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**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING
Minutes**

Mr. Darpel, Chair, called the meeting to order on August 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	X	X				
Debbie Vaughn	Kenton Co	X	X	X	X	X	X	X	X				
Diane Brown, V. Chair	Erlanger	X	X	X	X	X	X						
Carl Ahrens	Ryland Hts.								X				
Paul Darpel, Chair	Edgewood	X	X	X	X	X		X	X				
Brian Dunham	Kenton Cty	X	X	X	X	X	X	X	X				
Mike Gaiser	Ludlow	X											
Margo Baumgardner	Crestview Hills			X	X*	X		X	X				
Keith Logsdon	Lakeside Park	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						
Joe Pannunzio	Elsmere	X		X	X	X		X	X				
Sean Pharr	Covington		X		X								
Phil Ryan, Treasurer	Park Hills	X	X	X	X	X	X	X	X				
Gailen Bridges	Bromley			X	X	X	X	X	X				
Greg Sketch	Crescent Spgs	X	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				
Brian Wischer	Villa Hills	X		X	X	X	X	X	X				

Also present were Mr. Mathew Smith, Legal Counsel, and the following PDS staff: Ms. Emi Randall, Mr. Andy Videkovich, Ms. Megan Busse 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.

Mr. Darpel welcomed Mr. Carl Ahrens as the new representative for Ryland Heights. He had been sworn in prior to the start of the meeting.

AGENDA:

Mr. Darpel asked for any questions or comments with regard to the agenda. There being none, Mr. Darpel asked for a motion to approve the agenda for August. Ms. Snyder made the motion to approve. Mr. Wischer seconded. All in favor by acclamation.

APPROVAL OF THE MINUTES:

Mr. Darpel asked for any questions or comments with regard to the minutes for July. Mr. Smith noted Ms. Snyder was in attendance for June. There being nothing further, Mr. Darpel asked for a motion to approve. Mr. Bethell made the motion to approve the minutes as amended. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Bethell, Mr. Ryan, Ms. Baumgardner, Mr. Bridges, Mr. Darpel, Mr. Dunham, Mr. Martin, Mr. Pannunzio, Mr. Sketch, Ms. Vaughn and Mr. Wischer in favor. Mr. Ahrens, Mr. Logsdon, Ms. Snyder and Mr. Whelan abstained. The motion carried.

RECEIPTS AND EXPENDITURES:

Mr. Darpel asked for any questions or comments with regard to the receipts and expenditures report. There being none he then asked for a motion to accept the report. Ms. Snyder made the motion to approve as submitted. Mr. Ryan seconded. All in favor by acclamation.

RECENT ACTIONS BY STAFF:

(No action required)

RECENT ACTIONS BY LEGISLATIVE BODIES:

(No action required)

PUBLIC HEARINGS:

*Mr. Bridges recused himself from any consideration and voting based on a potential conflict of interest.

FILE: PC1907-0002 *(action required)*

APPLICANT: Pinebelt Inc. per Mike Rozier on behalf of Tom & Judy Necamp and Gailen & Debra Bridges

LOCATION: 6430 Taylor Mill Road; an area of approximately 2.38 acres located on the northeast corner of the intersection of Taylor Mill Road with Sycamore Drive, approximately 450 feet south of Cox Road in Independence.

REQUEST: A proposed map amendment to the Independence Zoning Ordinance changing the described area from PO (a professional office zone) to NC (a neighborhood commercial zone); the applicant proposes to develop a 9,100-square foot retail sales business.

Staff presentation and Staff recommendations by Ms. Jill Conniff

PDS STAFF RECOMMENDATION

Favorable recommendation on the proposed map amendment changing the site in question from PO to NC.

