

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING
Minutes**

Ms. Brown, Vice Chairwoman, called the meeting to order on June 7, 2018 at 6:15 p.m. and opened the proceedings with the Pledge of Allegiance and invocation by Mr. Bethell. 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	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Jeff Bethell	Fort Mitchell	X	X	X			X						
Debbie Vaughn	Kenton Co			X	X		X						
Diane Brown, V. Chair	Erlanger	X	X	X	X		X						
Nancy Collins	Ryland Hts.			X	X								
Paul Darpel, Chair	Edgewood	X		X	X								
Brian Dunham	Kenton Cty		X		X		X						
Mike Gaiser	Ludlow	X	X	X	X		X						
Lynne Hood	Crestview Hills	X	X	X	X								
Keith Logsdon	Lakeside Park	X	X	X	X		X						
Matthew Martin	Taylor Mill	X	X	X	X		X						
Ron Padgett	Covington	X	X	X	X								
Joe Pannunzio	Elsmere	X	X		X		X						
Sean Pharr	Covington	X	X	X	X		X						
Phil Ryan, Treasurer	Park Hills	X	X	X	X		X						
Marco Sansone	Bromley												
Greg Sketch	Crescent Spgs	X	X	X	X								
Maura Snyder	Independence	X	X	X	X								
Jack Toebben	Fort Wright	X	X	X	X		X						
Robert "Bob" Whelan	Covington	X	X	X	X		X						
Brian Wischer	Villa Hills	X	X	X	X		X						

Also present were Mr. Mathew Smith, Legal Counsel, and the following PDS staff: Mr. Andy Videkovich, Ms. Emi Randall, Ms. Jill Conniff, Mr. Luke Herman 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

Ms. Brown noted an email was received from Sharmili Reddy to move item thirteen from the agenda to be heard with item number ten on the agenda. She then asked for a motion to amend the agenda to reflect the change. Mr. Dunham made the motion to move the issue forward on the agenda. Mr. Ryan seconded. All in favor by acclamation.

APPROVAL OF THE MINUTES:

Ms. Brown then asked for a motion to approve the minutes from April. Mr. Ryan made the motion to approve the minutes from April. Ms. Vaughn seconded the motion. A roll call vote on the motion found Mr. Ryan, Ms. Vaughn, Ms. Brown, Mr. Dunham, Mr. Gaiser, Mr. Logsdon, Mr. Martin, Mr. Pharr, Mr. Toeppen and Mr. Wischer in favor. Mr. Bethell, Mr. Pannunzio and Mr. Whelan abstained. The motion carried.

RECEIPTS AND EXPENDITURES:

Ms. Brown asked for motion to approve the receipts and expenditures report. Mr. Bethell made the motion to approve. Mr. Gaiser seconded the motion. A roll call vote on the motion found Mr. Bethell, Mr. Gaiser, Ms. Brown, Mr. Dunham, Ms. Vaughn, Mr. Logsdon, Mr. Martin, Mr. Pharr, Mr. Pannunzio, Mr. Ryan, Mr. Toeppen, Mr. Whelan and Mr. Wischer in favor. The motion carried unanimously.

RECENT ACTIONS BY STAFF:

(No action required)

RECENT ACTIONS BY LEGISLATIVE BODIES:

(No action required)

PUBLIC HEARINGS:

FILE: PC1805-0002 (action required)

APPLICANT: Midland Atlantic Properties on behalf of Xomel Properties, LLC

LOCATION: 405 Buttermilk Pike; an area of approximately 7,000 square feet located on the south side of Avon Drive, between Buttermilk Pike to the east and Summit Avenue to the west, approximately 150 west of Buttermilk Pike in Fort Mitchell.

REQUEST: A proposed map amendment to the Fort Mitchell Zoning Ordinance changing the described area from R-1G (Residential One-G) Zone to LSC (Limited Service Commercial) Zone; the applicant proposes to construct a financial institution.

Staff presentation and Staff recommendations by Mr. Patrick Denbow and Mr. Luke Herman

PDS STAFF RECOMMENDATION:

Favorable recommendation for a proposed map amendment to the Fort Mitchell Zoning Ordinance changing the described area from R-1G Residential One-G) Zone to LSC (Limited Service Commercial) Zone; the applicant proposes to construct a financial institution.

FILE: PC1805-0001 (action required)

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

REQUEST: A proposed text amendment to the Fort Mitchell Zoning Ordinance allowing financial institutions with drive-thru windows within the LSC (Limited Service Commercial) Zone.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

PDS STAFF RECOMMENDATION:

Favorable recommendation to allow banks and other financial institutions with drive-thru windows within the LSC (Limited Service Commercial) Zone.

