

**CITY OF HIGHLAND HEIGHTS
PLANNING AND ZONING
PUBLIC HEARING MINUTES
MARCH 10, 2015**

Chairperson Crawford called the Planning and Zoning Public Hearing meeting to order on Tuesday, March 10, 2015 at 176 Johns Hill Road at 7:00p.m.

PRESENT: Chairperson Steve Crawford and Commissioners, Melody Eifert, Audrey Koester, Joseph Krebs, John McNabb, Chuck Pettit and Gene White. Also present: city Attorney Steve Franzen, City Engineer/Zoning Administrator David Whitacre and City Planner David Geohegan.

ABSENT: Commissioners Harold Blocher.

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 a power point presentation and an in-depth report on the 2015 Zoning Update, the Proposed Revisions including Administrative and Substantive changes to the text. Administrative changes recommended to the Zoning Regulations, the citizens and businesses that attended the Comprehensive Plan Zoning Update meetings and who filled out comment forms, called or submitted e-mails. A copy of his report was previously e-mailed to the Chairperson and Commissioners. A copy thereof is attached to these minutes

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Mr. Geohegan reported the one sustentative change to the Official Zoning Map is at 2555-2557-2559 Alexandria Pike, Midwest Bottle Inc., from Residential Three (R3) to General Commercial (GC).

Mr. Geohegan explained the reason for the substantive change to the Official Zoning Map. He stated the Bowling property is zoned General Commercial. He stated there is a small portion, one half acre, between the Bowling property and the existing Midwest Gas that is zone R3.

Mr. Geohegan reported they received a letter from Midwest Bottle Gas and they also attended a meeting. He reported they met with the Committee in the Spring of 2014. He reported at that meeting it made sense to go ahead and re-zone that small (1/2 acre) area between Bowling Chiropractic property and the Midwest property from Residential Three (R3) to General Commercial (GC).

Mr. Geohegan stated these drafts help to implement the Comprehensive Plan and is consistent with the TIF distinct and consistent with the Goals and Objectives of the Comprehensive Plan.

COMMENTS FROM THE COMMISSIONERS: Commissioner White asked who owns the one half acre portion. Mr. Geohegan stated Midwest Bottle Gas is the owner.

Commissioner White asked if there are going to be any changes to the hillsides. Mr. Geohegan replied. "No, the Hillside Regulations are intact".

Chairperson Crawford asked Mr. Geohegan who is applying for the zone change. Mr. Geohegan stated Midwest Gas.

Chairperson Crawford stated it is his understanding that Midwest Bottle Gas is applying for the Zone Change versus its own Public Hearing, and we are building it into this process. Mr. Geohegan stated that by State Statute we have the ability to do this.

Mr. Geohegan further stated when the committee met in the spring of 2014, they thought it made sense to do this. He stated that Commissioners Krebs, McNabb and Pettit served on this Committee.

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Commissioner McNabb commented that when Planning and Zoning approved the zone change for the Bowling property, they realized at that point there was a gap. He stated in the Comprehensive Plan this area is listed as General Commercial, and this is zone change from R-3 to General Commercial is the opportunity to make it consistent with the Comprehensive Plan.

STAFF REPORTS: ZONING ADMINISTRATOR: Mr. Whitacre addressed his concerns. He stated there are some confusing issues regarding grocery store, fuels sales, convenient stores and where should the sale of motor fuel is allowed and what zones these are appropriate for these uses. He stated in the General Commercial Zone and the Limited Service Commercial Zone that convenient stores and gas stations, service stations are not listed as permitted uses. He stated this needs to be decided what zone these permitted uses are appropriate.

Mr. Whitacre suggested that everyone should read over the information that was presented to them this evening and decide what they would like or not like and what permits they want for the zones. He stated as an example there are 51 uses in the General Commercial zone. He stated there are so many items that need to be decided and it would be nice to make this in the final form.

Chairperson Crawford stated it is his understanding that Mr. Whitacre is suggesting that P&Z not vote on this this evening and not to send to Council.

Mr. Whitacre stated there are some items that need more attention.