Mr. Theissen addressed the Commission on behalf of the applicant. He then gave background information on the applicant Pinebelt Inc. He noted Dollar General feels this is a good location for a new store. He stated the property has been undeveloped and for sale for some time. He noted the stream near the development site would not be touched at all by the development and would not be impacted. He also stated there was a letter written by the owner regarding the property and commented the property has been for sale since the 80's as office development with no offers. Mr. Theissen then referenced the requirements as to the lighting requirements, signing, storm water etc. and stated the developer is fine with all of those. He noted the issue the developer has is with the connections between the adjacent properties as well as the access to the property. He then referenced a document that he submitted to be marked as an exhibit to the minutes. He stated the developer has done traffic impact studies many many times on Dollar General stores. He then stated Dollar General stores are not big traffic generators as there are usually other Dollar General stores close by. He stated at peak in the morning is ten cars and the afternoon car is 45 trips per hour which is less than a car a minute. He stated the traffic is so low that a traffic study is not usually required. He stated Sycamore does not line up with the curb cuts across the street whereas what is proposed does line up. He stated you will end up creating a lot more two way traffic with the existing curb cuts. He stated you will have a lot more going in and out than what is proposed if the curb cuts stay where they are currently in terms of Sycamore. He then stated Sycamore is just not a better option off of 16. He also stated the speed limit is 45 mph which is an unusual speed for the area. He noted when you get to this area it is hard to go 45 mph because it's almost a continuous curb cut and it's going to force the people to slow down. He also pointed out that every other business along the area has their own curb cut. He stated this does not seem fair with the other developers. Mr. Theissen then referenced the interconnection and stated the adjacent property is not required to provide a curb cut. He commented about the owner of In and Out Market and stated he had issued a letter with regard to the interconnection. The owner has stated they will not be extending that stub in that location. He stated if it is not going to be extended then they would ask that that requirement be waived. Mr. Theissen then stated they are recommending the curb cut requirement be waived and also to waive the interconnector. Mr. Theissen stated these technically aren't waivers they are just asking for a finding on those two items. Mr. Darpel then commented they would not be granting waivers but can only make a recommendation on the issue. He stated it also a major problem for Dollar General to require the stub because they would lose four parking spaces.

Mr. Moriconi addressed the Commission and stated their main concern is the curb cut and they absolutely do not want the curb cut on Sycamore. He stated it is a little nerve wracking in that area already and the city also does not want a curb cut on Sycamore. He stated they would have to bring Sycamore up to standards since it is only 15 feet wide in order to put in the curb cut. He additionally stated when the zone is changed to commercial it does change the area quite a bit in terms of use and lighting. He further noted he would be shocked if District 6 would allow a curb cut on 16 in that area. He stated it would be disastrous to have a curb cut at Sycamore and noted from the city standpoint the PO zone is a nice buffer for the surrounding residences. Mr. Ryan asked if there was any curb cut access off of 16 to the development. Mr. Moriconi stated there is not. Mr. Darpel stated their task is to decide if the map amendment is appropriate or not appropriate. Mr. Darpel stated right now he doesn't hear anything that tells him that this proposed zoning is inappropriate. Mr. Moriconi stated a Dollar General is typically lit up, as they should be, and have dumpsters involved, and are open until 9 p.m., etc. Mr. Logsdon stated he is wondering what the hours of operation are because some Dollar Generals go dark when they close up

and there aren't outside lights to impact the area. He stated in that case the impact to the surrounding areas isn't as much.

Ms. Laura Cochran addressed the Commission against the issues and stated she is confused. She stated she thought this property is zoned professional office and is hearing it is zoned mixed use. She asked for clarification on that. Mr. Darpel stated the comprehensive land use plan is looking for a mixed use for this site. He stated what they are looking at is does this use meet the comprehensive plan. Ms. Cochran stated her concern is how do you control the safety issue there with trying to pull out when it's 45 mph and they are talking about adding another curb cut. She stated they bought in the area knowing it was professional office and not retail. She stated it is making a situation a lot worse and lot more unsafe. She stated she thinks it is unfair to people who have bought into their properties. She stated she does not think changing the zone for that parcel is a good thing.

