

**CITY OF HIGHLAND HEIGHTS  
MINUTES  
PLANNING AND ZONING PUBLIC HEARING  
FEBRUARY 12, 2013**

Chairperson Crawford called the Planning and Zoning Public Hearing to order on Tuesday, February 12, 2013 at 176 Johns Hill Road at 7:00pm.

**PRESENT:** Chairperson Steve Crawford. Commissioners Harold Blocher, Melody Eifert, Audrey Koester, Joe Krebs, John McNabb, Chuck Pettit and Scott Reincke. Also present: City Planner Dave Geohegan, City Engineer/Zoning Administrator David Whitacre and City Attorney Steve Franzen.

**ABSENT:** None.

**ANNOUNCEMENT:** Chairperson Crawford announced the purpose of the Public Hearing is for the following application:

**P&Z CASE #01-2013: AN APPLICATION FOR A ZONE CHANGE, WITH DEVELOPMENT PLAN, SUBMITTED BY DR. SHEILA BOWLING HERALD, 2515 ALEXANDRIA PIKE, FOR THE PROPERTY LOCATED AT 2515, 2523 AND 2525 ALEXANDRIA PIKE, HIGHLAND HEIGHTS, KY., FROM THE PRESENT ZONE OF R-3 TO GENERAL COMMERCIAL (GC) ZONE APPROXIMATE AREA 1.22 ACRE.**

**NOTIFICATION PROCESS- JEAN RAUF ANNOUNCED NOTICE OF THE PUBLIC HEARING WAS DULY PUBLISHED IN THE CAMPBELL COUNTY RECORDER ON JANUARY 31, 2013. NOTICE OF THE PUBLIC HEARING WAS SENT BY CERTIFIED MAILING, RETURN RECEIPT REQUESTED, TO THE ABUTTING AND ADJOINING PROPERTY OWNERS OF RECORD. NOTICE OF THE PUBLIC HEARING WAS POSTED ON THE FRONT DOOR OF THE CITY BUILDING. SIGN WAS POSTED ON THE PROPERTY.**

**COMMENTS FROM THE APPLICANT:** Mr. Joe Cottingham, representative for the applicants Dr. Sheila Bowling Herald and her husband Michael Herald. He stated that the zone request is for 2515, 2523 and 2525 Alexandria Pike for approximately 1.45 acres. He stated the property is currently zoned General Commercial and the majority of the property is zoned R3.

Mr. Cottingham further stated the applicants purchased this property in 1998 and purchased the adjoining property in the fall of 2008. He stated they are asking for the zone change to complete the whole property. He stated this is consistent with the land use and with the zoning.

**CITY OF HIGHLAND HEIGHTS  
MINUTES  
PLANNING AND ZONING PUBLIC HEARING  
FEBRUARY 12, 2013**

**STAFF REPORT: CITY PLANNER DAVE GEOHEGAN** - Mr. Geohegan gave an in-depth report. He also stated that his report includes references to the Comprehensive Plan. A copy of his report was previously distributed to the Commissioners and City Staff, a copy thereof is attached to these minutes.

Mr. Geohegan presented an aerial view of the property and the area around the property.

Mr. Geohegan reported that staff does not think this is suitable for land use under the current Comprehensive Plan and it makes more sense to request General Commercial.

Mr. Geohegan reported the request for General Commercial Zone allows many permitted uses. He stated that the applicant has not indicated any use but Professional Office.

Mr. Geohegan also reported that staff suggests that if in the future if something other than Professional Office should show for that other building it would have to come back to Planning and Zoning for review.

**STAFF REPORT FROM: ZONING ADMINISTRATOR DAVE WHITACRE:**

Mr. Whitacre gave a report. He addressed the site plan, the detention and storm water issues, parking, landscaping features and sidewalks. There was discussion about Mr. Whitacre, and it was the outcome these issues would be discussed when the Stage II Plan is submitted. A copy of Mr. Whitacre's report was previously distributed to the commissioners and City Staff, and a copy thereof is attached to these minutes.

Mr. Crawford asked the applicant if there is logic to showing Professional Office, but they are asking for General Commercial. The applicant responded to be consistent with the current site.

