

**KENTON COUNTY PLANNING COMMISSION
REGULAR MEETING**

Minutes

Mr. Darpel, Chairman, called the meeting to order on September 2, 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			
Margo Baumgardner	Crestview Hills	X		X		X	X						
Todd Berling	Fort Wright	X	X	X	X	X	X			X			
Jeff Bethell	Fort Mitchell	X	X	X	X	X	X						
Gailen Bridges	Bromley	X	X	X	X	X	X	X	X	X			
Paul Darpel, Chair	Edgewood	X	X	X	X	X	X	X	X	X			
Brian Dunham	Kenton Cty	X	X	X	X		X	X	X	X			
Tom France	Ludlow	X	X	X	X	X	X	X	X	X			
Keith Logsdon	Lakeside Park	X	X		X	X	X		X				
John Hennessey	Villa Hills			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	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			
Kareem Simpson	Covington	X	X	X	X		X	X	X	X			
Greg Sketch	Crescent Spgs	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			
Kristi Zavitz	Ryland Hts.	*				X	X	X		X			

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

“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 stated there were no comments 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 August. Mr. Darpel noted on page four second paragraph, the last line should read properties conforming and the word “legal” should be removed. He additionally noted on page 9 in the second full paragraph after the first two sentences, a sentence should be added “Mr. Bridges stated that the Z-21 recommends full approval for all three cities” by the Z-21 Committee. There being no other changes to be made, Mr. Darpel then asked for a motion to approve the minutes as amended. Ms. Snyder made the motion to approve with corrections. Mr. Bridges seconded the motion. A roll call vote on the matter found Ms. Snyder, Mr. Bridges, Mr. Baker, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Mr. Simpson, Ms. Snyder, Ms. Vaughn and Ms. Zavitz in favor. Mr. Berling abstained. The motion passed.

RECEIPTS AND EXPENDITURES:

Mr. Darpel stated the PDS Staff services in accordance with the new budget were adopted and noted and commented there really wasn’t anything that jumped out. He asked for a motion to approve. Ms. Snyder made the motion to approve the report. Mr. Ryan seconded. All in favor by acclamation.

RECENT ACTIONS BY STAFF:

(No action required)

RECENT ACTIONS BY LEGISLATIVE BODIES:

(No action required)

PUBLIC HEARINGS

FILE: PC2108-0001

APPLICANT: TDMG Contractors per Dan Greene on behalf of Greenup Town Properties, LLC

LOCATION: 3842 Old Madison Pike; an area of approximately 32 acres located on the west side of Old Madison Pike at the intersection of Dorisway Drive and Williams Creek Way.

REQUEST: A proposed map amendment to the Fort Wright Zoning Ordinance changing the described area from R-1D (RCD) (a single-family residential zone with a residential cluster development overlay) to R-1D (PUD) (a single-family residential zone with a planned unit development overlay). The applicant proposes to construct 12 attached single-family residential units and 132 multi-family residential units along with a clubhouse and pool.

Staff presentation and Staff recommendations by Mr. Patrick Denbow

PDS STAFF RECOMMENDATION

Favorable recommendation on the map amendment to the Fort Wright Zoning Ordinance changing the described area from R-1D (RCD) (a single-family residential zone with a residential cluster development overlay) to R-1D (PUD) (a single-family residential zone with a planned unit development overlay); The applicant proposes to construct 12 attached single-family residential units and 132 multi-family residential units along with a clubhouse and pool, subject to the applicant agreeing to the following conditions: 1. A street stub or access easement be provided to the property to the north. 2. The westernmost open space be provided with a path or trail system.

Mr. Dan Green addressed the Commission and stated he is the owner of the MG Companies. He gave a brief background of the company and stated at this time they own and manage roughly two thousand apartments. He stated they are a local company and do not buy and flip properties and they take great pride in their properties. He stated that is their goal and what they do and part of the reason he wanted to acquire the entire property to oversee. He noted Staff did a great job in presenting the application. He additionally stated they are trying to create a nice development and make it beautiful and make it great for everyone. He stated again that Staff did a wonderful job and he didn't have anything else to add but was available to answer questions. Mr. Ryan asked if he was agreeable to the conditions. Mr. Green stated he was. Mr. Baker asked about any trails. Mr. Green stated obviously they have to do that in an area that is feasible and at this point they have to figure out what that is. He noted they are all about amenities and commented it's good for the residents and good for the communities. Mr. Simpson asked if they were going to be accepting any Section 8 housing. Mr. Green stated it would be market rate housing. Ms. Snyder asked about the section without sidewalks and asked if there was any particular reason why that one section did not have sidewalks. Mr. Jeff Maloney addressed the Commission and stated they just didn't include the sidewalk in that area but would be willing to do so.

Others registered to speak in favor had nothing further to add.

