

**CITY OF HIGHLAND HEIGHTS
PLANNING AND ZONING
PUBLIC HEARING MINUTES
APRIL 14, 2015**

Chairperson Crawford called the Planning and Zoning Public Hearing meeting to order on Tuesday, April 14, 2015 at 176 Johns Hill Road at 7:00 p.m.

PRESENT: Chairperson Steve Crawford and Commissioner, Melody Eifert, Audrey Koester, Joseph Krebs, John McNabb, Chuck Pettit, Gene White and Harold Blocher. Also present: City Attorney Steve Franzen, City Engineer/Zoning Administrator David Whitacre, City Planner David Geohegan and Sue Kramer, Assistant City Clerk.

Chairperson Crawford announced the purpose of the following Public Hearing.

REVIEW AND DISCUSS THE PROPOSED REVISIONS TO THE HIGHLAND HEIGHTS ZONING ORDINANCE 2015 UPDATE. THE PROPOSED REVISIONS INCLUDE ADMINISTRATIVE AND SUBSTANTIVE CHANGES TO THE TEXT, AND ONE SUBSTANTIVE PROPOSED CHANGE TO THE OFFICIAL ZONING MAP. THE ZONING OF 2555-2557-2559 ALEXANDRIA PIKE KNOWN AS APPROXIMATELY A ONE-HALF ACRE PORTION OF THE MIDWEST BOTTLE GAS DISTRIBUTORS, INC., SITE IS PROPOSED TO BE CHANGED FROM ITS CURRENT ZONING OF RESIDENTIAL THREE (R-3) TO GENERAL COMMERCIAL (GC).

NOTIFICATION PROCESS: THE NOTICE OF THE PUBLIC HEARING WAS DULY PUBLISHED IN THE CAMPBELL COUNTY RECORDER AND NOTICE OF THE PUBLIC HEARING WAS POSTED ON THE FRONT DOOR OF THE CIVIC CENTER.

GUESTS: NONE.

CITY PLANNER DAVID GEOHEGAN: Mr. Geohegan gave an in-depth report on the 2015 Zoning Update, the Proposed Revisions including Administrative and Substantive changes to the text. This is a proposed update, not an overhaul or complete re-write. Discussed changes added or changed were in Article 7, 8, 9, 10, 11, 12, 14, 15 and the Official Zoning Map which were included in the staff report submitted to the Commissioners and attached to the minutes. The intention of this update to the zoning regulations and map is to improve the zoning districts in relationship to implement the Comprehensive Plan, then re-visit at the next 5 year update, and perform detailed corridor studies in the meantime. Mr. Geohegan then reviewed a list of draft changes made since the March 10, 2015 Public Hearing. Article 7 definitions were modified and clarified. Article 10 Zoning Districts were discussed and reviewed.

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Article 14, Section 14.2.A.13 Signs were discussed, Mr. Whitacre suggested adding to #13 "or private property" to the Short term temporary signs paragraph. In that same paragraph leaving "Examples of" in and adding family event. Article 14, Section 14.2.A.12 was reviewed. In Article 9, Section 9.18A number seven was deleted and a new updated review was added.

Mr. Geohegan concluded the proposed substantive changes help to implement the adopted 2012 Highland Heights Comprehensive Plan by providing zoning districts and review procedures that can permit the type of development called for within the overall Comprehensive Plan, the Land Use Chapter, and within the Redevelopment Areas contained in the Plan. The recommended changes and overall ordinance and maps are consistent with the existing and planned infrastructure in the City of Highland Heights. The proposed, added changes for the April 14, 2015 public hearing will help address proper development in the business districts of the city. In our opinion, the referenced 2015 Highland Heights Zoning Regulations and map satisfy the requirements of KRS Chapter 100 for land use regulation, and are suitable for adoption.

Chairman Crawford thanked Mr. Geohegan and Mr. Whitacre for all the impressive work and he commended them for their excellent presentation.