Mr. Franzen stated that agrees with Mr. Whitacre this is quite a lot to digest in one sitting. He stated he didn't see a problem with having a Public Hearing next month after everyone has looked over it for 30 days and communicated to Mr. Whitacre and Mr. Geohegan. He stated it would be nice if this would get this close to its final form as possible by the time you make your recommendation to Council.

Chairperson Crawford stated three Committee members and Mr. Geohegan did a great job.

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Chairperson Crawford stated he thinks we should spend more time reviewing the information, the hi-lighted changes done by Mr. Geohegan, and any other concerns and give these to Mr. Whitacre and Mr. Geohegan, in writing, two weeks prior to the next meeting.

COMMENTS FROM THE AUDIENCE: Dr. Charles Voll addressed the commissioners He addressed his concerns about the void area in the City. Mr. Crawford explained that is what we are talking about this evening. Mr. Franzen explained we are trying to make the Zoning Ordinance match the map and vice versa.

There being no further comments or discussion, **COMMISSIONER McNABB MOVED TO CLOSE THE PUBLIC HEARING AND TABLE IT TO NEXT MONTH, SECONDED BY COMMISSIONER WHITE. DISCUSSION: NONE. AYE, ALL. CHAIRPERSON CRAWFORD DECLARED THE MOTION CARRIED.**

SUBMITTED BY:



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

SIGNED:



