

**MINUTES OF A MEETING OF THE  
FORT THOMAS PLANNING COMMISSION  
HELD AT THE FT THOMAS CITY BUILDING  
ON WEDNESDAY, OCTOBER 16, 2024  
6:30 P.M.**

**PRESENT:** Dave Wormald, Chairman  
Dan Fehler, Secretary  
Pam Schweiss  
Jerry Noran, Vice Chair  
Tim Michel  
Larry Schultz

**ABSENT:** David Gwisdalla

**ALSO PRESENT:** Kevin Barbian, General Services Director  
Cheri Scherpenberg, G. S. Administrative Assistant  
Tim Schneider, City Attorney

**6:30 Business Meeting**

**Minutes – July 31, 2024 Co-meeting of Board of Council & Planning Commission**

Members reviewed minutes from the July 31, 2024 Co-meeting of Board of Council & Planning Commission. A motion was made by Larry Schultz and seconded by Dan Fehler to approve the July 31, 2024 Co-meeting of Board of Council & Planning Commission minutes as written. Motion carried 6-0.

**Minutes – October 1, 2024**

Members reviewed minutes from the Special October 1st meeting. A motion was made by Tim Michel and seconded by Pam Schweiss to approve the October 1, 2024 minutes as written. Motion carried 6-0.

**Land Addition Plat**

179 Burnet Ridge PIDN 999-99-12-527.01  
Steven Stubbs Cardinal Engineering, Applicant  
Joel & Emily Daley, Owners  
Land Addition of 0.104 AC.  
Burnet Ridge. PIDN 999-99-12-527.00  
Adam Blau, Owner

Mr. Barbian reported that the lot at 179 Burnet Ridge was created by a previous division of property. The new lot owners requested the land addition from the current property owners and they agreed. The Land addition plat is in conformance with all regulations and will grant the new lot owners more area

With minimal discussion, a motion was made by Jerry Noran and seconded by Tim Michel to approve the Land Addition Plat at 179 Burnet Ridge. Motion carried 6-0.

Audience Members to Address the Commission:

Audience Member: Joan Ferris, 66 Burney Ln.

Comments: Joan Ferris shared concerns about the city abiding by zoning rules and the allowance of waivers and variances.

Audience Member: Sharon MacKnight, 62 Miller Ln.

Comments: Sharon MacKnight referenced maximum front setbacks and stated that the concept was originally discussed at a meeting that took place on January 18, 2023. Sharon MacKnight also talked about community input, and transparency.

**Discussion: Questions & Commentary from the October 1<sup>st</sup> 2024 Public Hearing**

Alisa Duffey Rogers and Frank Twehues with CT Consultants delivered a Zoning & Subdivision Ordinance Update presentation. The order of the presentation involved the review of the Zoning & Subdivision Ordinance Update Process, a discussion resulting from the October 1<sup>st</sup>, 2024 Public Hearing and followed by the next steps and adoption process.

Question: Should Greene Street be included in the Tower Park Overlay District?

Response: Keep the proposed overlay as is to create consistency in the review process for exterior alterations.

Question: For Greene & Pearson Streets, should regulations only apply to alterations on the front of homes rather than all sides visible from public/private rights-of-way and public property?

Response: Keep the proposed overlay as is, the deed restrictions say exterior and all sides have prominent views.

Question: Should the Fort Thomas Avenue Overlay District be retained in the proposed UDO?

Response: Keep as is with noted updates below.

Question: Should there be any changes to the applicability?

Response: No

Question: Should there be any modifications of the regulations?

Response: Keep proposed regulations which include: front setback of the principal dwelling unit, placement of detached garage, attached garages, freestanding carports, roof design, building orientation, prohibition against enclosing front porches, façade design (transparency), and placement of solar energy systems. Strike the first sentence for carports in sub-section 3.8.04 A.3. and change the definition for carports to require a permanent foundation.

Question: Should there be any modifications of the regulations applicable to R-3 properties on Ft. Thomas Avenue?

