

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. Darpel, Chairman, called the meeting to order on August 6, 2020 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
Jeff Bethell	Fort Mitchell	X	X	X		X	X		X				
Debbie Vaughn	Kenton Co	X	X			X	X		X				
Diane Brown, V. Chair	Erlanger	X	X			X	X						
Carl Ahrens	Ryland Hts.			X		X	X		X				
Paul Darpel, Chair	Edgewood	X	X	X		X	X		X				
Brian Dunham	Kenton Cty	X	X	X		X	X		X				
Tom France	Ludlow					X	X		X				
Margo Baumgardner	Crestview Hills	X	X	X		X	X		X				
Keith Logsdon	Lakeside Park	X		X		X	X						
Matthew Martin	Taylor Mill	X	X	X		X	X		X				
Jen Best	Covington		X	X		X	X		X				
Joe Pannunzio	Elsmere	X	X	X		X	X		X				
Sean Pharr	Covington	X	X			X	X		X				
Phil Ryan, Treasurer	Park Hills	X	X	X		X*	X		X				
Gailen Bridges	Bromley	X	X	X		X	X		X				
Greg Sketch	Crescent Spgs	X	X	X		X	X						
Maura Snyder	Independence	X		X		X	X		X				
Todd Berling	Fort Wright	X	X	X		X	X						
Robert "Bob" Whelan	Covington	X	X			X	X						
Brian Wischer	Villa Hills		X			X	X		X				

Also present were Mr. Mathew Smith, Legal Counsel, and the following PDS staff: Mr. Andy Videkovich and Ms. Emi Randall.

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

AGENDA:

Mr. Darpel asked for any comments with regard to the agenda. Mr. Darpel stated item 18 would be removed from the agenda. There being no other comments he then asked for a motion. Ms. Snyder made the motion to accept the agenda as amended. Mr. Bethell seconded the motion. All in favor by acclamation.

APPROVAL OF THE MINUTES

Mr. Darpel asked for any questions or comments with regard to the minutes for June. Mr. Darpel stated there was one grammar correction to the minutes for June. Mr. Bridges clarified the correction as being on page 4 where the first line should read “isn’t” not “isn;t”. There being no other corrections or comments, Mr. Darpel asked for a motion to approve as amended. Mr. Bridges made the motion to approve. Mr. Ryan seconded. A roll call vote on the motion found Mr. Bridges, Mr. Ryan, Mr. Ahrens, Ms. Baumgardner, Ms. Best, Mr. Bethell, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Ms. Snyder, Ms. Vaughn and Mr. Wischer in favor. The motion carried unanimously.

RECEIPTS AND EXPENDITURES:

Mr. Darpel asked for any questions or comments with regard to the receipts and expenditures report. There being no comments, Mr. Darpel asked for a motion to accept the report for June and August. Ms. Snyder made the motion to accept the receipts and expenditures for May and June. Mr. Ryan seconded the motion. All in favor by acclamation.

Budget: Mr. Darpel commented with regard to the budget they pretty much tried to keep what they had from last year. He stated the fees were greater than expenses so that was good. He also stated the reserve for the year was \$54,498 which is significant. He stated that would be discussed with the By Laws Committee but he stated they have a fairly decent reserve. He stated he didn’t have anything else jump out at him and stated the rest is all pretty standard. He noted with regard to the legal fees he would like to look at bumping that up a little bit because Matt does a great job and does not nickel and dime the Commission. Mr. Darpel stated they are doing a good job financially and upheld their fiduciary duty. Mr. Darpel stated Nicole does a very good job and this is a very good budget. Mr. Ryan stated he would agree and everything looks good. There being no further comments, Mr. Darpel asked for a motion to approve the Fiscal Year Budget for 2021. Mr. Ryan made the motion to approve. Ms. Snyder seconded. All in favor by acclamation

RECENT ACTIONS BY STAFF:

(No action required)

RECENT ACTIONS BY LEGISLATIVE BODIES:

(No action required)

PUBLIC HEARINGS

FILE: PC2006-0003

APPLICANT: City of Covington Per David Johnson, City Manager.
LOCATION: All land within the corporate limits of the City of Covington.
REQUEST: The City of Covington seeks to replace the current zoning ordinance with an ordinance that recognizes Covington’s unique blocks, mix of uses, and diversity of spaces.

Staff presentation and Staff recommendations by Andy Videckovich

PDS STAFF RECOMMENDATION

Favorable recommendation subject to the following conditions: 1. The current purpose statement for the sign regulations in the existing zoning ordinance be included in the Neighborhood Development Code, either as the purpose of Division 13, Signs, or as an appendix that is referenced in Division 13. 2. The number of temporary signs in residential zones be clarified.