**STEVE CRAWFORD, CHAIRPERSON
PLANNING & ZONING**

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STAFF REPORT

The Proposed 2015 Highland Heights Zoning Regulations

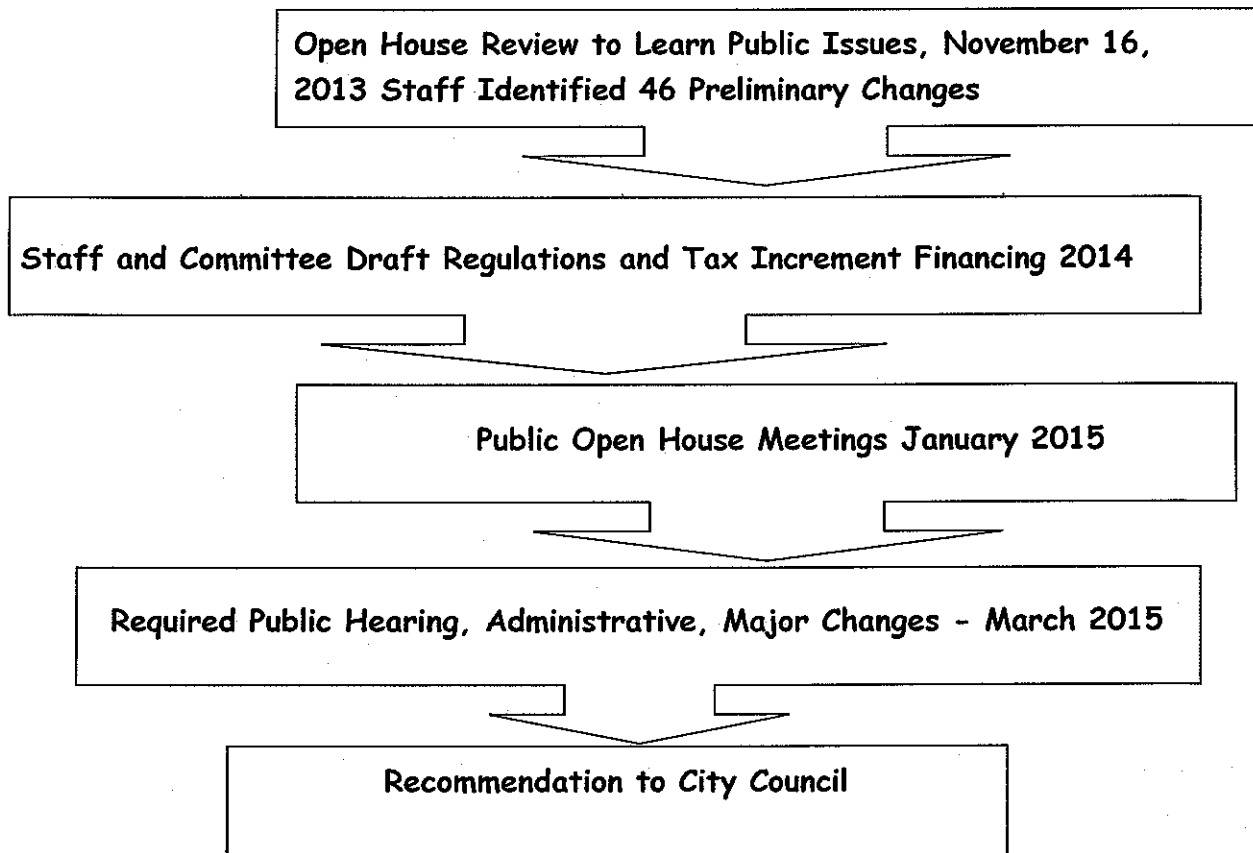
Highland Heights Planning Commission

Official Public Hearing, March 11, 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 schedule a 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. The proposed document and maps are presented at the public hearing by staff, and are currently presented on the city's website along with the current regulations and the adopted Highland Heights Comprehensive Plan.

2015 Zoning Update Process



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
Robert E. Bathalter, PSC
Gayle Hilleke
Shirley Berte
Ron & Brenda Webster
Marylou Heck
Sylvia Uebel
Kevin, Phil Gessner
Don & Wanda Childers
Carol Petroc
John Ullman
Vern Enzwieler
Janet Jackson
Larry Herfurth
Joseph and Mary Riley
Danielle C. Musper
David P. Palmer
Carol Carl

Tom Mann
Sevie Alvarez
Kathy Heupel, Sherry Kelly
William C. "Doc" Roth
Randall & Marcella Banta
Joseph, Jr. & Margaret
Monaco
Gary Chinn
Debbie & Jim Brummett
Dorothy Bhola
Ronald Sperry
Rose Dunn
Tom Manning
Harry Tiemeyer
Hutch Johnson
Amanda Joering
Gilbert Fessler
Rebecca Volpe

Wayne Kremer
Lindsay Skipper
Dr. Charles Voll
Lloyd Miller
Bert & Mary Ann Neltner
Dave & Sharon Wilhelmus
Mike Rilling
Robert Meyer
Esther Mockbee
Fred & Amy Heis
Reuben & Sandra Turner
Craig Erwen
Charles Carl
Rita Simon
Lisa McCord, David Dalton
Brian & Julie Ficker
David P. Ramler
Russ & Anne Gastright

C. Dale Elifrits
Steve Roth
Pat Rekers
Rose Pfaff
Pam Thomas
Larry, Carol Skawinski
Jo Anne Pabst
John Hoffert
Eddie Arnold
John Ramler

Dave Ramler

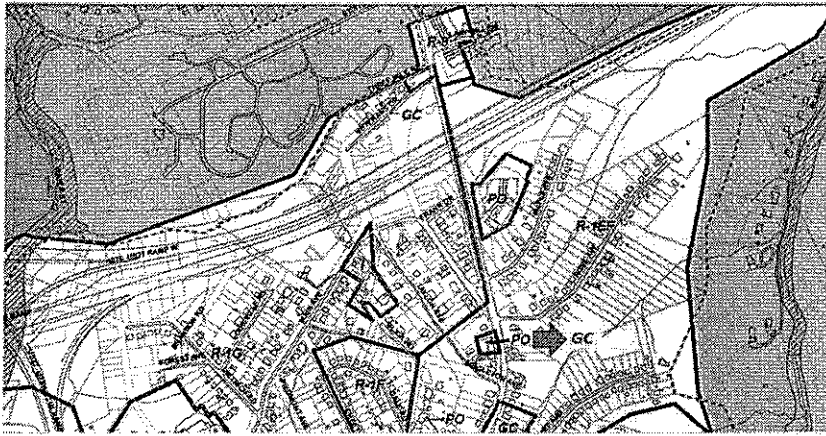
Proposed Substantive Changes recommended to the Zoning Regulations:

- 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.