Mr. Richard Henson addressed the Commission against the issue and stated he has lived on Sycamore for 31 years. He noted most of what he wanted to say has already been mentioned. He stated safety is a big thing. He noted when you come out of In And Out Market is so dangerous because of the blind curve and adding another access point is just putting lives at risk. He further noted he read the PDS report and he knows they gave a favorable recommendation but they missed some serious considerations. Mr. Henson stated the Direction 2030 Plan is very important to this area. He stated Independence has four Dollar Stores and they don't need five. He stated it's about a four to five minute drive from one to the other. He stated this area does not need another one. He stated he wanted it on record so it can be brought up later. He stated he is for development and would like to see a nice office building there. He stated if you put a retail store there you'll have jobs that are very low paying vs. the other. He stated he would like to see it stay the way it is and get something valuable in there. He noted their street is only 15 feet wide and they don't have sidewalks. He noted they don't want to promote more traffic and just want their neighborhood to stay the same. He also mentioned the noise factor with traffic coming and going all day long until 9:00 at night. He stated it is going to be a big disturbance to their way of life. He stated he has concerns with how this will affect their property values also. Mr. Ryan stated if this were professional office and someone were to put in an office they would still be required to add sidewalks on both sides so that can be taken out of the equation. Ms. Bumgardner stated no matter who builds on that lot there will have to be a curb cut and that is a safety concern. She stated no matter who it is, it's still going to be a concern and that is why they have recommended the access on Sycamore.

Ms. Carla Young addressed the Commission and stated she wanted to answer Mr. Logsdon's question about the hours of operation are 8-10 p.m. She asked what happens when cars turn out of In And Out Market and are turning out of this lot and they both pull out at the same time. She stated the area seems to be getting run down while the rest of Independence is being built up. She stated all summer they have been fighting RV's parking in the library. She stated it just seems nobody cares about their side of the city. She stated she does feel the stream would be impacted from this and believes it will be an issue. She stated she hopes it gets voted down. Mr. Dunham stated it really isn't in the Commission purview with regard to turn ins and out would be looked at by KDOT before this is approved. She then stated she hopes they will take a really close look at it.

Mr. Don Gubser addressed the Commission and stated he owns Cherokee Drug Shop across the street. He stated he just wanted to say it is 45 mph there and it is a nightmare through there. He stated he can't tell you how many wrecks he's seen in that area. He stated there is not one person that is agreeable to this. He noted if professional office he doesn't think it would be argued too much by residents on Sycamore. He stated the Sycamore residents are all his customers and the whole side of Independence and they are

all not agreeing with this. He stated he has a stack of petitions on this and that is his argument on the issue. Mr. Sketch stated if this is professional office why hasn't it sold in forty years. Mr. Gubser stated maybe they need to lower the price on it. He stated he understands they want to make maximum dollar on this but they had to know that when they bought it. Mr. Gubser then presented petitions he provided to the Commissioners for the record. Mr. Darpel marked the exhibit to be made a part of the record on the matter. Mr. Darpel stated that would be forwarded onto the city as part of the record.

Mr. Daniel Wright addressed the Commission against the issue and stated they live directly behind this development. He stated they have seven grandchildren. He stated the traffic is crazy already. He noted Mills Park in the area is difficult as well. He noted there is a large church, St. Patrick's church on the road also and when that lets out there is an influx of traffic in the area. He noted there are accidents waiting to happen. He stated this location is the wrong place at the wrong time. He stated this area is not ready for anything like this. He stated the traffic is 20 mph on Sycamore but it doesn't mean a thing because people go flying by going 40 mph. He noted his major concern is his family. He stated they moved from Morningview three years ago and wanted a place that was nice and quiet for their family to grow. He stated for the people that live directly across the street, this will be so impactful for them pulling out on the street. He stated a doctor's office would be great there and that is what it is zoned for. He stated he doesn't want more traffic on there because he doesn't want his children to be at risk from playing in his front yard or back yard. He stated someone is going to die there because traffic is crazy. He stated they like things the way they are and whatever solution they come up with is not the answer. He stated people going south are going to be crossing traffic. He stated there are little kids in the area and they don't need more traffic in the area.

