

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING
Minutes**

Ms. Brown, Vice Chairwoman, called the meeting to order on June 6, 2019 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.

Commission Member	Jurisdiction	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						
Nancy Collins	Ryland Hts.				X	X							
Paul Darpel, Chair	Edgewood	X	X	X	X	X							
Brian Dunham	Kenton Cty	X	X	X	X	X	X						
Mike Gaiser	Ludlow	X											
Margo Baumgardner	Crestview Hills			X	X*	X							
Keith Logsdon	Lakeside Park	X		X	X	X	X						
Matthew Martin	Taylor Mill	X	X	X	X	X	X						
Ron Padgett	Covington		X*	X	X		X						
Joe Pannunzio	Elsmere	X		X	X	X							
Sean Pharr	Covington		X		X								
Phil Ryan, Treasurer	Park Hills	X	X	X	X	X	X						
Gailen Bridges	Bromley			X	X	X	X						
Greg Sketch	Crescent Spgs	X	X		X								
Maura Snyder	Independence	X	X	X	X	X*	**						
Jack Toebben	Fort Wright	X	X	X	X		X						
Robert "Bob" Whelan	Covington	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: Ms. Megan Busse, Mr. Chris Schneider, Mr. Andy Videkovich and Ms. Emi Randall.

"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 stated item 14 will be presented at the same time as item 15. She also noted item number 10 will be moved under Public Hearings so testimony can be heard. She then asked for a motion on agenda. Mr. Bridges then made the motion to amend the agenda as stated. Mr. Padgett seconded the motion. A roll call vote on the motion found Mr. Bridges, Mr. Padgett, Mr. Bethell, Ms. Brown, Mr. Dunham, Mr. Logsdon, Mr. Martin, Mr. Ryan, Mr. Toebben, Ms. Vaughn, Mr. Whelan and Mr. Wischer in favor. The motion carried unanimously.

APPROVAL OF THE MINUTES:

Ms. Brown then asked for any questions or comments with regard to the minutes for May. There being none, Mr. Bethell then made the motion to approve the minutes. Mr. Ryan seconded. A roll call vote on the motion found Mr. Bethell, Mr. Ryan, Mr. Bridges, Ms. Brown, Mr. Dunham, Mr. Logsdon, Mr. Martin, Ms. Vaughn, Mr. Whelan and Mr. Wischer in favor. Mr. Padgett and Mr. Toebben abstained. The motion carried.

RECEIPTS AND EXPENDITURES:

Ms. Brown asked for any questions or comments with regard to the report. There being none she then asked for a motion. Mr. Ryan made the motion to accept the report. Mr. Bethell seconded the motion. A roll call vote on the motion found Mr. Ryan, Mr. Bethell, Mr. Bridges, Ms. Brown, Mr. Dunham, Mr. Logsdon, Mr. Martin, Mr. Padgett, Mr. Toebben, Ms. Vaughn, Mr. Whelan and Mr. Wischer in favor. The motion carried.

RECENT ACTIONS BY STAFF:

(No action required)

RECENT ACTIONS BY LEGISLATIVE BODIES:

(No action required)

PUBLIC FACILITY:

FILE: PFAC1905-0001(action required)

APPLICANT: City of Park Hills per Kyle Winslow, City Attorney

LOCATION: 1101 and 1104 Mount Allen Road; a portion of Mount Allen Road approximately 1,000 feet north of South Arlington Road abutting 1401 Dixie Highway in the City of Park Hills

REQUEST: A public facilities review per KRS 100.324 and 147.680; the applicant proposes to close a portion of Mr. Allen Road where the boundary of the City of Park Hills meets the boundary of the City of Covington.

Staff presentation and recommendations by Ms. Emi Randall

PDS STAFF RECOMMENDATION

The proposed public facility changes are not in agreement with Direction 2030, the Kenton County Comprehensive Plan.

Mr. Smith commented this is a public facility review and the Commission doesn't hear many of them. He stated they're only to be reviewed consistent with the Comprehensive Plan and not whether they make sense but whether they make sense with the Comprehensive Plan. He noted whatever the Commission decides is advisory only and carries no legal weight at all. He stated

the Planning Commission is not making a decision whether to close or not close the road, it is merely issuing an advisory opinion to the City. He stated the Commission has no authority to close the road and he stated that is not the issue. He made it clear that the Commission's review is limited to strictly whether it is consistent with the Comprehensive Plan.

Mr. Kyle Winslow addressed the Commission in favor of the issue and stated the reason for the closure is to prevent the additional consequences and financial consequences should a development go in. He stated the closure is simply to pivot any road from tying in where the homes are. He stated there will not be a barrier on the road and there will be a perpetual easement to have access. He stated he appreciates the Commissioner's time and is asking for approval on the issue.

Ms. Ford addressed the Commission and stated her goal with the issue is to protect the residences should a large and dense development go in with the tie in. She stated she's been going over every morning to see how many on street parking spots are available and there are four. She stated they are not a rich city and would bear the brunt of the cost for the road should a development go in. She stated their primary purpose is to protect the residents. She also stated they are totally open to providing emergency access for emergency residents but they believe in providing protection for their residents. She noted safety is their highest interest and they would always allow for emergency vehicles.

