

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. Darpel, Chairman, called the meeting to order on June 3, 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		X	X						
Todd Berling	Fort Wright	X	X	X	X	X	X						
Jen Best	Covington	X	X	X									
Jeff Bethell	Fort Mitchell	X	X	X	X	X	X						
Gailen Bridges	Bromley	X	X	X	X	X	X						
Paul Darpel, Chair	Edgewood	X	X	X	X	X	X						
Brian Dunham	Kenton Cty	X	X	X	X		X						
Tom France	Ludlow	X	X	X	X	X	X						
Keith Logsdon	Lakeside Park	X	X		X	X	X						
John Hennessey	Villa Hills			X	X	X	X						
Matthew Martin	Taylor Mill	X	X	X	X	X							
Joe Pannunzio	Elsmere	X	X	X		X	X						
Sean Pharr	Covington	X	X	X			X						
Phil Ryan, Treasurer	Park Hills	X	X	X	X	X	X						
Kareem Simpson	Covington	X	X	X	X		X						
Greg Sketch	Crescent Spgs	X		X		X							
Maura Snyder	Independence	X	X	X	X	X	X						
Debbie Vaughn	Kenton Co	X	X		X	X							
Robert "Bob" Whelan	Covington	X											
Brian Wischer	Villa Hills	X	X										

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

“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 Darpel stated the public facilities matter was withdrawn so it would not be part of the meeting. He asked for a motion to approve the agenda as amended. Ms. Snyder then made the motion to approve the agenda as amended. Mr. Bethell seconded the motion. All in favor by acclamation.

APPROVAL OF THE MINUTES

Mr. Darpel asked for approval of the minutes from May. Mr. Bridges made the motion to approve. Ms. Snyder second the motion. A roll call vote on the matter found Mr. Bridges, Ms. Snyder, Mr. Hennessey, Ms. Zavitz, Ms. Baumgrdner, Mr. Berling, Mr. Bethell, Mr. Darpel, Mr. France, Mr. Logsdon, Mr. Pannunzio and Mr. Ryan in favor. Mr. Dunham, Mr. Pharr and Mr. Simpson abstained. The motion carried.

RECEIPTS AND EXPENDITURES:

Mr. Darpel stated the report was submitted and asked for a motion to approve. Ms. Snyder made the motion to approve the report. Mr. Ryan seconded. All in favor by acclamation.

2021 BUDGET:

Mr. Darpel noted the big change was in PDS services as discussed last month. He asked for any questions or comments on the budget as submitted. Mr. Bethell asked about the website and technology charges. Mr. Darpel stated that is because we are now hosting our own website and that charge is for that and for the server. There being no other comments, Mr. Darpel asked for a motion. Mr. Ryan made the motion to approve as submitted. Mr. Pannunzio seconded the motion. A roll call vote on the motion found Mr. Ryan, Mr. Pannunzio, Mr. Pharr, Mr. Simpson, Ms. Snyder, Mr. Hennessey, Ms. Zavitz, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Logsdon in favor. The motion carried.

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.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

PDS STAFF RECOMMENDATION

Unfavorable recommendation on the 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.

Ms. Amanda Webb addressed the Commission and introduced the parties to speak on behalf of the applicant. She noted many are familiar with Fischer Homes and they have a pretty solid reputation in the area. She noted they have developed the Riversbreeze development, Tuscany, in Kenton County as well as Villa Grande in Ft. Thomas. She noted Staff did a great job of showing the location. She then highlighted the site and commented on local developments they had done a few years ago. She stated they understand that due to the developmentally sensitive area they feel that rezoning the property would be more consistent because it allows for more development on the site. She further stated with the higher density areas adjacent to the property they feel rezoning this will give them the flexibility and still meet the intensities (sic) of the zone. She further stated this will provide a smooth transition of a higher density with the industrial use in the area. Ms. Wenn additionally stated they have met with Staff and various members of the city at numerous times. She also stated they did a very thorough geotechnical survey. She additionally noted the report was done by CSI which is a local firm in Cincinnati. Ms. Webb stated they are planning some extensive studies with water retention on the site and the storm water studies will help to alleviate some concerns with flooding. She noted the site would be accessing off of an existing right of way out. She further noted they have gotten that approved with KYTC and are talking with the city and engineers to come up with a solution. She noted the right of ways will range from 26-50'. She noted one thing that came up was the one access point. She stated there are some additional opportunities for turn around and noted because of the access point they will require a waiver. She noted they have increased the diameter of the cul de sac to 94 feet to provide movement of the fire trucks. She stated they are proposing an amenity to the left of the entrance to the site and stated the northernmost portion of the site is where they will have the single family. She further noted the areas where they are proposing the lower density are very consistent with other developments in the area. She stated it is consistent with the surrounding area and surrounding sites. She additionally stated there would be fourteen units per building. She additionally commented the units would be around 1100 square feet and you would have the option of a garage in the development. She

