

KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING
Minutes

Mr. Brian Dunham, Chairman, called the meeting to order on June 4, 2024, at 6:15 p.m. and opened the proceedings with the Pledge of Allegiance and invocation by Mr. Ryan. The meeting was held in the Planning and Development Services office in Covington. Attendance of members is as follows (for this meeting as well as those during the year to date).

Commission Member	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Gabriella DeAngelis	Covington						X						
Margo Baumgardner	Crestview Hills	X	X		X	X							
Todd Berling	Fort Wright	X	X	X	X	X							
Jeff Bethell	Fort Mitchell	X	X	X	X	X	X						
Gailen Bridges	Bromley	X	X	X		X	X						
Paul Darpel, Vice Chair	Edgewood	X	X	X		X	X						
Brian Dunham, Chairman	Kenton Cty	X	X	X	X	X	X						
Tom France	Ludlow	X	X	X	X	X	X						
John Hennessey	Villa Hills	X	X	X	X		X						
Yovonne Hurst	Ryland Heights		X										
Keith Logsdon	Lakeside Park	X	X	X		X	X						
Matthew Martin	Taylor Mill	X	X	X	X	X							
Dan McElheney	Erlanger		X										
Joe Pannunzio	Elsmere	X	X	X	X	X	X						
Sean Pharr	Covington	X	X	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	X	X*							
Maura Snyder	Independence	X	X	X	X	X	X						
Debbie Vaughn	Kenton Co	X	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, Ms. Laura Tenfelde and Ms. Megan Bessey.

AGENDA:

Mr. Dunham asked for a motion on the agenda. A motion was made by Ms. Snyder and seconded by Mr. Darpel. All in favor by acclamation.. None opposed.

APPROVAL OF THE MINUTES

Mr. Dunham asked for any questions or comments with regard to the minutes for May. Mr. Bridges made the motion to approve. Ms. Snyder seconded the motion. A roll call vote on the motion found Mr. Bridges, Ms. Snyder, Mr. Bethell, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Logsdon, Mr. Pannunzio, Mr. Pharr, Mr. Ryan and Mr. Simpson in favor. The motion carried. Ms. DeAngelis and Mr. Hennessey abstained.

RECEIPTS AND EXPENDITURES:

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

FY2025 Fee Increases

(No action required)

Mr. Josh Weiss addressed the Commission regarding the medical cannabis law recently enacted and going into effect January 1, 2025. He stated the state is required to make recommendations around the cannabis regulations. He noted as part of HB829, under the home rule that allows local governments to take some action to regulate medical cannabis businesses within their jurisdiction. He further stated local jurisdictions can enact ordinances that impose regulations on medical cannabis regulations in their jurisdictions. He noted they cannot be more stringent than the state statutes. He stated local jurisdictions do not have the ability to regulate medical cannabis. He also noted all business has to be indoor. He noted local jurisdictions can adopt the local regulations, they can initiate a text amendment to their code as things they can do. He also noted they can enact an ordinance that medical cannabis is not allowed in their jurisdiction as well. He additionally stated local residents can put a petition together and it can be brought on the ballot that can overturn city council's decision on whether or not to allow medical cannabis. He stated if it were to pass, the local government could still enact local regulations. He stated a city or county can take action after January 1, 2025, however any businesses after that time would be grandfathered in. Mr. Weiss also spoke to cultivation, processing, production, the dispensary and safety compliance. He also noted there is a 1000 foot buffer requirement from schools and daycares. He noted even though the dispensaries cannot open until January 1, 2025, the state is opening up licensing for it. He further stated he thinks what will be issued is 4 licenses in the Northern Kentucky area so it will be limited. He stated he would not be surprised based on the success, if those numbers are changed as a result. He further noted PDS Staff is working on the language so there are not twenty different codes. Mr. France commented it seems like if a business wants to be located in an area badly enough, that is going to be challenged. Mr. Weiss stated the state is trying to figure out as many answers if possible. Mr. Weiss stated they are encouraging cities to look into this. Mr. Dunham then thanked Mr. Weiss for his presentation.

RECENT ACTIONS BY STAFF:

(No action required)

RECENT ACTIONS BY LEGISLATIVE BODIES:

(No action required)

PUBLIC HEARINGS

FILE: PC-24-0013-TX

APPLICANT: The City of Bromley per Mike Denham, Mayor

REQUEST: The City of Bromley seeks to replace the current zoning ordinance with a new zoning ordinance that recognizes Bromley's development patterns, streamlines processes, and addresses new development trends.