Mr. Padgett inquired about the timing of the closure and asked if there are any plans for development. Mr. Winslow stated he does not know any details as to potential development. Mr. Ryan asked if the easement contained a blacktop area. Ms. Brown stated it did and that easement was created years ago by Chase Law School. Mr. Dunham asked if there is anything in the Comprehensive Plan that supports this because Staff has stated this proposal is not consistent with the Comprehensive Plan. Mr. Winslow stated he thinks it is not consistent because it does not allow for connectivity, but it also goes both ways. If a development goes in there is not connectivity on the existing road. Mr. Bridges asked if Park Hills has had any conversations with Covington on the issue. Ms. Ford stated she knows the mayors have spoken on the issue.

Mr. Jerry Shields addressed the Commission and stated this is the only means of ingress and egress for this property. He stated right now you can't get to the property now so all construction vehicles, etc. would have to access on that street.

Mr. Rob Sweet addressed the Commission and stated he is a planner and understands the need for connectivity. He stated there could be a fairly big development and would like the city to recognize that this could be a problem. He noted they are concerned about how wide and how much additional traffic this would generate in the future.

Mr. Patrick Hughes addressed the Commission against the issue and stated he is present representing Northern Kentucky University. He thanked the Commission for their time and gave a brief history on the property and the easement. He stated this review is premature and the property is still owned by the university and hasn't even been sold. He noted there are no development plans submitted so there is no certainty as to what would be proposed. He stated the safety of the residents is significant to consider but it's also important to maintain good flexibility until you know what the plan would be. He stated the concept of closing Mt. Allen Road is totally inconsistent with the Comprehensive Plan. He stated they do not know what plans

there are in terms of connectivity so this is premature and should be deferred until there is some planning in place. He noted they would submit that it is not in compliance with the Comprehensive Plan.

Ms. Mildred Stoeckle addressed the Commission against the issue and stated the road has all slid down and caved in so there is no other way for people to come in and look at the property. She stated Northern Kentucky University can say there is nothing going on but they are on the end and can see surveyors etc. She stated they will have dump trucks coming down the road and there is not space for that. She further stated she thinks they should put the road back if they say there is not room for the easement.

Mr. Don Stoeckle addressed the Commission against the issues and stated the city is out to turn it around now. He stated they are not waiting to sell the property, they are protecting the people now.

Mr. James Knight addressed the Commission and stated his family has been there since 1955. He noted it is his understanding that property has a deed restriction and he thinks that should be brought up if that has not been mentioned. He stated some of his neighbors' deeds note the deed restriction so that should be mentioned. Mr. Knight further stated that Serpentine Road is not as indicated on the map and is abandoned. He stated there are severe topographical issues and should be noted. He stated there have been several surveyors that have surveyed the land and a geological survey has been done as well. He then noted that the idea it is not under consideration for development would be a misunderstanding. He stated he is concerned that the easement is granted by NKU and not the city so that is a concern. He stated he does not think Park Hills taking a proactive stance is premature. He additionally stated there is really only one lane of traffic so this is not built for construction traffic to go through there. He stated he thinks Park Hills is doing the right thing to protect those that would be affected by it.

All others registered to speak had nothing to add.

Ms. Brown then recessed the public hearing for discussion amongst the Commissioners. Mr. Dunham stated if he was on Park Hills City Council he would probably be doing the same thing. He stated he is not and has been appointed a Commissioner and stated with what is before the Commission today, he cannot find that it is consistent with the Comprehensive Plan. He stated it is a unique situation with the majority of the land being in Covington and hopefully they can work something out between the cities in the future. Mr. Bridges stated any kind of zone change would have to go before the Commission and there would be hearings, etc. so this is nothing that is going to go up tomorrow. He also stated he doesn't think Staff or the Commission would even approve a development on such a street so he thinks it's premature to close the street. Ms. Brown pointed out that Covington is already zoned appropriately so they would not have to get a zone change and could start development. Mr. Bethell stated he thinks it's important to have some flexibility and applauded the City for getting ahead. Ms. Brown stated she liked the city being proactive. She stated one of the problems is there are no sidewalks. Mr. Logsdon stated the city and the NKU Foundation need to be discussing the issue to be proactive and then make decisions later. Ms. Brown then reconvened the public hearing. She also noted there were two letters received from Mr. Tom West and Mr. James Hillon the issue and then read those into the record. Ms. Brown marked these as exhibits to the minutes to be made a part of the record on the matter. Ms. Brown then closed the public hearing and asked for a motion on the issue. Mr. Ryan made a