CITY ZONING ADMINISTRATOR DAVE WHITACRE: Mr. Whitacre proceeded to review his report for Planning and Zoning. He reported he was contacted by United-Maier Sign they will be waiting for the adoption of the new Zoning Ordinance for an appeal/variance process. One area that Mr. Whitacre changed was to add a paragraph to the Accessory Structure Section. It now prohibits storage containers/cargo containers to be used as accessory structures, and limits the use of PODS for 30 days. It was also necessary for Section 17 on the Board of Adjustments to be modified so that it is in compliance with the current Kentucky Revised Statutes Section 100. Yard signs were discussed and reviewed. The discussion of the taking care of swimming pools in prior years needs to be addressed with some updating of the current Section 9.18.A.7. This section should be deleted and adopt a new section that addresses the need for an owner to maintain their pool.

CITY ATTORNEY STEVE FRANZEN: Mr. Franzen advised the committee that there has been a lot of information and changes suggested tonight; take your time and make sure, this is not something that has to be done tonight.

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COMMENTS FOR THE AUDIENCE: Mr. David Williams Attorney for United Maier 5/3 Bank Signage asked if the appeal will go to the Board of Adjustment not the Planning and Zoning Committee. Mr. Franzen commented that new businesses will go to the Planning and Zoning Commission existing appeals will go to the Board of Adjustment.

Mr. Whitacre reported that in Section 9-7 A and B should be Zoning Administrator not Building Inspector.

There being no further business **MEMBER MCNABB MOVED TO ADJOURN THE PLANNING AND ZONING PUBLIC HEARING AND WAS SECONDED BY MEMBER WHITE. DISCUSSION: NONE. AYES: ALL. CHAIRMAN CRAWFORD DECLARED THE MOTION PASSED.**

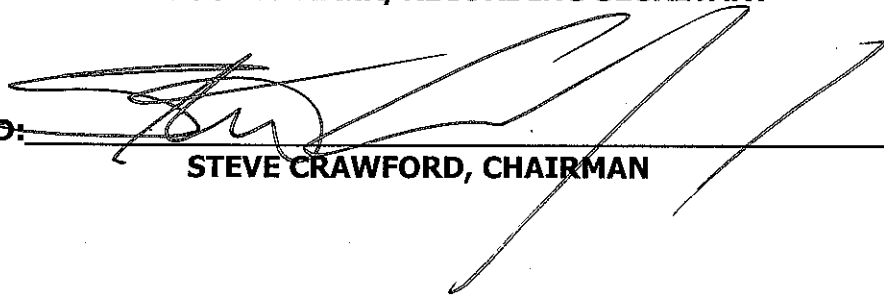
The meeting adjourned at 8:20 p.m.

SUBMITTED BY:



SUE KRAMER, RECORDING SECRETARY

SIGNED:



STEVE CRAWFORD, CHAIRMAN

**PLANNING & ZONING
PUBLIC HEARING MINUTES
APRIL 14, 2015**

STAFF REPORT

The Proposed 2015 Highland Heights Zoning Regulations

Highland Heights Planning Commission

Continuation of Official Public Hearing from March 10, 2015

April 14, 2015

Introduction

As set forth in the Kentucky Revised Statutes, Chapter 100, this is a request of the Zoning Update Committee for the Highland Heights Planning and Zoning Commission to conduct a formal public hearing to review and hear comments on proposed changes to the Highland Heights Zoning Ordinance and Official Zoning Map. These proposed changes are pursuant to the adoption of the 2012 Highland Heights Comprehensive Plan and consultation with members of the general public, businesses, land owners, and public officials. The proposed changes affect both administrative requirements and substantive requirements to the zoning districts, as well as recommended changes to the official zoning map.

At the March 10, 2015 public hearing, the Highland Heights Planning Commission directed staff to examine some additional changes to the proposed ordinance, and review those at a continuation of the hearing. In addition, the Commission requested a copy of all proposed changes be furnished to them in advance of this continued public hearing for review. The proposed document, with proposed new wording in gray highlight and proposed deletions in strikeout has been provided to commission members. The following section of this report includes the areas of additional proposed changes after the initial March 10, 2015 public hearing. These proposed changes are in direct response to questions raised at the March 10, 2015 public hearing, and will be publically reviewed at this continued April 14, 2015 public hearing.