stated these are geared towards the empty nester or young professional. She then highlighted various aspects of the development in terms of the interiors and exterior examples and specifics related to that. She then noted the multi family development they have added for young professionals, single families, etc. She stated this portion has not been locked in so she asked that the Commission remain open minded due to that. She then stated they are providing 41% open space to preserve some of the hillside but also they are proposing an amenity center with a pool, clubhouse, fitness area, etc. She stated they are hoping to align the pool so it has some views of the city. She then highlighted the views from the single family and multi family sections of the development. She noted some will also have river views as well. She stated this property sat undeveloped for many years and has been owned by the City of Ludlow. She stated Riversbreeze has been wonderful for the city and this development will provide upscale development for the city. She noted they feel this will strengthen the city of Ludlow and they are providing diverse housing options. She stated they have been doing their studies and they are working with the engineers and geotech on the development. She further noted they feel this is inconsistent with the zoning as it is now and by rezoning it it will be a more consistent PUD and there will be more flexibility in the development. She then stated this is a high quality home site.

Those registered to speak on behalf of the applicant stated they were available to answer any questions.

Mr. Darpel asked how they would make this work if they couldn't get a waiver. He stated there isn't really a unique flexible design here. He further noted the open space is supposed to be usable open space and it doesn't look like it is with the hillside. The applicant then stated it is correct there are not going to be trails along the hillside and stated that will not be very attractive to the development. He stated they will have amenities and the close proximity to downtown in terms of attractions within the development. He additionally stated there are dining and entertainment options close to the site and that is what the developer is targeting and looking to do with the development. Mr. Darpel then asked if a waiver was needed for this development. Mr. Videckovich then stated from his understanding the city doesn't have a problem with the length of the cul de sac. Mr. Ryan asked what the maximum length is with the cul de sac, Mr. Videckovich then stated the maximum length is 1200 feet. Mr. Joe Kramer stated his recollection is that it is around 3500 feet. Mr. Logsdon asked how many acres were to be disturbed during the construction. Mr. Kramer stated most of it would be disturbed during the development. He additionally noted that most of the landslide was caused when the railroad cut into the hill and by doing this development they can correct that slide. Mr. Simpson stated he finds it hard to support a project that does not include affordable housing and asked if any of the development would be affordable housing. Ms. Webb stated it would all be market rate. Mr. France then asked why so many apartments within the development. Mr. Kramer stated that is what they were proposing but that is something that they would have someone else come in and build that as they do not build apartments. He additionally noted the 400 number they arrived at is from talking with the market and what they think that site can yield. Mr. France then stated it is not etched in stone to which Mr. Kramer stated it was not. Mr. Darpel stated he can't even imagine the parking required for 400 apartments. He further noted they would have to come back as to that because he doesn't see it being able to fit. Mr. Pannunzio stated an average of 2 per unit would yield over 1500 cars. He noted that is an awful lot of traffic to be generated to one area no matter how you look at it. He noted it doesn't seem logical but that's just his opinion. Mr. Darpel noted the snow plows would be pushing all the snow all the way back the cul de sac because they won't have anywhere to go with it and it would be stacked along the cars. Mr. Logsdon stated Riversbreeze was compared to this development and it has a couple options once you get down inside in

the development and the proposed development does not. He noted it is a bit of a difference. Mr. Dunham stated what he is hearing so far is that it is not in compliance with the comprehensive plan. Mr. Kramer stated the condos being proposed are below Riversbreeze and they will have nice views along the river and he believes the density stays consistent with what's around it. He noted they feel it's a good mix of products and relates well to what's around it. Mr. Dunham asked what about the existing zoning is inappropriate. Mr. Kroger stated he doesn't know how the existing zoning is economically viable for anyone. Mr. Darpel then commented that the plan he has in front of him shows more buildings than what is being presented. Ms. Webb stated the plan that is before them is the most current. Mr. Darpel then stated he counted 238 apartments and they are proposing 306. She then stated they are requesting more to allow for additional development. Mr. Darpel then stated they have to stick with the plan under the PUD.

