

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. Darpel, Chairman, called the meeting to order on April 1, 2021 at 6:15 p.m. and opened the proceedings with the Pledge of Allegiance and invocation by Mr. Ryan. The meeting was held virtually via the GoToMeeting platform. 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
Jeremy Armbruster	Erlanger	X	X	X									
Margo Baumgardner	Crestview Hills	X		X									
Todd Berling	Fort Wright	X	X	X	X								
Jen Best	Covington	X	X	X									
Jeff Bethell	Fort Mitchell	X	X	X	X								
Gailen Bridges	Bromley	X	X	X	X								
Paul Darpel, Chair	Edgewood	X	X	X	X								
Brian Dunham	Kenton Cty	X	X	X	X								
Tom France	Ludlow	X	X	X	X								
Keith Logsdon	Lakeside Park	X	X	X	X								
John Hennessey	Villa Hills			X	X								
Matthew Martin	Taylor Mill	X	X	X	X								
Joe Pannunzio	Elsmere	X	X	X									
Sean Pharr	Covington	X	X	X									
Phil Ryan, Treasurer	Park Hills	X	X	X	X								
Kareem Simpson	Covington	X	X	X	X								
Greg Sketch	Crescent Spgs	X		X									
Maura Snyder	Independence	X	X	X	X								
Debbie Vaughn	Kenton Co	X	X		X								
Robert "Bob" Whelan	Covington	X											
Brian Wischer	Villa Hills	X	X										

Kristi Zavitz	Ryland Hts.	*																	
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Also present were Mr. Mathew Smith, Legal Counsel, and the following PDS staff: Mr. Andy Videkovich and Mr. Patrick Denbow

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

AGENDA:

Mr. Darpel asked for a motion to approve as submitted. Ms. Snyder made the motion to approve Mr. Bethell seconded the motion All in favor by acclamation.

APPROVAL OF THE MINUTES

Mr. Darpel asked for approval of the minutes from March. Mr. Bridges noted on page 4, fifth line from the bottom there is a semi colon, on page six under report from commission members is missing the rest of the word “recommend” and below that is missing an apostrophe. Mr. Logsdon stated his name needs to be removed from the attendance as he was not present. There being no further changes, Mr. Darpel then asked for a motion to approve. Mr. Ryan made the motion to approve as amended. Mr. Bethell seconded. A roll call vote on the motion found Mr. Ryan, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Martin, Mr. Simpson, Ms. Snyder, Mr. Hennessey and Mr. Berling in favor. Mr. Logsdon and Ms. Vaughn abstained. The motion carried.

RECEIPTS AND EXPENDITURES:

There was no report to take action on.

RECENT ACTIONS BY STAFF:

(No action required)

RECENT ACTIONS BY LEGISLATIVE BODIES:

(No action required)

PUBLIC HEARINGS

FILE: PC2012-0003

APPLICANT: Grand Communities, LLC on behalf of The Cincinnati, New Orleans, and Texas Pacific Railroad Company.

LOCATION: An area of approximately 65 acres located south and west of Highway Avenue (Route 8), west of the River’s Breeze development, and east of the railroad in Ludlow.

REQUEST: A map amendment to the Ludlow Zoning Ordinance from R-RE (a rural single- family residential zone) to R-3 (PUD) (a multi-family residential zone with a planned unit development overlay); the applicant proposes a new residential development consisting of 28 detached single-family units, 306 attached condominium units, and 400 apartment units.

Mr. Darpel stated his understanding was there was going to be a request to table this issue and commented this was to be the third request. As such he asked the applicant if they wanted to address this as to the request.

Mr. Joe Kramer addressed the Commission and stated they are requesting the tabling again and stated they are continuing to work with the highway department. He stated they believe they are at the finish line with the highway and they are requesting a tabling for one more month. He stated they will not be requesting an additional extension beyond that point. Mr. Darpel stated he appreciated it and stated now that they know the reason for the tabling. He additionally stated he didn't think it was fair to the public to keep coming back each month and it might be better to remove it and bring it back until they are ready. Ms. Snyder asked if there was a way to table it for a period of a certain amount of months and then they can come back at that time. She stated the public deserves to know so that it doesn't just keep getting put off each month. Mr. Darpel stated for the next meeting they need to make the decision in the next couple days to get it on the agenda. He further suggested it be tabled for ninety days and that way it doesn't have to keep being tabled. Mr. Logsdon seconded the motion. Mr. France commented it seems like the hangup seems to be the access from Route 8 and he thinks it's from the right in right out. Mr. Darpel stated he didn't mean to cut him off but he would rather not discuss anything until it's actually in front of the Commission. Mr. Ryan asked if was being tabled for up to 90 days. Ms. Snyder stated that was correct. A roll call vote on the motion found Ms. Snyder, Mr. Logsdon, Mr. Martin, Mr. Ryan, Mr. Simpson, Ms. Vaughn, Mr. Hennessey, Mr. Berling, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. Dunham and Mr. France in favor. The motion carried.

