

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. Darpel, Chairman, called the meeting to order on October 6, 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 is as follows (for this meeting as well as those during the year to date).

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

“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 commented with regard to PC2009-0001 that a request to table was received. He asked for a motion or any discussion with regard to tabling the matter. Mr. Pannunzio asked how many present were here for this issue. Mr. Darpel then stated a request to table had come in and the issue would be tabled until the November meeting. Mr. Kurt Keeney stated the amended application had been filed and they anticipate being ready for next month. Mr. Dunham made the motion to approve the request to table the matter until the November meeting. Mr. Sketch seconded the motion. A roll call vote on the motion found Mr. Dunham, Mr. Sketch, Ms. Snyder, Ms. Vaughn, Ms. Baumgardner, Mr. Bethell, Mr. Berling, Mr. Bridges, Mr. Darpel, Mr. France, Mr. Logsdon, Mr. Hennessey, Mr. Martin, Mr. McElheney, Mr. Ryan and Mr. Simpson in favor. Mr. Pannunzio voted against. The motion carried. Mr. Darpel reiterated the issue would be on next month’s agenda. Mr. Darpel then asked for any other changes with regard to the rest of the agenda. There being none, he asked for a motion to approve the agenda as revised. Ms. Snyder made the motion to approve the agenda as submitted. Mr. Dunham seconded. All in favor by acclamation.

APPROVAL OF THE MINUTES

Mr. Darpel asked for any questions or comments for the minutes from September. There being none, he asked for a motion to approve. Ms. Snyder made the motion to approve. Mr. Bridges seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Bridges, Mr. Darpel, Mr. France, Mr. Logsdon, Mr. Hennessey, Mr. Martin, Mr. Pannunzio, Mr. Ryan and Ms. Vaughn in favor. Ms. Baumgardner, Mr. Dunham, Mr. McElheney, Mr. Simpson and Mr. Sketch 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. Ms. Snyder made the motion to approve the receipts and expenditures. Mr. Dunham seconded the motion. All in favor by acclamation.

RECENT ACTIONS BY STAFF:

(No action required)

RECENT ACTIONS BY LEGISLATIVE BODIES:

(No action required)

PUBLIC HEARINGS

FILE: PC2208-0003

APPLICANT: TeleCAD Wireless per Gene Cowden on behalf of Verizon Wireless

LOCATION: On the east side of Collins Road, adjacent to 2489 and 2493 Felice Drive in Villa Hills

REQUEST: To grant a waiver from the requirements of Section 3.4, B., 2., of the Regulations for Cellular Antenna Towers and Small Cell System Towers in Kenton County; the applicant proposes to construct a 40.5- foot-tall small cell tower within the R-CVS (Conventional Subdivision) Zone where 35 feet is the maximum permitted height.

Staff presentation and Staff recommendations by Mr. Videkovich

Mr. Dunham recused himself from any consideration and voting on the issue due to a potential conflict of interest.

PDS STAFF RECOMMENDATION

Favorable recommendation on the waiver from the requirements of Section 3.4, B., 2, of the Regulations for Cellular Antenna Towers and Small Cell System Towers in Kenton County.

Mr. Gene Cowden and Ms. Dante Sugar registered to speak on the issue. He highlighted the location of the proposed cell tower in his presentation. He reiterated they are following just along the property line adjacent to the property. He then showed a photo simulation of the proposed cell tower. Mr. Cowden discussed the height request of the cell tower and explained the reasoning for the additional height. He stated having a cell tower of this height will negate having to have another cell tower in the neighborhood. Mr. Darpel then highlighted the reasons to grant the request for the cell tower and asked the applicant if there was one of those that fit the requirement. He stated the request meets the objectives of the regulations. Mr. Sketch asked where the additional tower would be located if the request was not granted. Mr. Cowden then stated it would potentially be down in the right of way in the neighborhood. Mr. Ryan asked if this was a single carrier on the pole. Mr. Cowden then stated it is designed to be a multiple carrier. Mr. France asked if Verizon had requested this due to poor cell coverage. Mr. Cowden then stated they had requested this due to a gap in service. He additionally noted these are in a honeycomb design so they hand off the signal more often with the technology. Mr. Ryan asked what the coverage area was. Ms. Sugar stated the best case scenario is 1,000 feet. Mr. Hennessey asked if the tower couldn't be moved to avoid the rooftop issue. Ms. Sugar stated Ann Street was Verizon's original target for the tower, but had to move it to Collins Road because it is a collector road.