Mr. Scott Smith addressed the Commission in favor of the issue and stated the city agrees the comprehensive plan needs to be changed and what they are looking to do is find ways to improve their city. He stated what Fischer is proposing is in line with what they want for the city. He then stated they support this plan and they have been going back and forth with the developer. He noted they don't see a problem on paper with the cul de sac. He noted one thing is the access and they have other ways to get access for emergency purposes. He noted he was available to answer any questions. Mr. Hennessey stated he knows there is an allowance for affordable housing and didn't know if there was a requirement that a large development like this meets some of that. Mr. Smith stated there was not and they are trying to compete with the surrounding cities to increase their tax revenues. He noted they see a need for it but it is not something they are pushing for. Mr. France stated he would feel a lot more comfortable if it was one fourth of the proposed development. He commented on the amount of traffic that is going to be coming down on Route 8 and that he's not even sure 1500 parking spaces can be done. He noted from the city's standpoint he is not sure how they got that number.

Ms. Lori Davenport addressed the Commission and thanked all those who worked on the plan. She noted a lot of the Commissioners have stated her concerns but she would like to comment on the idea of developing all the green space in Ludlow. She also commented about concerns with traffic and just wanted to reiterate that.

Mr. Kipmeyer addressed the Commission against the issue and stated many of the items mentioned he would agree with. He stated condos were placed on the hill that affected the hillside. He stated traffic is going to be a nightmare. He further noted they are sitting on the edge of the railroad and there are concerns about derailments and having to evacuate. He also mentioned bridge issues and stated there are all kinds of issues. He additionally stated he doesn't know if he would want a railroad running across his front lawn.

Ms. Melody Gordon addressed the Commission and stated she lives two houses down from the entrance. She noted concerns with the amount of traffic that will be added with this development. She noted there have been many mornings where there is an accident on the bridge and she is worried the most about traffic. She noted she has standing water in front of her house at times. She stated traffic is her biggest concern.

Ms. Abigail Miller addressed the Commission and stated she lives four houses down from the development and has been in her house about forty years. She stated there are so many issues she is not sure where to start. She noted some concerns have been brought up already. She stated the number of traffic accidents

she has personally witnessed where the access point is supposed to go. She asked for those who live on Route 8 their backyards are their respite and an oasis. She asked how much of that green space would be left if any. She noted her second question was that the Ludlow Council can basically disregard the recommendation of the Commission and asked if that was correct. Mr. Darpel stated that was correct.

Mr. Darpel then asked the applicant about how much green space would be kept or what would be the buffer zone between the apartments and the residential in the area. Mr. Kramer stated they won't be touching anything east of the power lines with the development in terms of the trees.

Mr. Kramer addressed the Commission in rebuttal and stated he knows the hillside stability continues to come up and he stated portions of the Tuscan development have held up very well and have a similar formation as well as the development in Ft. Thomas and Arcadia in Alexandria. He stated this is nothing new, it's just harder and more expensive.

Mr. France asked if there were bonds required on hillside developments. Mr. Darpel stated there were not. Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners. Mr. France stated the Commission is hearing a map amendment along with this and that could be reducing it and it would have to come back to the Commission. Mr. Darpel clarified this in terms of what might require them to come back. He noted at this point anything they do has to be consistent with the plan. Mr. France asked if their plan could vary. Mr. Darpel stated if it is a major change they would have to come back before the Commission. Mr. France asked about the parking they would have to show where they are going to put all the parking. He stated if they can't meet it he asked if Staff has the responsibility of addressing that. Mr. Darpel stated that is correct and they would have to meet that. Mr. Bridges stated he finds the arguments of both sides compelling but he thinks it is just too much for the site. He encouraged the residents to follow up with the city. Mr. Bethell stated he wanted to echo what Mr. Bridges said and noted there is an awful lot of density there and with that many units coming out of one exit it will be an absolute mess in the mornings. He stated he just doesn't see it happening. He also encouraged the residents to speak out at the council meetings. Mr. Logsdon stated the density being proposed is double the density currently allowed in the zone. He additionally noted the other development along Dixie Highway and the water during construction there and wondered what would happen during construction. He stated it really bothers him when someone from the city comes in and it sounds like they have already approved the issue. He noted hillside issues are a problem and every year it slips. He stated it is basically the same hillside that goes all the way along Route 8 to Boone County. Mr. Darpel stated he wanted to comment that Mr. Smith, who spoke on behalf of the city, doesn't actually vote on the issue as the city administrator so he wanted to clarify. He stated he appreciates the fact that someone from the city comes in and says what they are thinking. Mr. Simpson stated he wanted to echo concerns with the city supporting a development that goes against their economic plan. Mr. France noted his concern is really the density that is exacerbated by the apartment piece of the development. He stated Fischer has a track record that they can do this type of development on hillsides. Mr. Dunham stated he doesn't believe it is consistent with the Comprehensive Plan. He noted it is such a swing from the current density being proposed and such a major change. There being nothing further, Mr. Darpel reconvened and closed the public hearing. He asked for a motion. Mr. France made the motion to amend the zoning based on the condition that the existing zoning to the east of the site is consistent and the current zoning is inappropriate. He also commented that they reconsider the size of the apartment piece. The motion failed due to lack of a second on the motion. Mr. Darpel then asked for another motion. Mr.

