

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING**

**Minutes**

Mr. Brian Dunham, Chairman, called the meeting to order on January 4, 2024, 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 Planning and Development Services office in Covington. Attendance of members is as follows (for this meeting as well as those during the year to date).

<b>Commission Member</b>	<b>Jurisdiction</b>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Anthony Baker</b>	Covington												
<b>Margo Baumgardner</b>	Crestview Hills	X											
<b>Todd Berling</b>	Fort Wright	X											
<b>Jeff Bethell</b>	Fort Mitchell	X											
<b>Gailen Bridges</b>	Bromley	X											
<b>Paul Darpel, Vice Chair</b>	Edgewood	X											
<b>Brian Dunham, Chairman</b>	Kenton Cty	X											
<b>Tom France</b>	Ludlow	X											
<b>John Hennessey</b>	Villa Hills	X											
<b>Yvonne Hurst</b>	Ryland Heights												
<b>Keith Logsdon</b>	Lakeside Park	X											
<b>Matthew Martin</b>	Taylor Mill	X											
<b>Dan McElheney</b>	Erlanger												
<b>Joe Pannunzio</b>	Elsmere	X											
<b>Sean Pharr</b>	Covington	X											
<b>Phil Ryan, Treasurer</b>	Park Hills	X											
<b>Kareem Simpson</b>	Covington	X											
<b>Greg Sketch</b>	Crescent Spgs	X											
<b>Maura Snyder</b>	Independence	X											
<b>Debbie Vaughn</b>	Kenton Co	X											

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

Also present were Mr. Matt Smith, Legal Counsel, and the following PDS staff: Mr. Andy Videkovich, Mr. Patrick Denbow and Ms. Megan Bessey.

**AGENDA:**

Mr. Dunham stated there were no changes to the agenda. He then asked for a motion to approve. Ms. Snyder made the motion to approve. Mr. Darpel seconded the motion. All in favor by acclamation. The motion carried

**APPROVAL OF THE MINUTES**

Mr. Dunham stated with regard to the Waiver-0007 should read “Mr. Dunham stated he thinks the motion would be to grant the waivers as requested by the applicant under the condition that they install sidewalks on both sides of the street and around the cul de sac. He then asked for a motion to approve the minutes for November as amended. Mr. Bridges made the motion to approve as amended. Mr. Ryan seconded the motion. A roll call vote on the matter found Mr. Bridges, Mr. Ryan, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Pannunzio, Mr. Pharr, Mr. Simpson, Mr. Sketch, Ms. Snyder and Ms. Vaughn in favor. Mr. Martin abstained. Mr. Dunham then asked for any questions or comments with regard to the December minutes. Ms. Vaughn noted Mr. Ryan was in attendance. Ms. Snyder made the motion to approve. Mr. Bethell seconded. A roll call vote on the motion found Ms. Snyder, Mr. Bethell, Mr. Berling, Mr. Darpel, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Pannunzio, Mr. Ryan, Mr. Simpson, Mr. Sketch and Ms. Vaughn in favor. Ms. Baumgardner, Mr. Bridges, Mr. Dunham, Mr. Martin and Mr. Pharr abstained. The motion carried.

**RECEIPTS AND EXPENDITURES:**

Mr. Dunham stated the receipts and expenditures report for December was distributed. There being no comments or questions, he then asked for a motion to approve. Mr. Ryan made the motion to approve the December receipts and expenditures. Ms. Snyder seconded the motion. All in favor by acclamation. The motion carried.

**RECENT ACTIONS BY STAFF:**

*(No action required)*

**RECENT ACTIONS BY LEGISLATIVE BODIES:**

*(No action required)*

**PUBLIC HEARINGS**

**FILE: PC-23-0001-PF**

**APPLICANT:** Kenton County School District per Matthew Rigg

**LOCATION:** 347 Madison Pike, Covington; an area of approximately 8.7 acres located on the northeast side of the intersection of Madison Pike (KY 17) and Tuscany View Drive.

**REQUEST:** A public facility review per KRS 100.324 and KRS 147.680; the applicant proposes to construct a three-story commercial office building and associated parking for a new central office for the Kenton County School District.

