

KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING
Minutes

Mr. Brian Dunham, Chairman, called the meeting to order on June 1, 2023, 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).

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

AGENDA:

Mr. Dunham asked for a motion to approve the agenda as presented. Ms. Snyder made the motion to approve as submitted. Mr. Martin seconded the motion. All in favor by acclamation. The motion carried.

APPROVAL OF THE MINUTES

Mr. Dunham asked for a motion to approve the meeting minutes from May. He asked for any questions or comments. There being none, he then asked for a motion to approve. Mr. Bridges made the motion to approve the minutes from May. Ms. Snyder seconded the motion. A roll call vote on the motion found Mr. Bridges, Ms. Snyder, Ms. Bumgardner, Mr. Bethell, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, and Mr. Ryan in favor. Mr. Berling, Mr. Sketch and Ms. Schawe abstained. The motion carried.

FISCAL YEAR 2024 BUDGET

Ms. Nicole Cullem addressed the Commission and stated due to scheduling they were able to finalize the draft today. She briefly highlighted the report and then also noted the increase in the stipend for Commissioners. Mr. Darpel then commented that Nicole has done an excellent job and stated they are in far better shape than they were years ago. Mr. Dunham then asked for a motion to approve the budget. Mr. Darpel made the motion to approve. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Darpel, Ms. Snyder, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Bridges, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Ryan, Ms. Schawe and Mr. Sketch in favor. The motion carried.

RECEIPTS AND EXPENDITURES:

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

FISCAL YEAR 2023-2024 APPLICATION FEES

Mr. Dunham stated he didn't think they really needed much of a presentation on that. He stated the Bylaws which were recently updated provide that there is an adjustment based on CPI and the schedule just simply runs the calculation in accordance with the Bylaws so no action is required. He stated if there were any questions or comments he would be glad to entertain them. There were none.

RECENT ACTIONS BY STAFF:

(No action required)

RECENT ACTIONS BY LEGISLATIVE BODIES:

(No action required)

PUBLIC HEARINGS

FILE: PC2305-0002

APPLICANT: JRCJ Real Estate LLC per James Kautz

LOCATION: 3385 Madison Pike, Fort Wright; an area of approximately 1.2 acres located on the east side of Madison Pike approximately 400 feet north of Highland Pike.

REQUEST: An amended Stage I Development Plan within the HOC (Highway Oriented Commercial) Zone of the Fort Wright Zoning Ordinance.

SUMMARY: The applicant proposes to construct a 1,227 square foot combination restaurant (Sonic) with associated off-street parking, drive aisles, drive-thru, cross-connection, and two access points onto Madison Pike.

Staff presentation and Staff recommendation by Mr. Patrick Denbow

PDS STAFF RECOMMENDATION

Favorable recommendation of the Amended Stage I Development Plan within the HOC (Highway Oriented Commercial) Zone.

Mr. Jeff Bethell registered to speak in favor. He stated he really didn't have anything to add to the issue, noting that the city is in agreement with Staff's recommendations. Mr. Bridges asked if the applicant was present. Mr. Bethell stated they were not. Mr. Bridges commented that when this came before the Commission previously it was discussed that this was a historic building and they hated to see it lost. He stated at that time it was discussed about bringing in a photographer to take some photos of the historic building prior to it being demolished. Mr. Dunham recessed the public hearing for discussion. Mr. Ryan commented and stated he thought it was agreed upon previously that they would allow a photographer to take photos. He stated they had agreed to it and then sold the building again. Mr. Dunham stated he didn't think the property owner would have a problem with that. Following the brief discussion on the matter, Mr. Dunham reconvened and closed the public hearing and asked for a motion on the issue. Mr. Berling made the motion to approve the amended Stage I Development Plan based on the fact it is consistent with the Comprehensive plan and the land use. Mr. Sketch seconded the motion. A roll call vote on the matter found Mr. Berling, Mr. Sketch, Ms. Baumgardner, Mr. Bethell, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Martin, Mr. Pannunzio, Mr. Ryan, Ms. Snyder and Ms. Schawe in favor. Mr. Bridges abstained. Mr. Logsdon voted against. The motion carried.

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

FILE: PC2305-0003

APPLICANT: Corporex Development & Construction Management, LLC per Greg Scheper on behalf of 401 Crescent Avenue LLC

LOCATION: 201 & 401 Crescent Avenue; an area of approximately 2.4 acres located on the east side of Western Avenue and the west side of Crescent Avenue, located between Highway Avenue to the north and West 5th Street to the south, approximately 600 feet south of Highway Avenue.

REQUESTS: A proposed map amendment to Covington Neighborhood Development Code changing the described area from AUC (an Auto-Urban Commercial district) to SU (a Semi-Urban Residential district). This request includes the review of the following variance requests: (1) increasing the maximum height permitted for Building D; and (2) increasing the maximum front yard setbacks of Buildings A, B, C, and D.