Bridges made the motion to deny for reasons as stated by Staff and the testimony heard that it is an appropriate zone and they have not proven otherwise. Mr. Pannunzio seconded the motion. A roll call vote on the motion found Mr. Bridges, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Mr. Simpson, Ms. Snyder, Mr. Hennessey, Ms. Zavitz, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Darpel, Mr. Dunham and Mr. Logsdon in favor. Mr. France voted against. The motion carried.

Mr. Dunham recused himself from the following issue due to a potential conflict of interest.

FILE: PC2105-0002

APPLICANT: BF Development Associates per Amanda Webb on behalf of Michael J. Eubank, Lora Lou Eubank, and Lisa Henderson, Co-Trustee of the Mary Janice Eubank Living Trust. **LOCATION:** 2300 and 2315 Needham Drive, and 5420 Rockwood Drive; an area of approximately 82 acres located at the terminus of Amici Drive, approximately 1,500 feet east of Madison Pike and 1,500 feet north of Hands Pike in Covington.

REQUEST: A Master Development Plan review of a Planned Neighborhood in the SR (Suburban Residential) Zone; The applicant is proposing to construct a new subdivision consisting of 141 detached single-family lots and 50 attached single family lots, for a total density of approximately 2.33 dwelling units per net acre.

Staff presentation and Staff recommendations by Mr. Andy Videckovich

Mr. Videckovich noted that between the time that the Staff report went out and the meeting tonight, they did meet with the city and the developer and discussed what the issues were, they all came to an agreement that what was needed now versus what was needed at a later point in time. With that being said, Staff has changed their recommendation from an unfavorable recommendation to a favorable recommendation with a condition attached. Mr. Smith clarified the record and stated the recommendation is favorable and the reason for original denial was issues relative to the compliance with the Covington neighborhood Development Code. Mr. Videckovich stated that was correct and specifically what was being required for the application to be reviewed. Mr. Smith then stated on page 9 of the Staff report under section 2, he asked if that would be removed and basically inserting approval subject to the following - which would be the Hillside Stability Study and the Tree Preservation Plan to be approved by the city. Mr. Videckovich stated that was correct. Mr. Smith stated he just wanted to make certain the record was clear.

PDS STAFF RECOMMENDATION

Favorable recommendation of the Master Development Plan of a Planned Neighborhood in the SR (Suburban Residential) Zone, subject to the condition that the City of Covington approve the Hillside Stability and Tree Preservation plans prior to the approval of any improvement drawing or grading and clearing on the site.

Mr. Kramer addressed the Commission and stated they really did not have a presentation as Staff presented the issue sufficiently. He stated they were available to answer any questions.

Mr. Simpson asked if any of the development contained affordable housing. Ms. Amanda Webb stated the intent is to have all market rate homes.

Mr. Darpel stated he had received a couple emails and read those into the record and marked those as exhibits to be made a part of the record on the issue.

Mr. David Eubank registered to speak as a neutral party. He addressed the Commission and asked about ingress and egress. He stated going down the hill is an unbelievable incline and decline to 3L. He stated there is no way for any more traffic and another access is needed. He noted another concern is if they change any of the drainage and his property floods the bridge he will have no access to his house, his property or his barn. He stated if they change one thing or change anything with how much water is coming down that hill he will not have access to his property. He stated he wanted that on the record. Mr. Darpel stated that is handled by the Sanitation District because they will be the ones to permit and to please stay in contact with them.

Christopher Meyer with the City of Covington addressed the Commission as a neutral party and stated they do agree with the condition for a recommendation based on the condition that City of Covington must approve the hillside stability and tree preservation plans prior to approving any clearing on the site. The applicant had nothing to add in rebuttal.