motion to approve the issue and stated it is consistent with the Comprehensive plan. Mr. Bethell seconded the motion. A roll call vote on the motion found Mr. Ryan, Mr. Bethell and Ms. Collins in favor. Mr. Bridges, Mr. Dunham, Mr. Logsdon, Mr. Martin, Mr. Padgett Mr. Toebben, Ms. Vaughn, Mr. Whelan and Mr. Wischer voted against. The motion failed. Ms. Brown then asked for another motion on the issue. Mr. Bridges made the motion to deny the issue for the reasons as stated by Staff and the testimony heard. Mr. Logsdon seconded the motion. Mr. Dunham added a comment that the City of Park Hills can decide to close the road no matter what the Commission decides on the matter. He also stated a potential buyer is going to be aware of the road and won't go forward without working out an arrangement with the city on the issue. He stated just because it passes doesn't mean all of a sudden you're going to have six hundred cars going down the road. A roll call vote on the motion found Mr. Bridges, Mr. Logsdon, Mr. Dunham, Mr. Martin, Mr. Padgett, Mr. Toebben, Ms. Vaughn, Mr. Whelan and Mr. Wischer voted in favor. ~~Mr. Bridges~~, Ms. Collins and Mr. Ryan voted against. The motion carried.

At this time (7:32 p.m.) a five minute recess was taken. Mr. Bridges had to leave the meeting at this time.

PUBLIC HEARINGS:

*Ms. Brown stated due to a Commissioner having to leave the meeting and another Commission having to recuse himself from items 11 and 14 resulting in the lack of a quorum, the following issue would be moved forward on the agenda to allow for a Commissioner to arrive (**Ms. Snyder) avoiding recessing and postponing the public hearings on those issues.

FILE: PC1905-0004(action required)

APPLICANT: David J. Noll and Paul J. Darpel on behalf of 260 Grandview, LLC

LOCATION: 260 Grandview Drive; an area of approximately 11.7 acres located on the east side of Grandview Drive east of Beechwood Road and south of the terminus of Grandview Drive, approximately 1,900 square feet east of Beechwood Road in Ft. Mitchell.

REQUEST: A proposed map amendment to the Ft. Mitchell Zoning Ordinance changing the described area from R-1C (a single-family zone) and PO (a professional office zone) to R-2 (a multi-family residential zone); the applicant proposes to construct three apartment buildings containing up to 106 dwelling units.

Staff presentation and Staff recommendations by Mr. Andy Videkovich

PDS STAFF RECOMMENDATION

Unfavorable recommendation on the proposed map amendment changing the described area from R-1C (a single-family zone) and PO (a professional office zone) to R-2 (a multi-family residential zone).

Mr. Smith noted he wanted to caution the Commission on the development's impact on surrounding schools even though it does mention in the Comprehensive Plan that something to be considered is the schools in the area. He stated they have to be careful in that regard because the Fair Housing Act prohibits discrimination against families. He stated if you're looking at an application and determining whether a family is going to have children that are going to go to schools, that cannot be a determining factor because that violates the Fair Housing Act. He stated

he just wanted to mention it because since it is in the Comprehensive Plan it can be a factor, it just should not be a determining factor. He cautioned the Commission to give little weight to it.

Ms. Brown read a letter into the record with regard to the issue and marked it as an exhibit to be made a part of the record on the matter.

Mr. David Noll addressed the Commission in favor of the issue and stated Paul Darpel is co-counsel and has not spoken to any Commissioners with regard to the issue. Mr. Noll stated they have looked at this property for years and have had an interest in purchasing it for residential use for empty nesters and retired persons. He stated they came up with the idea to provide a luxury residential development, with secured parking, and high amenity development to the area. He stated the fair housing act prohibits local state and land use that discriminates against families. Mr. Noll then submitted a handout to be included as part of the record. He noted they have taken a closer look and came up with projections for the development. He stated they are looking into 53 one bedroom units and 53 two-bedroom units. He stated that proposal came up with 13 school age children. He then submitted a letter by Dr. Ford who did the study based on the number of children based on the size of the units. Ms. Brown marked it as an exhibit to be made a part of the record on the matter. He stated they met with the school board in order to be transparent as to the development. He stated they came to the understanding that the property has the capability to be placed into the Kenton County School District. He stated they spoke with the district and made the decision to formally request this development be moved out of the Beechwood District and into the Kenton County District. He noted the Beechwood District was not interested in participating in this so the matter was dropped. He stated he wanted to put on record that if this development pushes the current schools to capacity they will be open to redistricting the development. Mr. Noll stated if you think this property should stay commercial then he encouraged the Commission to vote the issue down. He stated this site is not a great commercial site with good visibility and not an easily accessible site. He noted he doesn't believe the city looked at these ten acres and stated they want to keep it commercial. He stated they had numerous meetings where the land use was discussed and the matter of this being changed to residential was not brought up by the city as an issue. He stated it did not come up with city officials at their pre-application process as well. He stated they gave a presentation at a city council meeting where they presented their proposed development and it was never brought up that this should remain commercial. He further noted they really do believe they meet the goals and objectives because they provide varied housing with this development. He noted the rents are going to be providing housing that is currently not available in the area. He commented there is no visibility with this property and that is what is wanted for commercial.