Mr. Thomas Breitenstein addressed the Commission representing the HOA for Williams Creek Way homes. He gave some background information on himself and stated they did register for the "for" side of the application and that is based on the agreement they came to with Mr. Green within the last couple days. He noted they are here tonight to review for apartments and originally thought it was going to be for condos initially and that is why he was brought in. He stated in conversations with Mr. Green they are now in favor of the issue and commented on the conditions and the discussion. Mr. Breitenstein stated he hoped the Commission would agree to these conditions. He stated they are in favor of this project if these conditions can be enforced. He also noted he understands those conditions cannot be enforced tonight. Mr. Darpel marked the Agreed Upon Terms and Conditions as an exhibit to be made a part of the record on the matter. Mr. Darpel stated he commended Mr. Green and Mr. Breitenstein for working together on the issue. He stated they can't come in and accept new conditions but without having an enforceable standard that is very difficult. He stated they are part of the record now and the applicant has an opportunity to rebut anything and come back and speak.

Ms. Louise Kent addressed the Commission and stated she is the president of the Homeowners Association for Williams Creek. She stated when they purchased their condos they were under the understanding it would always be developed as upscale condos. She noted they were initially concerned with it and had a lot of questions and at that time had an emergency meeting and voted to oppose it. She stated they then hired an attorney to represent them. She stated over the past several days the board put a lot of time into learning about the owner of the company and what they do. She stated she has been very pleased with his openness to some of their suggestions and his ability to work with them. She stated because of this, the Board recommended supporting this recommendation last night. She stated they have created somewhat of a joint agreement and are optimistic that Kenton County and the City of Fort Wright will find this to be something they can both be proud of.

Mr. Richard Thompson addressed the Commission and stated when he found out about this it was a neighbor who told him. He stated he never heard anything about rezoning the property. He stated he bought the property about forty to fifty years ago. He additionally stated he approached the owner about buying some property adjacent to his property. He then noted the gentleman who owned said it could not be sold and that it was deeded to the remaining family. He said he could not sell it because it would be breaking up the will. He stated about ten years later he said he got a letter from someone stating he was landlocked and would like to buy his property. Mr. Thompson stated that did not happen and it was dropped. Mr. Thompson stated he didn't know what was going on because he was told it couldn't be sold and that it was landlocked. He noted then this occurred and he went and spoke to PDS about it. He then stated he wanted to get a copy of what the drawings would be and what the general planning for the property would be. He stated it was going to be condos and now he has changed it to apartments. He further stated he lived in an apartment all his life until he bought the condo. He noted some start out real nice but they go down hill. He noted he is concerned with what type of community it is going to be. He stated he doesn't want to see apartment buildings built right outside his condo. Mr. Dunham stated the original plan proposes to have much more of an impact on his property than what is now being proposed. He noted he is concerned they are going to go all the way up and it is very steep. Mr. Darpel noted that wasn't what was going to happen.

Mr. Green stated in rebuttal he really doesn't have anything to add in rebuttal. He stated he thinks everything has been pretty clear. He noted they drafted the agreement and his intention all along was in order for this to be successful if they want to be one big happy family. He stated it is his intention to work out an agreement with the pond. He additionally noted he is going to build a four unit condominium building to finish out the community. He stated he has no desire to do that but it's just the right thing to do to finish it out. He noted he will start that soon. He noted with regard to the parking, with the land around the pond they think they can create some additional parking. Mr. Green stated they can relocate the dog park and the clubhouse. He stated they will work on finding a new place for the clubhouse and the pool. He further noted they will work on the trail system and will build it where they can. He noted he will also offer to make the clubhouse and pool and fitness center available to be used by the residents of the condo association.

Mr. Darpel recessed the public hearing for discussion amongst the Commissioners. Mr. Ryan clarified that the conditions would be part of the motion. Ms. Snyder asked about the sidewalks and noted she wanted to make sure that was going in the motion. There being nothing further, Mr. Dapel reconvened and closed the public hearing and asked for a motion. Mr. Berling then made the motion to approve based on Staff's recommendations and testimony presented, the conformity to the Comprehensive Plan, and also including the attached conditions, and that it is in compliance with the subdivision regulations. Mr. Martin seconded the motion. A roll call vote on the matter found Mr. Berling, Mr. Martin, Mr. Baker, Mr. Bridges, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Mr. Simpson, Ms. Snyder, Ms. Vaughn and Ms. Zavitz in favor. Mr. Simpson voted against. The motion carried.

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

FILE: W2108-0001

APPLICANT: Hip VI Enterprises, LLC

LOCATION: 11772 & 11686 Old Lexington Pike Walton; an area of approximately 73 acres located on the East side of Old Lexington Pike and North of KY Route 16, Walton-Nicholson Pike, and West of KY Route 2043, Banklick Road.

REQUESTED FOR ACTION: Applicant is requesting a waiver to Article 4.1-11, Sidewalks, of the Kenton County Subdivision regulations which requires that sidewalks be constructed on both sides of public roadways.