Ms. Loretta Planket addressed the Commission against the issue and stated she doesn't think anyone would want to live there with a Dollar General store there. She stated they were talking about traffic on Sycamore and on Taylor Mill Road and the traffic seems like a lot to her. She stated she thinks it's going to create a lot more traffic on Sycamore because they will be trying to get to the Dollar Store. She stated Sycamore just can't take all that traffic. She stated she is also concerned about drainage and stated she doesn't really understand where all the drainage is going to go. Mr. Darpel stated that would need to be approved by SD1 before they can do anything. She commented she is just really concerned about traffic on Sycamore and Taylor Mill Road. She stated there is a bakery right across the street and asked why don't they just put it there because there is a parking lot there already. She stated she just wanted to make it clear there is a spot where the Dollar General store can go. She stated she has lived in the area for 57 years and would really hate to see this in the area.

Mr. John Porter addressed the Commission and stated when talking about the Comprehensive Plan he asked if that is something that is decided in the past. Mr. Darpel clarified how and when the Comprehensive Plan is updated, etc. Mr. Porter then verified the Comprehensive Plan calls for a mixed used on the land use map for this area. Mr. Darpel verified this and stated staff reviewed this in regard to the Comprehensive Plan and they have determined it is in compliance. Mr. Porter asked if was taken into consideration when this Comprehensive Plan was factored in. Mr. Darpel stated all that is part of that and is considered when updated the Comprehensive Plan. Mr. Dunham stated the land use map is put together by the city and the Commission does not have anything to do with that. Mr. Porter then asked if the curb cuts were considered when the plan was updated. Mr. Darpel stated again, that that is not something that is decided by the Commission and that comes from the city. Mr. Porter asked when the recommendation is made by the Commission who decides where the curb cuts will be. Mr. Darpel clarified that they are a recommending body and they make a recommendation to the city. He stated the city will then make a determination on the issue. Mr. Porter stated that was his main concern.

Ms. Lisa Cook addressed the Commission and stated she has been on Sycamore since 1987. She stated if it is an office building she doesn't think the residents will have an issue with it. She stated if it's residential the residents will have a problem with it. She stated they moved there and it was professional office. She stated they did know this when they bought the land. She then stated she has petitions to present to the Commission. Mr. Darpel then marked it as an exhibit to be made a part of the record. She stated they do not want the noise and the lights from a commercial development.

Mr. Andy Neiswinter addressed the Commission and stated he is the owner of the Cherokee Plaza property which he just purchased the property last week. He stated he moved up the closing on the property so he could speak at the meeting. He stated they intend to make a significant investment in the property. He noted the property hasn't been properly maintained and kept up and they intend to change that. He stated specifically he wanted to cite their plans for the property. He further commented it is intended to provide a buffer zone for the residential zone in the area. He stated there is not a need for a Dollar Store in this market. He stated there has been a Dollar Tree that has been thriving for twenty years. He stated his concerns as a landlord are specific to the concerns of his tenants and the community they serve. He stated he looks at his tenants as business partners and is looking to protect their interests as well as his. He stated he is intending to put in significant improvements that would be impacted by this development. He stated he can't do any of his plans if this goes forward. He stated there is still plenty of available space available for a retail site. He stated Dollar General adds zero value to the community and detracts from the existing retail stock. He additionally stated this could go on for some period of time. He stated by zoning from office to retail is taking away from the area to be able to grow and possibly provide for retail down the road. He stated the very argument that the area has not development enough to support and office use is not consistent with the need for a zone change. He also cited increased noise, traffic and lighting to the area as issues with the proposed development. He stated he purchased his property with the intention to improve it. He stated part of the reason why he bought the shopping center is because it has one of the strongest bases of tenants in the area. He stated by allowing this development to go forward it is putting this at risk. He stated it could put area businesses out of business and prevent the long overdue renovation of the shopping center. He additionally stated this is going to put a setback to capital for development in the area for many years to come. He stated the opposite is true if the zoning is denied. He stated it appears to be the argument that the land use being mixed use provided for retail to be supported. Mr. Smith stated the Comprehensive Plan is looked at as a guide. He stated it seems to him that this is being approved because it is in line with the mixed use. Mr. Smith stated a mixed use does provide for retail development based on the Comprehensive Plan. He stated there has not been any substantial physical changes to the area so he does not see how that can apply. Mr. Neiswinter commented that he believes the petitions gathered 60 signatures in opposition to this development.

