

**KENTON COUNTY PLANNING COMMISSION  
REGULAR MEETING**

**Minutes**

Mr. Darpel, Chairman, called the meeting to order on August 4, 2022, 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 located in Covington, Kentucky. Attendance of members (for this meeting as well as those during the year to date)

<b>Commission Member</b>	<b>Jurisdiction</b>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Anthony Baker	Covington	X		X			X						
Margo Baumgardner	Crestview Hills		X	X	X	X	X						
Todd Berling	Fort Wright		X	X	X	X	X		X				
Jeff Bethell	Fort Mitchell		X	X		X	X	X					
Gailen Bridges	Bromley	X	X	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		X				
Tom France	Ludlow	X	X	X	X	X	X		X				
Keith Logsdon	Lakeside Park		X	X	X	X	X	X	X				
John Hennessey	Villa Hills	X	X	X	X	X	X	X	X				
Matthew Martin	Taylor Mill	X	X	X	X	X	X		X				
Joe Pannunzio	Elsmere		X	X	X		X	X	X				
Dan McElheney	Erlanger			X		X		X	X				
Sean Pharr	Covington		X	X	X	X	X		X				
Phil Ryan, Treasurer	Park Hills	X	X	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	X	*				
Debbie Vaughn	Kenton Co	X	X*	X	X	X			X				
Kristi Zavitz	Ryland Hts.			X									

Also present were Mr. Mathew Smith, Legal Counsel, and the following PDS staff: Mr. Patrick Denbow and Ms. Abby Link.

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

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### **AGENDA:**

Mr. Darpel asked for a motion to approve the agenda. Mr. Bridges made the motion to advance items 11, 12 and 13 to the front of the agenda in light of last month’s meeting being continued. Mr. Dunham seconded the motion. A roll call vote on the motion found Mr. Bridges, Mr. Dunham, Mr. Berling, Mr. Darpel, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Ryan, Mr. Martin, Mr. McElheney, Mr. Pannunzio, Mr. Pharr, Mr. Simpson, Ms. Snyder and Ms. Vaughn in favor. Mr. Darpel then asked for everyone in approval of the agenda as amended to say aye. The motion was approved unanimously.

### **APPROVAL OF THE MINUTES**

Mr. Darpel asked for a motion to approve the minutes from June s there was no meeting held in July. There were no questions or comments. Mr. Darpel then asked for a motion to approve. Mr. Bridges made the motion to approve. Mr. Dunham seconded the motion. A roll call vote on the motion found Mr. Bridges, Mr. Dunham, Mr. Berling, Mr. Darpel, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Ryan, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Mr. Simpson, and Ms. Snyder in favor. Mr. McElheney and Ms. Vaughn abstained. The motion carried.

### **RECEIPTS AND EXPENDITURES:**

Mr. Darpel stated the receipts and expenditures report was distributed. There being no questions or comments, he asked for a motion to approve the report. Mr. Ryan made the motion to approve the receipts and expenditures for May. Ms. Snyder seconded the motion. All in favor. Mr. Darpel then asked for a motion to approve the receipts and expenditures for June. 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: PC2206-0001**

**APPLICANT:** City of Park Hills per Kathy Zembrodt, Mayor

**REQUEST:** Proposed text amendments to the Park Hills Zoning Ordinance: (1) reducing the required number of off-street parking spaces for Retail and Personal Service Stores, (2) reducing the minimum size of a parking space, and (3) reducing the minimum drive aisle width.

Staff presentation and Staff recommendations by Ms. Abby Link

**PDS STAFF RECOMMENDATION**

Favorable recommendation on the proposed text amendments to the Park Hills Zoning Ordinance: (1) reducing the required number of off-street parking spaces for Retail and Personal Service Stores, (2) reducing the minimum size of a parking space, and (3) reducing the minimum drive aisle width.

Ms. Zembrodtt addressed the Commission and stated they are looking for approval prior to the Z28 just so they can get started.

Mr. Berling had nothing to add.