Response: Keep proposed regulations which include: an entrance facing Ft. Thomas Avenue, a pedestrian connection to the sidewalk, transparent materials which include windows and doors that are required on facades facing Fort Thomas Avenue, and the front setback must be within 3' of the average front setback.

Text amendment in the R-3 District to say if an R-3 property is converted to a single family home or if an R-3 property is torn down and a single or two-family home is put back in its place they would have to comply with the Fort Thomas Avenue Overlay standards. Also, amend the R-3 Section to require that

multiple family properties have the same restrictions as single and two family dwellings in the Fort Thomas Avenue Overlay District.

Question: Should murals be retained in proposed UDO?

Response: Eliminate murals section from the proposed UDO.

### **Planning Commission Recommendation to Council**

#### **CITY OF FORT THOMAS, KY PLANNING COMMISSION**

#### **FINDINGS OF FACT, CONCLUSION, AND RECOMMENDATIONS REGARDING A COMPREHENSIVE UPDATE OF THE CITY'S ZONING AND SUBDIVISION REGULATIONS WHICH HAS THE EFFECT OF**

#### **REPEALING CHAPTER 154: ZONING CODE & OFFICIAL SUBDIVISION REGULATIONS AND REPLACING SUCH WITH THE TEXT OF THE UNIFIED DEVELOPMENT ORDINANCE DATED 8/28/2024 AND THE ZONING MAP DATED 8/22/2024**

- I. **REQUEST:** The Planning Commission of the City of Fort Thomas, KY applied to comprehensively update the City of Fort Thomas, KY's Zoning and Subdivision Regulations.
- II. **GENERAL INFORMATION: The City Fort Thomas Planning Commission held a public hearing on October 1, 2024, which was noticed as follows:**
  1. All property owners, whose property may be rezoned as a result of this comprehensive update of the City's zoning regulations and the City's Official Zoning Map, were mailed notices by first class mail on August 28, 2024.
  2. All adjacent jurisdictions were notified by first class mail, and those notices were mailed on August 28, 2024.
  3. The notice for the public hearing was posted on LINK-NKY.com, which is the City's official publication for public notices, on September 13, 2024
- III. **EXHIBITS: The following Exhibits are attached hereto or incorporated by reference:**
  1. The text of the proposed Unified Development Ordinance dated 8/28/2024.
  2. The draft Zoning Map dated 8/22/2024.
  3. The presentation from CT Consultants, a Verdantas Company, which was given as a part of the public hearing, which occurred on October 1, 2024.
  4. The Meeting Minutes for the public hearing held on October 1, 2024, which contain all statements and testimony given by those present who wished to speak during the public hearing.
  5. The City's Comprehensive Plan, entitled, "Fort Thomas Community Plan," which was adopted in December of 2018.

**IV. GENERAL FINDINGS: The Fort Thomas Planning Commission finds as follows:**

1. The Commonwealth of Kentucky, under KRS 100.201 and KRS 100.203, authorizes the City of Fort Thomas to enact zoning regulations.
2. The Commonwealth of Kentucky, under KRS 100.273, authorizes the City of Fort Thomas to enact regulations for the subdivision of land.
3. The Planning Commission followed a methodical process for the comprehensive update of the City's subdivision and zoning regulations that included the following phases:
  - a. Scoping Phase from 9/2021 – 10/2021
  - b. Phase 1 - Assessing Existing Conditions/Diagnostic Review & Report from 11/2021 to 2/2022
  - c. Phase 2 - Creating Revised Regulations/Blueprint Document from 3/2022 to 12/2023
  - d. Phase 3 - Formalizing all Ordinance Amendments & Zoning Map Alignment from 1/2024 to 4/2024
  - e. Phase 4 - Ordinance/Map Adoption from 5/2024 to 12/2024
4. The Planning Commission held numerous meetings, which were open to the public, to discuss the comprehensive update of the City's zoning and subdivision regulations. The dates of all meetings are as noted below:
  - a. Scoping Phase - 9/14/2021 and 10/20/2021
  - b. Phase I - January 19, 2022 & February 16, 2022
  - c. Phase 2 - April 20, 2022; May 18, 2022; July 20, 2022; January 18, 2023; February 15, 2023; March 15, 2023; April 19, 2023; May 17, 2023; July 19, 2023; August 16, 2023; and September 20, 2023
  - d. Phase 3 - January 17, 2024; February 21, 2024; March 19 & 20, 2024; and April 17, 2024
5. The Planning Commission and the City Council met together during the update process to consider major policy issues in the Unified Development Ordinance on the following dates:
  - a. Phase 2 – June 5, 2023
  - b. Phase 3 – February 20, 2024
  - c. Phase 4 - June 19, 2024 & July 31, 2024
6. The City Council held work sessions to discuss policy considerations in the Unified Development Ordinance. These work sessions were held during Phase 4 and took place on May 14, 2024 and June 5, 2024.
7. The City sponsored community engagement sessions during Phases 2 and 3 that included morning and evening sessions. These sessions were advertised on the City's website as well as on the City's social media channels. The sessions took place on January 19, 2023; February 16, 2023; March 23, 2023; April 20, 2023; May

