

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. Darpel, Chairman, called the meeting to order on February 3, 2022, at 6:15 p.m. and opened the proceedings with the Pledge of Allegiance and invocation by Mr. Ryan. The meeting was held virtually by notice. 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
Anthony Baker	Covington	X											
Margo Baumgardner	Crestview Hills		X										
Todd Berling	Fort Wright		X										
Jeff Bethell	Fort Mitchell		X										
Gailen Bridges	Bromley	X	X										
Paul Darpel, Chair	Edgewood	X	X										
Brian Dunham	Kenton Cty	X	X										
Tom France	Ludlow	X	X										
Keith Logsdon	Lakeside Park		X										
John Hennessey	Villa Hills	X	X										
Matthew Martin	Taylor Mill	X	X										
Joe Pannunzio	Elsmere		X										
Dan McElheney	Erlanger												
Sean Pharr	Covington		X										
Phil Ryan, Treasurer	Park Hills	X	X										
Kareem Simpson	Covington	X											
Greg Sketch	Crescent Spgs	X											
Maura Snyder	Independence	X	*										
Debbie Vaughn	Kenton Co	X	X*										
Kristi Zavitz	Ryland Hts.												

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

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

AUDIT REPORT:

Mr. John Chamberlain presented the audit report for the year. He then gave a brief powerpoint presentation. He stated there were no significant deficiencies or weaknesses in their internal review. He additionally stated there is a good strong cash position compared to the last few years and it has been growing. He noted revenues are roughly \$404,000 and expenditures were \$291,000 in prior years. He stated the expenditures for PDS are about \$234,000 and other professional fees were \$27,000. He noted in 2015/2016 there was a danger of the organization going under or being an ongoing concern. He noted things have been revamped in the last five years to a very strong position today. He stated he provided a copy of the financial statement and the Executive Committee has gone through that in great detail. He indicated assets of \$399,000 so that is in a good position. He stated if there is anything he can answer from the Commission he would be happy to do that. Mr. Darpel stated he feels like they are in really good shape. He noted at one time they had in their report that they were not financially viable so today they are in good shape. He stated they will not act on this tonight but as far as the audit goes the Commission is in good shape. He noted it will be on next month's agenda for approval.

AGENDA:

Mr. Darpel stated there were two items on the agenda dealing with Grandview and since it's the same issue they would like to move item number 15, the waiver, to essentially talk about it after item 11. He then asked for a motion to approve with that revision. Mr. Bethell made the motion to approve. Mr. Ryan seconded. All in favor by acclamation.

APPROVAL OF THE MINUTES

Mr. Darpel asked for any questions or comments with regard to the meeting minutes for February. There being none, he asked for a motion to approve the minutes. Mr. Bridges made the motion to approve. Mr. Pannunzio seconded the motion. A roll call vote on the motion found Mr. Bridges, Mr. Pannunzio, Mr. Martin, Mr. Pharr, Mr. Ryan, Mr. Hennessey, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Ryan, Ms. Vaughn in favor. Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Logsdon abstained. The motion carried.

RECEIPTS AND EXPENDITURES:

Mr. Darpel stated the receipts and expenditures report was distributed. He stated everything is pretty much in line. He then asked for any comments. There being none, Mr. Ryan made the motion to accept the report. Mr. Bethell seconded the motion. All in favor by acclamation.

RECENT ACTIONS BY STAFF:

(No action required)

RECENT ACTIONS BY LEGISLATIVE BODIES:

(No action required)

PUBLIC HEARINGS

*Mr. Darpel recused himself from the following item due to a potential conflict of interest. Mr. Dunham, Vice Chair, presided over the issue.

FILE: PC2201-0003

APPLICANT: Berling Investments, LLC per Greg Berling on behalf of 260 Grandview, LLC

LOCATION: 260 & part of 301 Grandview Drive; an area of approximately 12.37 acres located on the east side of Grandview Drive east of Beechwood Road and south of the terminus of Grandview Drive, approximately 1,900 feet east of Beechwood Road in Fort Mitchell.

REQUEST: A proposed map amendment to the Fort Mitchell Zoning Ordinance from R-1C (a single-family residential zone) and PO (a professional office building zone) to R-1D (RCD) (a single-family residential zone with a residential cluster development overlay); the applicant proposes to construct 5 single-family detached and 43 single-family attached dwellings, for a maximum density of 4.4 dwelling units per net acre.