FILE: PC2102-0001

APPLICANT: CAC Developments, LLC and Select Holdings, LLC per Cindy Cahill.

LOCATION: An area of approximately 9.21 acres located at 5433 Taylor Mill Road approximately 150 feet north of Lone Oak Drive and approximately 300 feet south of Sunset Drive.

REQUEST: A map amendment to the Taylor Mill Zoning Ordinance from R-1C (a single-family residential Zone) to R-1C PUD (a single-family residential zone with a planned unit development overlay).

Staff presentation and Staff recommendations by Mr. Patrick Denbow

*Mr. Bridges recused himself from any voting or action on the following issue due to a conflict.

PDS STAFF RECOMMENDATION

Favorable recommendation on the map amendment to the Taylor Mill Zoning Ordinance from R-1C (a single-family residential Zone) to R-1C PUD (a single-family residential zone with a planned unit development overlay) with the following condition: a. That the concurrent text amendment (PC2101-0008) be approved prior to or simultaneously with this map amendment request.

Ms. Cindy Cahill addressed the Commission as the applicant and thanked the Commission for allowing her to speak. She stated she has had her current office space in Taylor Mill in excess of sixteen years and is looking forward to the opportunity to stay in the city and that it has been a wonderful place to have an office. She additionally stated the need for housing is immense in the area and noted she is a real estate

broker. She commented she is hoping for the opportunity to have some additional lots for people looking to downsize to nice ranches, and stated this would be a benefit not only to the city but also to the residents of the city. She stated she appreciated the Commission's consideration and the City of Taylor Mill's consideration. Mr. Darpel asked if these were mostly going to be ranch homes. Ms. Cahill stated her thoughts are they probably will since there is a large demand for that. She stated it is an aging population and there seem to be a lot of large two-family homes. She noted a lot of times once their kids leave the house they still want to stay in the area but we just don't have nice housing for them to go to so they hope to provide that.

Mr. Haney addressed the Commission and stated the city is in favor of the development and they think it would fit very nicely into the current area of what's there.

There being no more registered to speak on the issue, Mr. Darpel recessed the public hearing for discussion amongst the Commissioners. He stated this could be a really neat development for the city and it's nice to see a development by someone who's been in the city for some time. Mr. Dunham stated he wasn't very excited to see the number of flag lots but agreed it's a nice use. Mr. Martin stated it's a great repurposing of a building and it's nice to not have it torn down. Following the discussion, Mr. Darpel reconvened and closed the public hearing and asked for a motion on the matter. Mr. Martin made the motion to approve based on Staff's report and that it is in compliance with Direction 2030. Mr. Bethell seconded the motion. A roll call vote on the matter found Mr. Martin, Mr. Bethell, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Logsdon, Mr. Ryan, Mr. Simpson, Ms. Snyder, Ms. Vaughn, Mr. Hennessey and Mr. Berling in favor. Mr. Bridges had recused himself and therefore did not vote. The motion carried.

FILE: PC2103-0001

APPLICANT: City of Independence per Chris Moriconi, City Administrator

REQUEST: Text amendments to the Independence Zoning Ordinance (1) adding a definition for Brewery, Distillery, Winery and (2) adding Brewery, Distillery, Winery as permitted within a Planned Unit Development Overlay Zone with use specific standards.

Staff presentation and Staff recommendations by Mr. Videkovich

PDS STAFF RECOMMENDATION

Favorable recommendation on the text Amendments to the Independence Zoning Ordinance (1) adding a definition for Brewery, Distillery, Winery and (2) adding Brewery, Distillery, Winery as permitted within a Planned Unit Development Overlay Zone with use specific standards.

Amanda Williams addressed the Commission as the applicant on the matter. She stated she thinks the Staff report was very thorough but she is happy to answer any questions. Mr. Darpel asked what the uses in the open spaces would be in terms of trails or anything like that. She stated the current sidewalk system connects through the development and it will take you into the open space throughout the development. Mr. Darpel asked about concerns expressed regarding the house remaining and if any screening would be around that. Ms. Williams stated they actually purchased that property today so that will not be a concern. She noted they will be adding that to this development as well. She further stated they are developing the land and they will be operating the businesses on the property but if something changes substantially they will come back before the Commission. Mr. Darpel asked if there was anything in particular they were shooting for with the market. Ms. Williams stated at this time they are doing two and three bedroom units. The size of the brewery was mentioned by Mr. Bridges and he asked what kind of radius they are expecting to draw from with the Brewery. Ms. Williams stated they are expecting a radius of within 5 to