Ms. Sharmili Reddy addressed the Commission in favor of the issue and stated she was available to answer any questions. She stated the proposal was presented in front of City council and they are pleased with what is being presented.

Mr. Bill Mease addressed the Commission as the applicant and thanked the Staff for their work on the issue. He stated it is their intent to consolidate the parcels into one parcel. He further stated they believe they have a good use for the site and he is happy to answer any questions.

All others registered to speak had nothing to add.

Ms. Brown recessed the public hearing for discussion on the issue. Mr. Bethell stated he felt this was a good use for the property. Ms. Brown reconvened and closed the public hearing. She then asked for a motion on the issue. Mr. Bethell made the motion to approve both issues based on Staff's report and recommendations. Mr. Wischer seconded the motion. A roll call vote on the motion found Mr. Bethell, Mr. Wischer, Ms. Brown, Mr. Dunham, Mr. Gaiser, Ms. Vaughn, Mr. Logsdon, Mr. Martin, Mr. Pharr, Mr. Pannunzio, Mr. Ryan, Mr. Toebben and Mr. Whelan in favor. The motion carried unanimously.

FILE:PC1805-0004 (action required)

APPLICANT: Viox and Viox, Inc. per Marc Gloyeske on behalf of Arrowhead Development

LOCATION: An area of approximately 3.89 acres located directly adjacent to 7655 Foundation Drive, approximately 300 feet southeast of the terminus of Foundation Drive and 700 feet west of Turkeyfoot Road in Elsmere.

REQUEST: A proposed map amendment to the Elsmere Zoning Ordinance changing the described area from R-3 (Residential Three) Zone to IP-1 (Industrial Park One) Zone; the applicant proposes to consolidate the property with 7655 Foundation Drive and use it for off-street parking.

Staff presentation and Staff recommendations by Mr. Andy Videkovich

PDS STAFF RECOMMENDATION:

Favorable recommendation for the proposed map amendment to the Elsmere Zoning Ordinance changing the described area from R-3 (Residential Three) Zone to IP-1 (Industrial Park One) Zone.

Mr. Gloyeske addressed the Commission in favor of the application. He stated Staff did a good job of covering what they are here to do. He gave some background with regard to how the application came about. He stated in exchange of allowing the adjoining property owner access

across the property to haul in dirt, Arrowhead Development was given ownership to the easement portion of the property. He noted they are essentially cleaning up the zoning in making the request with regard to the map amendment. He stated the city is going to work with them on what they would like to see paved. He further stated the major change to occur that he can see with the property is the topography change that have occurred. He then stated the physical property has changed in flattening out the property for the apartments and that is the basis for their request for the map amendment.

Ms. Brown recessed the public hearing for discussion on the issue. There being none, she then reconvened and closed the public hearing and asked for a motion on the issue. Mr. Pannunzio made the motion to approve the issue based on Staff's recommendation. Mr. Dunham seconded the motion. A roll call vote on the motion found Mr. Pannunzio, Mr. Dunham, Mr. Bethell, Ms. Brown, Mr. Gaiser, Ms. Vaughn, Mr. Logsdon, Mr. Martin, Mr. Pharr, Mr. Ryan, Mr. Toebben, Mr. Whelan and Mr. Wischer in favor. The motion carried unanimously.

*Mr. Bethell recued himself from the following issue based on a potential conflict of interest.

FILE: PC1804-0002 (action required)

APPLICANT: City of Fort Wright per Ed Butler, City Administrator

REQUEST: A proposed text amendment to the Fort Wright Zoning Ordinance adopting alternative regulations for approving zoning map amendments as authorized by KRS 100.2111; the proposed amendment will allow the Planning Commission's recommendation to become final after 21 days unless an aggrieved person or the City Council files a written request in which case the final decision shall be made by the City Council.

Staff presentation and Staff recommendations by Mr. Andy Videkovich

PDS STAFF RECOMMENDATION:

Favorable recommendation on the proposed text amendment to the Fort Wright Zoning Ordinance adopting alternative regulations for approving zoning map amendments as authorized by KRS 100.2111.

Mr. Jeff Bethell addressed the Commission in favor of the issue. He stated he was present to state the city is in favor of the application and that it will encourage development in the city by speeding up the process. He stated he was available to answer any questions.