Staff presentation and Staff recommendations by Patrick Denbow.

PDS STAFF RECOMMENDATION

Unfavorable recommendation on a proposed map amendment to the Fort Mitchell Zoning Ordinance from R-1C (a single-family residential zone) and PO (a professional office building zone) to R-1D (RCD) (a single-family residential zone with a residential cluster development overlay); the applicant proposes to construct 5 single-family detached and 43 single-family attached dwellings, for a maximum density of 4.4 dwelling units per net acre.

WAIVER: W2201-0001

APPLICANT: Berling Investments, LLC per Greg Berling on behalf of 260 Grandview, LLC
REQUEST FOR ACTION: Applicant is requesting a waiver to Figure A.1-Z located in Appendix A of the Kenton County Subdivision Regulations which details the geometric design requirements for cul-de-sac streets. Granting this waiver would allow the applicant to deviate from the standard design of cul-de-sac streets.

Staff presentation and Staff recommendations by Laura Tenfelde

PDS STAFF RECOMMENDATION

To approve the requested waiver to Figure A.1-Z located in Appendix A of the Kenton County Subdivision Regulations which details the geometric design requirements for cul-de-sac streets. Granting this waiver would allow the applicant to deviate from the standard design of cul-de-sac streets.

Mr. Greg Berling addressed the Commission in favor of the issue and thanked Staff for their assistance with the issue. He also thanked the city for the help in guiding him through the process. He stated Berling Investments has a long history and deep roots in Northern Kentucky and they want nothing more than for this to be successful. He stated this was developed as an office project. He stated the owner found there was no market for the product at this site. He then stated he saw an opportunity to bring in a new product for the site that Fischer Homes has developed. He stated it allows for minimal impact to the site and less impactful to the site and topography. He stated being able to do the residential cluster development overlay, they were able to impact the topography less. He noted these streets in the development actually come in on grade except for in the bottom. He noted the impact on the topography is less because of this and is a beautiful new product geared towards different groups of people, professionals and empty nesters for patio homes. He stated the question was brought up as to why go for this when Z21 is coming in. He then noted this residential cluster is very similar to a PUD. He further noted just like cluster development, a PUD gives quite a bit of flexibility in development. He stated they wanted to get this plan in, and if they had to wait there are issues that could come up and delay the vote on that. He stated if that were the case then the approval may not come until later this year. He also stated to get it developed to be sold this year, he had to get his application in now. He noted where the market was currently was the impetus for getting it submitted. He stated it is actually more restrictive than a PUD. He noted he started talking it through with Staff and everyone involved, and the decision was made to bring it in under a cluster development. He then shared a presentation by Fisher Development and stated the development will be called the Pinnacle of Fort Mitchell. He noted the great thing about the location of this site is the location next to General Ormsby Park, which is a great amenity to have a park that has been upgraded across the street. He noted this is a great selling aspect. He then showed examples of the signage in the development that was submitted. He commented on developing sites over the past 50 years with Fischer, one of the things to note is the high impact screening used. He stated they take great detail in the elevations on the side of the homes. He showed examples of the town homes being proposed and stated they all provide for a two car garage and allow parking in the driveway. Mr. Berling stated the issue with open space is the park provided for across the street. He noted that providing more open space and going into that hillside was not

viable so it was not considered. He noted what they hope is that their intent is the residents will walk to the amenities available. He also noted this is altering the land use as being commercial and noted the developer of the property stated this has not been successful for commercial at all. He stated the developer has not seen any advancement for commercial development so he would say the comprehensive plan is incorrect in that designation. He stated there will be a sidewalk connection to Grandview as they do want people to be able to walk to the park across the street and use that. Mr. Berling then turned it over to Deana Swetlik and John Haas with Fischer Homes. Mr. Haas stated Fischer is very excited for this location in Fort Mitchell with this infill product. He noted they think this will be a very upscale development. Deana then spoke on the townhome aspect and Mr. Haas stated he could answer any other questions. She went into more detail on the site plan. She noted there were four streets being created. She noted as a result of the topography they have actually been able to work with that for the townhomes such that on the low end of the site the back of those units actually go into the hillside. She noted in between is the backyards for the townhomes and the utilities will be accommodated in the rear. She stated what they have done is create an entire series of dimensions with regard to landscaping and conceptual ideas for screening for the development. She then spoke to the elevation and said this shows the front entry on the street and results with a 24 foot wide townhome. She noted the townhomes are three stories high.