Staff presentation and Staff recommendations by Ms. Laura Tenfelde

PDS STAFF RECOMMENDATION

To approve the requested waiver to Section 4.1-11, Sidewalks allowing the applicant to construct sidewalks on only one side of the portion of Street C located within Kenton County.

Mr. Jay Bayer addressed the Commission in favor of the issue and thanked Staff for a spectacular presentation. He stated it was very thorough and very detailed. He noted there really wasn't a lot he could add and just wanted to introduce his team. He then introduced Nick Hamberg and Jay Smith who were available to speak.

Mr. Jay Smith then addressed the Commission and reiterated it was an excellent presentation by Staff and he was available to answer any questions and they are very excited about the project.

Mr. Bayer then stated for the record they would like to agree with Staff and respectfully submit that granting this waiver will not be detrimental to the community.

There being no one else registered to speak, Mr. Darpel recessed the public hearing for discussion. There being none, he then reconvened and closed the public hearing. He asked for a motion on the matter. Ms. Vaughn then made the motion to approve the waiver based on Staff's report and the testimony heard. Ms.

Snyder seconded the motion. A roll call vote on the motion found Ms. Vaughn, Ms. Snyder, Mr. Baker, Mr. Berling, Mr. Bridges, Mr. Darpel, Mr. France, Mr. Hennessey, Mr. Martin, Mr. Pannunzio, Mr. Pharr, Mr. Ryan, Mr. Simpson and Mr. Zavitz in favor. Mr. Dunham recused himself and did not vote. The motion carried.

Ongoing Business

Reports from Committees

Bylaws – Mr. Darpel stated he would defer to Mr. Dunham to comment on the report. Mr. Dunham stated they met on Monday and went through the ByLaws to see if it was time for a refresh. He stated one still referenced the old address so he'd like to put on the agenda an amendment for next month to kind of clean that up. He noted the other thing is they've seen a lot of benefits from virtual meetings and such during covid and they are going to look into their Bylaws to allow for more of that to allow for more citizen participation.

Direction 2030 Implementation – Mr. Bridges stated they have not met.

Executive– Mr. Darpel stated there was nothing to report. No meeting was held.

Social Media – Nothing to report.

Subdivision Review – Mr. Darpel stated they did have a meeting and basically it was a discussion with Staff of some tweaks to clean up some language of the regulations. He noted after dealing with it for a number of years he requested it be done and Staff has done a great job of cleaning up some of the language. He stated he thinks Staff is doing a great job with that and he thinks it's going very well.

Z21 Review - Mr. Bridges stated they did not meet. He commented he would let Andy talk about the second tier cities.

[Mr. Darpel then commented that the minutes reflected that the meeting for August was held virtually and that change needed to be noted in the minutes. He then asked for a reapproval of the minutes noting that change. Ms. Vaughn made the motion to amend the minutes as previously approved. Mr. Ryan seconded the motion. A roll call vote on the motin found Ms. Vaughn, Mr. Ryan, Ms. Snyder, Mr. Baker, Mr. Bridges, Mr. Darpel, Mr. Dunham, Mr. France, Mr. Hennessey, Mr. Martin, Mr. Pannunzio and Mr. Pharr in favor. Mr. Berling abstained. The motion carried. Mr. Darpel stated Mr. Dunham actually pointed that out and he appreciated it.]

Reports from Commission members – Mr. Bridges asked if there was any effort to coordinate with Boone County on subdivision regulations pertaining to streets, sidewalks, curbs, etc. He stated it just seems silly that a street over here has to be done this way and a curb has to be done this way and asked if there was any way to coordinate between the counties. Mr. Darpel stated it's probably a smart thing to do. A brief discussion was had on the matter and then Ms.

Tenfelde stated the Boone County engineer did reach out to her and they have been talking on the issue. She noted their street sections in her opinion are a lot more stout so they may want to take a look at that more but they are discussing it.

Report from Legal Counsel– Nothing to report.

Reports/Announcements from Staff - Mr. Videckovich stated they did have a meeting for Z-21 meeting back in August and noted the next meeting would be in October. Mr. Videckovich stated you can expect a Bylaws amendment at the next meeting. He additionally asked how we wanted to do the next meeting and asked if we wanted to go virtually. Mr. Darpel stated his preference would be to go in person. Mr. Videckovich stated there was some interest from Commissioners to be virtual. Mr. Darpel then stated whatever the Commission wanted to do was fine and if they wanted to take a vote on it that was fine by him. Mr. Ryan asked if there was a way to have a hybrid version. Mr. Videckovich stated it's not a computer issue and that it is a sound issue. There was discussion on the issues existing with the room and technology available and Mr. Darpel stated he would like to have the Fiscal Court look into how that can work. He stated his preference would be to remain in person but he understands if people want to meet virtually or have a combination of both.

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. Ryan. All in favor by acclamation. The meeting then adjourned at 8:18 p.m.

APPROVED:

Chair 

Date 10/7/21