18, 2023; July 18 & 19, 2023; August 17, 2023; September 21, 2023; January 18, 2024; February 22, 2024; March 21, 2024; and June 20, 2024.

8. The Planning Commission conducted the public hearing, as required by KRS 100.211, on October 1, 2024. The public hearing was noticed as indicated in the General Information section above.
9. The City of Fort Thomas adopted a Comprehensive Plan in December of 2018, which is entitled, "Fort Thomas Community Plan." The Planning Commission acknowledges that per KRS 100.197 the Commission should have completed a review of the Comprehensive Plan in December of 2023, which did not occur. Nonetheless, the *Community Plan* is the adopted Comprehensive Plan for the City of Fort Thomas, KY and as such must be considered when evaluating zoning map revisions per KRS 100.213.
10. That all attending the public hearing on October 1, 2024 were given the opportunity to be heard on the proposed comprehensive update to the City's zoning and subdivision regulations map and that the testimony presented at the public hearing was heard and considered by the Planning Commission when making its recommendation.

**V. SUBSTANTIVE FINDINGS RELATED TO CHANGES TO ZONING REGULATIONS: The Fort Thomas Planning Commission finds as follows:**

1. The City's Comprehensive Plan recommends, in Part 3: Achieving the Vision, that the City's Zoning Code be updated.
2. The proposed changes to the Development Standards for the R-1B and R-1C zoning districts agree with the City's comprehensive plan specifically the objective of promoting continued sensitive neighborhood investment particularly objectives and recommendations L2.2, L2.2.1, and L2.2.3.
3. The inclusion of specific standards for multi-family developments that require Multi-Family developments to address Fort Thomas Avenue moves the City toward the Comprehensive Plan goal of "Enhanc[ing] our quality of life" by "promot[ing] neighborhoods and business districts that foster walking, biking, social interaction and sense of community" which are objectives L1 and L1.2 in the Comprehensive Plan. Requiring Multi-Family Developments along Fort Thomas Avenue to be visually and physically connected to Fort Thomas Avenue fosters walking, social interaction, and a sense of community.
4. That permitting existing Two-Family Dwellings as a Restricted Use in specified residential zoning districts allows investment in these existing dwellings, which furthers the Community Plan Goal (L.2) of maintaining and improving our housing stock and neighborhoods, but does not permit an increase in the number of Two-Family Dwellings in existing neighborhoods.
5. The inclusion of Residential Contextual Standards, which govern the construction of new Single-Family Detached Dwellings in the Single-Family Residential Districts to ensure compatibility with the character of existing neighborhoods, is in agreement with the following Comprehensive Plan goals and objectives of:

- Maintaining and improving our housing stock and neighborhoods;
- Promoting continued neighborhood investment through renovations and rehabilitation of homes along with compatible additions and new infill construction and other improvements that help neighborhoods retain their viability and desirability; and,
- Ensuring that new housing is compatible with the character of the surrounding area.