Mr. Darpel recessed the public hearing for discussion amongst the Commissioners. He asked for any questions or comments. Mr. Simpson stated it's really important as they move forward to put on the developers to see if there is an idea or a plan for a certain percentage of affordable housing in developments. He noted Northern Kentucky is the worst in the state in affordable housing and he thinks it should be looked into to see about those options. Mr. France asked about the traffic studies and how they keep up with the size of developments and traffic impact studies. Mr. Videcovich stated he would have to defer that to the traffic engineer. Mr. France commented as these developments get larger and larger that would need to be looked at with single access points. Ms. Laura Tenfelde stated she did look back at the traffic study from 2018 and they are still within those parameters. Mr. Darpel then closed the public hearing and asked for a motion on the issue. Mr. Pharr made the motion to approve the issue with the conditions as to the stability study and that it is consistent with the comprehensive plan. Mr. Ryan seconded the motion. Mr. Simpson asked how this can be in compliance with the Comprehensive Plan when it does not meet the very first goal of the Comprehensive Plan. Mr. Darpel then explained that the Comprehensive Plan is a collection of goals. He additionally stated it is a balance and it's not that it meets every single thing. He noted they have to consider everything as a whole. A roll call vote on the motion found Mr. Pharr, Mr. Ryan, Ms. Snyder, Mr. Hennessey, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. France and Mr. Logsdon in favor. Mr. Pannunzio, Mr. Simpson and Ms. Zavitz voted against. Mr. Dunham recused himself from any voting on the issue due to a potential conflict. The motion carried.

FILE: PC2105-0003

APPLICANT: Johan Graham per Tates Creek Development, LLC on behalf of Gary & Angela Smock

LOCATION: 2172 Harris Pike; An area of approximately 15.9 acres located on the north side of Harris Pike between KY 17 to the west and Stafford Heights Drive to the east, approximately 580 feet east of KY 17 in Independence.

REQUEST: A proposed map amendment to the Independence Zoning Ordinance from R-1C (a single-family residential zone) to R-3 (a multi-family residential zone); the applicant proposes to develop 144 apartments within six buildings along with a clubhouse, pool, and off-street parking.

Staff presentation and Staff recommendations by Ms. Busse

PDS STAFF RECOMMENDATION

Unfavorable recommendation on a proposed map amendment to the Independence Zoning Ordinance from R-1C (a single-family residential zone) to R-3 (a multi-family residential zone); the applicant proposes to develop 144 apartments within six buildings along with a clubhouse, pool, and off-street parking.

Mr. John Graham addressed the Commission and stated he appreciates the opportunity to speak on the issue. He stated in the Independence Small Area plan it calls for eighty acres of mixed use housing. He stated some sites have already been turned into commercial uses. He additionally stated most of the area that called for mixed use housing. He noted he believes that it is less prescriptive and also more in line with the development that has happened elsewhere in Independence. He additionally noted this creates the workforce housing needed in the area. He stated it is an exceptional use of the location. He stated he believes this is a land use discussion regarding the discussion of mixed use. He then noted 57% earn below the area mean income. He stated that is their target market. He additionally noted Kenton County has the third lowest affordable housing in the state. He stated it is an area of opportunity for individuals looking for higher quality housing in better neighborhoods. He additionally stated less than 2% of the market is affordable and that it is an excellent location for affordable housing in a growing area near employment and transportation and would serve the mixed use well. Mr. Graham pointed out that he has experience in Kenton County and in the marketplace as well.

Mr. Darpel read emails received on the issue and marked each as an exhibit to be made a part of the record on the issue.

Mr. Steven Taylor addressed the Commission and stated he is present on behalf of his colleague Todd McMurtry. He stated he thinks Staff made the absolute perfect recommendation and he thinks the request should be denied. He stated he was available to answer any questions.

Mr. Ben Hellman addressed the Commission and stated this is in no way a smart move for Independence. He asked why we need six more apartment complexes sitting on top of the hill. He noted apartments are designed to be temporary housing not long term housing. He stated this is not in the Comprehensive Plan for Independence nor do they need it.

