

**CITY OF HIGHLAND HEIGHTS
MINUTES
PLANNING AND ZONING
PUBLIC HEARING
JUNE 11, 2013**

On Tuesday, June 11, 2013, Chairperson Crawford called the Planning and Zoning Public Hearing to order at 7:00pm, at 176 Johns Hill Road.

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

ABSENT: Commissioner Melody Eifert.

ANNOUNCEMENT: Chairperson Crawford announced that the purpose of the Public Hearing is for the following: CASE #04-2013: An application for a Major Change to the Development Plan for a drive thru, submitted by Thompson Thrift Development, 2750 E 146th Street, Suite 200, Carmel, IN 46032 for the Highland Pointe Development, Highland Heights, KY.

NOTIFICATION PROCESS – Jean Rauf. Notice was published in the Campbell County Recorder on May 30, 2013. Notice was posted on Campbell County Media message board, Notice was sent by certified mail, return receipt, to the adjoining and abutting property owners of record. Notice was posted on the front door of the City Building.

COMMENTS FROM THE APPLICANT: Mr. Chris Hake, Director of Retail Development Thompson Thrift Development. Mr. Hake reported they are here to request an amendment to the Stage II Development Plan that was submitted in September of 2012 for the Highland Point Development.

Mr. Hake gave a brief update of the project as it is today. He also showed current photos of the development.

Mr. Hake announced that both of the retail buildings are up and the exterior of the buildings have been wrapped. He said the site work is almost complete; the drainage is in, the utilities are in; the sub base is in, and some of the tenant work has started in the tenant spaces. He further announced they are expecting Sprint, their first tenant, to open at the end of this month or very early next month.

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Mr. Hake announced that City Barbeque, Fire House Subs, Ft. Thomas Jewelers, GNC and Pizza Hut Express should open in the next 60 to 90 days depending on the different construction schedules for each tenant.

Mr. Hake reported the rendering of the buildings was previously approved in August or September. He reported one building was set up for three possibly four tenants and the other building was set up for four tenants.

Mr. Hake further reported the property is 100% leased. He reported they have two leases in place on the north building. He stated they want to discuss the northern end cap and a possible addition of a drive thru to that space.

Mr. Hake addressed the final approved elevations for the north building. He reported it incorporated all the Planning and Zoning comments over the few meetings we had here in the summer of last year such as brick and masonry buildings; four sided architecture; upgrading lighting. etc.

Mr. Hake stated they want to discuss the amendment to the development plan. He said the first plan was approved showing the 5300 foot building, the 7800 foot building, 111 parking spaces, the Fifth Third connection point, future pedestrian access, the entire project at one time, and dumpster location.

Mr. Hake announced the following changes to the previously approved development plan. He reported the changes to the north lot is to change the east driveway to a one way drive aisle and angle the parks to accommodate that drive. He reported the dumpster has been re-located and they added another dumpster to accommodate for what they hope to be a national known coffee shop, and parking on the north property line is angled to incorporate the drive thru in the one way circulation on the north and east side of the building. He reported the two curb cuts remain the same and the cross access with Fifth Third.

Mr. Hake stated the parking spaces have been reduced from 111 parking spaces to 101.

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Mr. Hake stated that when Starbuck's finally came to them about being in the development, Thompson Thrift sent them their Site Plan and asked them to help design a plan that works for this development. He reported Starbucks designed and came up with this plan. He said they are very comfortable with the circulation, the access, parking and everything flows for this project.

Commissioner McNabb asked Mr. Hake how the other tenants feel about this coffee shop. Mr. Hake responded that the tenants are happy about having this user in this development.

Mr. Hake reported the coffee shop would do most of their business at peak times before 10:00am in the morning. He stated he does not think the other tenants would be opening before 10:00am. He stated he thinks this tenant blends very well with the other tenants and; since it is a small building this stacking provides adequate stacking. He said this type of user in a development is very well received.

Commissioner Pettit stated that he visited another store in Florence, Kentucky and he noticed that the cars were stacked behind the building, on the side of the building, onto the street and down onto the main road. He asked how this could be addressed for our area so that the cars do not stack and line up on the street.