**VI. SUBSTANTIVE FINDINGS RELATED TO ZONING MAP AMENDMENTS: The Fort Thomas Planning Commission finds as follows:**

1. The City's Comprehensive Plan recommends, in Part 3: Achieving the Vision, that the City's Zoning Map be updated.
2. KRS 100.213 states that a zoning district change can only be granted if the Planning Commission finds one of the following situations:
  - If the proposal is in agreement with the community's comprehensive plan, KRS 100.213(1);
  - If there have been major changes of an economic, physical, or social nature in the area involved that were not anticipated by the comprehensive plan and that have substantially altered the basic character of the area, KRS 100.213(1)(b); or
  - If the existing zoning of the property is inappropriate and the proposed zoning is appropriate, KRS 100.213(1)(a).
3. The creation of the R-1-TC zoning district, with the proposed reductions in Development Standards, is in agreement with the City's Comprehensive Plan specifically goal/objective L2 (Maintain and Improve Our Housing Stock and Neighborhoods) and L2.2 as well as recommendation L2.2.3 which states, "Update the residential district zoning regulations to better suit the existing development patterns for the various neighborhoods, e.g. lot size, front setback from the street, and width/depth of side and rear yards, and reduce the administrative burden of reviewing variances."
4. The proposed revisions to the Central Business District, which includes the creations of sub-zoning districts that are sensitive to the existing built environments and stricter Development Standards, is in substantial agreement with the strategies in the Comprehensive Plan for the Midway Area and the Town Center Area especially Midway Strategy 2 (MW2) and Town Center Strategy 1 (TC1). Both of these strategies call for preserving and enhancing the existing traditional main street character with primarily two to three story buildings close to the sidewalk, including storefronts with housing and/or offices on the upper floors. By reducing the maximum permitted height in the Central Business District, limiting the number of stories 2 or 2.5 stories, and including prescriptive Development Standards, the amended Central Business District begins to realize Strategies TC1 and MW2.

5. The Comprehensive Plan does not provide specific land use recommendations for Inverness. Therefore, the Commission cannot make a finding of agreement with the Comprehensive Plan for the newly created Traditional Business District, which is the zoning district proposed in the Unified Development Plan for Inverness. However, the existing zoning classification of General Commercial for Inverness is inappropriate because the permitted land uses and Development Standards in the General Commercial District do not reinforce the existing built environment. The proposed Traditional Business District is appropriate because the permitted uses are tailored to the neighborhood commercial nature of Inverness and the proposed Development Standards are designed to ensure redevelopment of underutilized parcels is in keeping with existing development.
6. Along Alexandria Pike, there are currently four zoning districts with different permitted uses and Development Standards, which results in an assortment of permitted uses and Development Standards that produces development lacking in cohesion. As a result, this diversity of zoning districts is inappropriate, and the establishment of the Alexandria Pike Mixed-Use District is a more appropriate zoning classification since the Alexandria Pike Mixed-Use District is a place-based zoning district with permitted uses and Development Standards specific to Alexandria Pike and tailored to take into account the varying lots configurations, topography, and constraints that exist along Alexandria Pike.
7. As envisioned in the Future Land Use Plan Map in the Comprehensive Plan, the Neighborhood Commercial/Office District will be used in non-residential locations in the City with a more suburban character. The permitted uses and Development Standards in the Neighborhood Commercial/Office District reflect this suburban character. Therefore, the Neighborhood Commercial/Office District is in agreement with the Comprehensive Plan.
8. The Fort Thomas Avenue Overlay District is intended to protect the traditional development patterns and neighborhood character of the residential areas along Fort Thomas Avenue since the charming, traditional character of the homes on Fort Thomas Avenue is a defining characteristic for the City of Fort Thomas. The City's Comprehensive Plan, in the Land Use Recommendations, recognizes that "Ensur[ing] that new housing is compatible with the character of the surrounding area," is vitality important to the City. The Comprehensive Plan also recognizes the importance of "Encourag[ing] sensitive renovations to older homes as a way of retaining the original character of Fort Thomas neighborhoods. The purpose of the Fort Thomas Avenue Overlay District aligns with these goals and recommendations from the Comprehensive Plan. Therefore, the Fort Thomas Avenue Overlay District is in agreement with the Comprehensive Plan.
9. By placing the existing Central Business District local historic district in the Unified Development Ordinance through the formation of the Central Business District Historic Overlay District, the City is "Enforc[ing] appropriate state and local legislation for the designation and protection of historic properties," which is a recommendation in the Comprehensive Plan. Creation of the Central Business District Historic Overlay District also "Foster[s] investments that retain our history,