Staff presentation and Staff recommendations by Ms. Megan Bessey

PDS STAFF RECOMMENDATION

Favorable recommendation on the new Bromley Zoning Ordinance, including new text and a new zoning map.

Ms. Gail Smith registered to speak in favor of the issue and stated she just wanted to take the opportunity to thank Ms. Bessey and Mr. Bridges for all their help in spearheading this and making the best recommendations for their city.

No one else was registered to speak on the issue.

Mr. Dunham then recessed the public hearing for discussion amongst the Commissioners. Mr. Bridges stated he would highly recommend if you haven't, to sit in on the discussions for your city. He also stated Ms. Bessey was an excellent leader and also complimented her in doing a very comprehensive and impressive job. Mr. Dunham then reconvened and closed the public hearing and asked for a motion on the matter. Mr. Bridges made the motion to approve based on Staff's report and the testimony heard, and the further discussion amongst the Commissioners. Mr. Bethell seconded the motion. A roll call vote on the issue found Mr. Bridges, Mr. Bethell, Mr. Darpel, Ms. DeAngelis, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Pharr, Mr. Ryan, Mr. Pannunzio, Mr. Simpson and Ms. Snyder in favor. The motion carried.

FILE: W-24-0002

APPLICANT: Mr. and Mrs. Nathaniel D. Arnold

LOCATION: The terminal of Pleasure Isle Drive within the City Limits of Erlanger

REQUEST FOR ACTION: To grant a waiver to the following Kenton County Subdivision Regulations: Article 3.5-1 which requires that all newly created lots 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. Article 4.2-9(E) which requires that no more than two contiguous Flag Lots be platted along an existing Street. Granting this waiver would allow the Applicant to exceed the maximum number of contiguous Flag Lots along an existing street.

Staff presentation and Staff recommendation by Ms. Laura Tenfelde

PDS STAFF RECOMMENDATION

To disapprove the requested waiver to Article 3.5-1 of the Kenton County Subdivision which requires that all newly created lots 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. To disapprove the requested waiver to Article 4.2-9(E) of the Kenton County Subdivision Regulations which requires that no more than two contiguous Flag Lots be platted along an existing Street. Granting this waiver would allow the Applicant to exceed the maximum number of contiguous Flag Lots along an existing street.

Mr. Nathaniel Arnold addressed the Commission as the applicant and stated he is here a regular guy and not a developer. He stated they have owned the property for about eleven years and appreciate the opportunity to present his case. He noted this really has two different types of land here, one is a steep side and one is a rising ridge that is ideally suited for the estate lots they are proposing. He further stated he is hoping to demonstrate how the waiver request offers topographical challenges. He noted the easement goes back to 1967 and their property never had access. He additionally stated even in the scenario where you add a flag stem, no one is ever going to be able to use it. He stated he gets they are technically creating a landlocked parcel but this property has never had access and has only had that right of way and that will not change. With regard to the second waiver, he stated the property has a very rural aspect to it. He stated extending the cul de sac and putting in a long road is not something they will be able to do. He further noted there are 500 acres in the vicinity that is wooded so it's not really an urban area. He stated they are proposing three flag lots and it's not a situation where they are proposing cramming a lot of lots into the subdivision. He noted they are not trying to alter the

landscape and are trying to keep it natural. He noted they are not allowing cutting down trees within thirty feet of the property lines. Mr. Arnold additionally stated he is making the case that it is a very small request they are asking for. He additionally stated the cul de sac is an expense that is not in their budget to do. He stated they are just asking for an additional lot and trying to keep the characteristic of the land. He then stated he was happy to answer any questions. Mr. France asked if they are wanting to keep the rural character and not sell it off to a developer. Mr. Arnold stated the twelve acres you see in the back is where they want to build their home and they have to sell the lots to make that work. He did state they talked to Drees about developing the property but for a larger development they would have to bring in water over the railroad among other things with access and it wasn't feasible so they were not interested. He noted about four years ago they reached out to the Fiscal Court about extending the park there. Mr. France then stated it is an urban subdivision but it is no longer an urban site because of the access. Mr. Arnold stated that is all true, but what he is asking does not conform with zoning regulations. He noted he thinks he has a reasonable case and doesn't feel like they are setting a precedent for other things. Mr. Darpel stated he did an excellent presentation and did as well as anyone he's seen. He stated that having an easement in his mind does create a problem and sets a precedent. He noted he has sat through hours and hours of subdivision regulation meetings. He stated the flag lot makes a lot of sense, but creating a lot where there is not access in his mind creates a problem. He stated they don't have enough information in his mind, even if they wanted to do that. He stated he doesn't think it's ideal to create a flag lot. Mr. Arnold stated he knows there are three other people who access it as well. Mr. Arnold additionally stated they do have 50 feet of right of way and can put in four flag lots there. Mr. Dunham stated he agrees with Mr. Darpel that he did a great job. Mr. Ryan asked if they currently live in the home on the property. Mr. Arnold stated they do not and actually rent it out and have for seven years. He stated he actually spoke to the tenant yesterday and she is interested in purchasing it.