*At this time (7:53) Mr. Bridges recused himself due to a potential conflict of interest just discovered.

Mr. Haas then spoke to the patio homes aspect. He noted at the end of the street which is street D is where the patio homes will be located and he believes they will sell very quickly. He additionally stated Fischer Homes is very excited to partner up with Greg Berling and thinks this will be a benefit to the city.

Mr. Dunham then read a letter into the record from the current property owner, Mike J. Keggle and marked it as an exhibit to be made a part of the record.

Ms. Erin Procter registered to speak against the issue. She stated just wanted to briefly comment about the development. She noted if you read the particulars of the RCD ordinance it requires it to be open and usable to all residents. She noted they noted in the plan they will be allowing 50% open and available to the residents. She stated unfortunately it doesn't satisfy the requirement of the zoning.

Mr. Edwin King addressed the Commission as a neutral party on behalf of the City of Fort Mitchell and stated the issue of Z21 was addressed and they spoke with PDS Staff. He noted in those discussions that because the PUD is less restrictive, what is being proposed is less restrictive. He noted they originally had this rezoned as an office park but they did speak with the property owner to see what would work better for this site. He noted they felt what was proposed would work much better on the site. He stated initial concerns were with the turn around for emergency vehicles and the other concern was additional parking spaces and those had been provided for in the plan they are seeing. He stated they are neutral on the issue and from their perspective there is no issue with the development. He noted he is happy to answer any questions. Mr. Bethell asked Mr. King if the city would look favorably on this based on his testimony. Mr. Smith interjected and stated he doesn't think they want that kind of testimony entered into the record by the city. Mr. Todd Berling asked about the commercial aspect. Mr. King stated this property has been before the Commission a couple different times. He noted the residential was in the spirit of the comprehensive plan and in light of all that they did have it as a business park but felt it was the right thing to do after meeting with the property owner that they really should provide flexibility.

Mr. Greg Berling then spoke in rebuttal and reiterated that the open space being provided is above the amount required. He stated it is a great amenity for the residents with having the park right across the

street. He further noted he failed to mention the off street parking provided and that is two spaces per unit as required for the zone. He noted he was available to answer any questions.

Ms. Deana Swetlik commented that each lot has approximately 21 to 22% open space. She also noted each town home has a backyard at the lower level and also a deck on the main living level and if you take the square footage in that scenario and divide that by the square footage of the unit, that is 21-22% percent.

Ms. Erin Proctor addressed the Commission in rebuttal and just reiterated that it's not going to be something easily accessible for the residents due to the grade. She noted unless she is incorrect she doesn't feel that the yard accounts for open space in the development.

There being no further comments, Mr. Dunham recessed the public hearing for discussion. Mr. Bethell stated he's having a bit of a hard time knowing what the city is talking about. He stated this one in his opinion stands head and shoulders above the others. He noted he is having a bit of a hard time with the timing. Mr. Dunham stated he would have more of a struggle if Z21 had a new map that had this as industrial and something completely unrelated to what is being discussed tonight. Mr. Logsdon stated he has absolutely no problem with it. He stated this has been before them twice and looking at what is taking place in the region, office space is not good. He stated there is plenty of land in the vicinity for professional office and he agrees wholeheartedly that is the best plan for the site. He further commented he was pleased the developer recognized the need for sidewalks and stated he would like to note the hillside to the east of the site is very steep. He noted this drains into the Pleasant Run Creek and become a major water way. He stated they need as much of that hillside undeveloped to manage the water flow. He stated that he thinks the design of the site is very good and is very pleased an analysis of the cul de sac was done. He further noted he thinks it is an excellent fit that generally meets the criteria of the comprehensive plan. Ms. Baumgardner asked if they could have Staff show why they found this favorable. She stated she found it interesting that the last two times this came before them the city showed up in a very big way and this time it is very different and they did not. Mr. Dunham then reconvened the public hearing and asked Staff for the basis of their recommendations. Mr. Denbow then stated this particular change in the plan when looking at the recommended land use of commercial. He noted they certainly do note there are areas where the comprehensive plan is inconsistent, but in weighing everything out this is sometimes that is much more site specific. He noted the other elements are generally county wide and taken into consideration in that way. He stated that is how Staff came to the recommendation that they did. He also commented as to the open space issue Staff felt that there could've been some other options. There being no further comments, Mr. Dunham closed the public hearing and asked for a motion on the issue. Mr. France stated he felt it was pretty telling in the letter read into the record that the statement of commercial office hasn't worked since they opened the building and there just isn't a market for commercial office. He noted he thinks this lends to the plan they have before them tonight. Mr. Dunham then stated they would vote on the map amendment first. Mr. Bethell then made the motion with regard to the map amendment to approve based on testimony heard and while it doesn't agree with everything in the plan, it does agree with most. Mr. Logsdon seconded the motion. A roll call vote on the matter found Mr. Bethell, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Ms. Snyder, Ms. Vaughn, Mr. Hennessey, Ms. Baumgardner, Mr. Berling, Mr. Dunham and Mr. France in favor. Mr. Darpel and Mr. Bridges recused themselves from any voting on the matter. The motion carried. Mr. Dunham asked for a motion on the waiver issue. He then reviewed the criteria for approval of a waiver. Mr. Bethell then made the motion to approve based on the testimony heard and Staff's recommendation. Mr. Berling seconded the motion. A roll call vote on the motion found Mr. Bethell, Mr. Berling, Mr. Dunham, Mr. France, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Ms. Snyder, Ms. Vaughn, Mr. Hennessey and Ms. Baumgardner in favor. Mr. Bridges and Mr. Darpel recused themselves from any voting on the issue. The motion carried.