SUMMARY: The applicant proposes to construct four four-story townhome buildings (25 units total) with additional off-street parking spaces. The height of Building D is proposed to be 35 feet, four inches where 35 feet is the maximum height permitted. The front street setbacks along Western Avenue are proposed to be 26 feet, two inches (Building A); 24 feet (Building B); 22 feet (Building C); and 12 feet, three inches (Building D) where 10 feet is the maximum front street setback permitted.

Staff presentation and Staff recommendations by Ms. Megan Busse

PDS STAFF RECOMMENDATION

(1)Favorable recommendation on the map amendment to the Covington Zoning Ordinance changing the described area from AUC (an Auto-Urban Commercial district) to SU (a Semi-Urban Residential district); The applicant proposes to construct 25 attached single-family residential units. (2)Favorable recommendation on the following variance requests: (1) increasing the maximum height permitted for Building D; and (2) increasing the maximum front yard setbacks of Buildings A, B, C, and D.

Mr. Greg Scheper addressed the Commission in favor of the issue and stated this is a fairly well-known site. He stated it is long and narrow and generally a parking lot with retaining walls on either side. He stated Corporex purchased the property

after the last application in 2017. He stated they acquired the property since and have been studying it to put it back in a productive use. He stated they have had a lot of interest in the site for various uses. He stated they think it is a unique site and a front door coming into Covington so they wanted to do a signature site for the location. He commented they started looking at this about a townhome plan about a year ago. He further stated one of the primary challenges with the site is the changing grades. He stated Western Avenue starts high and there is a retaining wall and a high wall at the south end of the site. He noted as Western Avenue starts to come down, so does the retaining wall. He stated there is some variation of the finished floor area with the plan. He stated they think they came up with a plan that makes the best use of the site. He further commented they designed the site to integrate with the neighborhood and the primary entrance will be in the rear of the site. He noted there will be a walkway bridge coming from the sidewalk coming into the door in front.

Mr. Dean Lutton addressed the Commission and stated they think this fits well into the community. He stated it was a struggle to have something that works well and they think this does work well. He stated with the new development they wanted to minimize the impact on the retaining walls because they are in good shape. He further noted the retaining wall that goes from building C to the right edge and beyond of building A. He then stated the garages in the context of the site are relatively flat. He noted the entry floor is actually slightly below Western Avenue below the bridge in an effort to keep that whole building height as low as possible. He stated from a context of a street section the setback and the street section, they don't feel being more than ten feet off is detrimental to walkability and context of the site. He stated with the entryway being slightly lower than Western Avenue, that allows them to have the building sit back. He stated they want to be good neighbors as best they can. He stated they used a drone to see what the views would be for the surrounding neighborhood and they don't feel they are being impactful with the surrounding site. Mr. Scheper stated the 39.9 feet is to the peak but the height is actually measured between the eave and the ridge and you take an average. He said this creates a gabled roof architecturally. Mr. Scheper stated their intention is to have a two car garage and a driveway and to keep a significant amount of parking on the site. He stated architecturally they were trying to create an integration into the neighborhood. Mr. Lutton stated one of the things they looked at was to have drives but that took away some of the parking. He stated their design approach was to put some of that parking in the back. Mr. Lutton stated they were trying to figure out from a comfortable level the height to have windows and they decided eight feet was a comfortable level for that. He stated they will have to do some more site investigation but they feel the eight feet is a comfortable level. Mr. Scheper stated it was not part of any geotechnical study to determine that. Mr. Scheper stated the starting price point would be starting at \$600k.

Mr. Tony Carponello addressed the Commission and stated he is not totally against this because he is in favor of the townhomes. He stated he lives directly across the street and noted parking is really tight around that hub. He stated hopefully when they have people over there will be somewhere to park. He stated he would be concerned about traffic because there is a lot of traffic in the area and that's what he wanted to address. He asked if building D was four stories. He noted that is his biggest concern if this will block their view and also a concern is a loss of property value.

Mr. Chad Conrad addressed the Commission and stated his concern is the height of the building. He stated those buildings have been there for 40 years so his concern is about property values as well.

Mr. Michael Curley addressed the Commission and commented as to how Corporex has taken care of the site the last year and a half. He stated it has been a constant hassle with graffiti and he doesn't think they should be able to profit from it based on how they care for the property. He noted his other concern is about the height of the buildings.

Ms. Brenda Robbins addressed the Commission as a neutral party and stated the traffic on Western Avenue right now is horrendous. He stated if you get more cars on there they won't be able to move on that street. She noted if you talk of parking in front of the building there is not going to be anywhere to move to get the traffic out of the way.

