked for a motion to approve. Ms. Snyder made the motion to approve the minutes from February. Mr. Gaiser seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Gaiser, Mr. Bethell, Ms. Brown, Ms. Hood, Mr. Logsdon, Mr. Martin, Mr. Padgett, Mr. Pharr, Mr. Ryan, Mr. Sketch, Mr. Toebben, Mr. Whelan and Mr. Wischer in favor. Ms. Collins, Ms. Vaughn and Mr. Darpel abstained. The motion carried.

**RECEIPTS AND EXPENDITURES:**

Mr. Darpel noted the receipts and expenditures were at the Commissioners seats. There being no questions or comments, he asked for a motion to approve the report. Mr. Ryan made the motion to approve the report. Ms. Snyder 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:**

Mr. Martin recused himself from any consideration and voting on the following issue.

**FILE:** PC1802-0002 (action required)

**APPLICANT:** CHI Living Communities d/b/a Madonna Manor Inc. on behalf of St. Walburg Monastery of Benedictine Sisters of Covington Kentucky, Inc.

**LOCATION:** An area of approximately 24.2 acres located on the north side of Amsterdam Road between Doriel Street to the east and Villa Drive to the west, approximately 400 feet west of Doriel Street and 600 feet north of Amsterdam Road in Villa Hills

**REQUEST:** A proposed map amendment to the Villa Hills Zoning Ordinance changing the described area from the INST (Institutional) Zone and R-RE (Residential One E) Zone to R-2 (Residential Two) Zone.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

**PDS STAFF RECOMENDATION:**

Favorable recommendation for a proposed map amendment to the Villa Hills Zoning Ordinance changing the described area from the INST (Institution) Zone and R-RE (Residential One E) Zone to R-2 (Residential two) Zone.

Mr. Jay Bayer addressed the Commission in favor of the issue and stated he is very honored and humbled to be representing Madonna Manor. He then introduced other individuals who would be speaking in favor of the issue.

Ms. Josie Haney addressed the Commission as the Executive Director of Madonna Manor. She then gave a brief background on Madonna Manor and what their mission and day to day activities consist of. She noted they reached to their neighbors on Doriel Street and invited them to a meeting held yesterday in order to work together and discuss long term plans for the area.

Mr. Bayer addressed the Commission and reviewed the overall plan for the area. He noted the existing property is about twenty-eight acres and the plan shows nineteen. He stated Staff did an excellent job with the plan. He commented from an engineering standpoint the water will be coming from east to west. Mr. Bayer then stated from a comprehensive plan standpoint Staff also did an excellent job. He noted they are well within the regulations and requirements. He stated under the suburban element section the plan will allow for residents to age in place. He noted Staff is recommending approval and he is happy to answer any questions. Mr. Bayer commented that the others registered to speak would reserve their comments for rebuttal if necessary.

Sr. Krista Krienbrink addressed the Commission and stated they started this process with the intention to fund their retirement needs. She stated she appreciates the opportunity to speak and gave a brief background of the Benedictine Sisters. She stated they support the mission, vision and direction of CHI Living Communities.

Mr. Tom Wenning addressed the Commission as a neutral party and stated he thinks this is a good fit for the community and stated he just has a couple questions. He asked about the parking that would be available. He also asked if there was going to be an age limit for the residents. He further commented on the traffic study and noted there have been some issues recently with the speed limit being decreased in the area. He stated he hoped they would look at that a little closer to see if anything can be done to help with the traffic issue.

Mr. John Kerr passed and did not speak.

Mr. Ron Kampfling addressed the Commission and noted his concern with noise with the development. He asked why should they be asked to subsidize the costs with them doubling and tripling the traffic to the area.

