

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. Darpel, Chairman, called the meeting to order on November 4, 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	X	
Todd Berling	Fort Wright	X	X	X	X	X	X			X	X	X	
Jeff Bethell	Fort Mitchell	X	X	X	X	X	X				X	X	
Gailen Bridges	Bromley	X	X	X	X	X	X	X	X	X	X	X	
Paul Darpel, Chair	Edgewood	X	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	X	
Keith Logsdon	Lakeside Park	X	X		X	X	X		X		X	X	
John Hennessey	Villa Hills			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	X		
Dan McElheney	Erlanger											X	
Sean Pharr	Covington	X	X	X			X	X	X	X	X	X	
Phil Ryan, Treasurer	Park Hills	X	X	X	X	X	X	X	X	X	X	X	
Kareem Simpson	Covington	X	X	X	X		X	X	X	X	X	X	
Greg Sketch	Crescent Spgs	X		X		X					X	X	
Maura Snyder	Independence	X	X	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	X	X		X			

Also present were Mr. Mathew Smith, Legal Counsel, and the following PDS staff: Mr. Andy Videckovich, Mr. Patrick Denbow and Ms. 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 asked for any questions with regard to the agenda. There being none, he then 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 October. Mr. Darpel commented there was not an Erlanger Commissioner noted in the roll sheet and a blank column should be inserted. Mr. Sketch stated he did not recuse himself on the second item but did recuse himself on PC2109-0003. Mr. Bridges made the motion to approve the minutes with the revisions as stated. Mr. Bethell seconded the motion. A roll call vote on the motion found Mr. Bridges, Mr. Dunham, Ms. Baumgardner, Mr. Berling, Mr. Darpel, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. Pharr, Mr. Ryan, Mr. Simpson, Mr. Sketch and Ms. Snyder voted in favor. Mr. McElheney and Ms. Vaughn abstained.

RECEIPTS AND EXPENDITURES:

Mr. Darpel stated the receipts and expenditures report was distributed. He asked for a motion to accept the report. Ms. Snyder made the motion to accept the report. Mr. Ryan 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: PC2110-0001

APPLICANT: COI Park536 Land, LLC, C/O Phil Rasey

LOCATION: An area of approximately 1.7 acres located directly east of 861 Mount Zion Road, approximately 860 feet south of Mt. Zion Road (KY 536) and approximately 900 feet north of Hogrefe Road.

REQUEST: A proposed map amendment to the Independence Zoning Ordinance from R-1C* (a single-family residential zone under the Kenton County Zoning Ordinance) to GI (a general industrial zone) under the Independence Zoning Ordinance; the applicant is proposing a stormwater detention area for the adjacent industrial development, and this rezoning will bring the entire development into the same zone.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

PDS STAFF RECOMMENDATION

Favorable recommendation on a proposed map amendment to the Independence Zoning Ordinance from R-1C* (a single-family residential zone under the Kenton County Zoning Ordinance) to GI (a general industrial zone) under the Independence Zoning Ordinance.

Mr. Ryan Lidke addressed the Commission in favor and stated he really had nothing else to add to Staff's presentation. He stated they wanted a continuous zone for the property so that is the reason for the zone change.

All others registered to speak had nothing to add.

Mr. Darpel recessed the public hearing for discussion. There being none, he reconvened and closed the public hearing and asked for a motion on the issue. Ms. Snyder made the motion to approve based on Staff's recommendation and stated that it is consistent with the comprehensive plan. Mr. Martin seconded the motion. A roll call vote on the motion found Ms. Snyder, Mr. Martin, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Bridges, Mr. Darpel, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. McElheney, Mr. Pharr, Mr. Ryan, Mr. Simpson, Mr. Sketch and Ms Vaughn in favor. The motion carried.

FILE: PC2110-0003

APPLICANT: Holland Design and Construction on behalf of Sons of Independence, LLC **LOCATION:** An area of approximately 35 acres located at the northeast corner of the intersection of Taylor Mill Road (KY 16) and Madison Pike (KY 17).