**CITY ATTORNEY:** Attorney Franzen reported he has reviewed the Zone Change with Development Plan request.

**CITY OF HIGHLAND HEIGHTS  
MINUTES  
PLANNING AND ZONING PUBLIC HEARING  
FEBRUARY 12, 2013**

Mr. Franzen reminded the commissioners if they find that the Zone Change request is consistent with the Comprehensive Plan, they are permitted to grant the Zone Change. If they find that it is not consistent with the Comprehensive Plan, they could still grant the zone change if they find that were sufficient social, economic and physical changes in the rezoned area that made the current zone no longer appropriate and the current Comprehensive Plan Zoning no longer appropriate.

Mr. Franzen further reported it is his understanding that this zone change is consistent with the current Comprehensive Plan. He also reported if they make that finding and explain why they are making that finding, the zone change could be granted.

**COMMENTS FROM THE COMMISSIONERS:** Commissioner Eifert addressed her concerns. She was concerned when the applicants build the Phase II they might change their mind and build something other than a Professional Office. She wanted to know if Planning and Zoning could do anything to restrict them from building anything other than the office building and build something else that is permitted in the General Commercial zone.

Attorney Franzen informed her if the zone is changed to General Commercial they are permitted to build what is permitted in the General Commercial zone.

Commissioner Pettit asked if Planning and Zoning could reject the use if the applicant decides to not build a Professional Office when they build in the Phase II. Attorney Franzen informed him that Planning and Zoning are not permitted to reject any use that is permitted in the General Commercial zone.

Chairperson Crawford stated we are in the process of reviewing the new Comprehensive Plan and hope to have it reviewed and approved soon. He stated it will probably be vastly different from the current Comprehensive Plan. He reported that this may be problematic since we are establishing a General Commercial Zone in an area where probably it is not going to be General Commercial.

Mr. Geohegan responded to his concerns. He also reported it is more important to look at the text in the Comprehensive Plan rather than the map. He stated

**CITY OF HIGHLAND HEIGHTS  
MINUTES  
PLANNING AND ZONING PUBLIC HEARING  
FEBRUARY 12, 2013**

generally the text carries more weight than the map. He stated this was addressed in his report.

Mr. Geohegan also stated that the 2013 Comprehensive Plan is not adopted and there are some issues with the Land Use map. He reported the Steering Committee indicated they would recommend that the front part in that corridor be zoned Commercial and Office with Residential behind it.

Mr. Geohegan stated he believes the applicant is improving the site and is trying to make it more viable for the area. He further stated when built the site will be greatly improved and this will be an encouragement in that area. He recommended this development.

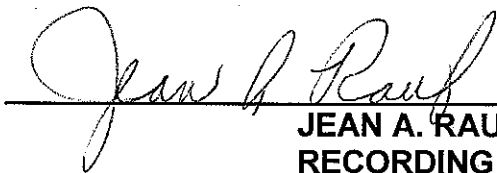
Mr. Franzen said he believes that the applicant is going to be restricted to the uses they provided in their plan. He stated if someone else would gain ownership of this property they would have the rein of the general commercial uses. but if they deviate from the plan they cannot do this without Planning and Zoning permission. He further explained if they have a different tenant and would deviate from the plan, they would have to come back to Planning and Zoning.

**COMMENTS FROM THE AUDIENCE:** None.

Hearing no further comments, Chairperson Crawford closed the Public Hearing.

**ADJOURNMENT:** The Public Hearing adjourned at 7:50pm.

**SUBMITTED BY:**



**JEAN A. RAUF CITY CLERK TREASURER CMC  
RECORDING SECRETARY PLANNING & ZONING**

**CITY OF HIGHLAND HEIGHTS  
MINUTES  
PLANNING AND ZONING PUBLIC HEARING  
FEBRUARY 12, 2013**

SIGNED BY:



A large, stylized handwritten signature in black ink, appearing to read 'Steve Crawford', is written over a horizontal line. The signature is fluid and extends to the right of the line.

**STEVE CRAWFORD, CHAIRPERSON  
PLANNING & ZONING COMMISSION**