Mr. James Kaigle addressed the Commission in favor of the issue and gave background information on the proposed development. He stated they have found that even with the improved economy the interest in commercial properties is lagging in the area. He then distributed a handout with regard to these stats. He then gave background information on the projected increase in numbers of those aging in place regarding the need for housing for this type of demographic. He stated a development should not be sitting idle based out of fear for a district.

Mr. Charlie Schneider addressed the Commission in favor of the issue and stated he is available to answer any questions on the issue. He stated he doesn't think there are going to be any issues

with meeting the concerns with Stage I and Stage II and reiterated he could answer any questions.

Mr. Bethell commented and stated he is a bit surprised that none of this was brought up because a considerable amount of time was spent over the past year in terms of land use for each particular community. He noted he's surprised land use wasn't brought up. Mr. Noll stated he thinks the reason it didn't come up is because no one asked in terms of this particular property. Mr. Bethell stated he understands that they are doing with this development but is just surprised that this wasn't brought up over the past year. Mr. Padgett asked about the market goals with the development and if that would include senior living. Mr. Noll stated they did not tie it to that market but they expect it will be a big draw to empty nesters but are deeming it as a senior living facility.

Ms. Lisa Meiman addressed the Commission on the issue and stated she was present at the meeting where Mr. Darpel and Mr. Noll spoke. She stated it is disingenuous as presenting this as a senior living only option. She stated to push this as a senior living option is not how it was proposed at the City Council meeting. She stated at the meeting they were asked how you can guarantee the number of students this would involve. She noted anybody who lives in Ft. Mitchell knows that a two bedroom unit will have four kids living in it. She stated the impact has to be looked at with the development. She further noted there is already a huge traffic issue with Beechwood Road and this would just be a danger by adding that many more cars to this community. She stated she feels for Mr. Kaegle but doesn't feel this is good for the community.

Ms. Ann Thompson addressed the Commission and stated she is a huge supporter of the area and commented this is the fourth house they wrote an offer on in the Beechwood school District after renting in the district for the year. She stated when you start adding a quantity of housing to the area is irresponsible to do so and not consider the district. She stated there were classes that have zero capacity.

Mr. Douglas Garner addressed the Commission and stated he has reviewed this application and has come up with five or six reasons why this should not be approved. He stated the impact on the schools is likely to be devastating and he finds it interesting to caution the Commission not to consider the schools in the area. Mr. Smith stated he cautioned the Commission prior to the meeting starting because it is Federal law. Mr. Garner stated he asked for a vote against the application. Mr. Padgett asked Mr. Garner how this would be devastating to the school. Mr. Garner stated this would be devastating because some of the classes are at capacity and this would make that worse.

Ms. Dora Vurherry addressed the Commission and stated she finds it interesting that they say they can't develop this as office space because you can't see it from the highway but it can be developed with a view as residential.

Ms. Erin Proctor addressed the Commission and stated she would like to say she has been really proud of Ft. Mitchell but she stated she doesn't think new housing is needed in the area and would encourage the development as office which is most beneficial for the city itself.

Ms. Maria Saunders addressed the Commission and stated it's very exciting to be in Fort Mitchell with recent commercial development in the area. She stated there is reason to believe there is more promising development than has been in the last few years. She further stated what

is not needed are more luxury apartments and more residential, and what is needed is more commercial to spur development. She stated she hopes they stick with the Comprehensive Plan and stay consistent with what Staff has found.

Mr. Kyle Steinberg addressed the Commission and stated many of those that spoke before him made a lot of the points he wanted to make. He stated he's also familiar with the Fair Housing Act and is an attorney. He noted this is a very complicated piece of legislation. He stated there are a lot of interpreted cases on it and perhaps those should be looked into before any determination is made. Mr. Steinberg stated there is the appearance of a conflict with Mr. Darpel sitting as the chairman of the Planning Commission and influences the Commission. Ms. Brown then stated Mr. Darpel was not the Chairman at that evening's meeting. Mr. Steinberg then stated that he is indeed the Chairman of the Committee. Mr. Toebben stated he does not like that someone can say that since he is the Chairman of the Committee they can be influenced. Mr. Toebben then stated no one influences him and he doesn't like being accused of it. Mr. Steinberg stated it gives the appearance that there is a conflict. Mr. Smith then stated there is no legal conflict at all. He stated the only proper method when you are a public servant is to recuse yourself, which he has. He reiterated again that there is no conflict. He then stated he has researched the Fair Housing Act and he is well acquainted with the Fair Housing Act and it is an issue. Mr. Steinberg then stated what he is saying is these things that impact the Beechwood schools also impact other things such as traffic, stress on infrastructure, etc. He stated it gives the appearance of impropriety. He stated this committee is being asked to make a decision that is going to enrich Mr. Darpel.

Mr. Tom Hollicker addressed the Commission and stated Staff did a great job with the presentation and he wanted to comment on the history. He stated he has the same concerns like the others in terms of the school district. He stated about forty percent of the city is apartments and not many people know that. He stated there are plenty of apartments out there that people can rent and some are two bedrooms. He stated just because this hasn't been developed as residential doesn't mean it's the wrong zone. He stated he doesn't think it's this body's job to help the property owner make money and to help him sell his land.

