

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. Darpel, Chairman, called the meeting to order on October 7, 2021, 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) was as follows:

Commission Member	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Anthony Baker	Covington									X	X		
Margo Baumgardner	Crestview Hills	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	X	X		
Brian Dunham	Kenton Cty	X	X	X	X		X	X	X	X	X		
Tom France	Ludlow	X	X	X	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		X		
Joe Pannunzio	Elsmere	X	X	X		X	X	X	X	X	X		
Sean Pharr	Covington	X	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	X	X	X		
Greg Sketch	Crescent Spgs	X		X		X					X		
Maura Snyder	Independence	X	X	X	X	X	X	X	X	X	X		
Debbie Vaughn	Kenton Co	X	X		X	X		X	X	X			
Kristi Zavitz	Ryland Hts.	*				X	X	X		X			

Also present were Mr. Mathew Smith, Legal Counsel, and the following PDS staff: Mr. Andy Videkovich, Mr. Patrick Denbow 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.

*Mr. Martin had to leave the meeting at 7:55 p.m.

AGENDA:

Mr. Darpel stated there were no comments or changes with regard to the agenda. He asked for a motion to approve. Ms. Snyder then made the motion to approve the agenda as submitted. Mr. Ryan seconded the motion. All in favor by acclamation.

APPROVAL OF THE MINUTES

Mr. Darpel asked for approval of the minutes from September. 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. Baker, Mr. Berling, Mr. Darpel, Mr. France, Mr. Hennessey, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Mr. Simpson and Ms. Snyder in favor. Ms. Baumgardner, Mr. Bethell, Mr. Logsdon and Mr. Sketch abstained. The motion carried.

RECEIPTS AND EXPENDITURES:

Mr. Darpel stated the receipts and expenditures report was distributed. He asked for a motion to accept the report. Mr. Ryan made the motion to accept the report. Ms. Snyder 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

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

FILE: PC2109-0001

APPLICANT: Steve Berling on behalf of JSLT Properties, LLC & A-A Family Limited Partnership

LOCATION: 990, 996, 998 Dudley Road; an area of approximately 1.4 acres located at the northwest corner of the intersection of Dudley Road and Madison Pike in Edgewood.

REQUEST: A proposed map amendment to the Edgewood Zoning Ordinance from PO (a professional office building zone) to HC (a highway commercial zone); the applicant proposes to remove the existing structures and construct a proposed drive-thru restaurant and associated parking.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

PDS STAFF RECOMMENDATION

Favorable recommendation on a proposed map amendment to the Edgewood Zoning Ordinance from PO (a professional office building zone) to HC (a highway commercial zone); the applicant proposes to remove the existing structures and construct a proposed drive-thru restaurant and associated parking.

Ms. Tenfelde addressed the Commission after the presentation by Mr. Patrick Denbow and gave additional details with regard to the application.

Mr. Steve Berling addressed the Commission and stated those on the application with him are the owners and they want to sell the property. He stated the developer wants to put in a barbeque drive through only restaurant on the site. He stated they got it to work and it functions. Mr. Berling noted they used the existing two entrances and stated they thought it was better to bring the people in from up top. He additionally noted they worked with PDS the last couple months on the design and came up with a good office PO. He noted they are willing to get the traffic study done and make it safe. Mr. Berling additionally stated the whole office complex was graded and designed so people can park at that grade at the cemetery. He stated they will work through the issues with the Diocese. Mr. Berling stated he was available to answer any questions. Mr. Ryan asked if they would agree to a condition that the cemetery has access, to which Mr. Berling replied absolutely. Mr. Dunham noted the visibility coming out of Sperty. Mr. Berling stated Sperty is on the inside of the curve and has a terrible site distance and they will have to address it. He stated they have gotten in contact with a traffic engineer and will come up with a good design. Mr. Simpson stated every time he comes down Dudley there is a backup. He asked what they will be doing in terms of that and have they thought about another access point. Mr. Berling stated they have not and it might be a good idea. He further stated Dudley is a secondary thought and he thinks their main thought is 3L. He stated the state needs to step up and make a better access for the city.

