

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING  
Minutes**

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

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

"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 noted item 9 on the agenda (1808-0002) would be moved to item 2 on the agenda. He then asked for a motion to approve with revisions. Ms. Snyder made the motion to amend, Ms. Brown seconded the motion. All in favor by acclamation.

**APPROVAL OF THE MINUTES:**

Mr. Darpel asked for any questions or comments with regard to the minutes for August. Ms. Snyder made the motion to approve the minutes from August. Mr. Padgett seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. Padgett, Ms. Collins, Mr. Darpel, Mr. Dunham, Ms. Hood, Ms. Vaughn, Mr. Martin and Mr. Ryan in favor. Ms. Brown, Mr. Logsdon, Mr. Whelan and Mr. Wischer abstained. The motion carried.

**RECEIPTS AND EXPENDITURES:**

Mr. Darpel asked for motion to approve the receipts and expenditures report. Mr. Ryan made the motion to approve. 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:**

**FILE: PC1808-0001**

**APPLICANT:** City of Elsmere per Richard Aliff, Zoning Administrator

**LOCATIONS:** An area of approximately 0.5 acres located approximately 200 feet south of Dixie Highway between Eastern Avenue to the east and Sanders Drive to the west, approximately 200 feet west of Eastern Avenue in Elsmere.

**REQUEST:** A proposed map amendment to the Elsmere Zoning Ordinance changing the described area from R-1F (moderate density suburban single-family) Zone to NC (Neighborhood Commercial) Zone; the applicant proposes to rezone the rear portions of 4517, 6415, and 6417 Dixie Highway to the same zoning classification as the front portions of the properties.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

**PDS STAFF RECOMMENDATION**

Favorable recommendation for a proposed map amendment to the City of Elsmere Zoning Ordinance changing the described area from R-1F (moderate density suburban single-family) Zone to NC (Neighborhood) Zone.

Mr. Aliff addressed the Commission on the issue and stated the city is just trying to clean up the zone. He stated they appreciate the time Staff has put into the application.

Mr. Darpel recessed the public hearing for any discussion amongst the Commissioners. There being none, he reconvened and closed the public hearing. He then asked for a motion on the matter. Ms. Brown made the motion to approve the map amendment based on the fact that it is in agreement with the Comprehensive Plan and based on Staff's report. Mr. Ryan seconded the

motion. A roll call vote on the matter found Ms. Brown, Mr. Ryan, Ms. Collins, Mr. Darpel, Mr. Dunham, Ms. Hood, Ms. Vaughn, Mr. Logsdon, Mr. Martin, Mr. Padgett, Ms. Snyder Mr. Whelan and Mr. Wischer in favor. The motion carried unanimously.

**FILE: PC1808-0004** (action required)

**APPLICANT:** Arlinghaus I LLC per Robert Schroder on behalf of Toby Carpenter

**LOCATION:** 1254 Maher Road; an area of approximately 19.5 acres located at the terminus of Gatewood Lane and Fawnwood Drive in Unincorporated Kenton County.

**REQUEST:** A proposed map amendment to the Kenton County Zoning Ordinance changing the described area from R-RE (a rural estate residential zone) and R-1D (a medium-density suburban residential zone). The proposed R-1D Zone will allow the applicant to subdivide the property into lots with a minimum lot width of 70 feet and minimum lot area of 9,000 feet.

Staff presentation and Staff recommendations by Mr. Alex Videkovich

**PDS STAFF RECOMMENDATION:**

Favorable recommendation on the proposed map amendment changing the site in question from R-RE (a rural estate residential zone) and R-1B (a low-density suburban residential zone) to R-1D (a medium-density suburban residential zone), subject to the applicant agreeing to the following conditions:

1. The maximum density of the proposed development not exceed 3.0 dwelling units per net acre.
2. A tree preservation plan shall be submitted identifying areas to be preserved and the manner in which they will identified so they are not disturbed through the development process, prior to approval of grading or improvement plans.