FILE: PC2201-0002

APPLICANT: City of Edgewood per Brian Dehner, City Administrative Officer

REQUEST: Proposed text amendments to the Edgewood Zoning Ordinance: (1) increasing the number of permitted wall signs per building street frontage incrementally as the size of the building increases; and (2) permitting service stations as an accessory use when located on an arterial street and on the same parcel as a food store or supermarket with at least 95,000 square feet of building area, subject to limitations.

Staff presentation and Staff recommendations by Ms. Megan Bessey

PDS STAFF RECOMMENDATION

Favorable recommendation on the text amendments to the Edgewood Zoning Ordinance (1) increasing the number of permitted wall signs per building street frontage incrementally as the size of the building increases; and (2) permitting service stations as an accessory use when located on an arterial street and on the same parcel as a food store or supermarket with at least 95,000 square feet of building area, subject to limitations.

There being no one else to speak on the issue, Mr. Darpel recessed the public hearing for discussion. Mr. Dunham stated he would follow up with the city as to what they are trying to accomplish. He stated it is pretty straight forward. There being no further comments, Mr. Darpel reconvened and closed the public hearing. He asked for a motion on the matter. Mr. Dunham made the motion to approve the text amendments based on the testimony heard and Staff's recommendations. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Dunham, Ms. Snyder, Mr. Hennessey, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. France, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Mr. Ryan and Ms. Vaughn in favor. The motion carried.

FILE: PC2201-0004

APPLICANT: City of Independence per Chris Moriconi, City Administrator

REQUEST: Proposed text amendment to the Independence Zoning Ordinance removing mini-warehouse, personal storage as a conditional use in the CC (Community Commercial) Zone and removing the specific use regulations for these uses within the CC Zone.

Staff presentation and Staff recommendation by Ms. Megan Bessey

PDS STAFF RECOMMENDATION

Favorable recommendation on the text amendment to the Independence Zoning Ordinance removing mini-warehouse, personal storage as a conditional use in the CC (Community Commercial) Zone, and removing the specific use regulations for these uses within the CC Zone.

Mr. Chris Moriconi addressed the Commission in favor of the issue and stated he was available to answer any questions. Mr. Darpel noted it was pretty straightforward. There being no comments or questions, Mr. Darpel then recessed the public hearing for discussion on the issue. There being none, Mr. Darpel reconvened and closed the public hearing. He asked for a motion on the issues. Ms. Snyder made the motion to approve the text amendment based on Staff's report and supporting information. Ms. Vaughn seconded the motion. A roll call vote on the motion found Ms. Snyder, Ms. Vaughn, Mr. Hennessey, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Pharr and Mr. Ryan in favor. The motion carried.