Mr. Brandon Fohl addressed the Commission and stated he is currently renting to be in the Beechwood school District. He wanted to mention the traffic is his biggest concern. He stated he does drive up and down Beechwood drive during school hours and it is a safety concern. He further stated it a problem with people running stop signs already and this will make it worse.

Mr. Michael Schoed stated he thinks it's unfortunate to throw out threats with the Fair Housing Act Mr. Schoed stated he thinks it's laughable to think this is about baby boomers. He stated the zoning is in place for a reason. He stated it should be the responsibility of the developer to state why the zone is appropriate.

Ms. Amanda Rosen addressed the Commission and stated since they were not able to see the exhibit that was presented about available office space she asked what is the percentage available. She stated she grew up in Edgewood and always dreamed of living in Fort Mitchell. She stated she has three children who will be attending the Beechwood school district which is why they moved there. She noted they don't need more residences they need more cool stuff to do in Ft. Mitchell.

Mr. Jay Johnson addressed the Commission and stated one of the main things he wants to draw attention to is the schools. He stated it's always going to come back to the schools. Mr. Johnson stated to be honest when the property owner came up and spoke it sounded like he wanted someone to come along and bail him out of his development. He further stated if he was going to develop something there is no way his parents would want to live in a mixed use development.

Mr. Stacey addressed the Commission and stated he is a school superintendent and will take kids from anywhere. He stated his job is to implement whatever it is that is approved or decided. He stated he wanted to clarify one thing that under no circumstances would he ever make a recommendation to give away properties. He stated it doesn't matter if it's an eight thousand unit complex he would never give away properties. He stated his board's responsibility is to provide for the financial and safety of the schools. He noted he does not profess personal opinions in his professional life.

Mr. Noll addressed the Commission in rebuttal and stated this property does not have good visibility of signage from the highway but it does have good views of the hills. He stated with regard to the redistricting they are not expecting many children with the development. He additionally stated he wanted to point out they did not contact Kenton County about the redistricting and that they petitioned Kenton County. He additionally stated they have looked at other properties in the area. He stated there is a trend for ages to be mixed development and that is what people are looking for.

Ms. Brown recessed the public hearing for discussion amongst the Commissioners. Mr. Logsdon asked Staff about the housing element aspect of the Comprehensive Plan. Mr. Dunham asked what is the underlying basis for the ~~foundation for recommending commercial~~. Mr. Videkovich stated the underlying basis is the land use is commercial. He stated Staff's point is multi residential is not appropriate for the site. Mr. Ryan asked when is the last time school attendance was calculated and put into a staff report. Mr. Videkovich stated there have been a few times, the most recent was for a site in Villa Hills. He stated there are other examples but that it one of them. Mr. Bethell stated he is kind of concerned about the traffic and that is true if there is an office use or apartments there. He stated he is a little bit surprised that there isn't going to be a traffic study done. He stated he is concerned that land use isn't a concern. Mr. Logsdon then stated that they don't have to determine if it meets the land use but if it meets the comprehensive plan. Ms. Brown stated she thinks this is a legitimate proposal for housing that is needed in this area. She further stated there is no way to designate who will move in and with people wanting to move to the area for the schools, who is to say that families won't be moving into the development to get into the schools. Mr. Padgett stated it bothers him that it appears that it sounds self-serving to say I moved in this area for my kids to go to school here but no new kids can move in. Mr. Toebben stated he is surprised that no one from the city has stepped up to give their opinion on such a hot button issue. Mr. Logsdon stated there is a whole lot of vacant square footage of commercial space and that should be a concern. Mr. Bethell stated the school cannot be a deciding factor but it can be a factor. He stated there is a lot of parental involvement in Beechwood and that is obvious tonight. He stated he thinks Beechwood will be okay no matter what happens. He commented he has a concern about the land use. Mr. Dunham stated in terms of any city officials commenting on the issue, it is because they have been advised to keep quiet until it is heard before the city. Ms. Brown stated the Commission is a recommending body and regardless of what is determined it goes back to the city for a decision. Ms. Brown then reconvened and closed the public hearing. She then asked for a motion on the issue. Mr. Bethell

made the motion in favor of the map amendment based on changes of an economic nature to the immediate area in Ft. Mitchell. Mr. Padgett seconded the motion. A roll call vote on the motion found Mr. Bethell, Mr. Padgett, Mr. Dunham, Mr. Logsdon, Mr. Martin, Mr. Ryan, Ms. Snyder, Mr. Toebben, Ms. Vaughn and Mr. Whelan voted in favor. Ms. Brown and Mr. Wischer voted against. The motion carried.

*The following two issues are being combined for purposes of the meeting.

