

**MINUTES OF A MEETING OF THE
FORT THOMAS PLANNING COMMISSION
FORT THOMAS COMMUNITY CENTER
WENDSDAY, OCTOBER 20, 2021
6:30 P.M.**

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

ABSENT: Hans Tinkler
Jerry Noran

ALSO PRESENT: Kevin Barbian, Building & Zoning Administrator
Ron Dill, City Administrative Officer
Cheri Scherpenberg, Administrative Assistant
Tim Schneider, City Attorney
Alisa Duffey Rogers, AICP, Principal Planner with CT Consultants
Frank Twehues

Dan Fehler presided and called the business meeting to order at 6:30 p.m.

6:30 Business Meeting

Minutes – October 20, 2021

Members reviewed the minutes from the September meeting. A motion was made by Tim Michel and seconded by Larry Schultz to approve the September 14, 2021 minutes as written. Motion carried 5-0.

Proposed Text Amendment & Zoning Code Update

Ron Dill gave an overview of what the Planning Commission's duties are for approximately 20 attendees. The PC is responsible for the review of Development Plan and Zone Changing requests as well as developing our Zoning Ordinance.

This is the 1st Public meeting about updating our Zoning Ordinance to discuss the process and how they are going to go about reviewing this. We refer to it as a tool to help shape our city and is used by the staff to do enforcement and guide developers, as well as help others who own property to go about making changes or maintaining their property. Another guiding principal is our 2018 Community Comprehensive Plan that is required to be updated every 5 years. The Plan was created with much community input. We had Subcommittees and subtopics with a great response to guide the community and he invited the audience to stay involved. Tonight is the first meeting and presentation and we are looking for input on how the information can be applied.

While the technology for the presentation was being set up, a motion to approve the minutes from the last meeting was made by Tim Michel and 2nd by Larry Schultz. All in favor 5-0

Alisa Duffey Rogers opened the presentation with the need to update the Zoning ordinance since it was last done in 2012. The Community Plan is a policy document and has no legal standing. The Zoning Ordinance has legal standing and that is why it is so important. A Zoning Ordinance talks in rules and sets the rules for development with everything from land use to building height, where it sits on the lot and how much parking is required, etc. The Zoning Ordinance covers the details, and this is what we are beginning to take a look at.

The Agenda for the meeting is

1. A review of the Community Plan
2. To talk about the Zoning Ordinance update process
3. To give a Zoning Overview
4. To discuss the proposed Zoning Ordinance Amendments

The Ft. Thomas Community Plan that was adopted in 2018 had a series of elements, one of those being land use and zoning, and the overall vision for the land use and zoning element. This was to ensure that Fort Thomas continues to be an attractive, desirable and family-friendly city with a park-like setting where people choose to live, work and play, and where businesses choose to do business and invest in our community.

The goals and objectives underneath that overall vision are:

1. Enhance the quality of life
2. Maintain and Improve our housing stock and neighborhoods
3. Strengthen business districts and economic wellbeing
4. Protect our natural resources

As we begin to update the zoning ordinance, the vision, the goals and the objectives in the community plan will be the road map and guide for the future of this process.

In terms of the process for the Zoning Ordinance update, we do not envision the need for a total rewrite. The existing code provides a wonderful foundation to build upon.

The zoning rewrite will move forward in roughly four phases:

1. Analysis of existing conditions and the environment with a diagnostic review and report with recommendations on suggestions for moving forward
2. The blueprint phase that consists of formulating regulations
3. Formalizing ordinance amendments and using them to align the new zoning map
4. Updating the zoning ordinance and the map and completing the adoption

In reviewing the types of zoning, there are three types:

1 Euclidean or Conventional Zoning (Ft. Thomas Zoning Ordinance)

-The foundation principal is land use and what is permitted within each district

2. Form Based Codes (Proposed Amendments)

-Focus on building form and placement as opposed to land use

3 Hybrid Codes

-Apply different zoning tools in different places within the city

Currently in the Central Business District residential is only permitted above the ground floor. The first step in the zoning update process is a proposal of several amendments. Commercial and office uses are necessary in order to have a critical mass of residential so that businesses will locate here and be viable over time. Permitting more dense housing within the Central Business District will allow the future of non-residential development possible. When we talk about mixed use, please keep in mind that mixed use can mean vertical as well as horizontal. The proposed amendments retain allowing residential above the first floor, permits the use of row houses, as well as multi-family dwellings with flex space and live/work units. The new proposed standards expand the uses are more descriptive than the current standards, this will move us in a more form based approach to zoning

Dan Fehler, Chair asked for comments or questions from the members.

Dave Wormald asked if there is anything that shows the actual limits of the Central Business District so the public could have an idea of where to look to reference what is being discussed.

Ron Dill responded with examples of Bluegrass Ave. to the Post Office for the CBD, the intersection near Inverness and commercial areas of the Highland Plaza, the Ft. Thomas Plaza on U.S. 27 and the areas in the corridor of US 27.

Sharon McKnight-62 Miller Ln.

Asks the question of why there is a change of zoning now and not back in 2018 when the Comprehensive Plan came out?

Ron Dill responded with an explanation of how the planning is a process and that the Community Plan was created over a two year period and that you have to address needs as they come. For the Comprehensive Plan update, tools are created for implementation once we know what a plan is and that helps guide where you need to be. Needs for the community update and progress over time and so does the need for changes to documentation.

Alisa Duffey Rogers with CT Consultants added that communities have come to realize that all the things we did under a Euclidean Code in relation to older times and the smoke stack era did not create the communities that we desired and did not maintain the character that we have. The alternative is form based code. The most important thing is to think about the building and where it is placed on the lot and how it relates to the street, form based code addresses this first and land use second.

John Noble-48 Woodland Pl.

Stated that he appreciated the explanations of the zoning options and is a firm supporter of form based code and that it is a fantastic development. In hearing talk of how zoning is a tool for encouraging things to happen, he believes it overlooks another important aspect about zoning and that is that zoning is one of the few tools that we as a community have to protect what it is that we are trying to shape.

Mr. Noble asked for a clarified explanation as to how it defends and protects the vision that we have of a walkable community with a ground floor activated if we allow a developer to come in and build up to four stories or 50 feet high which we know is grossly out of scale with everything else in the rest of the

downtown area with no guarantee and no leverage for any type of the things we would like to happen on the ground floor to happen in the future. He asked for help in how to reconcile what could potentially be an extremely useful tool to encourage development and protect interests with an outcome that he anticipates may not do that?

Alisa with CT responded with defining form and use and the need to create standards that allow activation to happen and that the community needs to feel as if they are part of what is going on inside the building. To maintain activation those amendments require that use to be directly against the sidewalk and have development standards that support that to happen.

Mr. Noble would like to know if there is a way to have enforcements built into the code for townhouses or multifamily residential that do not necessarily have an office or exercise room or any other public facing piece to it on the first floor? He would like to know if there is a way to build into the code that whatever building is built it has to have some kind of public component on the ground floor that addresses the street. He believes this would make him and other residents more comfortable with the changes.

Mr. Noble also addressed the height of buildings. He feels the new building is substantially larger than the rest of the buildings surrounding it in the CBD and as a result has an outsized impact. He hopes that as we examine the code we can take it as an opportunity to reexamine what we did and potentially correct some errors of omission from not understanding the impact of a four story building downtown.

Alisa responded by stating that the amendments currently before the audience are addressing requirements of public use and transparency and that it is in the proposed ordinance.

Mr. Noble asked if the row houses and town houses would be required to have some sort of public outwardly facing use on the ground floor.

Alisa said that for the multi-family with flex space it would be the case and that for the row houses what is allowed that would provide that activation are things like encroachments of porches and signage. We are looking for interest and placement in the correct location.