Mr. Christopher Meyers addressed the Commission and stated the neighborhood code will be significantly more accessible. He stated they started this effort by listening. He further commented they invited the city to neighborhood meetings on the issue. He additionally noted the code was developed with the neighborhood development community. He stated the current zoning renders some parts of Covington illegal. He noted the neighborhood development code intentionally provides for the differences that exist in Covington. He noted user friendliness is incorporated throughout the code. He stated the online platform will make it significantly more accessible. He then introduced Brian Mabrey to present the code.

Mr. Brain Mabry addressed the Commission and thanked Staff for their detailed presentation. He noted he would try to answer any questions. He noted the goals and the timeline are covered for this project. He stated they are looking forward to the upcoming meeting on the 15th and 29th of September. He then highlighted the character map of the code and went over various aspects of the map that will be taking the place of the old zoning map. Mr. Mabry then reviewed the uses and building types for the new code and highlighted uses for the different areas. He then gave some detail of the specifics with the short term rental standards and stated there is a definition for occupied and non-occupied short term rentals. He reviewed requirements for the short term rentals such as parking. He then highlighted the various building types in terms of lot measurements, building height and activation, and showed some sample building types in his presentation. With regard to contextual dimensional standards he highlighted the specifics permitted based on building placement on the lot, as well as design standards involving parking, landscaping and signage. In addition to the design standards he went over the development review procedures involved in terms of timing, when things are permitted and recommendations, final action and timing of public notices. Mr. Mabry discussed recent changes to the zone based on public comments and noted these were in coordination with the KCPC Staff. He additionally noted they have corrected any discrepancies with the zone and noted they fully agree with Staff’s conditions and recommendations.

Mr. Voelker addressed the Commission and stated he would like to reiterate Staff did a tremendous job with their report. He stated Christopher Meyers addressed the issues of the city very well and stated this was unique. He stated this document and this plan really solidifies Covington and helps them move forward. He additionally noted one thing learned during the pandemic is how to make it more accessible for the public and it has been streamlined. He asked that the Commission look favorably on it in sending it to the city for action. Mr. Darpel stated when you started talking about architectural review and design review, it gives him pause. He stated there is a little concern on his part with that. He stated he doesn't want to throw the baby out with the bathwater so to speak and noted he has never voted for a form district base. He agreed you want to preserve the character of neighborhoods and such but when you start limiting design materials and front doors, etc, it bothers him greatly. He stated those are his concerns and he stated this goes a little far.

Mr. Mabry stated he understands his concerns and stated that the overall regulations in this document really try to set a group of parameters in terms of design. He stated there are building material requirements and he believes they were fairly light on them. Mr. Ryan stated he wanted to ask about the tree preservation aspect in the code and asked where it was gleaned from. Mr. Mabry stated those were from provisions and they worked with Staff to refine them. He stated he has some concerns when you start getting overly restrictive. He noted he is on board with Mr. Darpel to a degree in terms of the building materials requirements. Mr. France stated he echoed some of the sentiments when trying to introduce the form base. Mr. Darpel stated the only other comment he had is when having the administrator involved in making final decisions as well as PDS. He noted they needed to be careful in using PDS in place of the planning Commission, it should probably read the Planning Commission of PDS as a minor change because it's Staff. He stated it is just a verbiage as referencing PDS Staff not just PDS.

Mr. Darpel referenced various individuals who had submitted correspondence with regard to the issue. He noted unless they wanted to speak he would make the letters as part of the record. Mr. Darpel then read into the record the correspondence received from Damien Sells in support of the code. He also read a letter received from Josh Diederheman into the record as he also was not present to speak but had submitted correspondence in support of the issue. Mr. Darpel read a letter in support received from Lori and Scott Hill with regard to the issue. He also read a letter received from Elzie Barker in support into the record. All correspondence received was marked as exhibits to the minutes to be made a part of the record for those as favorable.

Mr. Doug Mansler addressed the Commission in favor of the issue. He stated he heard a lot of things circulating in the neighborhood that were just not accurate. He noted a question he has is regard to host and non-host. He stated he didn't really see anything specific to non-hosted. He noted he is in support of the issue.

Ms. Kate Green addressed the Commission and stated she is representing the Center for Great Neighborhoods. She stated they are a community development organization. She stated they have been around for 44 years and referenced a letter submitted in support of the issue specifically highlighting the engagement process which included several opportunities for community engagement. She stated they are in support and thanked the Commission for the opportunity to speak.