Ms. Mary Bush addressed the Commission against the issue and stated they chose Independence to live because of what Independence is. He stated this is not representative of what Independence is. She is not totally opposed to subsidized housing and saw promises made and promises broken. She stated they are not watched like other neighborhoods are. She asked what happens to the property values of people living in the area. She stated residential homes and patio homes would be more acceptable there. She commented about how much more foot traffic this will bring and how much more dangerous. She also stated she is not against progress, she just doesn't want it to turn into a Scott High School area where subsidized housing has negatively affected the area. She noted the safety of the children who live there is a huge concern with her. She noted she does not think this is the location for subsidized housing.

Mr. Paul Brandner addressed the Commission and stated he pretty much agrees with everything stated thus far. He stated property values will be affected. He stated something like this just does not fit the area. He further stated the school is already crowded and there is enough bus traffic.

Ms. Jessican McMahan addressed the Commission and stated she has two school age children in the school system. She stated ask any resident and you will find the most desirable aspect of living in Independence and you will find excellent schools. She additionally stated this past November a commission determined White's Tower can hold four hundred students. She noted by putting these apartments here it will max out the schools. She additionally stated they all know what will happen to

their property values if this goes in. She additionally noted if the zoning change passes she knows of families that will likely move out of Independence since their values are not being represented.

Ms. Kathy Pugh addressed the Commission and stated she wanted to piggyback off of what others have said. She noted the crime that this development brings would crush Independence. She stated this could be used better as a family center or something that is geared towards families. She noted the roads can't handle the issues now and this would increase that.

Ms. Chadwick addressed the Commission and stated there will be a high concentration of multi family if this goes in. She commented do not strip the city of its values.

Mr. David Miller addressed the Commission and stated he echoes a lot of what was said. He stated there are already other apartments in the area in the city and he can echo the crime and the drama. He noted Kenton County has Independence as it's heart and this is right in the heart of Independence. He stated this isn't one that people will take pride in having and being in the heart of Independence, he has concerns. He stated there are a lot of people that were on here but they dropped out because they had to go to bed so he doesn't think this represents the scope of the people. He stated he knows all of them oppose it. He stated he's afraid his property values will be in decline and he is strongly against it.

Ms. Sarah Conley addressed the Commission and stated they are opposed to the changes that are happening. She noted they bought their first home in Independence. She stated to see the property values diminish on something they have worked so hard to achieve is sad. She noted their children attend the schools and she is not sure where all these kids would attend. She further stated the emergency services that would be needed to increase to support something like this as well.

Ms. Amy Couch addressed the Commission and stated she is against the development as well. She stated this has been her childhood home so she has seen numerous changes over the years. She referenced issues with traffic and issues with getting out of their driveway. She further stated adding these apartments is going to make things worse. She stated the schools are bursting at the seams now.

Ms. Sandy Judd addressed the Commission and stated she wanted to clarify that what they are proposing to cross the road to get to the bus stop, is 50 mph there. She also noted there are two developments within a mile of this location that have vacant apartments. She stated adding a third or fourth one to this area you will have within a couple miles four apartment complexes in such a small area. She noted the city itself already has three affordable living complexes. She additionally stated the medium income she found is a little over \$68k.

Ms. Kelly Pendergess addressed the Commission as a neutral party. She stated the current Tank maps do not show a connection all the way up to Declaration Plaza as was recommended. She also noted safety is a major talking point. She asked the Commission to look at those talking points involving the Opportunity 360 Study, the OKI 536 Scoping Study and the Tank map issue because that was a major talking point.

Others who were registered to speak requested their email be read into the record as they had to drop off the meeting. Mr. Darpel briefly summarized her points and made the email an exhibit to the record.

The applicant commented in rebuttal and stated he really wanted to speak to the Comprehensive Plan and stated the proposal isn't out of line from what the city was thinking back in 2007 because of the schools and the services that are located there. He noted he did speak with the principal of Simon Kenton and spoke to the issue of there not being an overcrowding of Simon Kenton High School. He noted lots of

people have concerns about affordable housing but he encourages everyone to think about the greater good and building high quality housing. He then encourages the Commissioner to vote in favor.

Ms. Mary Bush addressed the Commission in rebuttal with regard to City Heights and stated they will be closing and the concerns stems from where whose residents will go to.