Mr. Shroder addressed the Commission in favor of the issue and commented about sidewalks and storm sewers. He noted they will abide by those. He stated there will be sidewalks on both sides of the development. He then distributed a layout of the tree preservation and stated they would try to preserve the trees in the area. He stated once they submit the improvement plan they will put caution tape around the areas that are not to be disturbed. He noted they are fine with the density spelled out by Staff. He also noted they saved a bunch of trees in the area to the east. He commented this will help the value of the homes in the area. Mr. Shroder further noted the type of homes they plan to build will be similar to what is being built on the back end right now. He additionally commented they will be nice homes in the average sale price of \$300,000. He stated the dwelling units per net acre will be 2.46 per net acre.

Mr. Carpenter addressed the Commission in favor of the issue and stated he has owned the property since 1998 but it has been in the family since 1978. He stated he approached Mr. Shroder to see if he was interested because he liked what he did with other neighborhoods. He stated he is all for what they are proposing and he has no objections.

Mr. Mark Price addressed the Commission against the issue and stated he has two issues. He noted the people that live on Gatewood deserve respect for their street and not have mud running down the street. He also noted they have put thousands of dollars into the lake and they are just asking the Arlinghaus Builders respect that as well so it's not a muddy mess. He noted he has no objections to the zone change itself.

Ms. Valerie Hines addressed the Commission against the issue and stated she has concerns about the runoff. She stated her house is right there and she has a pretty good slope and she is concerned there is going to be runoff toward her home. She also noted she has some really nice trees that border her property and she is concerned those nice trees are going to be taken down. She also asked who is going to repair her yard because there is no way they can build on their property without tearing up her property. Mr. Darpel stated the water runoff issue would be an SDI issue and the Commission is just here on the zone change. He also noted they are not allowed to touch her property so there shouldn't be an issue with that.

Mr. Kurt Stiles addressed the Commission as a neutral party and stated he is not here to object to this, he just has some questions about the topographical issues with the property. He noted the neighbors on the opposite of the pond have the same problem with the topography when it rains. He stated the mud all comes down past the house and right to a funnel and into the pond. He stated he is quite sure given the topography the opposite of the development will do the same thing. He also noted he would like to have a copy of the map. Mr. Darpel stated it should be available once the minutes are submitted.

Mr. Shroder addressed the Commission in rebuttal and stated in terms of the storm water runoff the Sanitation District takes care of all of those and they abide all of their regulations. He also noted if they were to disturb any surrounding property they will fix it but that they will try to stay off other property.

Mr. Darpel recessed the public hearing for discussion amongst the Commission. There being none he reconvened and closed the public hearing. Mr. Dunham made the motion to approve the application based on the testimony heard and Staff's report. Mr. Ryan seconded the motion. Clarify. A roll call vote on the motion found Mr. Dunham, Mr. Ryan, Ms. Brown, Ms. Collins, Mr. Darpel, Ms. Hood, Ms. Vaughn, Mr. Logsdon, Mr. Martin, Mr. Padgett, Ms. Snyder, Mr. Whelan and Mr. Wischer in favor. The motion carried unanimously.

**FILE:PC1808-0006** (action required)

**APPLICANT:** MGH Ventures, LLC per Matt Grimes

**LOCATION:** 217 Cross Street; an area of approximately 0.18 acres located on the south side of Cross Street, approximately 180 feet northeast of Vine Street in Elsmere.

**REQUEST:** A proposed map amendment to the Elsmere Zoning Ordinance changing the described area from R-1GG (Residential One G) Zone to R-3 (Residential Three) Zone; the applicant proposes to bring the existing multi-family use located on site into compliance with the city zoning ordinance.

Staff presentation and Staff recommendations by Ms. Jill Conniff

**PDS STAFF RECOMMENDATION:**

Favorable recommendation for a proposed map amendment to the Elsmere Zoning Ordinance changing the described area from R-1GG (Residential One GG) Zone to R-3 (Residential Three) Zone; the applicant proposes to bring the existing multi-family use located on site into compliance with the city zoning ordinance.

No one registered to speak for or against the issue. Mr. Darpel then read a letter into the record from the applicant, Mathew Grimes, in favor of the issue as he could not be present. It was then marked as an exhibit to be made a part of the record on the matter.

Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners. There being non he reconvened and closed the public hearing. He asked for a motion on the issue. Ms. Brown made the motion to approve the map amendment based on the fact that it is in agreement with the Comprehensive Plan. Ms. Hood seconded the motion. A roll call vote on the motion found Ms. Brown, Ms. Hood, Ms. Collins, Mr. Darpel, Mr. Dunham, Ms. Vaughn, Mr. Logsdon, Mr. Martin, Mr. Padgett, Mr. Ryan, Ms. Snyder and Mr. Whelan in favor. Mr. Wischer voted against. The motion carried.

\*Mr. Darpel recused himself from any consideration and voting on the following issue due to a conflict of interest. Ms. Brown, Vice Chair, presided over the issue.

**FILE:PC1808-0002** (action required)

**APPLICANT:** City of Crestview Hills per Tim Williams, City Administrator

**REQUEST:** Proposed text amendments to the Crestview Hills Zoning Ordinance adding two new zoning classifications – MX-1 (Mixed Use-One) and MX-2 (Mixed Use Two)

Staff presentation and Staff recommendations by Mr. Andy Videkovich

Due to the nature and scope of the issue the applicant presented their application and Mr. Videkovich will then present Staff's recommendations.

Mr. Tim Williams addressed the Commission and stated City council was concerned with being out in front of the changes going on with the economy. He noted there were two primary areas being proposed as mixed use. He further stated it was in fact included the Comprehensive Plan and was approved. Mr. Williams stated as a community they felt it important if there were changes taking place due to the economy. He stated council asked for proposals from around the country as they wanted their expertise with creating the new zones. He stated the mixed use committee interviewed the top firms to work with them on the project to get to this point. He then introduced Leslie Oberholser from CodaMetrics to speak about the issue. She noted their hope is to provide enough information so that the Commission is comfortable with the application. She noted the Comprehensive Plan includes these two areas and the goal is to incorporate different types of housing as well as other uses. She noted the intent is to maintain that kind of hub in the area while pulling in other uses. She noted the idea of creating a neighborhood is also intended with the new zones and creating walkability in the areas proposed. She noted they looked at the sites and got to know the sites very well in terms of the width of the sidewalks, etc. in order to better get to know the area. She noted the steering committee met eight or nine times and multiple meetings were held with property owners on the issue. She stated council members also met and an open house was held with regard to the proposed zones. She further noted they looked at other case studies in other areas and cities to guide the development of the code for this area. She noted the new mixed use zones are meant to fall into the existing code. She stated Mr. Kurt Bishop would speak on the overview and the process of the project. He then gave an overview of the intent of the zones as well as the goals relating to the issue. He also gave an overview of the two zones being proposed. He noted they will be available to property owners at their request to be used. He highlighted the master development plan process with regard to the issue in relation to the code itself and requirements for the approval process. He noted it is a unique process. Ms. Oberholser highlighted he master developments in terms of the proposed zones. She stated these zones are established but do not have to be used until

necessary. She further noted within the developments there are requirements that are outlined very clearly with the regulations, etc. She also noted there is a base street type that is consistent with subdivisions. It was further noted open space types are defined also. She additionally stated that building types are defined within the master development plan and these show where that development can occur. She stated it creates a clear plan that everyone can follow with a predictable outcome. She briefly described the four different building types contained in the master development plan. She stated the most unique aspect is the façade along the street and the requirements for walkability. She also discussed the types of uses meant to give more flexibility within the different building types. She noted there are quite a few building designs that can be used within the developments. Site designs were highlighted as well in terms of signage and the types allowed within the zones.

Mayor Paul Meyer addressed the Commission in favor of the issue and stated a lot of work has been put into this. He stated things are changing and they want to be ahead of the game. He noted they are not asking for a zone change, just that these zones are allowed to be a part of the wish list of zones. He then asked for the Commission's support on the issue.

Mr. Videkovich at this time gave Staff's presentation on the issue.

### **PDS STAFF RECOMMENDATIONS**

Favorable recommendation on the proposed text amendment adding two new zoning classifications – the MX-1 (Mixed Use-One) and MX-2 (Mixed Use-2) Zones – to Article X, Zones, along with necessary cross references to other sections of the Zoning Ordinance. The proposed MX-1 and MX-2 Zones permit all types of residential uses, as well as a wide variety of public/semi-public, office, and retail/service uses, subject to the following conditions;

1. The graphics showing conceptual site plans be removed and adopted by the City as a separate visioning document or appendix.
2. When a Master Development Plan is approved with conditions, compliance with those conditions should occur at the zoning permit stage and not have to go back through the Master Development Plan process.
3. The Economic Development and Zoning Committee should be removed as required a part of the zoning permit review process, and the zoning administrator be designated the official that approves zoning permits.
4. The design exception process should be extended to include modification for all design elements.
5. The Economic Development and Zoning Committee should be removed as a required part of the Design Exceptions Process.