Mr. Craig Bohman addressed the Commission on behalf of the city. He stated this was discussed by the council and as part of that discussion there was no opposition voiced against the waiver. He stated this better meets the objectives of the cell tower regulations. He stated having a single tower to serve a wider area is in the city's best interest.

Mr. Joe Bruns addressed the Commission against the issue and asked about the tower originally proposed to go on Ann Street. He stated a tower there would be a lot less conspicuous than on Collins. He asked about the range the cell tower will go and noted Collins Road is heavy with traffic and noted that range because of the traffic, that will diminish. He stated he knows the person at the top of the street and she could not attend the meeting. He stated he wondered why the tower wouldn't go on Ann Street since it is a less conspicuous area. Mr. Darpel explained the regulations briefly as to cell towers. He noted the Commission is being asked to look at the height. He noted they can't tell them they can't put it there if it meets the regulations. Mr. Bruns then asked how much consideration was placed on putting the tower on Ann Street. Mr. Darpel stated that was their first choice but they can meet the objective better at the Collins location.

Mr. Bruns asked about the range and asked if anything could be done about getting a higher range if needed.

Mr. Rich Schneider addressed the Commission and stated he understands they are not here to discuss the location of the tower. He stated it makes no sense to him when there is a perfectly good location at the top near the park for it. Mr. Schneider then asked about whether or not the tower will be utilized by anyone other than Verizon. He noted he hasn't heard anyone yet state how many carriers will be on the tower or if it will be just Verizon. He stated some of the things seem a bit funny and the citizens have to live with the consequences. He stated one of the things that is disturbing to him is to risk the neighborhood for 1000 feet. He stated the biggest thing that concerns him is whether or not it is a multiple carrier tower. Mr. Darpel then stated towers are required to have multiple carriers to avoid multiple towers for single carriers. Mr. Schneider stated the empty lot is now going to have the cell tower right behind it, and it will be difficult for the subdivision to be completed. He also mentioned Collins will have to be widened down the road and wondered if the cell tower would need to be moved or what would happen there. Mr. Darpel stated the only thing the Commission can decide is whether or not the height can be what they are requesting and he wanted to make it clear what they are here for. Mr. Darpel noted they don't have any say with any of the issues he brought up, only to determine the height.

Mr. Jason Yeager addressed the Commission against the issue and stated he is a partner with the Ashley Group and they own the lot adjacent to the tower. He noted their main concern is the value of the lot. He stated it is very difficult in this environment. He commented it is very difficult to build and this tower will make it extremely difficult.

Mr. Bill Kreutjans with Ashley Builders addressed the Commission and stated he thinks this is detrimental to the neighborhood. He stated being 40 feet in height hurts the neighborhood and the property values, and he doesn't think property owners would be here if not. He noted he thinks there are other ways to make it acceptable. He also stated this is an awful location with no trees or anything to block the view and make it not such an eyesore. He stated other poles are at intersections and this is one big pole out in the middle of nowhere.

All others registered to speak had nothing to add.

Ms. Sugar addressed the Commissioners in rebuttal and stated there is space for two more carriers on the pole and it would be up to those carriers to decide if 25 feet would be adequate for their coverage. Mr. Cowden stated this pole is 4G and will have the most range. He noted this will be the same service whether or not it is on Ann Street or Collins. He additionally stated Verizon is the one who selected the site because of the gap in their service. He stated trees are the enemy of these poles and need a clear site to give the signal. Mr. Ryan asked if there were any concerns with potential widening of Collins Road. Mr. Cowden stated they are two feet six inches from the sidewalk so usually based on ADA guidelines it has to be another four feet so he doesn't know how much the road would widen but they are more than six feet from that line.