Mr. Simpson commented and stated he wanted to make sure the Commissioners were voting on fact and not what people's perceptions are. He noted he worked with low income individuals in the county and a great many they serve are not in the urban areas, they are in the urban area. He stated City Heights is only a couple hundred individuals and most are from the City of Cincinnati. He additionally noted just with perception of what may happen but he hopes they are voting on what has been studied and not what the perception is. Mr. Darpel stated affordable housing is not the sole and only thing to be considered. He stated the Commission's task is to decide if this is more appropriate and the existing zoning not appropriate. He stated their finding today is based on the Comprehensive Plan and if it meets the criteria for that. He additionally noted he appreciates Mr. Simpson's comments. Mr. Darpel then recessed the public hearing for discussion. Ms. Snyder stated when they are talking about building these and building the sidewalks etc., she noted she drives this every day and this is in her backyard. She stated she doesn't see people leisurely walking over to Kroger to get their groceries. She noted they are going to try to stick the most people in this one spot and it's not the best use for this land. She noted she doesn't feel it is a safe place to put potentially 400 people. Mr. Bridges stated he agrees with Ms. Snyder. He noted Independence is on the agenda almost every month. He stated this is the intersection of a five lane highway and this is going to be a major area for commercial use. He stated we would be squandering a nice opportunity for a nice development in this area. Mr. Dunham stated so many comments have been about low income housing and the impacts and crime and property values, etc. He noted he's looking at it and he's ignoring all that and just looking at it objectively it is not consistent with the Comprehensive Plan. He noted Independence really meant mixed use when they came up with mixed use. He noted in his mind a multi-family use is inconsistent with the Comprehensive Plan. Mr. Darpel then reconvened the public hearing. Mr. Darpel then closed the public hearing and called for a motion. Ms. Snyder then made the motion of an unfavorable recommendation and stated the application is inconsistent with the land use and not in compliance with the Comprehensive Plan. Mr. Bridges seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Bridges, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Logsdon, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Mr. Hennessey, Ms. Zavitz, Ms. Baumgardner, Mr. Berling and Mr. Bethell in favor. Mr. Simpson voted against. The motion carried.

FILE: PC2105-0001

APPLICANT: City of Bromley per Mike Denham, Mayor

REQUEST: Proposed text amendments to the Bromley Zoning Ordinance; (1) adding a definition for "Short Term Residential Rental" and (2) permitting owner-occupied short-term rentals in residential zones subject to area and licensing requirements.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

PDS STAFF RECOMMENDATION

Favorable recommendation for the text amendments to the Bromley Zoning Ordinance permitted owner-occupied short-term rentals in residential zones subject to area and licensing requirements and adding a related definition.

Mr. Robert Vohky addressed the Commission and stated he was available to answer any questions.

Mr. Darpel recessed the public hearing for discussions. There being none he then reconvened and closed the public hearing and asked for a motion. Mr. Bridges made the motion to approve based on it being reasonable and in accordance with the other cities. Mr. Pannunzio seconded the motion. A roll call vote on the motion found Mr. Bridges, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Mr. Simpson, Mr. Hennessey, Ms. Zavitz, Mr. Berling, Mr. Bethell, Mr. Darpel, Mr. Dunham, Mr. France and Mr. Logsdon in favor. Ms. Snyder and Ms. Baumgardner were unavailable.

WAIVER - 2105-0001

APPLICANT: Mr. and Mrs. Doug Brunst

LOCATION: 11101 Stafford Heights Drive, and approximately 7.7 acre parcel of land that exists approximately 1,000 feet South of KY 536, Harris Pike and approximately 4,000 feet West of KY 16, Taylor Mill Road in unincorporated Kenton County.

REQUEST FOR ACTION: To grant a waiver to Sections 3.5-1(A) and 4.2-11(D) of the Kenton County Subdivision Regulations. Granting the waivers would waive the requirements that (1) the subdivision of land be located along an existing Public Street or Roadway accepted for maintenance by the applicable Legislative Body if the proposed lots will be used for building purposes and (2) that driveways shall serve no more than six lots and/or residential dwellings.

Staff presentation and Staff recommendations by Ms. Laura Tenfelde

PDS STAFF RECOMMENDATION

1. To deny the requested waiver to SEction 3.5-1(A) requiring that the newly created lot be located along an existing Public Street or Roadway accepted for maintenance by the applicable Legislative Body if the proposed lots will be used for building purposes.
2. To deny the requested waiver to SEction 4.2-11 requiring that driveways shall serve no more than six (6) lots and/or residential dwellings.

Ms. Danyell Rickman addressed the Commission and stated the owner has recently suffered a severe stroke and this is the basis for the request. She stated the basis for the waiver is one with unique issues. She additionally noted they do not need the access to a public road. She noted there are 8 properties when there should be six. She stated strict compliance will create a severe hardship. She additionally stated the surrounding properties have not raised an objection and they have not heard from anyone else that would be objectionable to the subdivision She stated if the intent is to support development in a unique manner they believe this supports that.