Mr. Dutrey addressed the Commission on behalf of his client Crestview Hills Town Center. He stated he had much more to say in terms of the rights of the property owner. He commented a lot of the statements he heard by the applicant made him feel much better about the application. He stated his client is interested in redevelopment of their property at some point consistent with this text amendment or something similar. He stated the center is generating revenue and doing well so now is not the time for redevelopment. He stated to say that his client is in favor of this is not to say that he is interested in redevelopment at this time. He stated to the extent that a new zone is being created that will be geared up and ready when they are ready for redevelopment is where his client stands at this point. He noted he feels much more comfortable now giving it a thumbs up after the presentation.

Ms. Sharon Grenade had nothing to add.

Ms. Marion Stuart addressed the Commission and stated basically she didn't have much more to add other than what is heard. She stated the city's goal here is not to thrust a type of development on a property owner but that so the tools are in place when they are ready. She further stated there is a certainty and expectation that they can expect from this zone. She stated she is available to answer any questions on behalf of the city.

Mr. Rob Munson addressed the Commission and stated he was speaking on behalf of Thomas More College. He noted they support the mixed use zone and just have a couple questions. He noted they believe it has the potential for positive impact but want to make sure they are able to work with the city for future mixed use zones on the front end of the campus. He also asked how are these zones or any potential development effected by the Department of Transportation plans for traffic congestion on Turkeyfoot Road. He also asked if there were any infrastructure plans for any bridges or tunnels planned for over or under Turkeyfoot Road and Thomas More Parkway to safely facilitate the pedestrian feel. He also asked if they were able to shed some light on the thinking behind giving the City Administrator the final approval and if there were any limits or restrictions on the designee. He then stated they do appreciate the work that has been done and noted Thomas More College would like to be on the record as in favor of the mixed use zone.

Mr. JR Anderson addressed the Commission and stated they are very much in favor of the new zoning designation. He noted they think when the time is right they think this is a great zone with a great use so they are very much in favor. He stated he applauded the city in taking the initiative in moving forward.

Mr. and Mrs. Townsend had nothing to add.

Mr. John Gerdler addressed the Commission and stated his only concern to the city was he noticed in the parking regulations activity is being increased and pedestrian activity is being increased while the times for parking is being decreased. He stated he is really impressed with the detail in the presentation and is for the new zones, but he is concerned with the parking that is being proposed.

Ms. Leslie Ob noted in terms of parking the requirements are essentially the same but they do allow for some credits to parking based on mixed use or shared parking arrangements.

Ms. Marion Stuart addressed the question of the final approval being left to the City Administrator. Ms. Brown stated their understanding is the City Administrator has the final decision. Ms. Brown asked about consolidating step 4 and 5 being combined to the City Administrator then having the final decision. Mr. Williams stated he understands where Staff is coming from on the issue. Ms. Brown then asked if they would not be in favor of removing item 3 from Staff's conditions. Mr. Williams stated that was correct. Ms. Brown then asked Mr. Williams about pedestrian access and the questions raised by the college. He noted they are in complete agreement with the college on that issue.

Ms. Brown recessed the public hearing for discussion amongst the Commissioners. Mr. Dunham stated he thinks it's great and he applauds everyone that has worked on it. He stated he does agree with the conditions as stated by Staff. Ms. Brown commented about the graphics being

moved to an appendix and stated she agreed with Staff. Ms. Brown then reconvened and closed the public hearing. She asked for a motion on the issue. Mr. Dunham made the motion to approve the application adding two new zoning classifications permitting all types of residential uses subject to the five conditions of Staff. Ms. Hood seconded the motion. A roll call vote on the motion found Mr. Dunham, Ms. Hood, Ms. Brown, Ms. Collins, Ms. Vaughn, Mr. Logsdon, Mr. Martin, Mr. Padgett, Mr. Ryan, Mr. Whelan and Mr. Wischer in favor. Ms. Snyder voted against. Mr. Darpel recused himself from any considering and voting on the issue due to a conflict of interest. The motion carried.