Mr. Bayer addressed the Commission in rebuttal and stated the brownstones on the backside of the development will all have garages. He stated as noted on the plan they plan to meet the zoning requirement for parking. He stated their intention is to have all the streets be private. He noted the sanitation system would be a private system as well. Mr. Bayer commented about the limit and Mr. Mark Malay addressed the issue. He stated currently the age restriction at Madonna Manor is 55 and over and that would also apply at the assisted living portion. Mr. Bayer stated with regard to the generator on site that is something that needs to be tested and there are no intentions to expand that at this time. He stated this is a master plan and a long term plan. He noted they have been in several meetings over the past six to eight months and stated this is a master plan and not a construction plan.

Mr. Mark Eckels addressed the Commission with regard to the overall plan. He stated the development of the site would depend on the market.

Mr. Craig Bowman addressed the Commission with regard to the fire authority. He noted it is important to realize that Madonna Manor is in their portion of the service area and they intend to meet with the officials at Madonna Manor to determine costs associated with the development.

Mr. Darpel recessed the public hearing for discussion amongst the Commissioners. He stated he knows they need the age in place properties and that will be something that is utilized. Mr. Padgett stated he sits on the board of the Covington Ladies Board and stated there is a need for the aging community and he thinks this is a wonderful thing. Mr. Ryan stated from his personal experience with his mother the community he has experience seems to be well managed and they take care of the property. Mr. Darpel then noted with regard to the portion on the right that is already allowed under the current zoning. He also stated he is marking the exhibit from Mr. Kampfling to be made a part of the record on the matter. There being no further comments, he reconvened and closed the public hearing. Mr. Wischer then made the motion to approve the request as recommended by Staff. Mr. Sketch seconded the motion. A roll call vote on the matter found Mr. Wischer, Mr. Sketch, Mr. Bethell, Ms. Brown, Ms. Collins, Ms. Vaughn, Mr. Darpel, Mr. Gaiser, Ms. Hood, Mr. Logsdon, Mr. Padgett, Mr. Pharr, Mr. Ryan, Ms. Snyder, Mr. Toebben and Mr. Whelan in favor. Mr. Martin recused himself from any consideration and voting on the issue. The motion carried.

**FILE:** PC1802-004 (action required)

**APPLICANT:** City of Covington per David Johnston, City Manager

**REQUEST:** Proposed text amendments to the Covington Zoning Ordinance adding restaurants with or without beer, wine, or alcohol and retail sales and service uses as Conditional Uses in the IL (Institutional-Limited) Zone.

Staff presentation and Staff recommendations by Ms. Jill Conniff.

**PDS STAFF RECOMENDATION:**

Favorable recommendation of the proposed text amendments adding restaurants with or without beer, wine, or alcohol and retail sales and service uses as Conditional Uses in the IL (Industrial-Limited) Zone.

Mr. Alex Koenig addressed the Commission in favor of the issue and stated Staff did a good job of covering it and he would be happy to answer any questions.

Mr. Darpel recessed the public hearing for discussion. There being none, he reconvened and closed the public hearing. He asked for a motion on the issue. Mr. Whelan made the motion to approve the request based on Staff's recommendations. Mr. Padgett seconded the motion. A roll call vote on the issue found Mr. Whelan, Mr. Padgett, Mr. Bethell, Ms. Brown, Ms. Collins, Ms. Vaughn, Mr. Darpel, Mr. Gaiser, Ms. Hood, Mr. Logsdon, Mr. Martin, Mr. Pharr, Mr. Ryan, Mr. Sketch, Ms. Snyder, Mr. Toeppen and Mr. Wischer in favor. The motion carried unanimously.

**FILE:** PC1802-005 (action required)

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

**REQUEST:** Proposed text amendments to the Taylor Mill Zoning Ordinance: (1) adding a definition for short-term rental; and, (2) prohibiting short term rentals within all residential zone the (RCD) Residential Cluster Overlay Zone, and the (PUD) Planned Unit Development Zone; and, (3) amending the penalty provisions for violations of the zoning ordinance.