\*Mr. Berling recused himself from any action due to a potential conflict of interest.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

**PDS STAFF RECOMMENDATION**

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

Mr. Matt Rigg addressed the Commission in favor of the issue and thanked the Commission and Staff for their review and recommendations. He stated they do want to express that they want to be a good neighbor. He stated they are still in the development and design phase, so this has not been approved by the board as of yet. He further stated they currently lease space from the district for twenty years. He noted they have had modular classrooms and now want to focus on bringing staff into a central location, thus freeing up space. He stated he was available to answer any questions. He additionally noted they did take into consideration the sidewalks and felt it was better to have those go to the Tuscan area vs. down Ky 17. He noted they are still looking at where the sidewalks will be. He noted there would be a change of adding one classroom for the virtual instruction. He additionally noted there is a storage space that would hold up to two hundred people and thus is the reason for the additional parking requests. Mr. Darpel commented about the subdivision continuing to expand and having a right out might alleviate some backups with there only being one access. Mr. Bridges asked if this was located within the Kenton County School District. Mr. Rigg stated it was.

Mr. Dunham recessed the public hearing for discussion and noted the public facility issues do not need the Commission's approval but are merely to ensure they meet the Comprehensive Plan. Mr. Dunham then reconvened and closed the public hearing. He asked for a motion as to whether this plan is in compliance with the Comprehensive Plan. Mr. Simpson then made the motion to approve based on the recommendations of Staff as well as the testimony heard. Mr. Sketch seconded the motion. A roll call vote on the motion found Mr. Simpson, Mr. Sketch, Ms. Baumgardner, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Ms. Snyder and Ms. Vaughn in favor. Mr. Berling recused himself due to a potential conflict of interest. The recommendation was approved.

**FILE: PC-23-0007-TX**

**APPLICANT:** The City of Independence per Chris Moriconi, City Administrator

**REQUEST:** Text amendments to the Independence Zoning Ordinance: (1) to allow the parking of flatbed utility trailers permanently in front or side yards with certain regulations, (2) the addition of new timeframes for temporary parking of vehicles, (3) the addition of a definition for flatbed utility trailer, and (4) reordering the regulations within this section for clarity. This issue was tabled at the November 2, 2023 meeting.

Staff presentation and Staff recommendations by Mr. Megan Bessey

**PDS STAFF RECOMMENDATION**

Unfavorable recommendation on the proposed text amendments to the Independence Zoning Ordinance: (1) to allow the parking of flatbed utility trailers permanently in front or side yards with certain regulations, (2) the addition of new timeframes for temporary parking of vehicles, (3) the addition of a definition for flatbed utility trailer, and (4) reordering the regulations within this section for clarity.

Mr. Chris Moriconi was registered to speak in favor of the issue. He stated he had nothing to add. Mr. Sketch stated he was a little confused because last month there was some ambiguity

with the language and that was going to be looked at so he was confused. He noted Staff was great in working with them on the 2.0 version and he feels this is a lot cleaner. Mr. Sketch stated his biggest concern was the flatbed trailers and the 96 hours. He noted a lot of folks have recreational vehicles so he was wondering what the definition of residential character was. Ms. Bessey then explained they were treating them as two items in terms of having something that goes against the residential character. Mr. Moriconi stated council has discussed this for a year and noted this was somewhat of a compromise for a couple council members. He noted it was narrowed down to the utility trailers and the hour's requirement at that point. Mr. France clarified that someone who cuts grass would have to empty their trailer and put their zero turn mower in a shed in order to park the trailer. Mr. Moriconi stated that was correct and the thought was that they would unload it at night and put it in their garage. Mr. Bridges stated he has a problem with the length and commented that someone with that size trailer is not cutting grass, they are hauling bulldozers. Mr. Moriconi stated he gets his point. Mr. Bridges further stated that's not something that he would want to see in someone's driveway. Mr. Logsdon asked how many complaints the city was getting from neighbors about this issue. Mr. Moriconi stated they get quite a few about boats and such. He noted several were thinking this might help code enforcement if they are allowed and that it might reduce code enforcement having to go out. Mr. Logsdon cited a concern with enforcing it. Mr. France asked if Independence did their own code enforcement or if that was PDS. Mr. Moriconi stated PDS is in charge of that. Mr. France then asked if the calls with complaints go to the city or to PDS. He stated both, and probably not a day goes by where they don't get some complaints. Ms. Bessey stated the length of 39 feet is already written into the code, so she wanted to clarify that. She noted it covers everything, not just trailers, which cannot be longer than 39 feet. Ms. Vaughn asked if they have had people come and testify on what they want with regard to this request. She noted she sees the back and forth about the issue on social media but was wondering if people had come and testified about it. Mr. Moriconi noted they've had a lot of people show up and it seems those with recreational vehicles were in favor of it and those who didn't were not. He noted it's hard to say, possibly 60/40 in favor. He noted they will find out when it's on the agenda and put it out there for the second reading. Mr. Bridges asked if they should have a separate provision regarding the flatbed lengths and if twenty feet was not enough. Mr. Moriconi stated that didn't seem to be an issue. Ms. Snyder asked what started it or how this came about. Mr. Moriconi stated a couple council members commented about what difference does it make what you can park on your property. Mr. Ryan stated he is not in favor of this and noted it just doesn't seem like the character of the neighborhood to allow this. Mr. Sketch stated he thinks residential character can be very objective and he just wanted to add that.