Mr. Theissen stated in rebuttal that he has a lot of respect for Mr. Moriconi and wanted to clarify that if KTC doesn't give a curb cut this development is not going to happen. He stated the issue of hours came up so just to clarify the hours will be 8:00 a.m. to 10 p.m. seven days a week and the lights will go out when they close. He further stated if the sidewalks are waived the developer is okay with that. Mr. Theissen stated of all the uses that could go in this property, Dollar General is probably one of the lower traffic generators. He noted the Comprehensive Plan was changed just within the last years to a mixed use. He stated this proposal may be one of the better proposals for buffering the residential site. He stated this commercial is only going to be on the front acre or acre and a half or so it's a low intensity type of retail. He noted he just wanted to make that clear. He stated the In And Out Market is open from 5:30 a.m. to 11:30 p.m. which is longer than the Dollar General and a more intense use. He asked that the statement of finding on the issue with regard to the curb cut and connector be waived or whatever the exact wording is required for that.

There being nothing further, Mr. Darpel recessed the public hearing for discussion amongst the Commissioners. Mr. Darpel stated he is still confused about the waiver or non waiver with regard to the access and the curb cut. Mr. Dunham stated he feels for the residents but they are obligated to review it as it pertains to statutes and based on what he has heard it is in agreement with the Comprehensive Plan. Mr. Ryan stated he doesn't know if this is the best use for the property and commented it has a lot of hurdles with regard to access, etc. Ms. Vaughn stated it is not in compliance with some aspects and she stated she does think they need to listen to the city. Mr. Bethell stated he would agree. He stated there have been so many times when they have had to make a decision and there has not been anyone present from the city. He stated mixed use has always been a problem. Mr. Bethell stated he thinks this is one of the unintended consequences is that the city has a different idea of what would be good for this area and what the developer thinks is a good idea for the area. There being nothing further, Mr. Darpel reconvened and closed the public hearing. Mr. Videkovich provided clarification on the city zoning laws with regard to access. Mr. Darpel then asked for a motion on the issue. Ms. Snyder made a motion to deny the issue stating it is not consistent with the suburban element and ability element of the Comprehensive Plan. She additionally noted professional office is appropriate based on the residents input and on Staff recommendations. Mr. Bethell seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. Bethell, Ms. Baumgardner, Mr. Ahrens, Mr. Martin and Ms. Vaughn in favor. Mr. Darpel, Mr. Dunham, Mr. Logsdon, Mr. Pannunzio, Mr. Ryan, Mr. Sketch, Mr. Whelan and Mr. Wischer voted against. Mr. Bridges recused himself from any voting on the issue. The motion failed. Mr. Dunham then made the motion to approve based on the testimony and Staff's report and with a condition that access be provided solely on Taylor Mill Road. Mr. Wischer seconded the motion. A roll call vote on the motion found Mr. Dunham, Mr. Wischer, Mr. Darpel, Mr. Logsdon, Mr. Pannunzio, Mr. Ryan, Mr. Sketch and Mr. Whelan in favor. Ms. Baumgardner, Mr. Bethell, Mr. Ahrens, Mr. Martin, Ms. Snyder and Ms. Vaughn voted against. The motion carried.