Mr. France commented it seems like when we do have cell towers this Commission gets the brunt of the issue and all of the concerns could have been addressed at the council meeting. He noted it was stated that no one showed up at the council meeting where these concerns could have been directed with Villa Hills when it was being discussed. Mr. Hennessey commented it is a conspicuous location and to increase the height five feet is objectionable and will be an eyesore. He stated the regulations are 35 feet and it should be 35 feet. Mr. Ryan then stated if they can't get the coverage then they may build a second tower in the area. Mr. Sketch stated the interesting thing is if Duke Energy wanted a 60 foot pole there, there is nothing that could be done about it. He stated he disagrees with Mr. Hennessey and that five feet isn't much of a difference from the 35. He further stated this utility gets regulated really hard where Duke and

the electric company don't at all, no matter whether it's detrimental to anyone with the looks or the lot or anything. He noted at least with this they are getting some kind of regulations on it. Mr. Ryan asked if there were any design standards to mitigate the appearance of the pole. Mr. Videkovich stated there wasn't really anything in that regard.

Mr. Kreutjans addressed the Commission in rebuttal and stated the base of the cell tower is an area where there are a lot of joggers and walkers, and it could be a safety hazard that close to the sidewalk. He noted he just wanted that to be a consideration.

There being nothing further, Mr. Darpel then asked for a motion on the matter. Mr. Hennessey made the motion to deny the waiver based on the applicant has not demonstrated all the requirements needed to grant a waiver. There being no second, the motion died, and therefore Mr. Darpel asked for another motion on the matter. Mr. Sketch made the motion to grant the requested waiver based on Staff's report and that it meets the objectives of the regulations. Ms. Snyder seconded the motion. A roll call vote on the matter found Mr. Sketch, Ms. Snyder, Ms. Vaughn, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. France, Mr. Logsdon, Mr. Martin, Mr. McElheny, Mr. Pannunzio, Mr. Ryan and Mr. Simpson in favor. Mr. Hennessey voted against. Mr. Dunham had recused himself due to a potential conflict. The motion carried.

*The following two items were presented together in the essence of time, but will be voted on separately.

FILE: PC2209-0002

APPLICANT: Hermes Construction Company per Tyson Hermes on behalf of SKLO Acquisitions, LLC. **LOCATION:** An area of approximately 0.86 acres located at the northeast corner of the intersection of West 12th Street/Martin Luther King Jr. Boulevard and Russell Street.

REQUEST: A map amendment to the Covington Zoning Ordinance changing the described area from TUMU (TS) (Traditional Urban Mixed Use with a 12th Street Overlay) to LI (TS) (Limited Industrial with a 12th Street Overlay).

Mr. Dunham recused himself from any consideration or voting on the issue due to potential conflict of interest.

Staff presentation and Staff recommendations by Mr. Cody Sheets

PDS STAFF RECOMMENDATION

Favorable recommendation on a map amendment to the Covington Zoning Ordinance changing the described area from TUMU (TS) to LI (TS):

- a. That the concurrent text amendment (PC2209-0003) be approved prior to or simultaneously with this map amendment request.

FILE: PC2209-0003

APPLICANT: City of Covington per Ken Smith, City Manager

REQUEST: Proposed text amendments to the Covington Zoning Ordinance: (1) allowing kennels as a conditional use within the Limited Industrial (LI) district; and (2) removing the spacing restriction between a new package liquor store and an existing liquor store.

Staff presentation and Staff recommendations by Mr. Cody Sheets

PDS STAFF RECOMMENDATION

Favorable recommendation on the proposed amendments to the Covington Zoning Ordinance to (1) allow kennels as a conditional use within the Limited Industrial (LI) district; and (2) remove the spacing restriction between a new package liquor store and an existing liquor store.