Ms. Brown recessed the public hearing for discussion amongst the Commission. Mr. Martin stated he was in favor of streamlining the process. Mr. Dunham stated the likelihood of someone not being aware of the process or not getting a notice would be someone that would not be directly involved or interested in the issue. He stated he was in favor of streamlining the process. Mr. Logsdon stated he felt we need to lean toward public notice to allow enough time for the process to work fairly. Ms. Vaughn stated one of the things to consider is this is the City of Fort Wright and they represent their constituents. She stated if the constituents don't like the streamlining they can change who makes the decisions. Ms. Brown stated she sympathizes with Ft. Wright with the timing overlap. She stated she has been the aggrieved resident once and that's how she got involved initially. She then stated it gives her a knee jerk reaction in giving less time and notice. She further noted she does not want to make development clunkier and she does not want to make the cities have more hoops to jump through than they need to. Following

the discussion, Ms. Brown then reconvened and closed the public hearing and asked for a motion on the issue. Mr. Toeppen made the motion to approve the issue based on Staff's recommendations. Mr. Martin seconded the motion. A roll call vote on the matter found Mr. Toeppen, Mr. Martin, Mr. Dunham, Mr. Gaiser, Ms. Vaughn, Mr. Pharr, Mr. Pannunzio, Mr. Ryan, Mr. Whelan and Mr. Wischer in favor. Ms. Brown and Mr. Logsdon voted against. Mr. Bethell recused himself from any consideration and voting on the issue. The motion carried.

FILE: PC1805-0003 (action required)

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

REQUEST: Proposed text amendments to the Covington Zoning Ordinance: (1) adding package liquor sales to the list of permitted uses within the CBD (Central Business District) and CT (Tourist-Commercial) Zones; (2) adding use-specific regulations for package liquor sales; (3) clarifying the sale of package liquor as an accessory use within the Linden Gateway District; and, (4) updating production limits for microbreweries to reflect the limits imposed by state statutes.

Staff presentation and Staff recommendations by Ms. Emi Randall

PDS STAFF RECOMMENDATION:

Requests 1& 2: Favorable recommendation of the proposed text amendments adding package liquor sales to the list of permitted uses within the CBD (Central Business District) and CT (Tourist-Commercial) Zones and adding use-specific, regulations for package liquor sales; Request 3: Favorable recommendation of the proposed text amendments clarifying the sale of package liquor sales as an accessory use within the Linden Gateway District; Request 4: Favorable recommendation of the proposed text amendments updating production limits for microbreweries to reflect the limits imposed by state statutes.

Mr. Alex Koenig addressed the Commission in favor of the application. He stated the language is written as it is because that is how it appears in the general zoning code. He stated the ABC laws preclude the sale of alcohol in combination with most grocery stores the limitation on 10% of staple grocery goods. He stated if you are getting more than 10% of retail sales from the grocery goods you can't have a package liquor sales so that would be the reason why the language is presented in that way.

There being no further questions Ms. Brown recessed the public hearing for discussion amongst the Commissioners. There being none, she then reconvened and closed the public hearing and asked for a motion on the matter. Mr. Whelan made the motion to approve the four requests based on Staff's recommendations. Mr. Pharr seconded the motion. A roll call vote on the matter found Mr. Whelan, Mr. Pharr, Mr. Bethell, Ms. Brown, Mr. Dunham, Mr. Gaiser, Ms. Vaughn, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Ryan, Mr. Toeppen and Mr. Wischer in favor. The motion carried unanimously.

Mr. Wischer recused himself from the following issue due to a potential conflict of interest.

FILE:PC1805-0001 (action required)

APPLICANT: Transitions, Inc. per Jim Beiting on behalf of Kenton County Fiscal Court

LOCATION:313 Madison Pike; an area of approximately 5.8 acres located on the northeast side of the intersection of Old Madison Pike with Madison Pike, directly east of the intersection of Pleasure Isle Drive with Madison Pike in Erlanger.

REQUEST: a public facilities review per KRS 100.324 and 147.680; the applicant proposes to renovate the existing building to use as an addiction treatment facility.

Staff presentation and Staff recommendations by Ms. Jill Conniff

PDS STAFF RECOMMENDATION:

Favorable recommendation on the public facility request per KRS 100.324 and KRS 147.680.

Mr. Jim Beiting addressed the Commission in favor of the issue and stated he didn't have too much to add. With regard to the crosswalk he stated they will not have a lot of people utilizing bus service in the area so there will not be a lot of people crossing Madison Pike. He stated the facility across the street will not be part of this facility so they will not be walking back and forth across the street. He also noted this facility is a medically approved facility which is different from the facility that is located across the street. Mr. Logsdon stated he would suggest working with TANK to get a bus stop near the facility. He also thanked Mr. Beiting for the work he is doing with the facility. He further stated with the new facility there won't really be a need for bus service.

All others registered to speak had nothing to add.