Mr. Joseph Bowman addressed the Commission and noted his background and experience. He noted the waiver request considered by Mr. Arnold is offering a practical solution. He noted constructing a cul de sac would require substantial tree removal. He further noted this request has the unwavering support of the neighborhood. He urged the Commission to consider the request and then submitted a letter signed by adjoining property owners in favor of the issue. Mr. Dunham noted that would then be entered as an exhibit and made a part of the record on the issue. Mr. France asked about emergency vehicles and access. Mr. Bowman stated he would not take a fire truck down that hill even if it was paved. He further noted the easement is the best access and will always be the best access.

Additional discussion amongst the Commissioners was had with Staff regarding the issue. Ms. Tenfelde then submitted a letter received on the issue. Mr. Dunham read an email received on the issue from the city stating they fully support Staff's recommendations on the issue. Mr. Dunham then marked the email as an exhibit to be made a part of the record on the matter. Ms. Tenfelde stated when Sherborne was put in there should have been a turnaround and she cannot explain why that was not done. Mr. Dunham then summarized another letter received into the record and made it an exhibit to be made a part of the record on the issue. At this time Mr. Dunham recessed the public hearing for discussion amongst the Commission. Mr. Ryan commented about the trees and noted he loves trees and is in favor of them, but that is secondary to the safety of the design of what is being proposed. Mr. Pannunzio commented he is wondering if they are looking at trying to develop something that can't be developed. Mr. Dunham stated Ms. Tenfelde pointed out that the topography is actually okay for developing the lots but at an expense. Mr. Bridges stated it's developable and commented that everyone has to spend money to put in a subdivision and that's not necessarily an undue hardship to have to spend money to do so. He noted he has seen crossings close and the railroad doesn't care if there is an easement. He then stated he was against both waivers. Mr. France then commented that maybe they have to do some more due diligence to figure out a better solution for the request. Mr. Dunham then discussed the potential of tabling the issue to allow them to modify it or to risk having the denial. Mr. Ryan stated it would be nice to do this and questioned if there is a better way it can be done. He stated he thinks there's an answer here, he just doesn't think this is the answer. Mr. France stated if they vote on a waiver and it's turned down, there isn't an option for them. Mr. Dunham then reconvened the public hearing for rebuttal by the applicant. Mr. Arnold stated from their standpoint the survey cost ten thousand dollars and the application was a thousand dollars and they had to tap into their family savings to do this. He stated from an engineering standpoint, there is no other way to access the house. Mr. Darpel stated there is a way to get this done with engineering. Ms. Tenfelde stated they could table and come back within 6 months at a cost of \$150.00 fee per request. She stated if it's turned down, they would have to come back and pay the waiver request fee again. Mr. Darpel stated they are trying to save the \$1,000 waiver fee. Mr. Arnold stated that sounded good. Mr. Ryan suggested really working with Staff because they are knowledgeable and they are willing to work with them. He further noted when they have something before them, that is what they have to work with. Mr. Dunham stated he didn't want to say by creating four lots they would approve but to work with Staff and come back with something that could work. Mr. Arnold stated they want to solve the problems with it submitted by the Commission but he needs to do that within his means. Mr. Smith stated the Planning Commission can't commit one way

or the other, but to work with Staff on another possible solution. Mr. Arnold then requested a tabling of his two waivers. Mr. Darpel then made the motion to table the issue to table for up to 180 days. Ms. Snyder seconded the motion. A roll call vote on the motion found Mr. Darpel, Ms. Snyder, Mr. Bethell, Mr. Bridges, Ms. DeAngelis, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Pannunzio, Mr. Pharr, Mr. Ryan and Mr. Simpson in favor. The motion carried.

Reports from Committees

Bylaws – Mr. Dunham stated they did have a meeting and are recommending changes to the Bylaws for the inflation index for their fees. He stated he's not sure why the Bylaws have midwest CPI and noted the southeast CPIU should be being used. He noted they would like to submit a request for a text amendment to adopt the revisions to the ByLaws with regard to that. Mr. Dunham then asked for a motion for the text amendment. Mr. Ryan made the motion to approve the Bylaws. Mr. Bethell seconded the motion. A roll call vote on the matter found Mr. Ryan, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. DeAngelis, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Mr. Simpson and Ms. Snyder in favor. The motion carried.