Mr. Hermes addressed the Commission in favor of the issue and stated he wanted to give some more information on the proposed business. He stated they are currently located in Erlanger and have a similar operation there. He noted they would be providing the same resources as the location in Erlanger. He stated this would be somewhat different in that all operations would be indoors. He noted he serves on the Erlanger City council and is the former mayor. He stated since opening in Erlanger they have opened at another location in Erlanger. He stated noise and odor are typically two concerns they hear about. He noted those concerns came from the local residents where they currently are located. He stated they have never had a complaint about noise or odor at Allie's thankfully. He noted he wanted to briefly speak on the issue. He stated Allie's has a no-bark policy which sounds funny to say, but it's a real thing and it really works. He stated they have a special waste processing method that eliminates the smell. He stated have an exceptional product.

Ms. Allie Clay and David Clay addressed the Commission as the owners. She stated she started Allie's when she was nine years old when in her home. She started and stayed at her house in Villa Hills for seven years. She stated they did have to come up with a system to minimize the barking in the neighborhood. She noted they would like to stay upscale and that's why they have grown slowly. She stated anyone can stop in at any time, and they get compliments all the time on the smell. She noted that is one thing they have always prided themselves on. She further noted this location provides drainage that they wouldn't have to add. She stated there are a lot of people who are going through hard times that need a place like Allie's where they go through an extensive training process before they are allowed to be in the yard themselves. She stated they are not looking to be a dingy kennel and are excited where the weather won't affect their play on a rainy day. She noted they are able to have a better play time because of it. She further stated they already have 400 clients who drive from Covington to drop them off for daycare in Erlanger. Mr. Clay stated the no barking policy was instituted due to the proximity of their location in Villa Hills. He stated sometimes when you go to these types of facilities you hear dogs going through stress barking and that is why they weed out dogs who cannot be in that type of environment. He further stated they have about 12,000 square feet of space currently and with this facility, it will be about 20,000 square feet. He stated all the dogs are professionally managed by professionally trained handlers. He stated they have recently had trainers come in and they commented they put a lot of pressure on them because they are so clean. Ms. Clay also noted they do provide grooming and they currently have clients who come from Covington to Erlanger to have their dogs groomed. Mr. France asked about the exhaust of the facility. Mr. Clay stated every 40 minutes there is an exchange of the air and they also use sunzymes to kill the bacteria and the other proteins that create the odor. He further stated they have done a lot to eliminate odor. He noted the consultants came in and stated they were stunned at how there was no odor.

He further commented that those are their two rules: no odor and no barking. Mr. Simpson asked about the capacity. Mr. Clay commented they care about their staff as much as their dogs and they make sure they are well cared for. He stated the young people in their care are as important as the dogs in their care. He stated based on the size of the building he thinks that 135 dogs is the max. Ms. Clay stated they are also looking at using some of the space for a membership based dog park. She stated there is a huge need for this. She stated this is better than a dog park since all the dogs are screened and are up to date on all their shots. Mr. Ryan asked about times of peak traffic and a general feel for how much traffic is coming in and out. Mr. Clay stated they are on Crescent Springs Pike and peak times for daycare drop off starts peaking between 8 and 9:30 and between 4 and 5:30 or 6. He stated people probably stay less than five minutes in the facility. He stated in the proposed facility they would pull in, drop off, then leave. Mr. Bridges asked if the dogs would spend the night. Ms. Clay stated they have overnight staff and cameras in the sleeping rooms so folks can keep an eye on their dogs as well.

Ms. Lauren Wolf addressed the Commission as a spokesperson against the application and stated she lives behind the proposed location. She noted the alley directly behind the proposed facility was abandoned by the city and the residents adjacent are allowed an easement to use it at ingress and egress. She stated she was at the meeting where the text amendment was discussed and Allie's was not mentioned at all, they just voted on the text amendment. She stated she has lived in the area for 15 years and the area residents have worked very hard to restore the buildings in the area. She stated almost all the homes on 12th between Madison and Russell have been redeveloped. She stated the light industrial was limited to a very thin strip along the railway. She noted since that time the area has significantly changed in the last few years. She noted all of her neighbors are used to living next to commercial and they exist very well. She noted despite Allie seeming like a very good young entrepreneur, she has concerns about a kennel being so close to her house. She stated she finds it hard to believe she will not hear 140 dogs barking. She commented her neighbors share a lot of concerns about the kennel but changing the zoning to light industrial is a big risk. She stated within 250 feet there are 40 homes on this site. She stated they are used to living within a short distance of commercial and they have learned to get along. She further stated this property was left as part of the zone for a reason because it sits up on the corner and aligns with the 12th Street corner. She noted she does not feel it aligns with the Linden area study. She also commented she believes there is a need for a kennel in the city but not here. She noted Mr. Sheets pointed out there is a lot of overlap between what would be allowed and what would not and they would welcome any of those as their neighbor.