Staff presentation and Staff recommendations by Ms. Emi Randall

**PDS STAFF RECOMENDATION:**

With regard to requests (1) and (2) Unfavorable recommendation of the proposed text amendment to add a definition for short-term rental and to prohibiting short-term rentals within all residential zones, the (RCD) Residential Cluster Overlay Zone, and the (PUD) Planning Unit Development Zone; and (3) amending the penalty provisions for violations of the zoning ordinance. With regard to request (3) Favorable recommendation of the proposed test amendment amending the penalty provisions for violations of the zoning ordinance.

Ms. Bailey addressed the Commission as the applicant and stated the city manager has been talking about this issue for several months. She stated she wanted to indicate that this is an issue that has divided communities somewhat. She noted New York, Chicago, San Francisco and others that have banned short term rentals. She referenced Airbnb but noted they are not in any way singling out Airbnb; it is just that they are one of the more well-known short term rental companies. She stated this became a concern when the city realized there were about five properties on Airbnb in their community. She further noted a concern when they became aware of an individual that was interested in purchasing a residence for the sole purpose of short term rentals. She noted additional concerns with parking, trash, noise, etc. that could become a concern with short term rentals. She noted right now they are just trying to clarify and protect what is allowed in the residential properties. She stated they feel the properties can be used for residences and rentals as well in certain areas. She stated there could be potential issues with the landlord tenant act with short rentals so they are concerned with how that can impact the properties. She further noted having to monitor short term rentals will require additional services and they simply do not have the staff to do so. She noted they feel like that is what they are doing is limiting it to certain zones. Ms. Bailey stated with regard to the criminal designation it gave the city more options if needed along with the fees. Mr. Padgett asked if this was a big problem currently. Ms. Bailey stated it is a little bit of both. She stated they do have two complaints currently with residences that are renting rooms.

Ms. Schneider addressed the Commission and stated she became an Airbnb host last year. She stated they would never bring anything in that would cause any harm or bring anything into the area. She stated she looked into it and decided to be a host. She noted she spoke to her neighbors and has not had complaints but if complaints are being received she will discontinue it. She stated she sees who she will be renting to, she is never absent from the property when renters are there, etc. She stated her request is that she be able to keep the guests that have confirmed reservations. She additionally stated she would hate to ruin someone's vacation and would like permission to keep the renters she has coming in March. She stated she did go into her calendar and blocked all the dates in the summer and beyond but would just like to be able to keep those confirmed for March. She stated the groups that have come in have been extremely quiet and she has not had any issues with any renters.