Ms. Irma Mospan addressed the Commission and stated she is a resident of South Covington and has been for many years. She stated she has two concerns about the code as a resident of South Covington. She stated the code feels very targeted at the urban area of Covington. She stated that seems to be the focus. She noted a number of meetings were mentioned and she was not aware of any of them. She then asked when those meetings were held and why the members of South Covington didn't know about them and also how many attended. She questioned the input that was received from South Covington. She noted a concern with that part of the community with the plan. She additionally noted she and her husband own two buildings they rent and have spent two years rehabbing. She stated they were just approved for rentals in July and noted under the new code they would be in violation already with the guidelines. She stated they have invested so much in restoring an old building in the community and they are already in violation apparently under the new code.

Mr. Darpel marked those letters received from those who wanted to speak in favor of the issue but were not present. He then introduced the neutral parties registered.

Mr. Jay Fossett addressed the Commission and stated he represents some of the residents of the Riverside District neighborhood. He stated the residents did not oppose the plan initially. He stated he feels this is a good change from what was adopted 14 years ago. He stated their concern is the short term rental units and feels there needs to be a balance between them and the city. He noted he represents many of the residents in the area but not all that have signed the petition. He stated there are two new music venues going in next year and this area will be ground zero for air bnb's. He stated their two main concerns are the short term rentals and the parking regulations with the code. He stated parking in the Riverside District has been a problem for many years. He then commented on the parking that would be allowed under the short term rental under the new code. He stated the current residential program allows each dwelling unit to purchase up to four parking permits per year. He stated there is currently a building that has 6 rental units so under the guidelines they would be allowed 24 parking units for that dwelling unit alone. He further stated it would be difficult to enforce and are at a disadvantage from other areas of the city. He stated they are proposing having off street parking to not have so many residential parking spots taken. He stated they feel the maximum of 4 rental units is excessive and it should be a maximum of two. He stated they had a petition they did online of Covington residents and it turned out to be about a 100 people that expressed their concerns with the parking issue. He stated they thank the city for listening to them and they are looking forward to the city solicitor putting something together in the next few weeks. Mr. Darpel then marked the letter submitted as an exhibit to the minutes.

Mr. Jeremiah Hines addressed the Commission and stated he thinks the proposed code does a fantastic job of addressing a lot of short term rental related issues. He noted one thing that raises a concern for him is having to go before the BOA and he is concerned with this. He also noted having public hearings is not going to be helpful for hosts. He stated they are on board with the code but that is a general concern of theirs. He noted all other steps are reasonable.

All others registered to speak had left the meeting and did not address the Commission directly.

Mr. Christopher Meyers addressed the Commission in rebuttal and clarified host occupied and non-host occupied for the short term rentals. He stated this is not targeted just for the urban areas. He stated they wanted to create context for sensitive areas for example the building heights requirements. He noted the standards that apply to each of those areas automatically apply to those areas they are trying to infill. He stated they did not keep a list of addresses in terms of who attended the meetings held but stated they did

spread them throughout Covington, He stated they used social media, tv and posted notice around Covington. He additionally stated the minimum apartment sized affecting those allowed to go in. He stated there is a higher threshold for a minimum floor unit in an area. He stated he felt this was an excellent point and they want to investigate it further. He noted they definitely do not want to limit those contributing to the community in that way so they will take a look at that and make some adjustments. In terms of the parking questions, he stated they were able to meet with those concerned and they feel strongly that they have reached a compromise on the parking issues discussed. Mr. Darpel commented about hosted vs. non-hosted uses. It was stated host occupied is permitted with no restrictions. He stated as long as you met criteria it was administratively approved. Mr. Darpel commented it seemed to him to be very subjective and they will end up in litigation over it.

Mr. Brandon Voelker stated in rebuttal that a lot of it was actually formulated prior to this meeting. He stated he thinks the consensus is this is a positive so they will be mindful of a person's property and all that.

Mr. Darpel asked for any other comments from the Commissioners. Mr. Bridges asked how much the Z21 template was addressed or utilized in this new Covington code. Mr. Videkovich stated it was a completely separate process but a lot of the ideas he was able to raise and discuss with this code. Mr. Videkovich stated all of the cities were invited to participate.

Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners on the issue. Mr. Darpel stated he made his points clear at the beginning and noted he wanted to make it clear that they have done a good job with this code but that added that he has never voted for form based so if he votes against that would be why. Mr. Bethell also stated form based is a concern and that is a problem and hopefully that is something that can be addressed. He noted things are constantly getting revised with various cities and he thinks it will be tweaked as time goes on. He stated he commends the City of Covington for all the work they have done on this code. Mr. France stated he specifically likes their stated goals of the code that will be shared well beyond the city limits of Covington. Mr. Pharr then asked for clarification on the conditions of signage. Mr. Mabry stated they have absolutely no concerns on their end at all with the recommendations of Staff. Mr. Darpel then reconvened and closed the public hearing and asked for a motion on the issue. Mr. Pharr made the motion to approve the code for the reasons that it meets the statutory requirements, the comprehensive plan, and Staff's report. Mr. Wischer seconded the motion. A roll call vote on the matter found Mr. Pharr, Mr. Wischer, Mr. Ahrens, Ms. Baumgardner, Ms. Best, Mr. Bethell, Mr. Bridges, Mr. Dunham, Mr. France, Mr. Martin, Mr. Pannunzio, Mr. Ryan, Ms. Snyder and Ms. Vaughn in favor. Mr. Darpel abstained. The motion carried.