Mr. Dunham raised the issue of the Commissioners being paid for extra committee meetings as well. He noted one of the things he looked at is there is an issue with attendance that should help incentivise it. He noted he asked to look at meetings and attendance and was pleasantly surprised the attendance at meetings was great. He stated he didn't see there was a problem that they needed to be further incentivising but was asking what the group thought. He stated it opens up a bigger issue of well you're just calling multiple meetings or some of the meetings are called that last five minutes. Mr. Bethell stated he's on two committees and doesn't feel the need to be paid, especially since some are on zoom. He noted he doesn't feel the need to get compensated for that. Mr. Simpson stated he would agree with that. Mr. Bridges stated he is on the Conservation District and if it is a meeting of at least an hour they will get paid. Mr. Ryan stated he gets the aspect of it but he wouldn't make it the same as a regular meeting and would make it less than that.. He stated he would just like to point out from the chart that the Social Media had four meetings and he would just say that the effectiveness and the efficiency of the Social Media Committee, all the other committees could reduce theirs by learning from them. He noted on the other hand, the Social Media's Committee's major and vast work was done in 2016 and 2017 and they are merely meeting when a change comes. He stated if that's the case and they do get paid, he would like to be taken off of Social Media to something that has regular meetings. Mr. Dunham stated he doesn't hear a real consensus to spend the time on the ByLaws Committee developing it but he is glad they had the discussion.

Direction 2030 Implementation – Mr. Videkovich stated they have been meeting monthly and provided an update. He noted they met on May 14 and they are getting down to the end and detailed changes. He noted it was a very busy month with a lot of public input. He noted they also had a series of small group meetings as well to get information from targeting groups. He commented that the draft elements are online now. He additionally stated they can send a link out to everyone but he thinks it might be good for everyone to familiarize themselves with some of that content. He noted they are also there for anyone in the public to take a look at. He further commented that anyone is welcome to email Staff with any input or comments. He noted there will be a special meeting on June 25th in order to give the consultant more time to wrap up what they need to do on their end of things. He noted there will be a consultant there and everyone is invited and welcome to attend that. He also noted the next steps are to adopt the recommended changes to the plan. He noted there isn't too much time left and they are really excited to be approaching the end of this. Mr. Simpson stated it's great work. Mr. Dunham stated Mr. Simpson has done a great job working on that as well as Staff.

Executive– Mr. Dunham stated they haven't met since their last meeting.

Social Media - Mr. Ryan noted they haven't met but will be meeting soon to discuss implementing some things Mr. Weiss mentioned.

Subdivision Review – No report. Mr. France just commented some people he knows who live in Tuscany asked about what they are doing about the second access into Tuscany. He asked if there was any kind of temporary hold on that. He stated the other sections are going in and there is still that one access and he wondered if there is a limit on how many homes can go in with just one access. Ms. Tenfelde stated there is nothing in the subdivision regulations not as far as the second access point but they have been using the traffic study for the apartments at the top of the hill and they were able to enforce it by the traffic study. Mr. Smith

interjected and stated he was a little concerned with getting too far into things as nothing had been advertised on the subject.

Z21 Review - Mr. Bridges stated they have not met.

Comments from Commissioners - Nothing to report.

Legal Counsel - Nothing to report.

New Business – Nothing to report

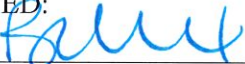
Reports/Announcements from Staff - Mr. Videkovich commented there would be a letter coming out the end of June so to be looking for that. He also noted there was going to be a continuing education session that Mr. Simpson is going to be holding on June 12th. Mr. Simpson then noted this was going to be something that a couple different representatives he's co-presenting with about African American communities and planning just to give a little insight. He noted he is co-hosting it with another planner and they are going to be moderating the discussion and fact finding. Mr. Videkovich stated he thinks it's going to be a good session and encouraged Commissioners to attend. He reminded everyone that the July meeting would be on the 10th due the holiday.

General Correspondence - Mr. Dunham welcomed new Commissioner Gabriella DeAngelis and noted there were two open commission seats presently.

Public Comments - None

There being nothing further to come before the Commission, Mr. Dunham asked for a motion to adjourn. A motion was made by Ms. Snyder and seconded by Mr. Darpel to adjourn. All in favor by acclamation. The meeting then adjourned at 8:46 p.m.

APPROVED:

Chair 

Date 7-10-2024