\*At this time (8:51 p.m.) a five minute break was taken

**FILE:PC1808-0003** (action required)

**APPLICANT:** City of Taylor Mill per Mayor Daniel Bell

**REQUEST:** Proposed text amendment to the Taylor Mill Zoning Ordinance removing the definition of “Garage, Private” and establishing new size limitations on customary accessory structures and uses; such structures or uses shall not exceed twenty-five percent (25%) of the principal building or the available yard area, whichever is less.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

**PDS STAFF RECOMMENDATION:**

Favorable recommendation of the proposed text amendment removing the definition of “Garage, Private” and establishing new size limitations on customary

Mr. Bell addressed the Commission and stated he wanted to make a quick comment as to the reason they unanimously approved the 25% was to determine whether or not the pole barn or garage was capable of a garage capability. He stated by providing for the 25% they knew that would provide for a garage if in fact someone would like to build a garage. He further stated this came about by an individual that built an 800 square foot garage in his backyard because the regulations provided for it. He stated some cities have a 10% restriction on pole barns and sheds so that is their rationale the 25% limitation. Mr. Darpel asked about the restriction if someone has a house with a lot of acreage in back of their house and they want to build a large garage they cannot. Mr. Bell then stated there are only a handful of lots where this is the case.

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

**FILE:PC1808-0005** (action required)

**APPLICANT:** City of Edgewood per Brian Dehner, City Administrator

**REQUEST:** Proposed text amendments to the Edgewood Zoning Ordinance: (1) amending the approval process for a Class 5 fence within residential zones under special circumstances to allow the Board of Adjustment to make a determination rather than the zoning administrator; (2) amending the location of accessory buildings to allow them to be set back ten feet from the rear property line rather than requiring them to be within 20 feet of the principal building; and, (3)



amending the review and approval process for the site places to allow the zoning administrator or his/her duly-authorized representative, rather than the legislative body or its duly-authorized representative to review and approve site plans.

Staff presentation and Staff recommendations by Ms. Emi Randall

**PDS STAFF RECOMMENDATION:**

Request (1): Favorable recommendation on the Proposed text amendment to the Edgewood Zoning Ordinance amending the approval process for a Class 5 fence within residential zones under special circumstances to allow the Board of Adjustment to make a determination.

No one registered to speak for or against.

Mr. Darpel recessed the public hearing for discussion amongst the Commissioners. There being none, he reconvened and closed the public hearing. Mr. Darpel then asked for a motion on the issue. Mr. Dunham made the motion to approve on the text amendments based on Staff's recommendation regarding the conditions, and based on the fact it is in compliance with the Comprehensive Plan. Ms. Brown seconded the motion. A roll call vote on the motion found Mr. Dunham, Ms. Brown, Ms. Collins, Mr. Darpel, Ms. Hood, Ms. Vaughn, Mr. Logsdon, Mr. Martin, Mr. Padgett, Mr. Ryan, Ms. Snyder, Mr. Whelan and Mr. Wischer in favor. The motion carried unanimously.

**Ongoing Business**

**Reports from Committees**

**By Laws:** - Ms. Brown stated the committee met last month and they do have some language to present to the Commission. She noted this will be brought next month.

**Direction 2030 implementation:** No report.

**Executive:** No meeting held.

**Social Media:** Mr. Ryan stated there was no report.

**Subdivision Review:** Mr. Darpel stated he and Scott have gone over a couple items but they did not have an official meeting.

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

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

**Reports/Announcements from Staff:** Ms. Randall stated a planning conference was going to be held in Cincinnati on October 5, 2018 and it is a great opportunity to get some continuing education hours for any Commissioners interested.

**General Correspondence:** Mr. Darpel stated he received a letter from Kathy Donahue regarding regulations in Southern Campbell County. He then read the letter into the record.

*Kenton*

Ms. Brown noted the Kenton County Farm Tour is September 15<sup>th</sup> and 16<sup>th</sup> this year.

*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 9:26 p.m.

APPROVED:

Chair  \_\_\_\_\_

Date 10/4/18 \_\_\_\_\_