Mr. Darpel then recessed the public hearing for discussion. There being none, he reconvened the public hearing and asked for a motion on the matter. Mr. Ryan made the motion to approve based on Staff's recommendations and the proposed Z28 recommendations. Mr. Martin seconded the motion. Mr. Ryan added a comment that there is an article in the ABA magazine regarding the case for dropping the number of parking spaces. A roll call vote on the motion found Mr. Ryan, Mr. Martin, Mr. McElheney, Mr. Pannunzio, Mr. Pharr, Mr. Simpson, Ms. Snyder, Ms. Vaughn, Mr. Berling, Mr. Bridges, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Logsdon in favor. The motion carried.

**FILE: PC2206-0002**

**APPLICANT:** The City of Erlanger per Emi Randall, Director of Economic Development/Assistant City Administrator

**REQUEST:** Proposed text amendments to the Erlanger Zoning Ordinance amending the use specific standards for Brewery, Distillery, Winery by: (1) permitting a bar or a drinking place in breweries provided they are less than 50 percent of the total square footage, and (2) making such uses subject to the use specific standards for Bar or Drinking Place.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

**PDS STAFF RECOMMENDATION**

Favorable recommendation on the text amendment to the Erlanger Zoning Ordinance amending the use specific standards for Brewery, Distillery, Winery by: (1) permitting a bar or a drinking place in breweries provided they are less than 50 percent of the total square footage, and (2) making such uses subject to the use specific standards for Bar or Drinking Place.

Mr. Emi Randall addressed the Commissioners in favor of the application. She stated she was available to answer any questions and appreciated the additional comments by the Commissioners.

Mr. Gary Meyer addressed the Commissioners against the issue. He noted the City Council wasn't exactly in favor of this, they recommended exploring it and going forward. He stated this will be the first retail type establishment going into this area. He commented there was a desire to add it as a permitted use but only when it would be a single business. He stated he looks at that to be just a single business and that additional ones were not wanted. Mr. Darpel stated they are just looking at the text amendment only and not whether a brewery should go anywhere or not. He further commented he didn't want Mr. Meyer to think he was unheard, but that is the only purpose of the Commissioners at the moment.

There being no further questions or comments, Mr. Darpel recessed the public hearing for discussion. There being none, Mr. Darpel reconvened and closed the public hearing. He then asked for a motion on the issue. Mr. McElheney made the motion to approve based on Staff's recommendations. Mr. Dunham seconded the motion. A roll call vote on the motion found Mr., McElheney, Mr. Dunham, Mr. Berling, Mr.

Bridges, Mr. Darpel, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Ryan, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Mr. Simpson, Ms. Snyder and Ms. Vaughn in favor. The motion carried.

**FILE: PC2207-0001**

**APPLICANT:** The City of Erlanger per Emi Randall, Director of Economic Development/Assistant City Administrator

**REQUEST:** Multiple proposed text amendments to the Erlanger Zoning Ordinance including: (1) allowing greater flexibility with the MU (Mixed Use) District by removing the requirement for multiple uses on one parcel or building and updating the definition of “mixed use”; (2) amending the use specific standards for restaurants, with or without drive-ins or drive-throughs; (3) adding a setback for driveways; (4) removing the location requirements for dumpsters, trash, and recycling storage areas within residential districts; (5) allowing privacy fences in side and rear yards of residential and commercial districts, and removing a redundant regulation for fences on vacant lots; (6) amending the maximum size of detached signs in the CC (Community Commercial) District and changing the name and description of Section 11.09 to better reflect its intent; (7) removing the appeals process and referencing the process set forth in KRS 100.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

**PDS STAFF RECOMMENDATION**

Favorable recommendation on all proposed text amendments to the Erlanger Zoning Ordinance.

Ms. Emi Randall addressed the Commissioners in favor of the issue. She stated in the previous zoning ordinance it was not required that the Rumpke dumpster be on the side yard and this was intended to clean up that wording. She stated she was available to answer any questions.