Mr. Eris Deters addressed the Commission and stated he has been familiar with this property for a long time. He stated he became aware the family wanted to sell it and they have a contract to purchase it. He commented the project is within the comprehensive plan but he thinks the citizens have a right to know what is going to be going on there. He noted there is a three story building that is going to be up further and noted he is going to be working with Ashley on that design. He stated it is a very nice building and he is planning on putting his media company there. He then stated he has always wanted to start a concept fresh and clean that nobody else has ever done before. He stated the name of the restaurant is Liberty Barbeque and it is a high end drive through only restaurant. He stated the concept is to copy Chick Fil A and they have developed a state of the art drive through with the best state of the art kitchen and technology for the project. He additionally noted they will work with the state with the development. He noted there is not going to be any breakfast from the standpoint of the morning traffic. He stated he wants plenty of room so cars aren't backed up anywhere and they can get in and get out. He further stated there is going to be a big lot for anyone who wants to visit the cemetery. He noted they can have a sit down restaurant without a zone change but he doesn't want to do a sit down restaurant. He stated it is going to be a high quality project and they want to make certain the traffic goes in and out. He stated the property has gone downhill from an appearance standpoint so he thinks this is a great addition to the City of Edgewood. Mr. Simpson asked about the number of parking spaces and if these were based on the number of employees. Mr. Deters stated the office building has separate parking under the code. Mr. Darpel stated he would love to see a

restaurant down there but he is concerned with moving it from a PO to a highway commercial in regards to traffic. He tells his kids to not take a left out of Sperty because of the traffic. He stated he doesn't know if they will have the wide width to do what they have to do coming down out of there. Mr. Deters stated it is consistent with the comprehensive plan and they plan to do a traffic study.

Mr. Darpel then read two letters into the record that were received against the issue. He paraphrased what was said in the letters and marked them as exhibits to be made a part of the record on the matter.

Ms. Jane Taylor addressed the Commission and stated if she is going anywhere she uses Dudley. She stated it was absolutely horrible after the shift change at the hospital. She noted it is also bad at rush hour. She stated she makes sure she buys gas on the way because she feels like she is taking her life in her hands to turn left. She stated she is not against the restaurant but the traffic is already horrible and she feels it will get worse.

Ms. Ruth Robertson addressed the Commission and stated she has lived there for 40 years. She stated she uses Dudley hill daily. She noted if the road is the least bit wet, slick, etc. there is no way she would make a turn into Sperty Drive. She stated there is a barbeque place down near Walmart and there are many other places where he could build a barbeque place. She stated this would create major headaches for those who live in Edgewood. She stated the traffic coming southbound on 17 would be turning and going up the hill and they would not be able to cut across it. She noted as far as coming out of Sperty and trying to go up the hill that is difficult too. She stated once a zoning change is made there is no telling what may happen later. She stated the traffic from the hospital uses Dudley and especially if the bridges are blocked or there is a wreck on 275 the traffic on Dudley is totally blocked. She stated you are really stuck when sitting in that traffic. She additionally stated the Independence area is growing so there is lots of land out in that area. She noted that around Crystal Lake there is another subdivision going in there and noted the traffic is horrendous. Ms. Robinson stated you might sit through four stop lights before you can get out. She additionally stated she is very worried about a business going in there because of the traffic problems.

Ms. Mickie McCafferty addressed the Commission and stated she has lived there for 48 years and the traffic is horrible. She stated it is going to be even worse like Ruth Robinson said. She noted you can't stop on Dudley if the ice is bad coming straight and it's not going to be any better with a ninety degree turn.

Mr. John Huffman addressed the Commission as a neutral party and stated having seen and heard the testimony he may be more opposed to the zone change. He stated he would like to offer a couple of thoughts to add to it. He stated he has no objections to a restaurant but is concerned about traffic. He noted his thought is perhaps a solution that would help the overall traffic is the left lane is left as it is now with a sign that says 275 only from 5-7 or something, and the right lane coming down Dudley would allow for a right turn and say Route 17 only or something similar to help guide the traffic around. He stated it seems like there should be a way to handle the traffic whether or not the restaurant is approved. He noted there is so much traffic coming down the hill that this would be crazy.