REQUEST: A proposed map amendment and revised concept development plan to the Independence Zoning Ordinance from R-1B* (a single-family residential zone under the Kenton County Zoning Ordinance) and R-2 (PUD) (a multi-family residential zone under the Independence Zoning Ordinance with a planned unit development overlay) to PUD (a planned unit development zone); the applicant proposes to develop 90 attached single-family patio homes with a community clubhouse and 5 commercial buildings, including two restaurants, a gas station/market, a brewery, and a fitness center.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

PDS STAFF RECOMMENDATION

Favorable recommendation on a proposed map amendment and revised concept development plan to the Independence Zoning Ordinance from R-1B* (a single-family residential zone under the Kenton County Zoning Ordinance) and R-2 (PUD) (a multi-family residential zone under the Independence Zoning Ordinance with a planned unit development overlay) to PUD (a planned unit development zone); the applicant proposes to develop 90 attached single-family patio homes with a community clubhouse and 5 commercial buildings, including two restaurants, a gas station/market, a brewery, and a fitness center.

Mr. Pete Cunningham addressed the Commission and stated essentially this is the same plan that was previously submitted. He stated this will be their own concept, they don't plan to bring in any franchise to the site. He stated the additional space increased the open space to about six acres. He noted they tried to maximize the off street parking. Mr. Sketch asked how they were sewerage it. Mr. Cunningham stated they are planning to gravity sewer it. Mr. Simpson asked if they are planning to offer any subsidized housing

within the development. Mr. Cunningham stated at this time they are planning on market rates within the development. Mr. Darpel stated his biggest concern is the additional parking.

Mr. Russ Rosenberger addressed the Commission and commented on the additional parking. He noted they will design this to the Kenton County Subdivision Regulations. He stated with regard to right of way, the south right of way they will try to vacate that from KYTC to try to clean it up. With regard to the northern entrance, he stated that is to connect the northern property and that is the plan right now. He stated once they get the additional topography completed they will try to add some more parking.

Mr. Chris Moriconi addressed the Commission and stated the city is in support of the plan.

Mr. Chris Vanhuss addressed the Commission as a neutral party. He asked the developers how the development would impact the adjoining property along 16.

Mr. Cunningham stated he did not know about the impact but it will increase the value of the property. Ms. Tenfelde stated they are working on the traffic study and can't really say how that is going to be impacted until that is completed. She stated since they are two state routes, the highway department is involved. Mr. Ryan asked about the state right of way and how that worked. He stated it seemed like redundancy to have parking there. Mr. Denbow stated they felt they would still like to have that cross connectivity provided directly to the site.

Mr. Darpel recessed the public hearing for discussion. Mr. Bridges stated when this came up in April, he objected to it not being small scale and now it's come back even bigger. He stated he will be consistent with his thinking from before. Mr. Logsdon commented on the parking issue. Mr. Darpel stated that is his biggest concern with regard to fire trucks coming into there. Mr. Simpson stated when this came before the Commission in April he believes he voted no because of the lack of affordable housing. He stated a development of this size and it's location to employment, etc., if they are coming before the body asking for a change they should offer something in return. He noted since this still doesn't have affordable housing he will be voting as he did before. Mr. Denbow stated the regulations do require that if the street does not require additional off street parking they have to provide a driveway.

There being no further questions or comments, Mr. Darpel reconvened and closed the public hearing. He asked for a motion on the issue. Ms. Snyder made the motion to approve the request based on Staff's report, the testimony heard and that it is in compliance with the comprehensive plan. Mr. Sketch seconded the motion. A roll call vote on the issue found Ms. Snyder, Mr. Sketch, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Darpel, Mr. France, Mr. Hennessey, Mr. Logsdon, Mr. Martin, Mr. McElheney, Mr. Pharr, Mr. Ryan and Ms. Vaughn in favor. Mr. Bridges and Mr. Simpson voted against. The motion carried.

Waiver 2109-0001

APPLICANT: COI Park536 Land, LLC, C/O Phil Rasey

LOCATION: 861 East Mount Zion Road, Independence; An area of approximately 103 acres, located within the City of Independence approximately 1,800 feet west of the intersection of Turkeyfoot Road, KY 1303.