10 miles. She further stated they are not intending to put in an amphitheater or anything like that and it intended to be a shared stage between the restaurant and the brewery. Mr. Bridges asked about the noise reduction implements to be put in place. Ms. Williams stated they will be following the guidelines of Staff and will adhere to those with the development. She stated they really haven't gotten that far into the development to fully consider it, but they definitely want to be considerate of the neighbors. Mr. Logsdon stated this is a pretty large tract of land and there doesn't seem to be any access points being preserved to allow for access to SR 16 and noted that should probably be looked at. Ms. Williams stated there are two access points, one on SR 16 and one on SR 17. Mr. Darpel stated he assumed all are public streets. Ms. Williams stated they are still talking through that but that is the discussion. Mr. Simpson asked if the plan was for these to be assisted housing or market rate. Ms. Williams stated these are planned to be market rate.

Mr. Moriconi addressed the Commission and stated from the city's standpoint this is exactly the type of development they want to see on this site. He stated regarding the outdoor music it will be dictated by the noise ordinance. He additionally stated regarding the patio homes that that type of unit is in demand. He noted they literally couldn't build them fast enough behind Kroger; they were so successful. He further stated this is something they feel is unique and is a job creator and is a self contained community. He additionally stated they couldn't see a better fit for that site and noted it is a job creator and growth creator. Mr. Bridges commented there is no limit as to the volume of the noise, just a time limitation. Mr. Moriconi stated it goes back to the band and they really project how far the music goes out. He additionally noted he thought there was something in the regulations as the decibel limits.

All others registered to speak had nothing to add.

Mr. Darpel then recessed the public hearing for discussion. Mr. Bridges stated he thinks it's clearly not in conformance with the CSA in terms of being small scale. He stated he thinks it would be a good development three or four miles north but does not think there is enough protection for the residents from live music. He further stated he doesn't think it's in accordance with the plan. Ms. Snyder stated they have all kinds of concerts all summer at the amphitheater and there are no issues with the sound. She stated she does think it is small scale and she does think they will keep the noise under control. She stated the one entrance off 17 is because of the smaller area off 17. She further noted she thinks it's a great advantage to Independence. Mr. Simpson stated he agrees that it is definitely not large scale. He noted he does agree it is a job creator. He noted it does concern him that there isn't a percentage that allows for affordable housing and that is a major concern when there is a huge affordable housing crisis in the region. Mr. Logsdon stated he thinks this will actually spur some more development and there needs to be some more access. He additionally stated two access points align with access points across the street. Mr. Berling stated the language from the CSA seems small in scale and he asked if there is a better definition. Mr. Darpel stated he didn't know if there was a defined scale at this time. Mr. Darpel stated he had a hard time thinking this is out of scale but that he understands what Mr. Bridges is saying. Mr. Bridges stated for this particular area it is large scale. Ms. Vaughn stated she is a little disappointed that there are no public comments on this because she has seen a lot of comments on social media. She stated she is surprised and would have liked to hear the pros and cons. She stated it is a big shift when you are used to a farming community but this is better than a Walmart. Ms. Snyder then stated they aren't hearing anything from the public and that putting comments on Facebook is one thing to comment without having someone respond to you but the fact that there is no one from the public commenting is a good thing. She stated she thinks this is a great addition to the city and it will bring a lot of jobs to the city. Mr. Dunham stated when he heard small scale this is what he was envisioning. He stated you just don't see commercial uses any smaller than what we have here so this is appropriate to be here in this location. He noted he liked hearing the applicant is going to be the user of the facilities and they are local so they will have a vested interest in the project. He noted what they have laid out here looks like good planning in his mind.

He stated as far as the music he is sure the city will make sure it is not a disturbance. He stated he thinks something of this scale will add to the community. Mr. Darpel then reconvened and closed the public hearing. Mr. Darpel asked about the connectivity to try to keep some of the traffic off of SR 17. Mr. Videkovich stated if this were a subdivision they would need to provide for all those regulations. Mr. Logsdon then commented he thinks there is more than adequate space to put a connection in. Mr. Smith reminded the Commission they have to take the plan as they have submitted it. Mr. Darpel then asked for a motion on the matter. Ms. Snyder then made the motion to approve the application based on the fact that it is consistent with the Stage I Development Plan and the comprehensive plan and also on the basis of Staff's recommendations. Mr. Berling seconded the motion. Mr. Logsdon asked about putting in an additional access point comment. Ms. Snyder stated she felt Mr. Moriconi was having conversations on that so she didn't feel it was necessary to put that into the motion. Mr. Logsdon stated he felt that was remiss. A roll call vote on the matter found Ms. Snyder, Mr. Berling, Mr. Bethell, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Martin, Mr. Ryan, Ms. Vaughn and Mr. Hennessey in favor. Mr. Bridges, Mr. Logsdon and Mr. Simpson voted against. The motion carried.