There being no others registered to speak, Mr. Darpel recessed the public hearing for discussion. There being none, he reconvened and closed the public hearing. He asked for a motion on the matter. Mr. McElheney made the motion to approve the matter based on Staff’s recommendations and report. Mr. France seconded the motion. A roll call vote on the motion found Mr. McElheney, Mr. France, Mr. Dunham, Mr. Berling, Mr. Bridges, Mr. Darpel, Mr. Hennessey, Mr. Logsdon, Mr. Ryan, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Mr. Simpson, Ms. Snyder and Ms. Vaughn in favor. The motion carried.

**FILE: PC2206-0006**

**APPLICANT:** Nate Adams per Viox & Viox on behalf of Salim Bajric

**LOCATION:** 14052 Dixie Highway; an area of approximately 2.07 acres located on the west side of Dixie Highway between South Fork Drive to the north and Green Road to the south, approximately 290 feet north of Green Road

**REQUEST:** A proposed map amendment to the Unincorporated Kenton County Zoning Ordinance from A-1 (an agricultural zone) to RC (a rural commercial zone). The applicant proposes to redevelop the existing site for the sale of used trucks, trailers, and related equipment; to include new access points, parking lot pavement, landscape buffers, and signage.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

**PDS STAFF RECOMMENDATION**

Favorable recommendation on the proposed map amendment to the Unincorporated Kenton County Zoning Ordinance from A-1 (an agricultural zone) to RC (a rural commercial zone). The applicant

proposes to redevelop the existing site for the sale of used trucks, trailers, and related equipment; to include new access points, parking lot pavement, landscape buffers, and signage.

Mr. Nate Adams addressed the Commission in favor of the application and stated Staff covered pretty much everything. He stated the applicant intends to remove the old residence and will reuse the old sign. He noted the site is zoned agricultural. He stated this is a good location for a rural zone because of its location. He additionally stated the zone change allows an established business to continue. He stated the existing zoning is inappropriate and the proposed zoning is appropriate. He further stated they are proposing extensive improvements to the property. Mr. Bridges asked what type of lighting would be used. Mr. Adams stated there is existing lighting on the building as well as street lighting on existing telephone poles.

Mr. Brock McKay addressed the Commission and stated they are not associated with the property to the south. He stated it is two totally different sites. He commented that the 5800 square feet hasn't been measured and it wasn't realized it would be a sticking issue. He stated it is basically taken off the aerial. He noted if they really have to go down to 5000 square feet he's not really sure how that would help or make much of a difference in the long run with this building. He stated the square footage is not necessarily what is needed and noted it's just what the building happened to be. He commented they are just trying to repurpose the building. He stated the lighting issue would be at the site plan and could be addressed then.

Mr. Smith commented from a use perspective, this would be taking a non-conforming use and making it conforming. He noted there is a non-conforming structure existing, but that would have to be brought within the requirements of the zoning regulations if changes were made.

All others registered to speak had nothing to add.

Mr. Darpel recessed the public hearing for discussion on the matter. Mr. Dunham stated there isn't anyone from the area complaining about the issue so it certainly appears to be an improvement and the people in the area feel that way. He commented further it seems like a better fit with this zone. He stated with regard to the 5800 square footage it makes him feel better to hear about the non-conforming use vs. a non-conforming building. Mr. Berling stated it seems like an improvement to the area. Mr. Bridges commented about the process of arriving at the 5000 square footage requirement and noted he doesn't understand how the zoning administrator can nod at 5800 square feet when the requirement is 5000 square feet. Mr. Darpel stated this is certainly going to clean things up and he understands about the 5000 square feet. Mr. Smith stated the building would remain non-conforming but they could apply for a waiver with the Board of Adjustment. He further commented the site would become conforming and a non-conforming use is different from a non-conforming structure. Mr. Darpel stated it is allowed to exceed the square footage as long as the Board of Adjustment allows it. There being no further clarification, Mr. Darpel reconvened and closed the public hearing. He then asked for a motion on the matter. Ms. Vaughn made the motion to approve and commented she normally is not in favor of going from agricultural to another zone but commented she grew up in this area and this would be an improvement. She noted the motion was based on the current zoning being inappropriate and the proposed zoning is appropriate, and also based on Staff's recommendations. Mr. Dunham seconded the motion. A roll call vote on the matter found Ms. Vaughn, Mr. Dunham, Mr. Berling, Mr. Darpel, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. McElheney, Mr. Ryan, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Mr. Simpson and Ms. Snyder in favor. Mr. Bridges voted against. The motion carried.