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

FILE: PC1904-0005(action required)

APPLICANT: City of Ludlow by signature of Scott Smith, City Administrator

LOCATION: An area of approximately 89 acres bounded by both sides of Elm Street to the south, the west, and the railroad to the east, Adela Avenue the west, .and the river to the north in Ludlow

REQUEST: A proposed map amendment to the Ludlow Zoning Ordinance adding an overlay zone to the existing city zoning classifications; the City of Ludlow to add an HP-O (Historic Preservation Overlay) Zone to provide additional protections to the exterior of structures in the area.

PDS STAFF RECOMMENDATION

Favorable on a proposed map amendment to the Ludlow Zoning Ordinance adding an overlay zone to the existing zoning classification in the area, subject to the condition that the corresponding text amendment (1904-0006) be adopted prior to or simultaneously with this proposed map amendment.

FILE: PC1904-0006(action required)

APPLICANT: City of Ludlow by signature of Scott Smith, City Administrator

LOCATION: A proposed text amendment to the Ludlow Zoning Ordinance adopting necessary components for a Historic Preservation Overlay (HP-O) Zone including amendments to Article 7 (Definitions), Article 10 (Zones), and Article 14.

Staff presentations and Staff recommendations by Mr. Andy Videkovich

PDS STAFF RECOMMENDATION

Favorable recommendation on proposed text amendments to the Ludlow Zoning Ordinance to adopt all necessary components for creating a Historic Preservation Overlay (HP-O) Zone including; amendments to Article 7 (Definitions), Article 10 (Zones), and Article 14.

Mr. Scott Smith addressed the Commission and stated he would defer unless someone had questions.

Mr. Tom Amann addressed the Commission in favor and stated Ludlow is one of the river cities like Dayton, Bellevue, Covington and Newport that have historic overlay zones. He stated a lot of the houses in the district were there when it was formed and a lot are over 150 years old. He stated one of the reasons that he ran for office was to try to get the historic district back. He stated a lot of flippers come to Ludlow because they can come in and change things that they can't in Bellevue, Dayton, Newport and Covington. He further stated it's important to protect

these old buildings. He noted one of the things they are trying to do is increase the property values by having the historic district overlay zone.

Ms. Betina Bartels addressed the Commission and stated they were not included in the historic district. She stated this is great because her homes are not historic. She stated however there is a downside and this has not been discussed anywhere here. She stated in a historical district that has vacant lots that stay empty. She further stated construction is more expensive in the historic zone.

Mr. Patrick Suadon addressed the Commission and stated he thinks a historic district would be very good for Ludlow. He stated he will help revitalize the city.

Ms. Brenda Boon addressed the Commission and stated she wanted to thank Staff and members of the community for doing a wonderful job with the issue. She stated forty-three years ago it would have made the process with their historic home so much easier. She stated now they have a lot of preservation minded people in the city. She stated not only does it bring professional people into the city it brings revenue to the city as well as reinforces the zoning. She stated Ludlow has a lot of that and she really hopes Ludlow gets their preservation area.

Ms. Ruth Bamberger addressed the Commission and stated she is currently serving as president of the Ludlow Historic Society. She stated the mission of the organization is to preserve the architecture character of the homes and business in Ludlow. She stated this is a way of preserving the integrity of the neighborhood. She further stated she feels they are attracting young professionals to the area. She further stated her organization strongly endorses the historic preservation zone.

Ms. Samantha Mathews addressed the Commission and stated she is nervous about this because as a young person she is concerned that she won't be able to do what she wants to to her home.

Mr. Randal Borne addressed the Commission and stated he's a little nervous about this and stated he probably should have registered as neutral and not against. He noted he has one of the few houses in Ludlow with the original wood siding. He stated there may come a time when it may not be practical to continue maintaining the wood. He stated he is just concerned with some of the ambiguity of some of the language. He further stated as the ordinance is right now, it is a little vague and needs clarification. He additionally stated it seems like it's a little too broad but he's cautiously optimistic about it.

Mr. Stephen Girdler addressed the Commission and stated he is born and raised in his house. He stated there was a comment about replacing the original windows etc. He stated it takes a lot to maintain those old windows and the bigger homes. He stated he thinks this is going to impact a lot of people and some of the people may not be able to afford what they have to do under the new guidelines.

Mr. Joseph Groeschen addressed the Commission and stated he is concerned about some of the code itself. In addition he stated he didn't buy his home because of what it looked like in the 1920's, he bought it because he bought it because of the way it looked in 2016.

Mr. Scott Powers addressed the Commission and stated he didn't think of living in Ludlow. He stated about nine years ago bought a house and has adopted Ludlow. He stated since then he has

bought and renovated seven houses since then. He further stated they've had a lot of renovation in Ludlow. He commented that most people, if you leave them alone, will do the right thing. He stated he got a copy of the amendments and commented they don't even know what they will be advocating for. He stated he's not an advocate for more government unless you really need it.