Mr. Kevin Brewer addressed the Commission and stated he is not against dogs and has a son who has a post-traumatic stress dog he took care of for seven months. He stated his concern is about property value. He apologized and stated he is on chemo and is wearing a mask. He stated the biggest asset he has to leave to his wife is his house. He stated if he sounds like he's traumatized, he is. He then commented about the alley and stated that it has been closed since 1993 for a lot of different reasons. He stated the investment that he made is based upon having a secure inhabitable space in the city. He stated he doesn't understand the zoning change that has been applied for. He stated there is no entrance to the north or south sides of the building so the only entrance is through the front of the building. Mr. Ryan asked if they had access to the alley. Mr. Brewer stated they did.

Ms. Brewer addressed the Commission against the issue and thanked the Commissioners for allowing her to speak. She commented that she echoed most of what he (Mr. Brewer) said. She stated they would certainly request an additional feasibility or use study that limited industrial use for this. She stated the 2004 plan for the 12th Street corridor as well as the Linden Gateway

Study the neighborhood has dramatically changed. She also requested for the property if possible, that other property owners be included. She stated from their standpoint they feel this hasn't been investigated to determine if this is a long term desirable business. She stated she has lived in 20 different states and two other countries and has practiced law in Federal Courts and has decided to make Covington their home. She stated they live in Covington in the home her husband restored with his own two hands. She stated they certainly want a suitable business that would qualify within the existing zone. She also noted she thinks a key point is that the concept of the existing limited industrial usage that runs along the railroad is completely removed from their homes and it is almost as if they live in two different cities. She stated it requires a significant walk to get to. She further commented that the concept of it being already an industrial use environment where there is some precedent for that, is completely false. She noted that from that standpoint she is very impressed by the developer and the owner and stated they are very ethical. She stated she does agree that there is a need, but to introduce it in this manner really does pose a great risk to the peace of mind and in some cases the sanctuary, to the people who live in the area. She noted they have a very diverse neighborhood and they are what makes Covington special. She noted she doesn't think they have been made fully aware of this issue. She stated she doesn't dispute the claims of the owner of the no bark no odor, but she stated they should hear from the residents as to what they think about it. She then commented perhaps more time is needed to do an evaluation of the area and to allow more understanding of the proposal.

Mr. Steve Campbell addressed the Commission and stated if he were to walk out his front door he would hit the fire hydrant in the picture. He stated he bought his home because he worked on Russell Street and it was close to where he worked. He stated he loves the property. He stated now you drive by and you see homes that have been beautifully redone. He stated he remodeled his home from the basement up. He stated his concern is if you walk into that building within five feet and people are talking, he will be able to hear every word because the sound echoes. He further stated he has dogs who live behind him and he hears them multiple times a day based on how many ambulances go by. He stated his concerns are noise and smell from the building. He stated he understands and he's never been to the dog kennel and he may stop up to see the applicant's facility. He also stated he doesn't know what traffic will look like. He stated the sound comes directly across and spreads out on either side from that garage door because it is amplified. He stated other than the sound and the parking and the potential for an odor in the air - he noted he's not against dogs at all and he's not against the use of the building, he stated he just needs to know those will be addressed.

Ms. Maureen Siden addressed the Commission and stated she works for the University of Cincinnati. She stated their entire business is businesses that bring high paying jobs. She stated the City of Covington is booming and businesses are wanting to move there. She stated the City of Cincinnati is completely jealous when they heard this. She stated she thinks they are selling themselves short to put a small business such as this that is on the corner of Russell. She stated they have tours for people to come through their homes because they love them so much.