PUBLIC HEARINGS

FILE: PC2003-0004

APPLICANT: KCPC Chairman, Paul J. Darpel

LOCATION: Kenton County

REQUEST: 1) Updates to the Direction 2030 Recommended Land Use element map and text, and; 2) Updates to the Economy, Mobility, and Concept Map elements.

Staff presentation and Staff recommendations by Mr. Chris Schneider

PDS STAFF RECOMMENDATION

To approve the proposed amendments revising the Direction 2030 Economy, Mobility, and Concept Map elements.

Mr. Darpel read a letter into the record received from Ms. Kathleen Donahue in favor of the issue. It was then marked as an exhibit to be made a part of the record on the matter.

Mr. Brian Miller addressed the Commission in favor and stated they wanted to voice their support for the Comprehensive Plan. He stated it would just be natural in this part of the county to facilitate. He stated they have the full support of the changes to the Comprehensive Plan.

There being no others to speak on the issue, Mr. Darpel recessed the public hearing for discussion amongst the Commissioners. Mr. Bridges stated it was a good effort by everybody and the Fiscal Court was very responsive with the concerns of South Kenton. He noted everyone was in favor of it. Mr. Darpel stated to get everyone in agreement is unusual so that is a good thing. Mr. Darpel then reconvened and closed the public hearing. He asked for a motion on the issue. Ms. Vaughn then made the motion to approve based on Staff's report and testimony heard. Mr. Bridges seconded. A roll call vote on the motion found Ms. Vaughn, Mr. Bridges, Mr. Ahrens, Ms. Baumgardner, Ms. Best, Mr. Bethell, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Ms. Snyder and Mr. Wischer in favor. The motion carried.

Ongoing Business

Reports from Committees

Bylaws – No report

Direction 2030 Implementation – Mr. Bethell stated right now they do not have a meeting scheduled for the month but right now there is nothing pressing at this point.

Executive– Mr. Darpel stated they did meet and discussed the budget which has been approved. He stated Nicole did a great job with that. He noted there wasn't anything else to deal with the Executive Committee.

Social Media – No report. Mr. Ryan stated there have been a few time delays on getting things posted but they will see what opens up in the next few months to meet.

Subdivision Review – Mr. Darpel stated he's had a few meetings with regard to pavements. He noted Scott Hiles has now retired and wished him luck. He stated he was a driving force in working with these folks along with others on the commercial pavements. He stated he will probably be calling a meeting within the next month or so to take a look at this. He stated it really comes down to whether or not they need a 50 year standard vs. a 25 year standard. Mr. Darpel stated if the cities are going to be responsible for maintaining these and taking these over they're not going to stand in the way. He stated they are waiting to hear back from them on that. He stated with Scott being out they had a meeting with Sharmilee the new

director and Emi. Mr. Dunham stated he wasn't aware that Scott had retired and asked if they had filled his position. Mr. Darpel stated they have not as of yet. Mr. Darpel then stated he was going to say something at the end of the meeting but he might as well say something now. He then noted he worked with Scott from when he first came on. He stated he will be difficult to replace and he certainly knew his stuff. He stated he respected him and he did a great job and he congratulated him on his retirement. Mr. Darpel stated he certainly appreciates everything he did for the Commission and he was a good guy and has nothing but great things to say about him. He stated he wished him all the best.

Z21 Review - Mr. Bridges stated they met in late June. He stated they pretty much finished up their review and they don't have any plans for a meeting since they've already been through it.

Reports from Commission members – None.

Report from Legal Counsel– Nothing to report.

Reports/announcements from Staff - Mr. Videkovich commented in the packets there is the new fee schedule for FY21 and also the meeting schedule for FY21. He noted there are no changes to the meeting schedule to note.

New Business – None.

There being nothing further to come before the Commission, a motion to adjourn was made by Ms. Snyder and seconded by Mr. Bethell. Ms. Snyder commented Pam has done a fabulous job with organizing the meetings and keeping everything running smoothly. Mr. Darpel stated he agreed and Pam has done a fantastic job. He stated Emi has been here all night and handing them everything they need in the background and taking care of it. He stated they all do a terrific job and they all appreciate it. Mr. Ryan seconded. All in favor by acclamation. The meeting then adjourned at 9:27 p.m.

APPROVED:

Chair  _____

Date Nov. 06, 2020