Ms. Christine Gyftakes addressed the Commission and stated their house is right across from building B and C and her concern is the height and the parking. She noted they also have a lot of people who walk up and down the street and a lot of people who ride their bikes up to Devou Park. She stated the parking space is pretty big but now that they don't have the parking she has concerns. She stated she also does have concerns about property values because they bought their homes for the view.

Mr. Dalton Belcher stated as the City they don't have a problem with it. He noted he was going to get to address some of the questions he's heard. He stated the average height is between the gable and the roof but they do get the average for those types of roofs that are not flat. He noted there is not a density restriction for this area other than the building code.

He also noted with regard to the view shed there is not a requirement for that and he anticipates it would be an issue with the neighbors and they have spoken to that. He noted they anticipated that and does not have any ability to require a view shed to be done. He stated he was happy to answer any questions that anyone had and wanted to allow the residents to have plenty of time to speak on the issue. He stated the way this is set up the buildings are sloped and they have different heights of the buildings. He stated they are looking at the average of each individual building in terms of the building height.

Mr. Tom Gyftakes addressed the Commission as a neutral party and stated his concern is the view because that is part of the reason they bought the house. He noted a concern with parking since he has three cars. He additionally asked about the height as it is measured from the base to the top of the roof.

Mr. Jim O'Daniel addressed the Commission and stated he is glad to see someone is going to do something nice with the site. He said he does agree with the home owners across the street but if they can resolve any issues he is totally in favor.

Mr. George Hamily addressed the Commission and stated they have been there for quite a while. He noted he was present in 2017 when they tried to put in a storage unit facility. He stated as far as the views he put together some PVC pipe the height of the proposed buildings and it doesn't look like this will impact their view. He stated he likes the design of the units and the extra parking. He stated from his house which is from the south behind building A, he noted the houses are all about the same level so he doesn't feel it will affect the view. He stated overall he thinks it looks great and it sure beats a storage unit facility.

Mr. David Vorher addressed the Commission and noted a lot of the problem is the view and the parking. He asked why don't they just come in off of Crescent instead of Western. He stated he drives up and down the street and it's totally packed. He stated entering off of Crescent would remove the incentive for the walkway. He stated it won't affect him but he commented for the others.

Mr. Scheper addressed the Commission in rebuttal and stated all the units are exactly the same and the only difference is the height of the garage level and that varies somewhat. He stated buildings A and B vary because of the wall but everything else is exactly the same as you head north. He noted the height of the wall starts to come down and building D is actually the shortest building overall but tallest from Western Avenue grade. He also noted the access from Crescent Avenue would remain open. He then stated with regard to the variance their original intention was to bring that to the city. He stated they were trying to figure that out and the reason they did that is the height of the plan. He stated to go from a commercial zone to a residential zone they needed two types together. He stated they needed a townhome development that was consistent and met the goals here. With regard to the traffic, he noted they did speak to Staff and it did not require a traffic study. He stated with twenty five units they do understand the concerns with traffic. He noted with regard to parking they will do their best to encourage the residents to use their garages in the development. He noted they are sensitive to those as well. Mr. Scheper stated they are three bedrooms with an optional fourth that could be put in. He noted they have not looked into having parking in the unusable space but that is something they could certainly consider. Mr. Lutton stated they were also looking into having the end units having a door on the side for access. Mr. France stated if they made a very minor adjustment to the trusses for the roof he thinks they could get the height down to the 35 feet and avoid the variance. Mr. Scheper commented about the height and tweaking building D slightly to get it down to the required height and stated that's something they would be willing to look at. Mr. Ryan asked about the drone footage and whether or not the buildings totally restricted the views of the buildings across the street. Mr. Lutton stated they didn't want to encroach on anyone's property but they did use the drone to estimate the height of the proposed buildings. He noted it did not impact the view of the existing buildings.

Following the discussion Mr. Darpel recessed the hearing for discussion amongst the Commissioners. Mr. Ryan stated this is the best development that has come before them and noted it is a tough site and an eyesore. He stated it's the best thing that's come to the property thus far. Mr. France stated he would agree with Mr. Ryan and stated residential is the best use for that site. He noted he thinks they have done an admirable job with the parking. There being no more discussion he closed the public hearing and asked for a motion on the issue for the map amendment. Mr. Sketch made the motion to approve the map amendment based on Staff's report. Mr. Berling seconded the motion. A roll call vote on the motion found Mr. Sketch, Mr. Berling, Ms. Baumgardner, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Ryan, Ms. Snyder and Ms. Schawe in favor. Mr. Dunham recused himself and did not vote. The motion carried. Mr. Darpel then asked for a motion on the variance issue. Mr. Sketch made the motion

to approve the variance. Mr. Berling seconded the motion. A roll call vote on the motion found Mr. Sketch, Mr. Berling, Ms. Baumgardner, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Ryan, Ms. Snyder and Ms. Schawe in favor. Mr. France voted against. Mr. Dunham recused himself and did not vote. The motion carried. With regard to the variance as to setbacks, Mr. Sketch made the motion to approve and stated it will not allow unreasonable circumvention of the zoning regulations. Mr. Berling seconded the motion. A roll call vote on the motion found Mr. Sketch, Mr. Berling, Ms. Baumgardner, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Ryan, Ms. Snyder and Ms. Schawe in favor. Mr. Dunham recused himself and did not vote. The motion carried.