The proposed ordinance as of March 10, 2015 and proposed zoning map changes are currently presented on the city's website along with the current zoning regulations and the adopted Highland Heights Comprehensive Plan.

Public Involvement

- Public Workshop, November 16, 2013
- Zoning Update announcement to all Highland Heights Businesses via postcard, January 2014.

- City Planner office times were held:
Thursday, January 22nd 12pm-1pm;
Friday January 23rd 4pm-5pm;
Monday January 26th 12pm-1pm, and 6pm-7pm;
January 27th 6pm-7pm.

In addition, any citizen or business owner could call the city planner and make an appointment. The meetings were advertised in the Recorder through an article, letters to citizens that have been involved in the Comprehensive Plan or Zoning Regulations Update in some way, and a postcard to all businesses within the City. This office time concept was a suggestion that grew out of the process during 2013, 2014, and were conducted for public information and comment purposes - not any kind of legal requirement. They were designed in lieu of a single public workshop to determine comments and concerns over draft materials, so that appropriate revisions can be made before a public hearing was conducted to formally review the document.

Citizens and Businesses that attended Comprehensive Plan or Zoning Update meetings, filled out comment forms, called, or submitted emails:

Ken & Eileen Krebs	Joseph, Jr. & Margaret	Craig Erwen
Robert E. Bathalter, PSC	Monaco	Charles Carl
Gayle Hilleke	Gary Chinn	Rita Simon
Shirley Berte	Debbie & Jim Brummett	Lisa McCord, David Dalton
Ron & Brenda Webster	Dorothy Bhola	Brian & Julie Ficker
Marylou Heck	Ronald Sperry	David P. Ramler
Sylvia Uebel	Rose Dunn	Russ & Anne Gastright
Kevin, Phil Gessner	Tom Manning	C. Dale Elifrits
Don & Wanda Childers	Harry Tiemeyer	Steve Roth
Carol Petroc	Hutch Johnson	Pat Rekers
John Ullman	Amanda Joering	Rose Pfaff
Vern Enzwieler	Gilbert Fessler	Pam Thomas
Janet Jackson	Rebecca Volpe	Larry, Carol Skawinski
Larry Herfurth	Wayne Kremer	Jo Anne Pabst
Joseph and Mary Riley	Lindsay Skipper	John Hoffert
Danielle C. Musper	Dr. Charles Voll	Eddie Arnold
David P. Palmer	Lloyd Miller	John Ramler
Carol Carl	Bert & Mary Ann Neltner	Dave Ramler
Tom Mann	Dave & Sharon Wilhelmus	Jerry and Marsha Spears
Sevie Alvarez	Mike Rilling	
Kathy Heupel, Sherry Kelly	Robert Meyer	
William C. "Doc" Roth	Esther Mockbee	
Randall & Marcella Banta	Fred & Amy Heis	
	Reuben & Sandra Turner	

Proposed Substantive Changes to the Zoning Regulations Reviewed on March 10, 2015:

- A. This is a proposed update, not an overhaul or complete re-write.
- B. **Article 7 Definitions** added or changed: for Automobile Parts and Accessories, Automobile Repair, Convenience Store, Day Care, Dwelling, Residential Care Facility, Fast Food Restaurants, Family, Gasoline Filling Station, Service Station.
- C. **Article 8 Zoning Districts** added or changed: Conservation Zone changed to Recreation Zone, Residential Cluster Development Overlay Zone eliminated, Neighborhood Shopping Center Zone eliminated, Corridor Transition Overlay Zone eliminated.
- D. **Article 9 "General Regulations"** changed to **"General Performance Standards"**, Outside storage requirements updated, Section 9.31 Traffic Impact Analysis requirement added.
- E. **Article 10 Zoning Districts**, maximum height of single family dwelling unit changed from 2.5 stories to 3 stories in the R-1E through R-1H zones, PUD zone design standards updated per Comprehensive Plan, Residential Cluster Development Overlay Zone RCD eliminated, Shopping Center Zone allows drive-through restaurant facilities, Neighborhood Shopping Center Zone NSC eliminated, General Commercial Zone GC standards on drive-through window updated, Mixed Land Use Zone MLU rewritten as to purpose and design standards per Comprehensive Plan and adjacent land uses, Corridor Transitional Overlay District Zone CTO eliminated, Redevelopment Overlay District Zone ROD rewritten to help implement the Comprehensive Plan and include design requirements and Area Requirements rewritten.
- F. **Article 11** Vision Clearance requirements re-written consistent with KYTC, dumpster screening requirements updated to rock wall.
- G. **Article 12 Landscaping Requirements** added and Updated, parking hard surface requirements updated, pedestrian connections to parking, Shared parking requirement and review, driveway width, curb cut limitations, Section 12.12 F Connecting driveways and driveway coordination, parking block effect on stall size, building code reference, lighting shields or modifications, Parking for Disabilities and diagrams, Section 12.1 Landscaping and Screening re-written with stone wall and island diagrams, updated