Ms. Fiona Vei addressed the Commission against the issue to speak on behalf of her parents who could not attend. She stated they moved to their property in 1990 and it had no roof and they invested in it from top to bottom. She stated they have concerns with putting a kennel in this area. She stated if they do change the zone and if it failed, what would come next. She stated the neighborhood is phenomenal and there is value in the community. She stated they don't know how it is going to do in this area and in this building and she is afraid what will come next.

She stated she is very concerned because her parents come out of this driveway every day and with the added traffic it might make it more difficult. She stated they have invested in their home for 30 years and they are concerned what this would do. She then asked how many dogs would be at the facility.

Ms. Danielle Hewlitt addressed the Commission and asked what the Commission is actually here to review. Mr. Darpel reiterated what the Commission was here to do. She then stated she wanted to disagree with what was said about the study that was done. She stated they purchased their property 20 years ago and they are in complete disagreement. She stated if you look at where the parking is, that is going to be a safety hazard based on 135-140 people coming in and out at that space there at MLK and Russell. She noted that area is already a problem. She stated because of the 11th Street Bridge and the 15th Street Bridges were taken down years ago, many more people are walking and riding bikes. She noted she doesn't think that has been taken into consideration. She noted they adhere to strict requirements in their neighborhood. She stated it is a huge problem to even think that they are considering that type of business going into the area. She stated that the site had to go into a brown field study due to toxins. She stated that is a problem and for that very reason that is why they don't want it coming into their neighborhood. She stated to undo industrial issues, to go back and change zoning and go back to that, is absurd. She commented there are more children than there have ever been in that area. She also stated having specifically a business with that amount of business and people coming in five days a week is a tremendous problem.

Mr. Darpel then read into the record the letters that were received in opposition to the issue. He marked those as an exhibit to be made a part of the record on the matter.

Mr. Belcher addressed the Commission as a neutral party and stated they submitted the text amendment-the kennel use, affects the use but not as much as the other. He stated they don't see an issue with kennels in the LI use but not necessarily with this one. He stated the bigger issue is that you currently can't have package liquor within 500 feet of a residence. Mr. Darpel stated his concern is you have industrial and if they are so successful that they move on, what could go in here. He stated he is just wondering if that was considered or not. Mr. Belcher stated they find that the urban and the mixed use they found that it would be more appropriate for an LI district and he stated they would prefer it be in the LI district over the mixed use. Mr. Logsdon asked what are some of the issues allowed with the LI district. The PowerPoint slide showing the permitted uses was then displayed on the screen. Mr. Belcher commented on sexually oriented businesses being allowed in the zone but stated they are not permitted within 500 feet of a residence. He stated generally it is more industrial use but there are some commercial uses that are allowed. He stated they are neutral on the map amendment but in agreement on the LI issue.

Mr. Videkovich clarified what the proposed zone change would mean and that it relates to this specific request. He noted any other use would have to come back for approval and go through the process and not just anything could go in there, even if it's a permitted use.

Mr. Robert McGrane addressed the Commission as a neutral party and stated he purchased his home and restored it based on the zone. He stated this business is needed in Covington and possibly where the IRS was located would be a better location. He stated he has been a member of the Old Seminary Association for thirty years. He stated just as if going from a LI to TUMU would be a concern there would be more discussion before going into a decision.

In regard to the text amendment issue Mr. Belcher addressed the Commission and stated his understanding is that if something doesn't work out with this issue and the map amendment was granted, if they applied and met something in that district it would be handled under that new district. He stated in other jurisdictions they would have to go back and have a map amendment on that if they were doing a different use. He then stated this will be something he will be speaking with his supervisor about in the morning to be clear on it.

Mr. Darpel then recalled the applicant if there was anything additional to add in rebuttal. Ms. Clay commented the employee parking is the parking already available. She further stated the Covington mayor is his love for small businesses so she doesn't think there is any desire to put in a large business. She stated with the people who live around the area there is no disrespect or desire to mistreat the area. She stated they are happy to provide a tour if anyone wants to come and visit their facility. She stated it is their desire to eventually move to Cincinnati and have smaller locations.

