

**MINUTES OF A MEETING OF THE
FORT THOMAS PLANNING COMMISSION
FORT THOMAS COMMUNITY CENTER
WEDNESDAY, JULY 28, 2021
6:30 P.M.**

PRESENT: Dan Gorman, Vice Chairman
Dave Wormald, Secretary
Tim Michel
Jerry Noran
Larry Schultz

ABSENT: Dan Fehler, Chairman
Hans Tinkler

ALSO PRESENT: Kevin Barbian, Building & Zoning Administrator
Julie Rice, Administrative Assistant
Tim Schneider, City Attorney

Dave Wormald presided and called the business meeting to order at 6:30 p.m.

6:30 Business Meeting

Minutes – June 16, 2021

Members reviewed the minutes from the June meeting. A motion was made by Jerry Noran and seconded by Dan Gorman to approve the June 16, 2021 minutes as written. Motion carried 5-0.

Land Addition Plat

141 Ohio Ave. to 143 Ohio Ave.
Ted & Marilyn Jaspers, Applicants/Owners
Thomas & Laura Brennenstuhl, Owners
1,911 sf from parcel 14-470.00 to
Parcel 14-470.01

Mr. Barbian reported that this is a simple land addition of 1,911 sf from 141 Ohio Avenue, Thomas & Laura Brennenstuhl, to 143 Ohio Avenue, Ted & Marilyn Jaspers. The new lots are compliant with zoning.

Mr. Schneider confirmed that the plat is accurate. Following minor discussion, a motion was made by Tim Michel and seconded by Larry Schultz to approve the land addition plat for 143 Ohio Avenue. Motion carried 5-0.

7:00 Public Hearing

Stage I Development Plan (D-02-2021)

1136 S. Fort Thomas Avenue
King Brew LLC Taphouse & Bottle Shop
Lindsay King Keogh, Owner
The Post

Mr. Wormald called the public hearing to order and the Proof of Posting was read.

Dan Gorman announced that he is the seller of this property and therefore, recused himself from the public hearing at this time.

Kevin Barbian reported that the site of the proposed development is near the southern end of the Midway District - CBD across from Southside Deli Market. The parking lot of the existing site has 13 parking spaces. The development plan indicates that the parking lot to the north can accommodate as many as 23 parking spaces. A detached garage structure in the rear will accommodate a general contractor's business. Shawnee Avenue, adjacent to the south, is a one-way street going from South Fort Thomas Avenue to River Road. The other side of Shawnee Avenue has residential homes while the adjacent properties on South Fort Thomas Avenue have varying degrees of business uses. The site is slightly sloping from South Fort Thomas Avenue to the rear of the property to the east. There is currently very minimal vegetation on the site. The building has been vacant but was most recently used for office space.

The proposal is for a taphouse that will have outdoor seating on both the South Fort Thomas Avenue and Shawnee Avenue side of the building. Traffic flow will enter off of Shawnee (a one-way street) at the rear of the site, while exiting at the current access point on South Fort Thomas Avenue. There are proposed seating/standing areas on both the South Fort Thomas Avenue side and Shawnee Avenue side of the building.

Based on our current parking requirements, the required number of parking spaces for this type of use/occupancy, is 74. The site can hold 23 parking spaces and the applicant intends to have a signed affidavit for shared parking at the business located at 1227 South Fort Thomas Avenue. This property is owned by Dr. Michelle Story and is at the corner of Grandview Avenue and South Fort Thomas Avenue. Dr. Story's business (dental office) operates during typical office hours and the highest and most intense timeframe for the proposed taphouse will be in the evening. The location at 1227 South Fort Thomas Avenue provides an additional 25 spaces bringing the total to 48 parking spaces. The proposed shared lot is within 500' as required by 13.E.1.a.

The final approval for this development plan will require a waiver of the required number of parking spaces. This is very common for current businesses in the Midway Business District. The commission has waived the parking requirements for several businesses in this district in the past due to the limited availability of off street parking.

Mr. Barbian reported that the applicant's original proposal showed vehicles entering the parking lot directly off of S. Fort Thomas Avenue and exiting onto Shawnee Avenue. The proposal showed the top portion of Shawnee Avenue being changed to two-way traffic, and vehicles exiting onto S. Fort Thomas Avenue from Shawnee Avenue. Following a sight distance study done by the city engineer, it was determined that this modification to Shawnee Avenue would result in an unsafe intersection. Therefore, traffic will enter the parking lot from Shawnee Avenue and exit onto S. Fort Thomas Avenue in a clockwise direction.