parking requirements for Auto Service Stations and Convenience stores and for restaurants and for medical clinics and for retail.

- H. **Article 14 Signs:** separate business defined, time of compliance details revised, temporary signage procedures revised, permitted residential signs to include building-mounted for multi-family, and signage added for conditional uses in residential zones, window signs more permissive, Sandwich board signs added for MLU and ROD, Window advertising updated, Parking and directional signs updated, Projecting Signs added for MLU and ROD, Building-Mounted signs increased per frontage, Monument signs increased for two businesses, Pole sign allowed if 100 foot setback and height increased, Canopy or Marquee signs defined, Off-premises signs eliminated, Section 14.8 Appeal Process for Existing Non-Conforming Uses added.
- I. **Article 15 Administration and Development Submittal Requirements:** Section 15.10 Zoning Map Amendment and Overlay Zone Review Process and Site Development Plan Review Section 15.10 is revised and contains relocated sections from Article 9. It replaces the "Stage I" and "Stage II" reviews with "Concept Development Plan" (conceptual layout) and "Site Development Plan" (engineered plans) respectively.
- J. **Official Zoning Map** – adjustments per property line information, one correction at Old Shamrock bar (Blue Buffalo), not wholesale changes. One substantive change at 2555-2557-2559 Alexandria Pike, Midwest Bottle Gas, Inc. for a one-half acre area from Residential Three (R-3) to General Commercial (GC).

The intention of this update to the zoning regulations and map is to improve the zoning districts in relationship to implement the Comprehensive Plan, then re-visit at the next 5 year update, and/or perform detailed corridor studies in the meantime.

One substantive change (Midwest Gas) and administrative corrections shown in red:

Administrative Changes recommended to the Zoning Regulations at March 10, 2015 public hearing:

- A. Misspellings, clarifications in Article 7 Definitions;
- B. Article 7 Swimming Pool depth;
- C. References to SD#1 requirements in Article 9 Performance Standards;
- D. Zone and Article references updated in Article 9;
- E. Building code references updated in Section 9.15;
- F. Clarifications in Section 9.18 Swimming Pools;
- G. Development Plan Requirements moved to Article 15;
- H. Section 9.21 updated per 2013 Ordinance;
- I. Development Phasing in Section 9.24 tied to Concept Development Plan;
- J. Section 9.25 Corridor Rehabilitation Overlay Zoning removed;
- K. Section 9.30 Required notice for Approval of Development Plans relocated to Article 15, Section 10;
- L. Section 9.30 Landscaping Plan requirement clarification;
- M. Article 10 Zoning Districts review procedure references changed to Article 15 throughout; Article 12 Parking and Landscaping references to other articles changed;
- N. Article 14 Sign Regulations references updated;
- O. Article 15 Administration and Development Submittal Requirements Zoning Administrator procedures updated;
- P. Building permit references updated;
- Q. Review procedure revisions in Article 16 Amendment Procedure;
- R. Certain limitations on BOA action on variances eliminated in Article 17;
- S. Article 18 clarified to reference the fee schedule, application forms, amendments, and parking lot construction standards.