Mr. Darpel reiterated the procedure and commented the Commission is a recommending board and the ultimate decision lies with the City of Covington. He stated he's familiar with their facility.

Mr. Ryan asked about the solid waste disposal procedure. Mr. Clay stated it is bagged and put into a dumpster and treated. He said the smell does not permeate the parking lot if within 12 inches of the dumpster but it is treated so there is no smell in the area.

There was discussion on whether having a map amendment could mean someone who wanted to put in a different use could come in once the zoning was changed.

Mr. Darpel closed the public hearing and recessed the public hearing for discussion. Mr. Simpson stated he loved that the neighborhood came out and stated he is understanding of the situation. He referenced various industry that has been in the area previously and that there is a history of businesses and facilities in the area. He stated the bad part is the residents are right next to it. He further commented he grew up in Covington and is familiar with this. He further stated he thinks that the traffic was worse when it was an ATT business versus what it would be with what is proposed. Mr. Bridges stated this is one of the bright spots of Covington and people have a lot of good ideas but he thinks this is a bad idea. He stated he feels like it is putting a square peg in a round hole. He stated on MLK Boulevard, this is a prime location for some other businesses they are trying to attract. He stated he thinks they can get a higher use for the area and commented he doesn't think it's appropriate. There being nothing further, Mr. Darpel reconvened the public hearing and noted there would be three separate votes. Mr. Darpel stated he thinks Staff has done a great job on this and everyone has handled themselves very well. Mr. Darpel then closed the public hearing and asked for a motion. Mr. Simpson then made the motion to deny the request for an amendment based on community input, input from Staff and that the current zoning is appropriate. Mr. Bridges seconded the motion. A roll call vote on the motion found Mr. Simpson, Mr. Bridges, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Darpel, Mr. France, Mr. Hennessey, Mr. Martin, Mr. Ryan, Mr. Sketch, Ms. Snyder and Ms. Vaughn in favor. Mr. Logsdon, Mr. McElheney and Mr. Pannunzio voted against. Mr. Dunham recused himself from any consideration or voting on the issue. The motion is approved. Mr. Darpel then asked for a motion with regard to the text amendment. Mr. Simpson made the motion to approve the text amendment to make kennels a conditional use. Mr. Sketch seconded the motion. A roll call vote on the matter found Mr. Simpson, Mr. Sketch, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. McElheney, Mr. Pannunzio, Ms. Snyder and Ms. Vaughn in favor. Mr. Ryan abstained. Mr. Dunham recused himself from any consideration and voting on the issue. The motion was approved. Mr. Simpson then made the motion to deny the text amendment removing the spacing between a package liquor and an existing package liquor store. Mr. Bridges seconded the motion. A roll call vote on the motion found Mr. Simpson, Mr. Bridges, Ms. Baumgardner, Mr. France, Mr. Hennessey, and Ms. Vaughn in favor. Mr. Berling, Mr. Bethell, Mr. Darpel, Mr. Logsdon, Mr. Martin, Mr. McElheney, Mr. Pannunzio, Mr. Ryan, Mr. Sketch and Ms. Snyder voted against. Mr. Dunham recused himself from any consideration and voting on the issue. The motion failed. Mr. Simpson then stated the only reason he moved to say no is there are a lot of liquor stores