Mr. Dunham then recessed the public hearing for discussion. He stated he thinks the reason people feel obligated to say something is he doesn't think this is appropriate at all. He noted this could open a Pandora's Box and they are not going to be able to go back. He stated it really doesn't seem to make sense in any respect. Mr. Ryan stated getting back to the property rights which he is all for - he noted you can't build a six story house and you can't have seven sheds in your backyard. He noted there are still restrictions with what you can and can't do. Mr. Berling asked the chairman to confirm the Commission is a recommending body only for the City of Independence. Mr. Dunham then confirmed that was accurate. Mr. Bridges stated every city has ordinances against this kind of thing and there is a reason for that. Mr. Sketch stated they are a recommending body and it is up to the City of Independence who is going to vote one way or the other. Mr. Bridges stated it's still our job to do our job. Mr. Logsdon stated he is correct, it is still up to the city to decide. He noted his warning to the city would be to be careful with this because it is going to be difficult. Ms. Vaughn stated it is a pretty big shift from the 72 hours to 96 hours. She further stated Mr. Sketch is right, the city is going to have to decide, but she noted it is a pretty big difference in time. Mr. France stated the city is the ultimate decision maker, but they

still have to weigh what the Commission has discussed and their recommendations. Mr. Dunham then reconvened and closed the public hearing and asked for a motion on the issue. Ms. Snyder made the motion for an unfavorable recommendation and stated it is inconsistent with section 13, and based on Staff's report and the testimony heard. Mr. Bridges seconded the motion. A roll call vote on the issue found Ms. Snyder, Mr. Bridges, Ms. Baumgardner, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Mr. Ryan and Ms. Vaughn in favor. Mr. Berling, Mr. Bethell, Mr. Simpson and Mr. Sketch voted against. The motion carried.

#### **W-23-0011**

**APPLICANT:** Mr. J.J. Miller on behalf of Manor Lake, LLC

**LOCATION:** Taylor Mill Road, Independence; Located on the west side of the intersection of Taylor Mill Road and Mills Road, approximately 900 feet North of Cox Road in Independence.

**REQUEST FOR ACTION:** To grant a waiver to the following section of the Kenton County Subdivision Regulations:

- Table 4.1-3, Geometric Design Standards: Granting this waiver would allow the Applicant to build a public street that exceeds the maximum design value for vertical curves given in the Kenton County Subdivision Regulations.

Staff presentation and Staff recommendation by Ms. Tenfelde

#### **PDS STAFF RECOMMENDATION**

To approve the requested waiver to Table 4.1-3, Geometric Design Streets. Granting this waiver would allow the Applicant to build a public street that exceeds the maximum design value for vertical curves given in the Kenton County Subdivision Regulations.

Ms. Michelle Volman with Viox and Viox addressed the Commission in favor of the issue. She stated she really doesn't have anything to add and noted Ms. Tenfelde did a very good job of explaining the K-values associated with the issue. Mr. Sketch asked why the right of way is going through a parcel where the street is wrapping around. It was noted they have an agreement where he's giving her a nice piece of property and the property owner is swapping for the little piece of right of way.

Mr. Dunham recessed the public hearing for discussion amongst the Commission. Mr. Sketch stated this is the third issue they've had in six months and asked if Staff can make the technical decisions. He noted he went back to look at subdivision regulations back to 1978 and the K-value of 15 was in there and he has no idea why. He stated every subdivision he's worked on has had a max of 10 so he stated this is something that should really be handled by Staff. Mr. Berling asked if this is something that can be taken up. Mr. Darpel then commented you're putting a lot of subjectivity on it for Staff to make those decisions. He noted by handing it over to Staff you run the risk of people saying well this is only 9 when it should be 8, etc. Mr. Sketch stated a K10 has been the standard and he doesn't know anyone who couldn't work around a ten. He further stated when you're dealing with the terrains that you're dealing with here, you couldn't possibly make it work. Mr. Dunham then reconvened and closed the public hearing. He then asked for a motion on the issue. He reminded the Commissioners this is a final decision on the waiver. Ms. Snyder made the motion to approve the waiver on 1) on the basis that unusual topographical or exceptional physical conditions exist, and 2) that strict compliance with those regulations would create an extraordinary hardship in the face of exceptional conditions, as well as the comments by Staff. Mr. Martin seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. Martin, Ms. Baumgardner, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. Dunham, Mr. France, Mr.