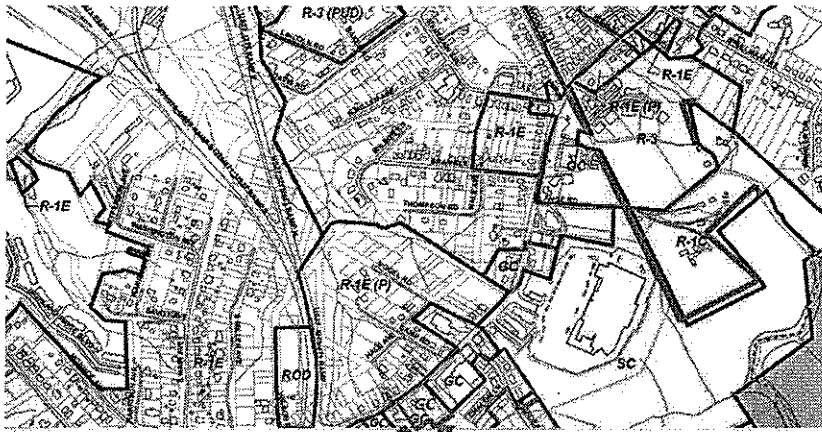
- G. **Article 12** Landscaping Requirements added and Updated, parking hard surface requirements updated, pedestrian connections to parking, Shared parking requirement and review, driveway width, curb cut limitations, Section 12.12 F Connecting driveways and driveway coordination, parking block effect 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:

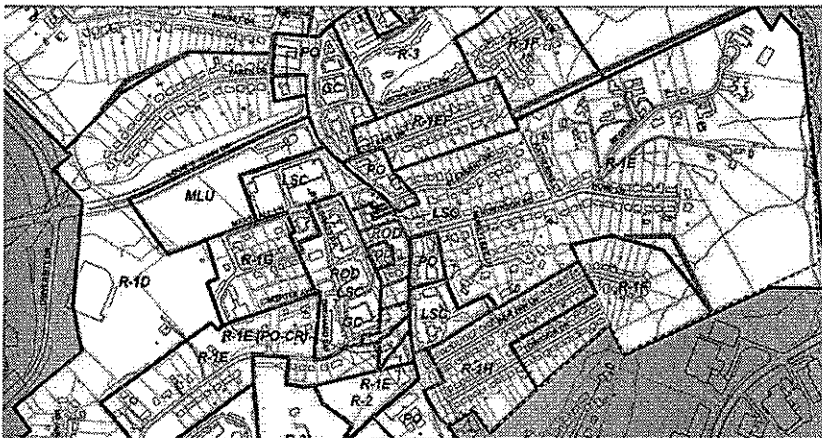


Proposed zoning district correction in red.
Draft January 16, 2015



Proposed zoning boundary and district changes in red.
Draft January 16, 2015

R-3 to GC GC (Bowling Zone Change)



Proposed zoning boundary, administrative corrections and zoning classification changes in red.
Draft January 16, 2015

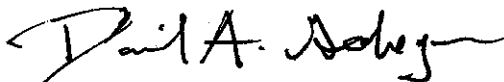
Administrative Changes recommended to the Zoning Regulations:

- 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.

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. In my 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. The Zoning Update Committee, Joe Krebs, John McNabb, and Chuck Pettit, and the Zoning Administrator, Dave Whitacre have provided some review of this proposed regulations.

Respectfully submitted,



David A. Geohegan



January 5, 2015

Dear interested citizens and participants to date:

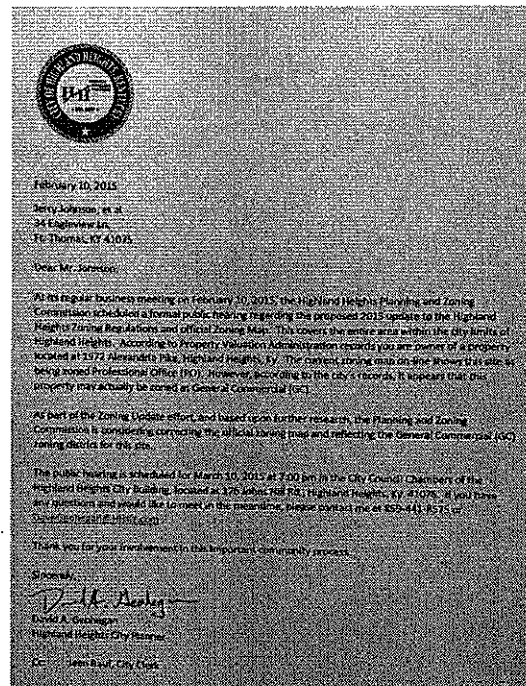
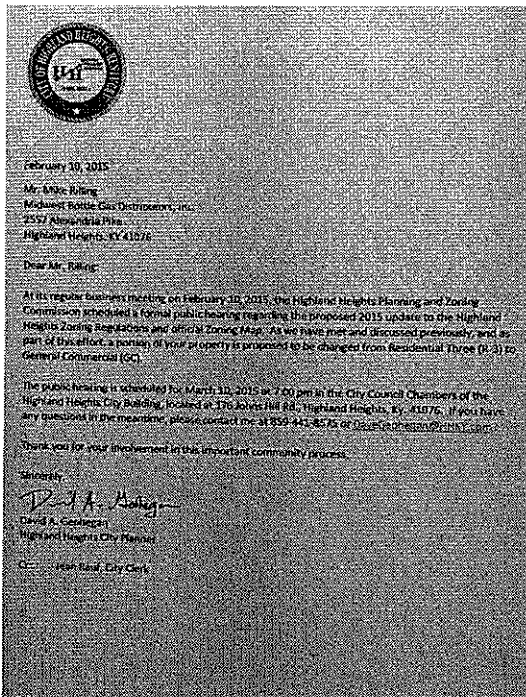
Regarding: The City of Highland Heights Zoning Regulations Update process

During late 2013, the Highland Heights Planning and Zoning Commission conducted an open house public meeting to receive suggestions and comments on the update process of the current zoning regulations. As an interested party, you had attended a meeting, or in some way commented on the process. Based on the comments received and other information, the Planning Commission has been working on a preliminary draft of potential changes to the current regulations and zoning map, and is offering you an early opportunity to review some of these ideas. This will help the Planning Commission develop a future draft suitable for public hearing review, to be scheduled at a later date.

The Planning Commission will be sponsoring city planner office hours to meet with and answer questions for all interested parties regarding an early draft of proposed revisions to the official zoning regulations and map. A draft of the proposed revisions is planned to be posted on the city website, www.hhky.com, and a copy of the preliminary draft materials will be present at the city offices by January 16th. As city planner, I will be present and available to discuss the draft, and record comments at the Highland Heights City Building on:

Thursday, January 22nd 12pm-1pm;
Friday January 23rd 4pm-5pm;
Monday January 26th 12pm-1pm, and 6pm-7pm;
January 27th 6pm-7pm

The Highland Heights city building is located at 176 Johns Hill Road, Highland Heights, KY 41076. In the meantime, you can reach me at 859-462-1319 or DaveGeohegan@HHKY.com with any questions. I can arrange an alternate time to meet with you if needed. Thank you for your participation!



Comment forms or letters submitted by:

Dr. Charles Voll, Ken and Eileen Krebs, Robert Bathalter, P.S.C., Mr. and Mrs. Randall Banta, Mike Rilling of Midwest Bottle Gas Distributors, Inc.

Adjacent Municipality letters sent to:

Mr. Peter Glenn, Chair of Cold Spring Planning Commission, Mr. Don Martin, Ft. Thomas City Administrator, Ms. Cindy Minter, Director of Campbell County Planning and Zoning, Mr. Terry Vance, Wilder City Administrator.