north of 12 Street but there are a lot in low income areas. He stated it will be great for north of 12th Street but the other areas not so much. Mr. Darpel stated in all reality, he doesn't know that it needs to be restricted that much with the 500 feet. Mr. France stated he would like to have a motion to reconsider based on Mr. Simpson's comments. Ms. Vaughn seconded. Mr. Simpson then made the motion to deny removing the space restrictions on package liquor. Ms. Vaughn seconded the motion. A roll call vote on the matter found Mr. Simpson, Ms. Vaughn, Ms. Baumgardner, Mr. Bridges, Mr. France, Mr. Hennessey and Mr. Ryan in favor. Mr. Berling, Mr. Bethell, Mr. Darpel, Mr. Logsdon, Mr. Martin, Mr. McElheney, Mr., Pannunzio, Mr. Sketch and Ms. Snyder voted against. Mr. Dunham recused himself from any consideration and voting on the issue. The motion failed. Mr. Sketch then made the motion to approve based on the testimony heard and Staff's report. Mr. Martin seconded. The roll call found Mr. Sketch, Mr. Martin, Mr. Berling, Mr. Darpel, Mr. Logsdon, Mr. McElheney and Ms. Snyder in favor. Ms. Baumgardner, Mr. Bethell, Mr. Bridges, Mr. France, Mr. Hennessey, Mr. Pannunzio, Mr. Ryan, Mr. Simpson and Ms. Vaughn voted against. Mr. Dunham recused himself from any consideration and voting on the matter. The motion failed with no recommendation.

FILE: PC2209-0004

APPLICANT: The City of Ludlow per Scott Smith, City Administrative Officer

REQUEST: A proposed text amendment to the Ludlow Zoning Ordinance adding museums as a conditional use within the I-1 (Industrial-One) Zone.

Staff presentation and Staff recommendations by Mr. Videkovich

PDS STAFF RECOMMENDATION

Favorable recommendation on the proposed amendment to the Ludlow Zoning Ordinance adding museums as a conditional use within the I-1 (Industrial-One) Zone.

There were no questions or comments on the issue.

Mr. Darpel then recessed the public hearing for discussion. Mr. Berling asked if there were other areas where this could've gone. Mr. Scott Smith addressed the Commission and stated there was, but an incredible opportunity came to the museum. He stated they were approached by the railroad to preserve the last remaining railroad building from here to Chattanooga. He stated the museum was currently housed next to the city building.

Mr. Darpel reconvened and closed the public hearing. Mr. France made the motion to approve. Mr. Sketch seconded the motion. A roll call vote on the motion found Mr. France, Mr. Sketch, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. Dunham, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. McElheney, Mr. Pannunzio, Mr. Ryan, Mr. Simpson, Ms. Snyder, and Ms. Vaughn in favor. The motion carried.

WAIVER: W2210-0001

APPLICANT: Shannon Clark on behalf of Secured Management, Inc.

LOCATION: 1320 Hands Pike

REQUEST FOR ACTION: To grant a waiver to the following Kenton County Subdivision Regulations;

Staff presentation and Staff recommendations by Ms. Laura Tenfelde

PDS STAFF RECOMMENDATION

To approve the requester waiver to Section 4.2-9 € of the Kenton county Subdivision Regulations allowing the applicant to plat six (6) contiguous flag lots, each at a width of 10 feet as shown in Exhibit C.

Ms. Shannon Clark registered to speak on the issue and stated she was the owner and was available to answer any questions. Mr. Darpel asked if there was any agreement on the property yet. She stated there was not. He then stated it probably would be a good idea.

Mr. Darpel recessed the public hearing for discussion. There being none, he convened and closed the public hearing. Mr. Darpel asked for a motion on the matter. Mr. Simpson made the motion to approve based on Staff's recommendation. A roll call vote on the matter found Mr. Simpson, Mr. Sketch, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. McElheney, Mr. Pannunzio, Mr. Ryan, Ms. Snyder and Ms. Vaughn in favor. The motion carried.

seconded by Mr. Sketch

Reports from Committees

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

Direction 2030 Implementation – Mr. Bethell stated there was nothing to report.

Executive – Mr. Darpel stated there was nothing to report

Social Media - Mr. Ryan stated there was nothing to report.

Subdivision Review – Mr. Darpel stated they are working on the updates and there is a meeting coming up on Monday October 10th.

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

Comments from Commissioners - Nothing to report.

Report from Legal Counsel – Nothing to report.

Reports/Announcements from Staff - Mr. Videkovich stated there was nothing to report.

General Correspondence - None.

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. Simpson. All in favor by acclamation. The meeting then adjourned at 11:09 p.m.

APPROVED:

Chair  _____

Date 11/3/22 _____