Additional changes to the proposed ordinance for public hearing review for April 14, 2015

The following is a list of draft changes made by staff since the March 10, 2015 Public Hearing:

Article 7 Definitions

- A. Auto parts Store definition modified – page 7-2
- B. Convenience Store fuel sales clarified – page 7-5

Article 10 Zoning Districts

- A. SC zone, bus station removed – page 10-34
- B. SC zone, excluding fast food restaurant – page 10-34
- C. SC zone, add fuel sales not principally permitted – page 10-34
- D. SC zone, fuel sales conditional use – page 10-36
- E. GC zone, no fuel sales principally permitted – page 10-40
- F. GC ambulance sales deleted – page 10-41

- G. GC fuel sales as conditional use when part of a food store, grocery, supermarket, or convenience store – page 10-41

Article 14 Signs

- A. Pole-mounted signs, Class 8 – page 14-9
- B. Sandwich board signs, no permit in MLU and ROD zones – page 14-10
- C. Pole signs only in certain circumstances and in accordance with sight distance specified in Article 11 – page 14-14
- D. Monument Class 7 signs allowed on face of or on top of retaining wall – page 14-13
- E. Class I sandwich board signs allowed MLU and ROD zones – page 14-19
- F. Appeal section clarified for Board of Adjustments – page 14-19

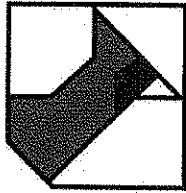
Conclusion

The proposed substantive changes help to implement the adopted 2012 Highland Heights Comprehensive Plan by providing zoning districts and review procedures that can permit the type of development called for within the overall Comprehensive Plan, the Land Use Chapter, and within the Redevelopment Areas contained in the Plan. The recommended changes and overall ordinance and maps are consistent with the existing and planned infrastructure in the City of Highland Heights. The proposed, added changes for the April 14, 2015 public hearing listed above also help address proper development in the business districts of the city. In our opinion, the referenced 2015 Highland Heights Zoning Regulations and map satisfy the requirements of KRS Chapter 100 for land use regulation, and are suitable for adoption.

Respectfully submitted,

David A. Geohegan
City Planner

David Whitacre, P.E. PLS.
City Engineer/Zoning Administrator



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REPORT TO PLANNING AND ZONING

4-14-15 (UPDATED)

SIGNAGE FOR 5TH/3RD BANK – Following the last meeting I was contacted by United-Maier Sign and met with them about this signage. It is my belief that they will be waiting for the adoption of the new Zoning Ordinance – as there hopefully will be an appeal/variance process included in the adopted text. The issue is that the retaining wall for Highland Pointe has reduced the visibility of the existing monument sign when traveling north on Alexandria Pike.

ZONING ORDINANCE UPDATE – David Geohegan's report describes in detail most of the changes that have been made to the Ordinance Draft.

ACCESSORY STRUCTURES - One area that I have changed since the last public hearing is to add a paragraph to the Accessory Structure Section - It now prohibits storage containers/cargo containers to be used as accessory structures, and limits the use of PODS for 30 days. It also prohibits the use of things like tents and carports in the front yard to 7 days, and 30 days in the side and rear yards.

No temporary or portable structure, carport, shipping container, cargo container, tent, or air supported structure shall be erected in the front yard of any residential zone for a period exceeding 7 days. Temporary and portable structures in the side or rear yards of residential zones can be erected for a period not to exceed 30 days - provided they meet the required yard setback for the zone. Used truck or trailer bodies and cargo/shipping containers are prohibited from being used as permanent accessory structures in residential zones. PODS type storage units can be used for a period not to exceed 30 days, and can be in front of the house provided they are not in the Right of Way and they do not reduce the sight distance at any adjoining street or driveway.

BOARD OF ADJUSTMENTS - It has also become necessary for Section 17 (Board of Adjustments) to be modified so that it is in compliance with the current Kentucky Revised Statutes Section 100. Our ordinance only allowed the Board of Adjustments to grant a dimensional variance under specific conditions, and it restricted the variance to no more than 50% of the required setback. This was in violation of KRS 100 that allows the Board of Adjustment to have more flexibility.