With regards to loading and/or unloading, Mr. Barbian noted that the commission may wish to waive the strictest application of this requirement. There is one area for loading and unloading available, but it is inadequately sized. It is the intention of the owner to have deliveries during non-business hours.

The proposed location for the dumpster is in the north west corner of the site. The proposed location would need to be approved by Rumpke but based on the scope of the lot, it does not appear that it would be an issue if the location needed to be modified.

The applicant will be going before the Design Review Board on July 29th for design review and approval at which time lighting will be addressed. The plan indicates low level lighting and that no lighting will glare from this area into any adjacent properties. Mr. Barbian stated that he has no concerns regarding the proposed lighting.

Mr. Barbian reported that screening will not be required. The adjacent properties are all a part of the CBD zone and therefore, require no screening. The proposal does have an outdoor entertaining area on the south side, with residents across the street. Due to the potential intrusive nature of the use in this area, it is suggested that screening be constructed.

The right of way on the Shawnee Avenue side of the property is 40' in width and comes well behind the sidewalk. Varying proposals during the plan submittal have had some level of fencing,

retaining wall, or pergola at the back of the public walk. No structures shall be built within the city right of way and due to the lack of width from the building to the actual property line, it does not seem a structure, fence, pergola or other would fit in this location and screening would likely have to be vegetative. With the correct proposal, the City would likely be receptive to some level of vegetation within the right of way as there is currently vegetation in other areas, however, the owner does not wish to put vegetation in this area. The City has no objection to the applicant extending their concrete area out into the right of way similar to other businesses in the Central and Midway Business Districts.

The proposal satisfies Stage I Development Plan requirements and is in keeping with the vision of the Comprehensive Plan. Mr. Barbian feels that this type of business suits this entertainment district and is a fit for what is desired in our Comprehensive Plan.

Mr. Barbian concluded by stating that the proposed plan generally meets the CBD guidelines, Zoning Ordinance, and Comprehensive Plan.

Dave Steel was present along with applicant/owner Lindsey King-Keogh, King Brew Properties LLC. Mr. Steel stated that what has been reported has been a fair description of what is being proposed. Their biggest concern is that their closing date is coming up and they can't move forward with the project without approval from this board. They have begun tentative talks with Dr. Story to obtain a use permit for her property for addition parking.

Mr. Wormald opened the floor for public comment at this time.

Colin Pool and Angel Rolf, 25 Shawnee Avenue, were present to address the commission. Ms. Rolf stated that their biggest concern is what will be done to mitigate the noise from the site but otherwise, they support of the project. Another concern is parking on their "no thru traffic" street with very limited parking. They would appreciate it if signage could be added to deter customers from parking on Shawnee.

Ms. Keogh stated that the business will be a family friendly operation and envision only being open until 10:00 p.m. There may be a few special sporting events that they would be open a bit later, but they would comply with the current noise ordinance.

Mr. Noran asked if the City has the ability to limit street parking to "street residents only" on a public street. Mr. Barbian stated that he does not believe that there are any mechanisms built in to the Code of Ordinances to limit street parking on public streets in this manner. He feels that the lion's share of the customers to this business will be in the evening when most residents are already home from work. He suggested that the applicant provide a way to make their customers aware that additional shared parking is available at the corner of Grandview and S. Fort Thomas Avenue. Discussion ensued.

Mr. Noran inquired as to the anticipated hours of operation. Ms. Keogh stated that they tentatively plan to be open Monday thru Thursday from 2 p.m. until 9 p.m., Friday and Saturday from 12 p.m. until 10 p.m., and Sunday from 12 p.m. until 9 p.m. The business is not intended to have a "late night" atmosphere.

Discussion ensued regarding the loading and unloading zone, and if requiring that this be performed during non-business hours, is legally allowed as a condition of approval. Mr. Schneider confirmed that this can be made a requirement as a condition of approval.

Mr. Steel explained that the applicant may be using the same suppliers that other Midway businesses are currently using. There is the real possibility that deliveries could be made during normal business hours, but their parking lot should accommodate the delivery trucks during the day when there are no customers in the lot.

Mr. Barbian noted that the original parking lot design was reviewed and revised to increase the aisle width in order to accommodate deliveries and meet zoning requirements.

General discussion ensued.

Mr. Schneider asked the applicant if they currently have a written agreement with Dr. Michelle Story for the shared use of her parking lot.

Mr. Steel replied that they do not have a shared parking agreement in writing with Dr. Story, but they if the Board requires it, he can have something drawn up.

Additional discussion ensued related to required and shared parking.

Mr. Wormald asked the applicant what their intention is for a pergola on the Shawnee side of the