Mr. Sean Carroll addressed the Commission and stated he just wants to offer some clarification on a couple things. He noted the new potential construction for Dudley and he has been emailing KDOT. He stated he was told Dudley will terminate at Sperty Drive so that is going to happen. He stated there seemed to be

some confusion there and that is their language. He stated they are going to the legislature in January to try to make this happen. He further stated this is a more imminent need because of the stories you heard. He stated if you wiped out the loading lane getting onto 275 it would be better. He stated this is already out there right now and it could be looked up.

Ms. Tenfelde clarified the state's plan that they are not finished with design reviews yet and stated there is no money in the budget yet. She stated it is not a done deal yet. She further stated the property is zoned professional office now and she would be remiss not to mention that. She also stated this would generate as much traffic as a 3-story office building and this is already zoned for that. She additionally stated this is proportionate for the site and she wanted to bring that to everyone's attention. Mr. Todd Berling asked about the entrances and exits and asked if they are the same ones being used. Ms. Tenfelde stated that was correct.

Mr. Berling stated in rebuttal that they take all the suggestions into consideration and the city has had knowledge of this for a long time. He started to sit here and say don't give him the opportunity to do this because the traffic is so bad but they are willing to do a traffic study and figure it out. He stated they know they have to do a traffic study and the road improvements in order to do the project. He stated whoever gets the professional office space or the restaurant it's the same amount of trips generated. He stated it sounds like Sperty should be cut off because that's the dangerous side. He stated they need the opportunity to go to Edgewood and work with them but they need the opportunity to go to the next level and do what they need to do. He stated they have talked to Edgewood about this project. He stated they are stepping up and saying they are trying to work with the city.

Mr. Deters addressed the Commission in rebuttal and stated he saw what the highway department is trying to do. He stated they want to cut off Dudley and anyone who wants to go up Dudley will have to go through Sperty. He commented when they showed it to him he said it was insanity. He stated this is what they have designed. Mr. Deters stated they will deal with the state when they have to and noted they are willing to do the traffic study. He stated this is not a high speed location at all so why are there so many accidents. Mr. Dunham stated he agrees with most of what was said but coming down Dudley you have poor visibility and that is the problem. Mr. Darpel stated his concern is this within the comprehensive plan. He stated he has a hard time letting it get there now because right now the infrastructure isn't really there. Mr. Deters stated when they first went to acquire the property they were told they didn't need a zone change at all. He stated then it came out because it allows for sit down restaurants but not drive through restaurants. He further stated Staff has recommended it because it is in compliance with the Comprehensive plan. He stated they could put in a sit down restaurant if they wanted. He asked them to let them do a traffic study.

Ms. Ruth Robinson addressed the Commission in rebuttal and asked if they are going to cut off access, how are they going to get into his restaurant. Mr. Darpel then stated they don't know what will happen down the road. She also asked the Commission to ask about school buses going up and down the hill.

Mr. Sean Carroll addressed the Commission in rebuttal and stated having a three story office building could really impact the traffic. He asked who they would get with to find out what would happen.

Mr. France stated everything that has been discussed seems to be generated by the traffic study that hasn't been done yet. He stated he is wondering if this is premature until Staff can review a traffic study. Mr. Darpel stated they have an application before them that does not require a traffic study and they don't have the authority to do that. He noted at this point they have to consider what is before them.

Ms. Tenfelde then stated the zoning ordinance does not call for the traffic study but does call for the turn lane so it is good practice to generate a traffic study. Mr. Berling asked if that is approved through PDS and Ms. Tenfelde stated she would be reviewing that and noted there are two components they would look into with the traffic study.

Ms. Snyder asked for clarification on the zoning now in terms of what is able to be built now versus what they are proposing and how that would generate the same traffic. She asked how an entirely drive through restaurant would not generate more traffic than an office building. Ms. Tenfelde stated for an office building it's looked at the a.m. and p.m. and the square footage. Mr. Baker stated his concern is he has seen Chick Fil A have traffic spill out onto 3L also. Ms. Tenfelde stated she doesn't have that same concern because it is a different traffic model in this location. Mr. Dunham asked for help in understanding the issue of traffic and functionality and safety and asked what the Comprehensive Plan talks about in terms of that. Mr. Videkovich stated the Comprehensive Plan does have some mobility to it. Mr. Darpel clarified that the Commission is a recommending body only. Mr. France clarified what the requirements are for being in compliance with the Comprehensive Plan. Mr. Denbow stated in this particular location it is further defined.