Staff presentation and Staff recommendations by Ms. Laura Tenfelde

PDS STAFF RECOMMENDATION

To deny the requested waiver to Article 4.1-11(C) Sidewalks, of the Kenton County Subdivision Regulations and require that sidewalks be constructed along existing streets that abut the limits of a Subdivision.

Mr. Ryan Lidke addressed the Commission and stated the presentation was great and commented it is a tricky situation. He stated they are extremely excited for the development. He noted they have had numerous conversations with KYTC with regard to the development and are super excited to be working with KYTC on the development. He further stated they worked for the past year to get to where they are. He noted they are huge advocates of sidewalks and adding internal private roads with sidewalks to increase walkability. He stated this was very unique but they are in disagreement with Staff with regard to the sidewalks due to the topography of where the sidewalk would go. He noted it can't be built with the way the topography goes. Mr. Darpel asked what the timeframe was. Mr. Lidke stated the utility relocation would take into summer of next year. He noted they are being told the south portion of the roundabout would be constructed by next fall, and the following summer the second portion of the roundabout would be constructed. He further noted the buildings would then be constructed in 2023. Mr. Sketch asked which buildings would be constructed first. Mr. Lidke stated buildings one and two would be constructed first. He then commented about the sidewalks for building three.

Mr. Justin Verst addressed the Commission and stated he agreed with 95% of what Staff had said. He highlighted the requirements to grant a waiver and noted the exceptional physical conditions and the topography. He further noted the property drops off very quickly and they would have to fill in the flood plain in order to build the sidewalks. He noted for physical purposes they could not build them until phase one was completed by KYTC. Mr. Verst additionally noted the creek is right up against the road so if they were ever to build the sidewalk along Mt. Zion Road, it really is a sidewalk to nowhere. He then showed a couple slides to show why they can't build the sidewalks in the area. He additionally showed slides of KYTC's plans for the area and commented if they were to build the sidewalks it would be right against the road. He again commented if they were to build the sidewalk it would be to nowhere. He further noted if they were to bond it, it would be physically impossible to build it. He also showed a slide showing a guardrail along the road which would make it difficult to build the sidewalks. He noted it doesn't do any good to build a five foot sidewalk on Mt. Zion that will never get to Bristow Road. He further commented if they bond it, it will be bonded forever because they won't be able to build the sidewalk. He noted it is not physically feasible to build the sidewalk right now. Mr. Lidke addressed the Commission and stated it is hard to understand what that bond would be tied to down the road. He asked what are they bonding and how do they come up with something to bond at the end of the day. Mr. Verst stated their concern is they don't want to wait ten years but it doesn't make sense to build a sidewalk that will be ripped out down the road. Mr. Verst stated if they would apply to build the sidewalk, KYTC would not allow them to build in that flood plain until they were finished with Phase I. He noted they won't touch any more of the creek and KYTC's plans go right along the creek. Ms. Tenfelde stated her concern with approving the waiver today is it is approved with a situation that is likely to happen, but uncertain. She stated she thinks it is easy to throw out dates but a lot of it depends on construction. She stated she thinks it is highly feasible to come back in and look at the topographical issues at that time. She further noted without seeing anything on paper, it's very difficult to assess. Mr. Verst noted the creek kind of zigzags along the property. He stated his concern isn't building a sidewalk, it's building it to Bristow Road. He noted it doesn't really do any good to build the sidewalk on their side of the road until the road is moved. Mr. France asked why push for it so much right now and suggested letting it play out so some of these issues become known. Mr. Verst stated if KYTC did not have plans to build Phase II then they would just go ahead and build the sidewalks. He noted the builder would rather build the sidewalk and have the bond go on for years. Mr. Darpel stated

the bonding of the sidewalk is probably the least of his concern. Mr. Darpel stated he feels like they are just a little early to say, hey you don't have to build that sidewalk because if they do that, they don't know what's going to happen. He noted he has a hard time with that. Mr. Bridges stated a suggestion would be to wait until we know what KYTC is doing and withdraw the request and come back in a year or so. Mr. Verst stated his intention was to plat the whole subdivision at one time and have all the easements in place, but stated they could possibly plat one and two so the sidewalk waiver won't be an issue. He stated they would then plat one and two of the subdivision and leave three and four until they have to have it. Ms. Tenfelde stated this is a fixed date completion so anytime the contract has any changes it will be in that range.