FILE: PC2103-0002

APPLICANT: Holland Design and Construction on behalf of Sons of Independence, LLC **LOCATION:** An area of approximately 29.41 acres located at the northeast corner of the intersection of Taylor Mill Road (KY 16) and Madison Pike (KY 17).

REQUEST: A proposed map amendment to the Independence Zoning Ordinance from R-1B* (a single-family residential zone) to R-2 (PUD) (a multi-family residential zone with a planned unit development overlay); the applicant proposes to develop 85 residential units with a community clubhouse and four commercial buildings to include two restaurants, a gas station/grocery, and a brewery.

Staff presentation and Staff recommendations by Mr. Videkovich

PDS STAFF RECOMMENDATION

Favorable recommendation on a proposed map amendment to the Independence Zoning Ordinance from R-1B* (a single-family residential zone) to R-2 (PUD) (a multi-family residential zone with a planned unit development overlay); the applicant proposes to develop 85 residential units with a community clubhouse and four commercial buildings to include two restaurants, a gas station/grocery, and a brewery.

Mr. Chris Moriconi addressed the Commission and stated they put this item on their Facebook page multiple times at different hours of the day so just for the record it was promoted three times prior to the meeting. He noted with the sound that they found the time frames are pretty common so they had to include the 7 a.m. time frame because the speakers on drive-thrus are amplified. He stated when it comes to the music these are great discussions but they don't want any problems and they will manage any problems should they arise. He stated they want to be good neighbors to their neighbors. He noted they are not going to have something that is going to be a problem. He stated they have a great track record with the developer and have not had any issues and if any develop they will sit down and discuss it with them.

There were no others registered to speak.

Mr. Darpel recessed the public hearing for discussion. There being none, he convened and closed the public hearing. He then asked for a motion. Ms. Snyder made the motion to approve the text amendment with the supporting information and the Staff recommendation on the matter. Mr. France seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. France, Mr. Logsdon, Mr. Martin, Mr.

Ryan, Mr. Simpson, Ms. Vaughn, Mr. Hennessey, Mr. Berling, Mr. Bethell, Mr. Darpel and Mr. Dunham in favor. Mr. Bridges voted against. The motion carried.

Ongoing Business

Reports from Committees

Bylaws – Mr. Darpel stated no meeting was held.

Direction 2030 Implementation – Mr. Bethell stated he has nothing to report.

Executive– Mr. Darpel stated they have had several meetings primarily dealing with going back over PDS and their budget. He stated they are discussing how they are allocating their costs. He stated the bottom line is whatever is allocated in costs will be covered but they want to make it more transparent and essentially correct it. He stated they will have a much better feel for what is allocated to Kenton County Planning Commission. Mr. Ryan stated he thinks it is a much more accurate allocation than was done previously.

Social Media – Nothing to report.

Subdivision Review – Mr. Darpel stated they have been fairly busy regarding the industrial pavement standards and trying to get them looked at and amended. He stated they are requesting that it be put on as an item for review at the next meeting. He noted they are trying to better meet the needs of what is necessary for the individual zones. He asked that there be a motion to put that on the agenda for next month. Mr. Berling commended Mr. Darpel for the variety of individuals that he brought together for the discussion and committee. Mr. Darpel commented it was a good group and stated as long as the engineers agree, it's not up to him to tell them they are wrong. He then asked for a motion to place it on the agenda for next month. Mr. Berling made the motion to add that to the agenda. Ms. Snyder seconded the motion. All in favor by acclamation.

Z21 Review - Mr. Bridges stated they are meeting Monday April 5th from 5-7 p.m.

Reports from Commission members – Mr. Dunham stated he felt it was a good comment that Mr. Darpel made to not frustrate the neighbors by continuing the matter with Ludlow. He stated there was some real frustration from citizens from Ludlow after the last meeting. He stated he thought Mr. Darpel handled it well. Mr. Darpel gave credit to Andy Videkovich for that and stated it was at his suggestion on that.

Report from Legal Counsel– Nothing to report.

Reports/announcements from Staff - Mr. Videkovich stated he would like to introduce Laura Tenfelde as the new Director of Infrastructure Engineering for PDS. She then introduced herself briefly to the Commission and stated she is so happy to be at PDS as the Director of Infrastructure Engineering. She stated she is a civil engineer by trade and noted various positions she had served prior to joining PDS. She thanked the Commission for the opportunity to work with them and stated she looks forward to working with everyone. Mr. Darpel stated he has met with Laura several times and he's glad to have her and he has been really impressed. He wished her luck and welcomed her to PDS.

New Business – None.

Public Comments - None.

There being nothing further to come before the Commission, a motion to adjourn was made by Ms. Snyder and seconded by Mr. France. All in favor by acclamation. The meeting then adjourned at 8:39 p.m.

APPROVED:

Chair  _____

Date 5/6/21 _____