Mr. McKnight-62 Miller Ln.

Pointed out that in the Midway District there are former store fronts that are currently being used as residential rentals and currently have blinds drawn and is unwelcoming to the space. He asked what would prevent that from happening.

Alisa discussed that is part of why there is a requirement for that public use to be adjacent to the sidewalk so that no one's living room or kitchen would be right against the sidewalk. She pointed out that there is a transparency requirement that would require that space to stay open and unblocked as well.

Mr. McKnight also addressed the desire for a small town feel in Ft. Thomas and that as far as size, if the community says a building is too big then it is too big and is asking the zoning to strongly consider shrinking the height of what can and cannot be allowed in that area as well as adding a certain amount of green space with every development.

Ron Dill points out that Mr. McKnight touched on a good point about the area in the Midway where if you walk by it no longer feels like you are in a business district, it feels dark and doesn't really fit. Ron Dill notes that the building there was never designed to support the types of businesses that would presently be interested in spaces like that. It is unfortunate that it is a non-conforming residential property. Mr. Dill believes the form based code identifies the structure in the way that Mr. McKnight is suggesting and that even if it were a residential use, if there was activation and a distance from the sidewalk it would feel different and still fit. This is what form based code does and that developing structures that are adaptable that way could do for our business district.

Caileen Tallant-Tallant Music Studio 122 N. Ft. Thomas Ave.

Mrs. Tallant expressed that she was upset the information of the meeting and code update was not communicated to the business owners even though she is located in the heart of the CBD. She feels that the proposed changes will negatively affect her business. She states her business brings 200 families to the business district per week and asks the audience to imagine if that was gone and replaced with residential. It would mean that the local businesses would not get the exposure to the 200 families and points out that businesses help other businesses. Mrs. Tallant is concerned that she will see business get knocked down and turned into row houses after Jan 2022. She states that community is everything and that this does not feel very welcoming as a business owner. Mrs. Tallant also addressed activation and the flex space allowing only one employee and no clients or sales out of the space. She is concerned that even though you feel welcome as you pass the business, you are not going to spend money or create taxes to the city. Mrs. Tallant is worried that the CBD will eventually turn into the central residential district.

Ron Dill clarifies that it is important for everyone to understand that they are talking about creating the opportunities in the tools that we have to develop or redevelop our city the way that we need or want to. There is nothing off the table or any intention to do things a certain way. He points out that we need to have the spaces available for the types of business that do want to come here and provide perhaps a greater opportunity for success. This addresses things like parking and how to modernize and create ADA access and that when you are trying to retrofit existing buildings it is not always possible or affordable. Mr. Dill emphasizes that we are looking for balance in our community.

Mayor Eric Haas

Mayor Haas pointed out that the meeting really is about getting feedback and finding out if there is a better way to do things in the future. He feels it is great that we are able to get this kind of feedback.

Peggy Maggio-37 S. Shaw Ln.

Peggy Maggio is asking if the process can be slowed down. She points out that there is a 225 page document that she didn't know existed until that afternoon. She is concerned that the City of Ft. Thomas will lose its character and park like setting if row houses and lack of green spaces replace what we currently have.

Thomas Morrison-96 Hawthorne

Mr. Morrison mentioned that we have form based code in the existing commercial buildings. He believes it is great to have flexibility but asks if there is a limit. Mr. Morrison asks if all of a first floor

could become residential. He believes that to make businesses successful that if it is 10% residential and 90% business that it would work, but if its 60% residential and 40% business that the business would fail.

Alisa Duffey Rogers responded that as it is currently drafted to permit those types of residential uses anywhere that it is currently zoned CBD. It could be tailored to have limits or even have limits within certain blocks if desired.

Dan Fehler asks Alisa about other communities that have done this and if they were successful

Alisa cited the example of Bellevue that has a successful partial form based code.

Tim Michel would like to know how many possible residences the City of Ft. Thomas could be gaining.