FILE: PC2305-0001

APPLICANT: City of Fort Wright per Jill Cain Bailey, CAO

REQUEST: A proposed text amendment to the Fort Wright Zoning Ordinance adding a specific off-street parking requirement for drive-thru only restaurants.

Staff presentation and Staff recommendations by Mr. Andy Videkovich

PDS STAFF RECOMMENDATION

Favorable recommendation on the proposed text amendment to the Fort Wright Zoning Ordinance adding a specific off-street parking requirement for drive-thru only restaurants.

Mr. Jeff Bethell addressed the Commission in favor and stated he didn't have a lot to add. He stated it will be part of Z21 but they wanted to go ahead and get that in.

All others registered to speak had nothing to add.

Mr. Dunham recessed the meeting for discussion amongst the Commissioners. There being none, he reconvened and closed the public hearing and asked for a motion. Mr. Berling made the motion to approve the issue based on Staff's recommendations and that it is consistent with the comprehensive plan. Mr. Sketch seconded the motion. A roll call vote on the issue found Mr. Berling, Mr. Sketch, Ms. Baumgardner, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. Pannunzio, Mr. Ryan, Ms. Snyder and Ms. Schawe in favor. The motion carried.

Reports from Committees

Bylaws – Mr. Dunham stated last month various Bylaws were approved and noted he doesn't see the committee meeting anytime in the near future. He asked if there is anything that needs considering to bring it to their attention.

Direction 2030 Implementation – Mr. Bethell stated Staff sent out some information for RFI to get some help for the work they are doing. He stated they have gotten those back and there will be a virtual meeting on the 8th at 5:30 to keep things rolling.

Executive – Mr. Dunham stated they had a meeting before tonight's meeting and discussed the comprehensive plan update.

Social Media - Mr. Ryan stated they talked about placing the comprehensive plan on the KCPC website. He stated Staff has a bunch of parameters to facilitate that so they will hopefully be working on that. Mr. Videkovich asked if there was action that needed to be taken on that. Mr. Dunham asked about doing that and there not being a problem with that. Mr. Ryan then made the motion to approve the website changes to develop the comprehensive plan and changes. Mr. Bethell seconded the motion. All in favor by acclamation.

Subdivision Review – Nothing to report.

Z21 Review - Mr. Bridges stated there was nothing to report.

Comments from Commissioners - Mr. Bridges noted Mr. Videkovich was interviewed pretty extensively for an article for LINK. Mr. Videkovich stated he was interviewed about the challenges that come with rural

development. He stated it was a look at the three counties. He noted it was quite an in-depth and long article. Mr. Darpel asked if that could be forwarded. Mr. Videckovich stated he would forward that to the Commission. Mr. Dunham also noted Mr. Videckovich also spoke this past week on continuing education as well.

Report from Legal Counsel – Nothing to report.

Reports/Announcements from Staff - Mr. Videkovich stated there will be the KLC 55 training June 8th in Florence. If anyone wants to take part in that it is an all day training but it is also a very thorough training. For anyone interested he stated they need to know tonight or Monday at the latest. Mr. Dunham stated if you can do it, he really encourages those interested to do it. Mr. Videkovich stated the cost is \$70 dollars which is really reasonable for an all day training. Mr. Videkovich stated there are several Commissioners who got an email about missing photographs for the web site. He noted he will take a photo after the meeting for those who are missing photos. Mr. Videkovich stated the July meeting is July 6th and last year there was an issue with people being out of town with the holiday. He asked how many knew at this time if they would be able to be present because it's important to have a quorum. After some discussion it was decided to wait and see if any applications come in the next week and then decide about moving the July meeting date. Mr. Dunham asked if a motion would need to be made. Ms. Snyder stated it was in the ByLaws to move it to the next Thursday. He additionally stated they were going to have public input for the Comprehensive Plan. He additionally noted they were also going to be at the Pride parade and will have a booth there. He further stated they were also scheduled to be at the Crestview Hills concert series later in June. He noted they are going to be doing events like this all throughout the summer so they are trying to get lots of different outreach that way.

New Business – None.

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 Mr. Darpel and seconded by Mr. Ryan. All in favor by acclamation. The meeting then adjourned at 8:49 p.m.

APPROVED:

Chair 

Date 9-7-23