Mr. Hake responded to Commissioner Pettit's concern. He stated that area is a larger population market; he said the hope is that won't happen that often in our area. He stated our benefit is that the other tenants will not be open at the peak time. He stated there is nothing they can do to police this matter, and they hope this will be a very few occurrence and this will not happen at the store.

Mr. Hake reported on the revised elevations. He said they are identical to the elevations that were previously approved. He reported the elevations will remain the same with the exception of the drive thru window. They will remove windows and a façade feature will be added with the drive thru window. There will be no architectural change to the building.

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Mr. Hake addressed the Landscaping Plan. He reported this is the same landscaping plan that was previously approved. He stated today they received some comments from the staff reporting there is no landscaping at the north end by Fifth Third. He stated this is a narrow grass area, but if this is a concern they would be happy to trying to incorporate some additional landscaping.

Mr. Hake announced they are requesting approval for the change to their development plan. He stated that all prior commitment would remain. He stated the signage could be discussed. He stated they are requesting a modification of the Site Plan, parking spaces and to allow for a drive thru accommodating the coffee shop user.

Commissioner Koester expressed her concern about the traffic flow and the parking that faces US27. She said this may be a problem for people backing out of their parking space. She also addressed the outdoor patio that is shown on the new plan. She asked how many parking spaces they lost.

Mr. Hake responded to her concerns and gave an in-depth explanation of the traffic flow for this development and the parking.

Mr. Hake reported that what is shown on the current plan is an outdoor patio and it has no bearing on the drive thru

Mr. Hake reported they lost 10 parking spaces.

Commissioner Reincke expressed his concern about the location of the menu board. Commissioner Pettit stated he did not think this is a good location for the menu board as this may cause traffic to be lined up on to the street.

After considerable discussion ensued about this matter, Mr. Hake stated if they receive approval this evening they would use best effort to get each of the two signs changed to provide more stacking. He said he is very confident they could get this done.

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Mr. Dave Ramler, Pleasant Avenue. He asked if Fifth Third Bank has signed off for the usage of their property. Mr. Hake reported they are not going to be using any of Fifth Third Bank's lot for parking.

There was a lengthy discussion about the parking spaces reduction from 111 to 101 parking spaces. He stated they have reached an agreement with a property owner across the street (Morel Construction) for 4 parking spots on his property and these parking spots will be used for employee parking.

Attorney Franzen addressed this matter. He stated that the parking needs to be compliant with the City Ordinance in the development not off site.

Mr. Hake stated they did not think this would be a problem because of the proximity of the property and it would be for employee parking only. Mr. Franzen stated he understands but as the ordinance is currently written this is not permitted. He continued that Planning and Zoning cannot change the ordinance but City Council could.

After more discussion about this issue, Mr. Franzen informed Mr. Hake land that cannot be used, is not considered in the counting of parking.

Commissioner Pettit asked Mr. Hake how many parking spaces were lost for the outdoor patio. Mr. Hake replied they would not lose any parking spaces, and the patio had no effect on parking count.

Commissioner Blocher asked if there has been any movement on the State property. Mr. Hake reported that they were not pursuing this property.

STAFF REPORTS: City Planner Geohegan gave a verbal report on the Highland Pointe Development.

Mr. Geohegan stated that he has talked to Fifth Third. He reported they do not have any problem with the plan, or any problem with circulation or with the drive thru.

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Mr. Geohegan stated he does have some concerns. He addressed the traffic that leaves Fifth Third site and enters this site there is no indication that they are forced to turn right and the issue of the wrap around traffic being one way around this site only applies to two sides of that building and you will have less stacking because this effects only two sides of the building. He addressed the problems this may create because of the other tenants in the same building and deliveries to this building.

Mr. Geohegan stated this has been a difficult site to develop and it is it is very difficult to make any changes at this time. He said it appears that the drive thru seems to be an after-thought and without any changes to the plan they are trying to make too much fit on this site.

Mr. Geohegan further stated that this use should have been identified earlier and designed into the site. He stated that staff is supportive of this land use, the coffee shop; they have concerns regarding the circulation, traffic and parking.

A copy of Mr. Geohegan's report was previously e-mailed to the Chairperson, Commissioners, City Staff and to Mr. Chris Hake of Thompson Thrift Development. A copy thereof is attached to these minutes.