Mr. Darpel recessed the public hearing for discussion on the issue. Ms. Brown stated she did some checking and Erlanger also has a criminal provision. Mr. Pharr stated he again doesn't feel a city has the ability to decide criminal ordinances and attaching a criminal fine. He questioned the specifics of enforcing a criminal offense and someone having to spend time in jail on the first criminal offense for a violation. Mr. Smith stated he hadn't researched it specifically but that he tended to agree to an extent. Mr. Padgett stated to criminalize it is a stretch. He stated in his neighborhood there are Airbnb properties on every corner but to criminalize this is overreaching. He said he hardly thinks a family of 5 coming in for a visit to the Ark Encounter is going to trash properties. Ms. Brown stated she could understand the concern with someone purchasing a home for the sole intention of short term rentals. Ms. Collins stated she feels we are missing the point but the city is trying to be proactive with things coming down the pike and not just targeting one person specifically. She stated she thinks it's great that they are being proactive. Mr. Padgett stated he agrees to a degree but maybe they are anticipating a problem that is not a problem. Ms. Collins stated she's not saying she is for it but that they seem to be focusing on this one individual resident. Mr. Toebben stated he agreed with Mr. Padgett that this is primarily a code enforcement issue. He stated the amount of homes doing this is a small amount. He stated he thinks this stuff snowballs and they start telling you what you can and can't do with your property and he is against that. Mr. Martin stated the first request is really cleaning up language and he is all for making it clear. He stated the second request he understands the residential zones and that's a concern and with regard to request three he would prefer to leave as it is in Staff's report. Mr. Darpel then reconvened and closed the public hearing and asked for a motion. Mr. Martin made the motion to approve requests number (1) and (2) but to exclude the RCD and PUD zones pertaining to request (3) and that a cross reference be made to section 9.30 within other development controls. Mr. Whelan seconded the motion. A roll call vote on the motion found Mr. Martin and Mr. Whelan in favor. Mr. Bethell, Ms. Brown, Ms. Collins, Ms. Vaughn, Mr. Darpel, Mr. Gaiser, Ms. Hood, Mr. Logsdon, Mr. Padgett, Mr. Pharr, Mr. Ryan, Mr. Sketch, Ms. Snyder, Mr. Toebben and Mr. Wischer voted against. The motion failed. Mr. Padgett made the motion to deny the proposed text amendments with regard to requests (1) and (2). Mr. Pharr seconded the motion. A roll call vote on the motion found Mr. Padgett, Mr. Pharr, Mr. Bethell, Ms. Brown, Ms. Collins, Ms. Vaughn, Mr. Darpel, Mr. Gaiser, Ms. Hood, Mr. Logsdon, Mr. Ryan, Mr. Sketch, Ms. Snyder, Mr. Toebben and Mr. Wischer in favor. Mr. Whelan and Mr. Martin voted against. The motion carried. Mr. Darpel then asked for a motion with regard to request (3). Mr. Padgett made the motion to deny the request. Mr. Pharr seconded the motion. A roll call vote on the motion found Mr. Padgett, Mr. Pharr, Mr. Bethell, Ms. Brown, Ms. Collins, Ms. Vaughn, Mr. Darpel, Mr. Gaiser, Ms. Hood, Mr. Logsdon, Mr. Martin, Mr. Ryan, Mr. Sketch, Ms. Snyder, Mr. Toebben, Mr. Whelan and Mr. Wischer in favor. The motion carried.

**FILE:** W-776

**APPLICANT:** Viox & Viox, Inc.

**LOCATION:** An area of approximately 257 acres located along the north side of Jones Road between Northcutt Road and Mary Grubbs Highway, approximately 1,500 feet east of Mary Grubbs Highway, in the City of Walton; the site is being developed as a five-lot industrial subdivision.

**REQUEST:** Waivers from requirements of Sections 4.1-29 and 4.1-11 of the Kenton County Subdivision Regulations; granting the request would waive Kenton County's industrial street requirements and allow the proposed streets to be constructed to the Boone County industrial street requirements, and waive the requirement for sidewalks along both sides of the internal street and provide them along only one side.

Staff presentation and Staff recommendations by Mr. Scott Hiles

**PDS STAFF RECOMENDATION:**

To approve the requested waivers from the requirements of Sections 4.1-29 and 4.1-11 of the Kenton County Subdivision Regulations; granting the requests would allow the streets to be constructed to the Boone County Subdivision Regulation standards and allow sidewalk along one side of both proposed streets, subject to the following condition:

That the City of Walton perform the improvement plan review and associated infrastructure inspection. Verification will be required from the City that their standards were met prior to approval of a final plat.

Mr. Darpel noted in full disclosure his family member owns property along the end of the property. He stated he does not have any monetary interest in the issue.

Mr. Mark Lasky addressed the Commission and stated the main reason they are asking for the waiver is because they sat down with the City of Walton to pitch the plan and design, etc. He noted they were told that since the road intersects two cities that would need to be addressed. He stated since the majority of the roadway is in Boone County and they are more familiar with the standards, they went to the Boone County for the waiver and not to Kenton County. He stated Staff did an excellent job with the issue and he is available to answer any questions.

Mr. Knott addressed the Commission and stated it has been a very long process. He stated they have been very engaged with the city on the issue. He stated he really doesn't have more to add and is available to answer any questions.