Ms. Brown then recessed the public hearing for discussion amongst the Commissioners. Ms. Logsdon asked if there is an appeal process. Mr. Videkovich state there is an appeals process. Mr. Dunham stated if it's not a historical house you can't make it worse. Mr. Videkovich clarified and stated that is correct, for homes that are not a contributing structure you can't make it so the home fits in even less in the preservation district. Ms. Brown clarified what homes would fall under the preservation district. Mr. Bethell stated he thinks it's great and that he loves old architecture. He stated his concern is some of these homes are owned by people on fixed incomes and he doesn't want to harm them. He stated he just wants to raise some concerns about people that may not be able to afford repairs under the preservation district. Mr. Dunham stated he thinks this is a natural step and can increase some values there. He stated on the flip side, he's concerned too about those on fixed incomes, etc. Mr. Logsdon stated it's going to take a lot of work to make this thing work. Ms. Brown reconvened and closed the public hearing. She then asked for a motion on the issue. With regard to the text amendment, Mr. Padgett made the motion to approve based on Staff's report and including the attached condition. Mr. Dunham seconded the motion. A roll call vote on the motion found Mr. Padgett, Mr. Dunham, Mr. Bethell, Mr. Logsdon, Mr. Martin, Mr. Ryan, Ms. Snyder, Mr. Toebben, Ms. Vaughn and Mr. Whelan in favor. Ms. Brown voted against. Mr. Wischer recused himself from any consideration or voting on the issue due to a conflict. The motion carried. Ms. Brown then asked for a motion as to the map amendment. Mr. Padgett made the motion to approve based on Staff's report and recommendations. Mr. Dunham seconded the motion. A roll call vote on the motion found Mr. Padgett, Mr. Dunham, Mr. Bethell, Ms. Brown, Mr. Logsdon, Mr. Martin, Mr. Ryan, Ms. Snyder, Mr. Toebben, Ms. Vaughn and Mr. Whelan in favor. Mr. Wischer recused himself from any consideration or voting on the issue due to a conflict. The motion carried.

FILE: PC1905-0005(action required)

APPLICANT: The Drees Company by signature of Matt Mains on behalf of David and Peggy Schadler and the Marguerite Robinson Trust, Mark Rivard, Trustee

LOCATION: 1437 and 1339 Independence Road; an area of approximately 124.46 acres located on the south side of Independence Road, between Shaw Road to the east and Banklick Road to the west, approximately 195 feet west of Shaw Road in Unincorporated Kenton County.

REQUEST: A proposed map amendment to the Kenton County Zoning Ordinance changing the described area from R-1B (a single-family residential zone) to R-1B (RCD) (a single-family residential zone with a residential cluster development overlay); the applicant proposes to develop 202 single-family residential lots.

Staff presentation and Staff recommendations by Jill Conniff

PDS STAFF RECOMMENDATION

Favorable recommendation on the proposed map amendment changing the site in question from R-1B to R-1B (RCD), subject to the applicant agreeing to the following conditions:

1. A tree preservation plan shall be submitted identifying areas to be preserved and the manner in which they will be identified so they are not disturbed through the development process, prior to approval of grading or improvement plans.
2. That all accessory structures meet the requirements of the underlying R-1B Zone

Mr. Ben Taylor addressed the Commission and stated Drees just celebrated their 90th anniversary. He stated the primary reason for the map amendment is to allow for changes to be made. Mr. Taylor commented about the small area study in regards to the development. He then highlighted aspects of the development in regards to tree cover, lot sizes, walkways, etc. He additionally commented on the number of lots, the open green space and pricing. Mr. Taylor also discussed traffic data from the study done on the project.

Dr. Clayton Behymer addressed the Commission and stated he thinks it's a very nice plan but he thinks the density is too much. He commented the traffic is already too much. He noted there is considerable flooding already along Wilson Road and he thinks this needs to be looked at along with the traffic problems.

Mr. Bailey Petty addressed the Commission and gave a brief history on the area. He stated he believes the road is an insufficient width to accommodate standards. He stated there is definitely a hundred cars that go past his house so he doesn't know where they got their information. He stated there will be sidewalks to nowhere. He stated with this development they will want sewer, they will want street lights, etc.

Ms. Alice Hollis addressed the Commission and stated she would like to see something far less dense in the area. She stated she has some particular concerns with the issue. She stated there is a bad drop off near her home that would effect this development. She stated her concern at this point is very steep so she's hoping some consideration can be done with the developer and surrounding property owners like her. She further stated she would like the ingress and egress to be addressed with the development.

Mr. Jason Smith addressed the Commission and stated he likes sitting on his porch and can count on one hand how many cars go by. He stated he doesn't want a subdivision across from him. He stated he bought the house to be away from everything. He noted he doesn't want to worry about his kids playing in the yard, or traffic.

Mr. Don Easybuck addressed the Commission and stated he is concerned about the water displacement in the area. He state the storm water comes down and floods the road. He also stated the roads aren't wide enough to carry the traffic. He stated he has been used to a rural area and he knows times change but he is against it.

Mr. Daniel Grommet addressed the Commission neutral on the issue. He thanked the Commission for their service and doing what they do. He stated he understands this is part of growth but he also moved to the country for the reason of being further out. He stated the roads do seem narrower than other areas so that is also a concern.