Mr. Patrick Hughes addressed the Commission and stated they need the assistance of family and to do that they need to live nearby. He noted none of the neighbors have objected. He also noted emergency services have not objected. He stated they are not going to create an undue burden and the cost of acquiring the additional land would create the hardship.

Mr. Douglas Brunst addressed the Commission and stated he basically just needs help taking care of his wife. He stated he wants to stick around to help take care of her. He stated she has changed quite a bit since the stroke. He noted she can't use the tv remote, she can't use the phone, she can't fix herself something to

eat, she can't do the laundry, he stated he has to help her with showers and bathing and getting dressed. He stated he also has to be careful about leaving her alone for long periods of time. He noted he just needs the help.

Ms. Angie Benson addressed the Commission and gave some background. She stated her mother needs 24 hour care as she can't care for herself at all. She noted she was taking care of her mom until January 14 until her husband had a stroke. She stated she can't answer the phone, she can't work a remote, she can't answer the door and unlock it when someone comes over. She said she just wants to be able to take care of her mom.

Mr. David Heil addressed the Commission and stated they weren't contacted in regard to waivers and construction and they only found out about this when looking into the waivers. He stated while he is not against helping his neighbors he was not contacted at all about this. He stated the driveway would be right next to his.

Mr. Rickman had nothing to add in rebuttal.

Mr. Darpel recessed the public hearing for discussion amongst the Commission. Mr. Darpel stated he would in no way shape or form want to deny these folks the ability to take care of their family. He noted on the other hand this would be setting a precedent. He stated to basically throw their subdivision regulations away he doesn't feel good about but he also feels they have to deal with what they have been given. He stated these are for the community as a whole and he doesn't like it but sometimes they don't meet the intent of the subregs. He noted even if everybody around them approves it they still have to comply with the intent of the regulations as much as it hurts his heart to do so. He stated sometimes you have to make the hard decisions and he doesn't like it but he just doesn't see where it meets the intent of the subdivision regulations. Mr. Darpel then reconvened the public hearing. Ms. Laura Tenefelde commented and said they did meet with the applicant to go over the zoning. She stated they did determine that no accessory structures are allowed and the buildings have to be connected through a shared wall of some sort. Mr. Ryan stated maybe if they did meet with Staff there may be some other options that may give an answer that the Commission is not presented with tonight. Mr. Dunham asked Mr. Hughes if there was anything he would want to clarify about the neighbor being contacted. He stated he did email the resident but he may not have had the correct email. Mr. Darpel then closed the public hearing and asked for a motion on the matter. Mr. Dunham then made the motion to deny the waiver request based on the testimony heard and the Staff report. Mr. France seconded the motion. A roll call vote on the motion found Mr. Dunham, Mr. France, Mr. Logsdon, Mr. Pannunzio, Mr. Ryan, Mr. Simpson, Mr. Hennessey, Mz. Zavitz no, Ms. Barumgardner, Mr. Berling, Mr. Bridges and Mr. Darpel in favor. Mr. Pharr, Ms. Snyder and Mr. Zavitz voted against. The motion carried. Mr. Darpel commented he was sorry they had to go through this and sorry they didn't have the ability to help them.

Ongoing Business

Reports from Committees

Bylaws – Mr. Darpel stated no meeting was held.

Direction 2030 Implementation – Mr. Bethell stated nothing at this time.

Executive– Mr. Darpel stated the budget was already discussed earlier.

Social Media – Nothing to report.

Subdivision Review – Mr. Darpel stated they are doing another review and will be meeting in a couple weeks.

Z21 Review - Mr. Bridges commented they are in the process of rescheduling the City of Elsmere and look to schedule that and they are going to be coming on the August agenda.

Reports from Commission members – Nothing to report.

Report from Legal Counsel– Nothing to report.

Reports/announcements from Staff - Mr. Videckovich stated the only thing he would add for the Z21 Committee to check email for that. He also noted that for July there is only one item on the agenda and they were going to meet in person. He noted since it was just the one item he asked if the Commission would want to meet virtually again rather than have everyone potentially fight traffic for one issue. It was then very briefly discussed and decided to hold the July meeting virtually.

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. Ryan. All in favor by acclamation. The meeting then adjourned at 11:43 p.m.

APPROVED:

Chair  _____

Date 7/1/21 _____

Approved 07.01.21
Waiting for Signed Copy