FILE: PC2201-0005

APPLICANT: Kenton County Planning Commission per Paul Darpel, Chair

REQUEST: Proposed text amendments to the Bromley, Crescent Springs, Crestview Hills, Edgewood, Elsmere, Erlanger, Fairview, Fort Mitchell, Fort Wright, Independence, Kenton Vale, Lakeside Park, Ludlow, Park Hills, Ryland Heights, Taylor Mill, Villa Hills and Kenton County zoning ordinances: (1)

adding Family Child Care Homes as a conditional use in all residential zones where they are not fully permitted and; (2) making any necessary revisions to definitions and height and area standards related to Family Child Care Homes for compliance with Senate Bill 148 and KRS 199.

Staff presentation and Staff recommendation by Mr. Patrick Denbow

PDS STAFF RECOMMENDATION

Proposed text amendments to Bromley, Crescent Springs, Crestview Hills, Edgewood, Elsmere, Erlanger, Fairview, Fort Mitchell, Fort Wright, Independence, Kenton Vale, Lakeside Park, Ludlow, Park Hills, Ryland Heights, Taylor Mill, Villa Hills and Kenton County zoning ordinances: (1) adding Family Child Care Homes as a conditional use in all residential zones where they are not fully permitted and; (2) making any necessary revisions to definitions and height and area standards related to Family Child Care Homes for compliance with Senate Bill 148 and KRS 199.

Mr. Darpel asked for any questions or comments on the language. Mr. Dunham stated Staff did a great job as well as Matt Smith. He stated this highlights the value of PDS and the Planning Commission to keep them from unknowingly laws. He stated this was good stuff all around. Mr. Logsdon asked if this could be posted on the legislative updates. Mr. Denbow responded he could take care of that. Mr. Darpel stated there is no one registered to speak on the issue and he was the applicant. He then stated there were no additional comments so he reconvened and closed the public hearing. He asked for a motion on the matter. Mr. Ryan made the motion to approve the motion based on Staff's recommendations. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Ryan, Ms. Snyder, Ms. Baumgardner, Mr. Darpel, Mr. Berling, Mr. Dunham, Mr. Bethell, Mr. Bridges, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Pharr, and Ms. Vaughn in favor. The motion carried.

Reports from Committees

Bylaws – Mr. Dunham stated they have proposed revisions to the By Laws related to their reserves and he asked that to be circulated. He stated maybe they can just do that next meeting. He noted in advance of the next meeting they would be receiving the proposed language. He noted they have a meeting scheduled in two months on the last Monday or Tuesday.

Direction 2030 Implementation – Mr. Bethell stated there was nothing to report.

Executive – Mr. Darpel stated everything is coming together so they feel pretty good about it.

Social Media - Nothing to report.

Subdivision Review – Mr. Darpel stated they did meet and have actually made a lot of headway. He stated Staff has done a great job with the language as to flag lots and single access to try to avoid getting too much into the weeds. He stated he is very pleased with all that and hopefully will be bringing it before the Commission in a couple months. He stated they would try to get it to the Commissioners and the building community and hopefully they can get it before the Commission then.

Z21 Review - Mr. Bridges stated they haven't met since the last meeting.

Comments from Commissioners - Mr. Bridges commented it worked well to have the virtual meeting and asked about continuing for next month. Mr. Dunham stated since it's a light agenda he will say it is more difficult if it's a controversial issue. Mr. Darpel stated he prefers in person meeting himself. Mr. Logsdon

stated the first zoom meeting was a controversial meeting. Mr. Darpel stated there were at one time 110 people on the call for that Edgewood issue. Mr. Logsdon stated it did show this works. Mr. Darpel agreed but stated it's his preference to have in person meetings but he did respect others wanting to have it virtual again for next month. It was then agreed upon to meet virtually for next month due to the light agenda.

Report from Legal Counsel – Nothing to report.

Reports/Announcements from Staff - Mr. Videcovich stated Mr. Chris Snyder took another job and would no longer be working with PDS. He additionally noted in terms of Z21 Independence is getting very close to submitting their application. He wanted to give a heads up that he will be reaching out if they get that request. Mr. Videcovich stated it is taking them a little bit longer to get through the jurisdictions with some but they are preparing for the next meeting in March. He stated for a variety of reasons it is moving a little bit slower than anticipated.

General Correspondence - None.

New Business – None.


Public Comments - None.

There being nothing further to come before the Commission, a motion to adjourn was made by Mr. Ryan and seconded by Ms. Snyder. All in favor by acclamation. The meeting then adjourned at 9:18 p.m.

APPROVED:

Chair

Date


3/3/22