There being nothing further Mr. Darpel recessed the public hearing for discussion. Mr. Darpel stated if Walton is going to be the one taking it over and being responsible for the road he has a hard time saying no. Mr. Sketch stated Walton has their own city services and if the road gets annexed that's the only way they are going to get service. Mr. Padgett asked if Boone County's standards are so low that it makes a difference. Mr. Martin commented if Walton wants it, why aren't they here tonight? He stated he has a hard time supporting something the city can't support. Mr. Darpel stated the City of Walton sent a letter and they probably felt that was good. Mr. Darpel then reconvened and opened the public hearing. Mr. Padgett asked Staff what the

difference between Kenton County's standards and Boone County's standards Mr. Hiles then clarified the differences with the standards from both cities. Mr. Darpel then closed the public hearing and asked for a motion on the matter. Ms. Vaughn made the motion to deny the application. Mr. Wischer seconded the motion. A roll call vote on the motion found Ms. Vaughn, Mr. Wischer, Mr. Logsdon, Mr. Martin and Mr. Whelan in favor. Mr. Bethell, Ms. Brown, Ms. Collins, Mr. Darpel, Mr. Gaiser, Ms. Hood, Mr. Padgett, Mr. Pharr, Mr. Ryan, Mr. Sketch, Ms. Snyder and Mr. Toebben voted against. The motion failed. Mr. Sketch then made the motion to grant the waiver based on Staff's recommendations. Mr. Toebben seconded the motion. A roll call vote on the matter found Mr. Sketch, Mr. Toebben, Mr. Bethell, Ms. Brown, Ms. Collins, Mr. Darpel, Mr. Gaiser, Ms. Hood, Mr. Padgett, Mr. Pharr, Mr. Ryan and Ms. Snyder voted in favor. Ms. Vaughn, Mr. Logsdon, Mr. Martin, Mr. Whelan and Mr. Wischer voted against. The motion carried.

### **Ongoing Business**

#### **Reports from Committees**

***By Laws:*** - Ms. Brown stated they are meeting Tuesday.

***Direction 2030 implementation:*** Mr. Bethell stated they had a meeting on Feb. 22 and discussed land use and they discussed having a meeting this month and that has been put off until May 24<sup>th</sup> at 5:30. He also noted they had a little bit of a problem with notifications on the meeting and stated if those on the committee could advise if they would be there or not so they know if they have quorum.

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

***Social Media:*** Mr. Ryan stated they met and they are proceeding. He noted Systems Insight did a mock up and they are still plodding along. He stated he thinks the website will be up before the PDS website. He stated they will have a meeting this month on the 21<sup>st</sup> depending on the available of the meeting room.

***Subdivision Review:*** No meeting, nothing to report. Mr. Darpel stated there is a round table meeting on the 13<sup>th</sup> at 9:00 a.m. He stated they have a development firm coming in to discuss He stated he knows there's an issue with traffic reports but for the most part it has been working out.

***Reports from Commission Members:*** Mr. Darpel stated he had a couple CLE he needed approved. He reviewed the CLE information and stated he recommends approval. He then asked for a motion to approve. Mr. Ryan made the motion to approve. Ms. Brown seconded. All in favor by acclamation. Mr. Darpel then stated he needs a representative for KOI to replace Mr. Hult who had previously served. Mr. Sketch stated he has been on the board and would serve. Mr. Darpel stated he would get him the information. Mr. Logsdon noted he had submitted a CLE via email and requested approval. Ms. Brown made the motion to approve the CLE. Ms. Snyder seconded the motion. All in favor by acclamation.

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



**Reports/Announcements from Staff:** Nothing to report.

**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 and seconded by Mr. Ryan. All in favor by acclamation. The meeting then adjourned at 8:58 p.m.

APPROVED:

Chair  \_\_\_\_\_

Date 4/5/18 \_\_\_\_\_