Ms. Brown recessed the public hearing for discussion amongst the Commissioners. Mr. Dunham asked legal counsel about the findings on the issue since this is a different type of application. Ms. Brown stated she doesn't feel it is in compliance in terms of the comprehensive plan. She noted she has real concerns with the existing property and access to transportation. She noted concerns with transportation with those at the facility. She stated she has concerns with compatibility with the Comprehensive Plan. Mr. Dunham stated it is very difficult for this type of facility to find a location and he feels it in compliance with the Comprehensive Plan. Ms. Vaughn stated she feels this building has become blight in the community and this is a good use for the location with its limitations since it has been configured with the new road going in. She also stated she is in agreement with Mr. Dunham's statements on the issue. Mr. Whelan stated he doesn't think this is the right location for this facility to go into. Mr. Logsdon stated he feels the potential is there for walkability on the site. He stated this is a health issue for Northern Kentucky certainly and this is needed. There being no further discussion on the matter, Ms. Brown reconvened and closed the public hearing and then asked for a motion on the issue. Mr. Dunham made the motion to approve. Ms. Vaughn seconded. A roll call vote on the matter found Mr. Dunham, Ms. Vaughn, Mr. Bethell, Mr. Gaiser, Mr. Logsdon, Mr. Martin, Mr. Pharr, Mr. Pannunzio, Mr. Ryan and Mr. Toeppen in favor. Ms. Brown and Mr. Whelan voted against. Mr. Wischer recused himself from any vote on the matter. The motion carried.

Ongoing Business

Reports from Committees

By Laws: - Ms. Brown stated the By Laws did meet. She stated some of the language is just a cleanup and consolidation of language. She stated they will try to bring it all before the Commission at the same time.

Direction 2030 implementation: Mr. Bethell stated they did meet but did not have a quorum. He stated they are going to have another meeting on June 28th at 5:30 and he would appreciate having people show up so they can meet and have a quorum. He stated in order to get some things rolling on the land use they really need to have a meeting.

Ms. Brown noted they are going to be looking at reducing the number of members on a committee so it is easier to have a quorum.

Executive: Ms. Brown stated they will be looking at the budget and will be sending it to the full Commission to take a look at.

Social Media: Mr. Ryan stated they are setting up a text alert system that will be only be used in short phrasing for meetings as reminders so if you sign up on the yellow sheet you can be put in the system to be notified. He added it's an added benefit since a lot of people are on various committees.

Subdivision Review: Ms. Brown stated they are looking at reviewing subdivision regulations and noted there will be a meeting on June 13th. She noted they will be going over fire water issues.

Mr. Hiles commented they do need to get the committee back and active again and find some meeting dates. He stated they do have some issues they are getting calls on saying when is that committee going to meet.

Reports from Commission Members: Mr. Bethell stated on June 11th between 5:30 and 7:00 p.m. there is a meeting regarding land use and it is an open style meeting. He stated he has had an opportunity to go to a lot of events held by staff and he wanted to thank Staff for all that they do. He noted Staff puts in a lot of effort and a lot of time and he thinks it would behoove the Commission to show their appreciation for the work that they do and attend some of the meetings. He reiterated again that he wanted to thank Staff for all that they do because they have a thankless job and they do a really nice job.

Reports from Legal Counsel: Mr. Smith gave a quick update on the Villa Hills lawsuit. He commented he thinks the Commission will voluntarily be dismissed because the planning commission should not be a party to the suit. He stated it is just a matter of time before the planning Commission will be dismissed.

Ms. Brown stated she has an application for continuing education credit submitted by Mr. Hahn and is asking for approval. She stated she apologized since it is not on the regular agenda but was asking for a motion to approve the hours submitted for continuing education. Ms. Vaughn made the motion to approve. Mr. Bethell seconded. All in favor by acclamation. Mr. Ryan additionally commented about the way continuing education amounts are submitted to the city and asked that that be looked at so it doesn't appear that there is a negative.

Reports/Announcements from Staff: Ms. Randall commented about the CPI table increase. She noted Staff is hosting Board of Adjustment training on June 12th and June 19th from 5:30-7:30. She noted training reports are in front of the Commissioners. She further noted they have purchased some new training CDs available for the Commissioners to obtain their continuation education requirements. She asked that anyone interested to contact Pam. Lastly she stated the yellow papers with text message information was at the Commissioner's seats if anyone interested in that could complete those.

General Correspondence: None.

New Business: Ms. Brown commented the July meeting would be held on July 5th which falls after the holiday. She asked that anyone who is not able to attend to let them know ahead of time.

Public Comments: None.

There being nothing further to come before the commission, a motion to adjourn was made by Mr. Bethell and seconded by Mr. Martin. All in favor by acclamation. The meeting then adjourned at 8:31 p.m.

APPROVED:

Chair  _____

Date 7/5/18 _____