cultural heritage and distinct character,” which is a goal in the City’s Comprehensive Plan. Therefore, establishment of the Central Business District Historic Overlay District is in agreement with the City’s Comprehensive Plan.

10. Enhancing the quality of life in Fort Thomas is the first goal in Chapter 2.1 – Land Use - of the Comprehensive Plan. One of the recommendations in the Comprehensive Plan to address this goal is to “Increase local efforts to preserve/protect historic sites and structures in Fort Thomas.” Establishment of the Tower Park Historic Overlay District agrees with this recommendation in the Comprehensive Plan. Currently, exterior alterations to these historic homes are regulated and reviewed differently depending upon the location of the historic home within Tower Park which is the result of the differing codes, covenants, restrictions, and City Ordinances that currently govern proposed changes to the exterior of the homes in Tower Park. Creation of the Tower Park Historic Overlay District will bring consistency of regulations and review processes, which is a compelling reason to create the Tower Park Historic Overlay District.

**VII. CONCLUSION:** Based on the evidence in the record which consists of the Exhibits in Section III, the Planning Commission affirms these Findings of Fact and concludes that proposed Unified Development Ordinance and the accompanying Zoning Map are fundamentally in agreement with the City’s Comprehensive Plan, and in those instances where agreement was not established in the Findings of Fact that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate. **Therefore, the Planning Commission respectfully recommends to the Board of Council as follows:**

**VIII. RECOMMENDATION:** Adopt the proposed Unified Development Ordinance, dated 8-28-2024, and the proposed Zoning Map, dated 8-22-2024 with the following revisions:

That the language is modified for carports in the Fort Thomas Overlay District and to change the definition of carport to say it has to have a foundation.

To modify R-3 Standards to be parallel with the standards for the Fort Thomas Avenue Overlay District specifically with attached garages, carports, porticos, and to add a section that states that if any R-3 properties are torn down, that a single family or two-family dwelling is constructed that it will comply to the standards in the Fort Thomas Avenue Overlay District.

That the maximum front setback that applies in the R-1B and R-1C specifically states that it does not apply to flag lots.

With minimal discussion a motion was made by Jerry Noran and seconded by Tim Michel to recommend that the Board of Council adopt the proposed Unified Development Ordinance, dated 8-28-2024, and the proposed Zoning Map, dated 8-22-2024 with the revisions noted and with eliminating the section on murals, based on the Finding of Facts as read by Planning Commission Chairman Dave Wormald with the assistance of Tim Schneider, City Attorney and Alisa Duffey Rogers, CT Consultant. Motion carried 6-0.



**Set November Special Meeting Date**

**Thursday, November 14, 2024**

**Zoning & Subdivision Ordinance Special Meeting**

**Location: City Building at 6:30 PM**

With minimal discussion a motion was made by Tim Michel and seconded by Larry Schultz to set a special meeting for the Zoning & Subdivision Ordinance on Thursday, November 14, 2024, at 6:30 PM, at the Fort Thomas City Building. Motion carried 6-0.

**Adjournment**

A motion was made by Tim Michel and seconded by Larry Schultz to adjourn the meeting.

Approved: \_\_\_\_\_  
                    Dave Wormald, Chair                      Date

Secretary: \_\_\_\_\_  
                    Dan Fehler, Secretary                      Date