Appendix B - Authorization in Kentucky Revised Statutes

**100.201 Interim and permanent land use regulations authorized --
Designation and regulation of urban residential zones.**

(2) When all required elements of the comprehensive plan have been adopted in accordance with the provisions of this chapter, then the legislative bodies and fiscal courts within the planning unit may enact permanent land use regulations, including zoning and other kinds of growth management regulations to promote public health, safety, morals, and general welfare of the planning unit, to facilitate orderly and harmonious development and the visual or historical character of the unit, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. In addition,

land use and zoning regulations may be employed to provide for vehicle parking and loading space, as well as to facilitate fire and police protection, and to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health, or property from fire, flood, or other dangers. Land use and zoning regulations may also be employed to protect airports, highways, and other transportation facilities, public facilities, schools, public grounds, historical districts, central business districts, prime agricultural land, and other natural resources; to regulate the use of sludge from water and wastewater treatment facilities in projects to improve soil quality; and to protect other specific areas of the planning unit which need special protection by the planning unit.

100.203 ~~203~~ **Content of zoning regulations -- Appeal -- Special provisions for urban-county governments.**

Cities and counties may enact zoning regulations which shall contain:

(1) A text, which shall list the types of zones which may be used, and the regulations which may be imposed in each zone, which must be uniform throughout the zone. In addition, the text shall make provisions for the granting of variances, conditional use permits, and for nonconforming use of land and structures, and any other provisions which are necessary to implement the zoning regulation. The city or county may regulate:

- (a) The activity on the land, including filling or excavation of land, and the removal of natural resources, and the use of watercourses, and other bodies of water, as well as land subject to flooding;
- (b) The size, width, height, bulk, location of structures, buildings and signs;
- (c) Minimum or maximum areas or percentages of areas, courts, yards, or other open spaces or bodies of water which are to be left unoccupied, and minimum distance requirements between buildings or other structures;
- (d) Intensity of use and density of population floor area to ground area ratios, or other means;
- (e) Districts of special interest to the proper development of the community, including, but not limited to, exclusive use districts, historical districts, planned business districts, planned industrial districts, renewal, rehabilitation, and conservation districts; planned neighborhood and group housing districts;
- (f) Fringe areas of each district, by imposing requirements which will make it compatible with neighboring districts; and
- (g) The activities and structures on the land at or near major thoroughfares, their intersections, and interchanges, and transportation arteries, natural or artificial bodies of water, public buildings and public grounds, aircraft, helicopter, rocket and spacecraft facilities, places having unique interest or value, flood plain areas, and other places having a special character or use affecting or affected by their surroundings;

100.204 ~~204~~ **Effect of KRS 100.203.**

Nothing in KRS 100.203 shall be deemed to abrogate laws, regulations and ordinances of cities and counties which relate to health, safety and sewage requirements.

100.207 ~~Text and map of zoning regulations -- Notice and publication.~~

- (1) Before a city or county enacts zoning regulations, as authorized by KRS 100.201, the planning commission shall prepare the text and map of all zoning regulations and shall hold at least one (1) public hearing. Notice of the public hearing shall be given in accordance with the provisions of KRS Chapter 424.
- (2) Subsequent to the public hearing, the planning commission shall submit, along with their recommendation, a copy of the approved zoning regulation text and map to the various legislative bodies and fiscal courts for adoption.

100.211 ~~Procedure for amending zoning map and text of regulation -- Notice -- Hearing -- Time limit for final action.~~

(1) A proposal for a zoning map amendment may originate with the planning commission of the unit, with any fiscal court or legislative body which is a member of the unit, or with an owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission before adoption. The planning commission shall then hold at least one (1) public hearing after notice as required by this chapter and make findings of fact and a recommendation of approval or disapproval of the proposed map amendment to the various legislative bodies or fiscal courts involved.

2) A proposal to amend the text of any zoning regulation which must be voted upon by the legislative body or fiscal court may originate with the planning commission of the unit or with any fiscal court or legislative body which is a member of the unit. Regardless of the origin of the proposed amendment, it shall be referred to the planning commission before adoption. The planning commission shall hold at least one (1) public hearing after notice as required by KRS Chapter 424 and make a recommendation as to the text of the amendment and whether the amendment shall be approved or disapproved and shall state the reasons for its recommendation.