Mr. Darpel then recessed the public hearing for discussion amongst the Commissioners. Mr. Simpson stated while they are here to determine if this meets the comprehensive plan, one of the things that needs to be done is the traffic study and he doesn't think this restaurant is going to do well with the existing traffic. Mr. Berling stated without a traffic study to look at we're going to have the unacceptable condition regardless of what happens tonight. Mr. Dunham stated the biggest issue is it can be difficult to get out of the site and turn left with backed up traffic. He stated he doesn't see how the operation of a drive through there is going to make it a less safe scenario. He stated the dangerous spot is turning left out of Sperty. He stated maybe if there is more activity going on it might slow things up. He noted he feels their role is to look at the issue and determine if it's generally consistent with the comprehensive plan. He stated he is appreciative the next stage will involve a traffic study to look into it. Mr. Bridges stated the biggest employer is just up the hill and another major employer down the hill and about every restaurant known to man is in this area and to not allow another one doesn't seem consistent. Mr. Darpel stated he has a really hard time with it mainly because there are three lanes there and if traffic is congested it's going to be worse. He noted he just doesn't see it as being in compliance right now but can see a professional office space there. Mr. Ryan stated he is pretty conflicted on this and on the other hand a traffic study would really solidify what is needed in the area. He noted he also has concerns if a business doesn't thrive in an area, what other business is allowed in there. Mr. Darpel then reconvened and closed the public hearing. He asked for a motion on the issue. Mr. Berling made the motion to approve the map amendment based on Staff's recommendation noting that approval is subject to approval by the approval of PDS of the engineering study. Mr. France seconded the motion. A roll call vote on the motion found Mr. Berling, Mr. France, Ms. Baumgardner, Mr. Bethell, Mr. Bridges, Mr. Dunham, Mr. Logsdon, Mr. Pannunzio, Mr. Pharr and Mr. Ryan in favor. Ms. Baker, Mr. Darpel, Mr. Hennessey and Ms. Snyder voted against. Mr. Martin had

to leave the meeting prior to the vote being taken. Mr. Sketch recused himself from any voting on the matter due to a potential conflict. The motion carried.

FILE: PC2109-0002

APPLICANT: City of Crestview Hills per Paul Meier, Mayor

REQUEST: Proposed text amendments to the Crestview Hills Zoning Ordinance to (1) permit fences up to 72 inches tall in rear yards of all residential zones, and (2) to clarify vinyl as an allowable material for solid fences.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

PDS STAFF RECOMMENDATION

Favorable recommendation on the proposed text amendments to the Crestview Hills Zoning Ordinance to (1) permit fences up to 72 inches tall in rear yards of all residential zones, and (2) to clarify vinyl as an allowable material for solid fences.

Mr. Alex Mattingly addressed the Commission and stated he really doesn't have anything to add. He stated in reference to the vinyl question he thinks it's just to clarify in the zoning ordinance that vinyl is okay.

There being no one else 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. Ms. Baumgardner made the motion to approve. Mr. Baker seconded the motion. A roll call vote on the matter found Ms. Baumgardner, Mr. Baker, Mr. Berling, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Mr. Simpson, Mr. Sketch and Ms. Snyder in favor. The motion carried unanimously.

Mr. Logson and Mr. Sketch recused themselves from the following issue.

WAIVER: W2108-0002

APPLICANT: Mr. Steve Berling on behalf of the owners, Mr. Jesse Carpenter & Mr. Grant Dawson

LOCATION: 11280 — 11284 Decoursey Pike, Unincorporated Kenton County; An area of approximately 130 acres located on the West side of Decoursey Pike (KY 177), North of Visalia Road (KY 536) and South of KY 2044 (Pruett Road).

REQUEST FOR ACTION: Applicant is requesting a waiver to Article 4.2-9(F), Flag Lots, of the Kenton County Subdivision Regulations. Granting this waiver would allow the applicant to construct flag lots in exceedance of the 15% threshold set forth in the Kenton County Subdivision Regulations.

Staff presentation and Staff recommendations by Ms. Laura Tenfelde

PDS STAFF RECOMMENDATION

To approve the requested waiver to Section 4.2-9(F) Flag Lots allowing the applicant to exceed the 15% threshold set forth in the Kenton County Subdivision Regulations.