YARD SIGNS - The Draft Ordinance, along with the existing ordinance does not allow the yard signs to be placed anywhere but on the property. Further the signs are restricted in Section 14.2.A/13 as follows:

13. Short term temporary signs: Short-term temporary signs may be erected in the public right-of-way, but not into or over the street. Short-term temporary signs may only be erected for not more than four (4) days in a thirty (30) day period. No permit is required for a short-term temporary sign. Examples of short-term temporary signs are real estate open houses and yard sale. Maximum size of short-term temporary sign is nine (9) square feet.

The Ordinance does allow longer term advertising signs as follows in Section 14.2.A.12:

12. Portable or temporary signs may be permitted to advertise charitable or religious fund raising programs. Said sign may be erected fourteen (14) consecutive calendar days prior to the day of the program and removed by the owner or agent within two (2) consecutive days following the day of the program.

Neither of these sections allow signs to be located off site.....or for any event that doesn't have a specific date(s). Signs for "Foster Parents Needed", "Lawn Care", "Northern Kentucky Hates Herion", "Cash Checks", "Buy Houses", "Make Loans", "I Buy Houses", "Make Loans", etc. and similar signs currently are not permitted by our Ordinance (or the proposed draft).

SWIMMING POOLS – Every year there are swimming pools that are not taken care of and become havens for mosquitos, and a few times animals have gotten trapped in the pools and drown, and decayed. I currently don't have any section in the ordinance that address the issue, and propose the following changes. The current Section 9.18.A.7 should be deleted as the ordinance is 30 year old and the 6 month period has long passed, and we can then adopt a new section that addresses the need for an owner to maintain their pool.

~~7. All swimming pools existing at the time of adoption of this ordinance which are unprotected by a surrounding fence or wall, including gates or doors, as regulated by subsection A. 3 and A. 4 of this section of the ordinance, shall be required to comply with the provisions of this section within sixty (60) days after the adoption of this ordinance.~~

7. Swimming pools must be maintained in a clean and sanitary condition (suitable for swimming) so as not to create a nuisance or a hazard to others and to prevent it from becoming a breeding site for unwanted pests such as mosquitoes. If the pool cannot be maintained in this condition, then it shall be covered with a safety cover that will support the weight of an adult. Standing water on pool covers shall be kept drained.

David Whitacre, PE. PLS.
City Engineer/Zoning Administrator

Highland Heights Zoning Ordinance Update

April 14, 2015

Additional, potential clarifications and changes for discussion at the April 14, 2015 public hearing:

Article 14, Section 14.2.A.13

Page 14-8

13. Short term temporary signs: Short-term temporary signs may be erected in the public right-of-way, if allowed by the right-of-way owner, but not into or over the street. Short-term temporary signs may only be erected for not more than four (4) days in a thirty (30) day period. No permit is required for a short-term temporary sign, however, the Zoning Administrator, upon consulting the right-of-way owner, can cause signs to be removed if beyond the above time period or blocking visibility (see Section 11.0). Examples of Short-term temporary signs are to announce real estate open houses and yard sales. Maximum size of short-term temporary sign is nine (9) square feet.

Article 14, Section 14.2.A.12

Page 14-9

12. Portable or temporary signs may be permitted to advertise charitable or religious fund-raising programs. Said sign may be erected fourteen (14) consecutive calendar days prior to the day of the program and removed by the owner or agent within two (2) consecutive days following the day of the program. These signs must be on the subject site, not located on the public right-of-way, and not block visibility (see Section 11.0).

Article 9, Section 9.18.A

Page 9-17

7. All swimming pools existing at the time of adoption of this ordinance which are unprotected by a surrounding fence or wall, including gates or doors, as regulated by subsection A. 3 and A. 4 of this section of the ordinance, shall be required to comply with the provisions of this section within sixty (60) days after the adoption of this ordinance.

7. Swimming pools must be maintained in a clean and sanitary condition (suitable for swimming) so as not to create a nuisance or a hazard to others and to prevent it from becoming a breeding site for unwanted pests such as mosquitoes. If the pool cannot be maintained in this condition, then it shall be covered with a safety cover that will support the weight of an adult. Standing water on pool covers shall be kept drained.