Mr. Chris Moriconi addressed the Commission and stated this has a lot of moving parts and he never thought he'd be coming before the Commission supporting a sidewalk waiver. He noted the area where the sidewalk would go floods and part of those sidewalks would be under water. He noted this is something to think about and the state will do it the right way when they change the elevation. He noted this is just something to think about. He stated when the state puts in their section and they put in theirs and it just stops, it will be a sidewalk to nowhere. He noted the creek that goes along 536 and meets this creek. He stated they are going to have a five foot wide sidewalk that floods and is under water and it will really never go anywhere because it runs into a creek. He stated normally they would not favor a waiver but this a timing issue. He noted if they build the sidewalks, they will be under water at times and it will be a sidewalk that goes nowhere. He stated as the elevation is now, it will flood and be under water at certain points and this is just something to think about. He stated this just has a lot of moving parts and if nothing is ever built there, will be this sidewalk that goes nowhere. Mr. Darpel stated the fact that a sidewalk floods a few days out of the year is not a reason to not have a sidewalk.

Mr. Sketch stated he just thinks the option is up to the applicant to ask for the waiver at that time, but he has suspicion that if the project ends, they are going to be here anyway regarding the waiver. He stated the amount it would cost to build the sidewalk would be a hardship anyway. Mr. Verst stated from their standpoint they are going to start building these buildings and it's a fairly good certainty they are not going to wait two years to plat buildings one and two. He stated he doesn't know if KYTC is going to have the construction funding for next year but from their standpoint they'd rather go ahead and finish the hearing tonight with regard to the waiver vs. tabling and coming back.

Mr. Darpel then recessed the public hearing for discussion. There being none, he reconvened and closed the public hearing and asked for a motion. Mr. Bridges made the motion to deny the waiver based on the testimony heard and Staff's report. Mr. France seconded the motion. A roll call vote on the motion found Mr. Bridges, Mr. France, Ms. Baumgardner, Mr. Berling, Mr. Bethell, Mr. Darpel, Mr. Hennessey, Mr. Logsdon, Mr. Ryan, Mr. Simpson and Ms. Vaughn in favor. Mr. Martin, Mr. McElheney, Mr. Pharr, Mr. Sketch and Ms. Snyder voted against. The motion carried.

Ongoing Business

Reports from Committees

Bylaws – Mr. Darpel stated they did meet and discussion was on the amount of reserves and how those are established. He stated they are going to be bringing forward some language with regard to that to make the reserve reasonable.

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

Executive– Mr. Darpel stated they did not meet.

Social Media - Nothing to report.

Subdivision Review – Mr. Darpel stated they did not meet. He noted they are still continuing to work on minor revisions but have not met officially on that.

Z21 Review - Mr. Bridges stated they are busy and met and will have Fort Mitchell coming soon. He noted they have no further meetings scheduled yet.

Report from Legal Counsel– Nothing to report.

Reports/Announcements from Staff - Mr. Videkovich stated Mr. Bridges gave the report on Z21 and unless anyone has any questions he will be happy to answer those. He commented that at the Commissioner's places there is a sheet to review education credits online. He stated in the packets there is also a notification letter in the packet and they decided to include that to save on postage.

General Correspondence - Mr. Darpel stated any activity that is related to zoning can be brought to the Commission for approval for continuing education credit. He noted that he would like to request approval for continuing education credit for Mr. Simpson. Mr. Ryan made the motion to approve. Mr. Bridges seconded. All in favor. None opposed.

Mr. Darpel also stated he had received a letter from the City of Newport, Kentucky regarding a special hearing concerning the adoption of their 2020 comprehensive plan update. He noted the letter read any Commissioners are welcome to attend. Mr. Darpel stated that it will be on our website if anyone wants to take a look at that.

New Business – None.

Public Comments - None.

There being nothing further to come before the Commission, a motion to adjourn was made by Mr. Ryan and seconded by Ms. Snyder. All in favor by acclamation. The meeting then adjourned at 8:48 p.m.

APPROVED:

Chair



Date

12/2/21