Mr. Steven Berling addressed the Commission in favor and stated he started this project 6-8 months ago. He stated the intent was to build homes for the families by the lake. He stated as things went along they tried to figure out how to get other family members in there as well so that's how they come up with the 9

lots. He stated it's a family affair and not a public subdivision. He stated they would love to build a private street but they cannot in Kenton County. He additionally stated they are asking for approval to build these homes. Mr. Darpel stated a concern is if a fire truck can get down there or other safety vehicles.

Mr. Jesse Carpenter addressed the Commission and stated their plan is to run something from the lake directly to pump out of the lake for fire safety issues. He noted this will be helpful with insurance he has been told. He spoke with the excavator and he is talking of widening the road back to other lots but he does not know how wide. Mr. Darpel stated they just don't want to create an unsafe condition.

Ms. Tenfelde stated once they get the plats in, the fire departments will be reviewing them. She stated she has the ability to ask the fire department if they can safely get a truck back there. She further stated the waiver is a great idea and they definitely have the ability to check that.

Mr. Bridges asked if they could build a public road to the last three lots. Mr. Berling stated they could not due to the width by the lake. He stated a 16 foot driveway would suffice to get back there. He noted the whole concept is to build down by the lake to enjoy the lake.

All others registered to speak had nothing to add.

Mr. Dunham stated historically they have been pretty tight with waivers, in particular flag lots. He noted he struggles with the whole safety aspect of it but wondered if they can get a condition as to the safety. Mr. Darpel reconvened and closed the public hearing and asked for a motion. Mr. Darpel stated for the record the applicant agreed to the condition. Mr. Dunham made the motion to approve the waiver with the condition that the applicant provide at the preliminary stage that the fire department is satisfied with ingress and egress of the site, and based on Staff's recommendations. Mr. Bethell seconded the motion. A roll call vote on the matter found Mr. Dunham, Mr. Bethell, Mr. Baker, Ms. Baumgardner, Mr. Berling, Mr. France, Mr. Hennessey, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Mr. Simpson and Ms. Snyder voted in favor. Mr. Bridges voted against. Mr. Sketch and Mr. Logsdon recused themselves from any voting on the matter. The motion carried

FILE: PC2109-0003

APPLICANT: Kenton County Planning Commission per Paul J. Darpel, Chairman

REQUEST: An amendment to Administrative Policy 5 updating the address of Planning and Development Services (PDS).

Mr. Videkovich stated he did not have a formal presentation. Mr. Darpel noted there was no one present to speak on the issue. As such, he then recessed the hearing for discussion. There being no discussion, he then reconvened and closed the public hearing. Mr. Darpel asked for a motion on the issue. Mr. Sketch made the motion to approve the amendment. Mr. Ryan seconded the motion. All in favor by acclamation.

Ongoing Business

Reports from Committees

Bylaws – Mr. Dunham stated a meeting was coming on the 25th of this month.

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

Executive— Mr. Darpel stated they were scheduled to meet yesterday and noted they are going to do a joint meeting with the Bylaws and Executive on the 25th. He said they are going to talk about their reserves and the budget and how that all works and put that in the Bylaws so everyone has a better understanding. He stated he thinks it will be a good way to clear everything up and commented even if you are not on those committees he encourages the Commissioners to attend as it would be helpful and some good education as to how our reserve works and how our funding works.

Social Media - Nothing to report.

Subdivision Review – Mr. Darpel stated they did not meet but they will be meeting on private drives and how to tackle that.

Z21 Review - Mr. Bridges stated they have a meeting on October 20th and Ft. Mitchell will be coming to speak.

Report from Legal Counsel— Nothing to report.

Reports/Announcements from Staff - Mr. Videkovich stated Erlanger has appointed Mr. Dan McLeany. He noted Pam will be sending an email with regard to how to access your ongoing CLE credit hours tomorrow. He additionally noted a continuing education opportunity will also be coming out via email for six and half hours so to be looking for that. He additionally stated they are going to be meeting on October 20th and also stated they are going to be working with Kenton County who will be picking up the process next year and have expressed an interest in going forward.

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. Pannunzio. All in favor by acclamation. The meeting then adjourned at 9:16 p.m.

APPROVED:

Chair

Date