Alisa Duffey Rodgers stated that they would need to do an existing condition analysis to provide that answer.

Dave Wormald adds that he would be interested in the statistics of the possible analysis as well.

Mayor Haas would also like to see what references are out there and available. He pointed out that Monmouth has residential as well as commercial on a very busy street and is successful. He would like the opportunity to look at the existing conditions and where there may be potential for redevelopment.

Connie Grubbs-Council Member

Connie Grubbs asks if the form based code is compatible with keeping the current feel of the area and supporting the businesses. We want it to stay the same and we want it to also be a viable business district and we seem to be struggling with that compatibility.

Dave Wormald points out that there are no regulations preventing a current tear down of a business and rebuilding under our current code such as One Highland. We will have rules in place to preserve what we have.

John Noble-48 Woodland Pl.

Mr. Noble stated that we have a set of tools in place and right now those tools are doing some of the jobs that we need them to do but the consensus among the people he has spoken to are that they are not protecting the things we want them to protect. He is hoping that we can use this process to balance the needs of the business community and the needs of the community at large as well. He hopes we do not lose sight of protecting the vision of the community.

Dave Wormald discusses that some businesses aren't economically viable in those houses and that the updates would grant the owners the freedom to utilize their property for the best use and If they can't maintain or redevelop them the way they are today then we need to give them that opportunity. With the updates we have the ability to regulate or limit the way that redevelopment happens. People need to understand that we are not necessarily trying to preserve those houses as we are trying to create an economically viable way.

Peggy Maggio asks where the idea of row houses came from and if there could be a new idea of individual buildings with green space between.

Alisa with CT responds that the idea of row houses was one method of concentrated residences within downtown to help make the business more viable.

Caileen Tallant wanted to point out that flex space could be rented out or for sale, and that this may create a problem with financing for the business going forward as a commercial buyer.

Dan Gorman asked how you can avoid having uncomfortable spaces created by row houses. Would a form based code allow you to have businesses and high density and something truly residential and then businesses again creating row houses stuck in the middle.

Alisa responds by stating that going forward they could place the structures only where you feel are appropriate in districts to create the activation in a certain manner. Also, with form based code it is talking about where the building is located on the lot. Due to this, we can calibrate it so that you have a very concentrated central business district and then allow residences or just say all of these uses and building types are allowed within this geographic area.

Dan Fehler comments that he believes that people would prefer row houses because of ownership verses multi-family buildings.

Ken Bowman-103 N. Ft. Thomas Ave.

Mr. Bowman asks about change of ownership and if there would be any complications with a new owner wanting to grandfather the same use and keep the property residential.

Ron Dill explains that a change of ownership would not change anything and does not give up rights of the use of the building.

Mr. McKnight questions if we could require a buffer between buildings to maintain a yard and green space.

Mr. Dill does believe this could be accomplished by limiting sizing or number of attached units before a buffer area.

John Noble pointed out that when we are talking about zoning concepts that they make sense and apply over large swaths of area. He states the question of how many actual plots of land we are talking about is critical because the scale of area that we are talking about is extraordinarily small. He does not believe there is enough room in that defined area of the business district for there to be more than two or three of these chunks of stuff happening. He hopes that when the analysis is being done that they will look to see what the return on investment would be in terms of activation compared to the number of bodies it would bring downtown and if that will reflect the very finite scale of the area. We are talking about a relatively small number of people impacting a business surviving. He draws attention to the fact that one or two missteps could completely destroy everything.

Ron Dill explains that there is a delicate balance when talking about a small area and that missteps are avoided by putting the tools in place to allow you to control it in a way you hope it will work. Mr. Dill invites the audience to stay engaged and encourages the audience to keep attending.

Adjournment

With no further business to discuss, a motion was made by Larry Schultz and seconded by Dan Fehler to adjourn the meeting. Motion carried 5-0.

Approved: _____
Dan Fehler, Chair Date

Secretary: _____
Dave Wormald, Secretary Date