Member Pettit stated he thinks it would be important to know how long it takes to order, get to the window and get out of line; and the traffic flow would be for this site. Mr. Geohegan stated this would be up to the applicant to provide those kinds of numbers.

ADMINISTRATOR DAVE WHITACRE: A copy of Mr. Whitacre's report was previously distributed to the Chairperson, Commissioners, and City Staff and to Thompson Thrift. A copy thereof is attached to these minutes.

Mr. Whitacre stated the original power point for their Stage II Plan showed 111 parking spaces and that was approved. He said the revised plan shows 100

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parking spaces. He stated he does not think we can afford to lose 11 parking spaces.

Attorney Franzen stated if we approved the 111 parking spaces, Planning and Zoning does not have the authority to approve 100 parking spaces unless they are somehow limiting the actual retail space they are going to build on.

Mr. Franzen further stated that Planning and Zoning can approve an amended plan but they cannot exceed what the ordinance requires for parking. He reported that the ordinance states "all off street parking facilities shall be located on the same lot as the buildings they serve".

Mr. Whitacre addressed Starbuck's menu board; he said there are only two single family homes that are directly across the street. He said he hopes the volume for the speakers is controlled.

COMMENTS FROM THE AUDIENCE: Dr. Voll addressed his concerns about where the delivery trucks were going to load and unload, and who should they call if the volume on the menu board is too loud and if Planning and Zoning addressed the parking.

Mr. Hake responded to Mr. Voll's concern about the delivery trucks. Mr. Franzen stated that the parking is incorporated in the ordinance.

It was suggested that Dr. Voll call the police if the volume on the menu board is too loud.

Mr. Dave Ramler stated he was disappointed that no one from Starbuck is at this meeting. He was concerned about there may be a time when this side of Old Alexandria Pike may be used for parking and he said this could become more of a problem. He stated that the size of this site does not seem to be a good idea to have the drive thru.

Mr. Hake reported the directional signs will be submitted with the Starbuck's sign package. He said there will be directional signage directing traffic along with pavement markers.

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Mr. Hake again mentioned that this plan was designed by Starbucks. He said they are very comfortable with the circulation, layout and parking. He said that Starbucks will bring a lot of credibility to the project and to the community.

Mr. Hake stated they are here to amend the Development Plan and to reduce the parking.

Mr. Hake stated the issue they have and Starbucks has is timing. He said they need to install site work and get tenants open for business. He stated if they have to wait much longer this deal is probably "dead"

Mr. Hake again addressed the parking reductions. He said the 111-110 parking spaces was prior to the variance being obtained, and per the variance they are over parked for this project

Mr. Franzen stated he is not aware of a variance that the City Council or Planning and Zoning have the authority to grant in regards to parking requirements.

Mr. Hake stated the one thing they probably could look at if this plan was approved contingent on going to City Council and getting them to further modify the parking variance.

Considerable discussion ensued about this matter and Chairperson Crawford stated there was an ordinance passed for all projects; it was not specific to this development.

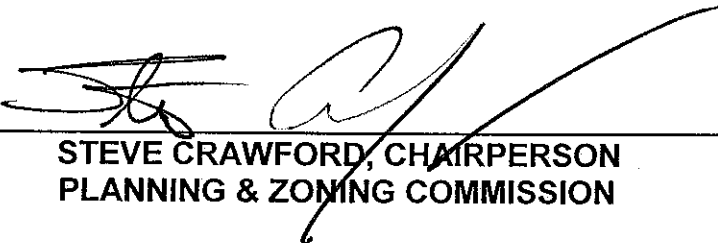
There was more discussion regarding the parking. Mr. Crawford stated we cannot solve the parking problem. He said 111 parking spaces were approved and we need to live up to the 111 unless Thompson Thrift can obtain parking from either Fifth Third or the from the State's property that abuts this property.

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

ADJOURNMENT: The Public Hearing adjourned at 8:50pm.

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SUBMITTED BY: 
JEAN A. RAUF CITY CLERK TREASURER CMC
RECORDING SECRETARY PLANNING & ZONING

SIGNED BY: 
STEVE CRAWFORD, CHAIRPERSON
PLANNING & ZONING COMMISSION