FILE: PC1907-0003 (*action required*)

APPLICANT: City of Taylor Mill per Brian Haney, City Administrative Officer

REQUEST: Proposed text amendments to the Taylor Mill Zoning Ordinance amending the definition of a private garage and amending size restrictions on private garages and accessory structures.

Staff presentation and Staff recommendations by Ms. Megan Busse

PDS STAFF RECOMMENDATION

Favorable recommendation of the proposed text amendments to the Taylor Mill Zoning Ordinance amending the definition of a private garage and amending size restrictions on private garages and accessory buildings.

Mr. Brian Haney addressed the Commission in favor and stated he has no additional comments.

Mr. Darpel then recessed the public hearing for discussion. Mr. Martin made the comment that the Staff has done an amazing job and he just wanted to make a comment that they've done a great job. Mr. Darpel then reconvened and closed the public hearing and asked for a motion. Mr. Martin made the motion to approve based on Staff's report. Mr. Wischer seconded the motion. A roll call vote found Mr. Martin, Mr. Wischer, Ms. Baumgardner, Mr. Bethell, Mr. Bridges, Mr. Ahrens, Mr. Darpel, Mr. Dunham, Mr. Logsdon, Mr. Pannunzio, Mr. Ryan, Mr. Sketch, Ms. Vaughn and Mr. Whelan voted in favor. Ms. Snyder had to leave the meeting prior to the vote being taken. The motion carried.

Ongoing Business

Reports from Committees

Bylaws – no report

Direction 2030 Implementation– Mr. Bethell stated they have sent out the Direction 2030 for public comments and have taken those into consideration. He stated this is online for review He stated there were a few small changes here and there but nothing huge. He stated they will vote on it at the September meeting. Mr. Darpel stated he would request a motion to put it on the agenda for the September meeting. Mr. Bethell then made the motion to put the update for Direction 2030 on the agenda for September. Mr. Ryan seconded the motion. Mr. Darpel stated that staff has put in a lot of time and he really appreciates it. Mr. Bethell stated they have done a great job and they certainly want to thank them. All in favor by acclamation.

Executive– no meeting held

Social Media – Mr. Ryan stated there would be no meeting this month. He stated they would probably meet in September.

Subdivision Review– Mr. Darpel stated the Home Builders are still looking at the paving requirements. He stated they are really hoping they come to some understanding and something they can agree upon. He noted they are moving forward and that's the only thing they really have happening.

Reports from Commission members – Ms. Vaughn stated the Farm Harvest Tour is September 21st and 22nd. Mr. Darpel stated if you get the opportunity to attend it, it's an eye opening experience.

Mr. Dunham commented about the mixed use from the previous issue and stated it was previously looked at for a larger development. He stated he got the sense that a lot of the cities just decided they were okay with any multi-use development and tonight showed the down side of that. He stated he would encourage people to look at how things are currently zoned and look at what is on the land use map and highlight tonight's issue to see if it's a good fit. Mr. Logsdon stated he agreed and commented this should have been an area the city really looked at.

Report from Legal Counsel– nothing to report.

Reports/announcements from Staff– Ms. Randall stated she wanted to let everyone know they are scheduled to move the PDS offices on Friday the 13th of September. She stated they anticipate next month will be the last meeting in the Commission chambers and October will be at the new offices. She stated they will have an orientation scheduled. She stated she would provide another update next month. She stated a reminder to encourage everyone to use the KCPC email as mentioned last month. She stated there is a place on the website to access the email and highlighted that for those who missed it last month.

General Correspondence - None

There being nothing further to come before the Commission, a motion to adjourn was made by Mr. Ryan and seconded by Mr. Logsdon to adjourn. The meeting then adjourned at 9:17 p.m.

APPROVED:

Chair  _____

Date 9/5/19 _____