Hennessey and Mr. Logsdon, Mr. McElheney, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Mr. Simpson, Mr. Sketch and Ms. Vaughn in favor. The motion carried.

**W-23-0012**

**APPLICANT:** Mr. J.J. Miller on behalf of Manor Lake, LLC

**LOCATION:** Taylor Mill Road, Independence; Located on the west side of the intersection of Taylor Mill Road and Mills Road, approximately 900 feet North of Cox Road in Independence.

**REQUEST FOR ACTION:** To grant a waiver to the following section of the Kenton County Subdivision Regulations:

- Section 4.11, Sidewalks: Granting the waiver would not require the Applicant to construct sidewalks along Taylor Mill Road (KY Highway 176) fronting the subject property.

Staff presentation and Staff recommendation by Ms. Tenfelde

**PDS STAFF RECOMMENDATION**

To deny the requested waiver to Section 4.11, Sidewalks, in the Kenton County Subdivision Regulations. Granting this waiver would not require the Applicant to construct sidewalks along Taylor Mill Road (Ky Highway 16) fronting the subject property.

Ms. Michelle Bollman of Viox and Viox as well as Mr. J.J. Miller registered to speak on the issue. Mr. Miller addressed the Commission in favor. He stated he and his sons are developing it. He noted he wanted to state that he is not against sidewalks. He further stated these would be sidewalks to nowhere and this is a very difficult topography along here. He noted there are four or five utility poles that would have to be raised, and having had to move utility poles previously, they were \$7,000 dollars to do that. So he noted this would be an issue. He stated it is probably one of the more dangerous stretches of roadway and he stated he can't believe the stage hasn't fixed it yet. He noted in the last two months there have been two wrecks in this area, and if sidewalks had been there, anyone walking on it would have been killed. He stated he would be willing to build twice as much sidewalk on the other side where the topography is better. He further stated it would be much less safe for anyone walking on that side where it is required. He stated with the topography and the utility poles, it would make it extremely costly and it would be a safety issue because of all the wrecks there. He noted the safety and the cost are the two main reasons for the waiver. Mr. France stated he was intrigued with his offer to install sidewalks on the other side of the road. He asked if it would make sense to table it to allow time to entertain that other option. Ms. Bollman stated her concern with the suggestion is it's a good idea but she doesn't think they can get an ADA compliant sidewalk up that road. Mr. Sketch stated with the slope you would end up behind someone's house with the sidewalks. He further stated in looking at this, there just isn't the room to do that. Ms. Tenfelde stated it is possible to put the sidewalks, they would just lose a lot. Mr. Miller stated that does constitute a hardship. Mr. Logsdon stated he thinks approving this waiver is just kicking the can further down the road. He additionally stated we need to look to the future.

Mr. Moriconi addressed the Commission and stated the mayor and he discussed this issue today. He stated you would have to get temporary construction easements to put sidewalks in on the other side. He stated this is a complex issue and noted this would be 700 feet short of getting to Cox Road. He noted if the city was responsible for the sidewalks and utility poles and such had to be moved, that would be done at no cost. He stated if a property owner had to move them there would be a cost. He stated he's just thinking out loud with this and he apologized for not being more prepared to discuss it. He further stated Cherokee Plaza is being remodeled and they are putting two restaurants in there. He noted if he was living in that area he would want to walk up

to that. He further noted where Taylor Mill stops he thinks they are going to have to make that a three-way stop. He then commented if you put sidewalks in on the other side, you're going to have to have folks cross across 16 to Cherokee. He noted there are 700 feet where these sidewalks would just stop, and thinking out loud, the city could step up and take care of that remaining footage of sidewalks. He noted the mayor and he discussed it and decided they would be in favor of completing that section there to do that 700 feet. Mr. Dunham stated it sounded like there is a situation where this can be resolved so maybe it would be better to table it to work that out. Ms. Tenfelde stated there are a couple options on how this can be done. She suggested approving it with conditions or possibly have a bond for the sidewalks. Mr. Ryan stated it could be tabled to work it out within six months. Ms. Tenfelde stated she could approve it with the bond. Following the brief discussion, Mr. Miller then suggested possibly just table it for up to six months to resolve this. Mr. Bridges made the motion to table the matter for up to six months. Mr. Sketch seconded the motion. A roll call vote on the matter found Mr. Bridges, Mr. Sketch, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Darpel, Dunham, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Mr. Simpson, Ms. Snyder and Ms. Vaughn in favor. The motion carried.