**FILE: PC2206-0005**

**APPLICANT:** City of Edgewood per Brian Dehner, City Administrator

**REQUEST:** Proposed text amendments to the Edgewood Zoning Ordinance: (1) removing the location and construction requirements for solid (class 5) fences, and allowing them in the same location and heights as all other fences; and (2) clarifying the length of ornamental structures on lots with at least 10 acres.

Staff presentation and Staff recommendations by Ms. Abby Link

**PDS STAFF RECOMMENDATION**

Favorable recommendation on the text amendment to the Edgewood Zoning Ordinance amending the regulations in Article IX and Article XIII by: (1) removing the location and construction requirements for solid (class 5) fences, and allowing them in the same location and heights as all other fences; and (2) clarifying the length of ornamental structures on lots with at least 10 acres.

Mr. Dehner addressed the Commission and stated he was available to answer any questions. He also thanked Staff for their hard work and assistance with the application.

There being no further comments, Mr. Darpel recessed the public hearing for discussion. There being none, he then reconvened and closed the public hearing and asked for a motion. Mr. Dunham made the motion to approve the application based on Staff's recommendations and the testimony heard. Ms. Vaughn seconded the motion. A roll call vote on the matter found Mr. Dunham, Ms. Vaughn, Mr. Berling, Mr. Bridges, Mr. Darpel, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. McElheney, Mr. Ryan, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Mr. Simpson and Ms. Snyder in favor. The motion carried.

**Reports from Committees**

*Bylaws* – Mr. Dunham stated there was nothing to report.

*Direction 2030 Implementation* – Mr. Bridges stated they did not meet.

*Executive* – Mr. Darpel stated they did not meet.

*Social Media* - Mr. Ryan stated there was nothing to report except to say Ms. Bushelman sent out a survey to get updates or ideas about what they would like to see on the website. He stated they will look at that further after the summer has ended.

*Subdivision Review* – Mr. Darpel stated they had two virtual public meetings to discuss the changes that are going to be brought before the Planning Commission. He stated they have been great and they are doing a great job with answering all the questions with the engineers and the development community. He stated he thinks it is well received and he appreciates everyone's effort on that and he thinks it has gone well. He stated that will probably come before the Commission in October.

*Z21 Review* - Mr. Bridges stated they did not meet. Mr. Logsdon commented Lakeside Park has a meeting the 10<sup>th</sup> of August.

*Comments from Commissioners* - Nothing to report.

*Report from Legal Counsel* – Nothing to report.

Reports/Announcements from Staff - Nothing to report.

General Correspondence - None.

New Business – Mr. Bridges asked what can be done to avoid what happened last month. Mr. Darpel stated they will start looking at the July meeting as that is always the one least attended. He stated stuff happens, and in 18 years that is the first time there was a lack of a quorum, so he doesn't think we need to get too concerned about it. Mr. Darpel stated Pam usually sends out a reminder and if people can let her know if they can't attend ahead of time to avoid this in the future.

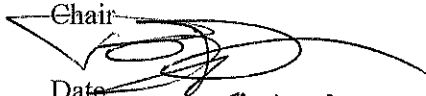
Public Comments - None.

There being nothing further to come before the Commission, a motion to adjourn was made by Ms. Snyder and seconded by Mr. France. All in favor by acclamation. The meeting then adjourned at 8:05 p.m.

APPROVED:

Chair

Date



9-1-22