Ms. Brown then recessed the public hearing for discussion amongst the Commissioners. Mr. Whelan stated a concern is the roads in the area need to be addressed. He stated there is a lot of farmland that will one day become available and the roads will need to be widened. He stated if it's not done now it's not going to happen. Ms. Vaughn stated she thinks the traffic study will

affect some of this. She stated she lives in this area and drives it every day so she knows what issues are involved with the traffic. Mr. Logsdon stated he thinks this would be a good time to add an additional information comment about the road. Ms. Brown then reconvened and closed the public hearing and asked for a motion. Ms. Vaughn made the motion to approve based on the recommendations of staff. She also noted there are concerns with the roadway and she asked that a traffic study be done to address any traffic issues. Mr. Logsdon seconded the motion. A roll call vote on the motion found Ms. Vaughn, Mr. Logsdon, Mr. Bethell, Ms. Brown, Mr. Dunham, Mr. Martin, Mr. Padgett, Mr. Ryan, Ms. Snyder, Mr. Toeppen, Mr. Whelan and Mr. Wischer in favor. The motion carried.

*At this time Ms. Snyder had to leave the meeting.

FILE: PC1905-0002(action required)

APPLICANT: City of Ludlow by signature of Scott Smith, City Administrator on behalf of Paul Miller

REQUESTS: A proposed text amendment to the Ludlow Zoning Ordinance adding outdoor dining in connection with a restaurant as a permitted use within the NC (Neighborhood Commercial) Zone subject to area, time, and noise restrictions.

Mr. Smith addressed the Commission briefly and stated there are a lot of restrictions and commented it's going to be up to the city.

Ms. Brown recessed the public hearing for discussion. There being none she then reconvened and closed the public hearing and asked for a motion on the matter. Mr. Martin then made the motion to approve based on Staff's report. Mr. Whelan seconded the motion. A roll call vote on the motion found Mr. Martin, Mr. Whelan, Mr. Bethell, Mr. Dunham, Mr. Logsdon, Mr. Padgett, Mr. Ryan, Mr. Toeppen, Ms. Vaughn and Mr. Wischer in favor. Ms. Brown voted against. The motion carried.

FILE: PC1905-0003

APPLICANT: City of Edgewood by signature of Brian Dehner, City Administrator

REQUEST: A proposed text amendment to the Edgewood Zoning Ordinance permitting owner-occupied short-term rentals in residential zones subject to area and licensing requirements and adding related definitions.

Staff presentation and Staff recommendations by Ms. Megan Busse

PDS STAFF RECOMMENDATION

Favorable recommendation on the proposed text amendments to the Edgewood Zoning Ordinance permitting owner-occupied short-term rentals in residential zone subject to area and licensing requirements, and adding related definitions.

There being no one registered to speak either for or against, Ms. Brown then recessed the public hearing for discussion amongst the Commissioners. There being none, Mr. Brown reconvened and closed the public hearing and asked for a motion on the matter. Mr. Dunham then made the motion to approve based on Staff's report and testimony of Staff. He noted he would like to add a comment that they consider adding Limited Liability Company and Trust to the list of entities in the definition. Ms. Vaughn seconded the motion. A roll call vote on the motion found Mr. Dunham, Ms. Vaughn, Mr. Bethell, Ms. Brown, Mr.

Logsdon, Mr. Martin, Mr. Padgett, Mr. Ryan, Mr. Toeppen and Mr. Wischer in favor. Mr. Whelan voted against. The motion carried.

Ongoing Business

Ms. Brown stated they would skip ongoing business/Committee reports due to the late hour. Mr. Bethell commented he wanted to mention there would be a Bylaws meeting held on Wednesday June 12th and Thursday June 27th at 5:30 to discuss the comprehensive plan review. He noted they would like as many people as possible in attendance. Mr. Ryan stated Social Media would be meeting on June 19th at 5:30.

Implementations

Review and discussion on the proposed FY20 budget

Ms. Nicole Cullum addressed the Commission briefly regarding the budget. She stated the budget was distributed a couple months ago and she did not receive any questions or comments. She noted the revenue was slightly different due to PDS services but other than that it's basically the same. Mr. Ryan commented briefly about PDS reimbursement expenditures and clarified that that was contained in the budget. Ms. Cullum commented it was included. Ms. Brown then asked for a motion on the matter. Mr. Ryan made the motion to approve the budget as presented. Mr. Dunham seconded the motion. A roll call vote on the motion found Mr. Ryan, Mr. Dunham, Mr. Bethell, Mr. Logsdon, Mr. Martin, Mr. Padgett, Mr. Toeppen, Ms. Vaughn, Mr. Whelan and Mr. Wischer in favor. Ms. Brown voted against. The motion carried.

There being nothing further to come before the Commission, a motion to adjourn was made by Mr. Bethell, and seconded by Mr. Padgett. All in favor by acclamation. The meeting then adjourned at 12:15 a.m.

APPROVED:

Chair *Philip Ryan*

Date *July 9, 2019*