### **Reports from Committees**

*Bylaws* – Mr. Dunham stated there was nothing to report.

*Direction 2030 Implementation* – Mr. Simpson stated they had a meeting last month and have a couple action items put together to put the recommendations together for the new comprehensive plan. Mr. Videkovich stated they had a consultant come in and at the last meeting they presented their findings and recommendations. He stated he was not going to go into all of it, but he was going to go over some of the items. He noted items as to housing affordability, jurisdictional inefficiencies, public and multimodal transportation and preservation and expansion of green spaces. He stated in the report they took what they heard and developed some plans. He briefly highlighted those recommendations and stated it was a very broad overview of the report and the full report will be up on the website. He encouraged the Commissioners to take a look at that. He stated they scheduled a meeting for January 9th and to please let him know if you were going to be attending if on that committee. He stated moving forward they will take what the consultant has given them and will draft changes to get implemented. He further stated at that point there will be another round of public engagements and they expect to be doing that in early spring. He stated an email was sent out last week about the invitation by the Boone County Planning Commission to comment on their goal and objectives. He stated he included the link in the email and asked the Commissioners to take a look at that and send comments back to him. He noted this is a good opportunity to be partners with their neighbors with this and asked for any comments by the upcoming Tuesday. He stated if anyone had any questions to give him a call. Mr. Simpson stated they planned to coordinate with other counties on strategy and to let them know what we're doing and get some ideas on what they're doing as far as the comprehensive plan.

*Executive* – Nothing to report.

*Social Media* - Nothing to report.

*Subdivision Review* – Nothing to report.

Z21 Review - Mr. Bridges stated they had a meeting with Lakeside Park so that will be coming forward.

**Comments from Commissioners** - Nothing to report. Mr. Dunham stated he wanted to comment that other commissions are structured where they have multiple meetings and committee meetings and public hearings and the benefit to that is it gives the applicant and the commission multiple opportunities to not only work things out but the downside of that is it takes longer. He stated here the application is filed and away it goes. He stated for routine matters it works very well but we saw with the waivers there is a challenge. He stated he feels fine with their process but in tabling like tonight it's a practical approach to give the applicant and Staff more time to work through the issues and to do that without additional expense.

**Report from Legal Counsel** – Nothing to report.

**Reports/Announcements from Staff** - Mr. Videkovich reminded Commissioners to check their inbox to periodically go in there and clear things out. He noted they are getting responses back stating the inbox is full. He also noted the July meeting falls on July 4th and asked if the Commission wanted to move the meeting to the 9th because of the holiday. Mr. Dunham suggested moving it back one week to the 11th. Mr. Smith suggested having a retention policy with the emails to avoid the possibility of deleting emails that shouldn't be deleted. Mr. Videkovich also stated a workshop would be on Friday March 1, 2024 at NKU. He stated there is money in the budget for it and the cost is \$100. He asked to let him or Pam know as soon as possible because the registration would be opening and closing pretty quickly. He then took down the names of those Commissioners interested in attending.

**General Correspondence** - None.

**New Business** – Mr. Dunham noted there was the election of officers for 2024 to be done. Ms. Snyder stated the nominations were for Brian Dunham for Chair, Paul Darpel for Vice Chair and Phil Ryan for Treasurer. She stated you could nominate yourself or nominate someone else. Mr. Bethell asked if there was no one else running could an acclamation be done from the floor. Mr. Smith stated if no one else was interested in running a vote could be taken from the floor. Ms. Vaughn then made the motion to accept the nominations. Mr. Pannunzio seconded. All in favor by acclamation.

Mr. Dunham additionally stated Mr. Bridges has been their representative for OKI and he has been a great representative and he noted he is willing to do that again so he will be appointed again.

**Public Comments** - None.

There being nothing further to come before the Commission, Mr. Dunham asked for a motion to adjourn. A motion was made by Ms. Snyder and seconded by Mr. Darpel. All in favor by acclamation. The meeting then adjourned at 9:09 p.m.

APPROVED:

Chair



Date

