



The Alexandria Planning & Zoning Commission met in regular session on the above date at 7:00 p.m. Chairperson Dave Hart opened the meeting with the Pledge of Allegiance and the following members answering roll call:

Present: Dave Hart, Chair	Rick Neltner	Ron Johnson	Nick Reitman
Sonny Markus	Marty Hipple	Dan Feldmann	
Also: Carol Hofstetter, Zoning Administrator	Jan Johannemann, Asst. City Clerk		
Michael Duncan, City Attorney	Dan Brueggemann, City Engineer		
	Robert Seitzinger, CT Consultants		

PUBLIC HEARING #1 -To hear and gather evidence and public comment regarding a Zoning Map Amendment to re-zone real estate located at the northwest corner of Alexandria Pike and South Viewpoint Drive and known as #2 Viewpoint Drive and #6812 Alexandria Pike, including abutting rights-of-way, from “Residential Rural Estate and Agricultural (R-RE)” zone to “Highway Commercial (HC)” zone.

Chairman Hart opened Public Hearing #1 at 7:02 p.m.

Brandon Bray, Property Owner – This is the same process that was done several years ago at #1 Viewpoint Drive. The property requires a right-of-way purchase, relocating a 20” gas line, and other things to make the property useful. In order to begin this process and turn the property into something profitable, he also needs to have it rezoned. This property is in the Comprehensive Plan as Highway Commercial.

Mr. Brueggemann said this is a proposed rezoning of 2 Viewpoint Drive (0.7473 acres), and 6812 Alexandria Pike (0.4565 acres), currently zoned R-RE. The applicant is asking for it to be zoned HC, shown on the future land use plan as General Commercial Office. The plans show demolishing the existing house on the property and re-grading and re-locating the utilities in order to develop a buildable lot.

Mr. Neltner asked if the two lots should be combined into one lot. Mr. Brueggemann said the application is to rezone both lots. If they want to re-develop it for one building, they would have to do a consolidation plat at that time, but it is not necessary right now. However, this could be made a condition if the Commission thinks it’s critical. At this time, Mr. Bray has no proposed use for this property because it will take over a year to make this a buildable lot and no one is interested in it at this time.

Mr. Duncan concurs with Mr. Brueggemann about the future land use as commercial property. He explained we are here to gather evidence and eventually make a recommendation to Council whether or not the zoning classification should be changed. KRS 100.213 states one of three proposed findings is needed for it to be rezoned: (1) that it is consistent with the Comprehensive Plan; (2) that the existing classification is inappropriate and the proposed zoning is appropriate; or (3) there have been major changes of an economic, physical, or social nature which was not anticipated when adopting the Comprehensive Plan. Mr. Duncan does not think #3 is applicable since the Comprehensive Plan has just been readopted. He recommends either #1 or #2. P&Z needs to base their decision on the materials submitted, Mr. Brueggemann’s and Mr. Duncan’s information, and the applicant’s information.

Mr. Hipple thinks there needs to be a contingency that the property owner leave the tree line when clearing the property. Also, except for the sign on the property, the residents on Viewpoint were not contacted regarding this rezoning. The tree line acts as a barrier for noise on the north end of Viewpoint on the hill and Kuessner Drive. Mr. Duncan explained this public hearing was advertised in the Recorder, a sign was posted on the property, and letters were sent to the adjoining property owners according to the

statute. Mr. Hipple had talked to the residents at 112, 114, and 116 Viewpoint, and their properties do not touch the property in question, so they were not sent a letter.

Mr. Markus asked if keeping the tree line could be made a condition of this approval. Mr. Brueggemann said screening would be addressed at the development plan stage and there are specific requirements for screening between a commercial and a residential zone.

Mr. Duncan thinks it makes sense that the screening and landscaping requirements of our code be met at all stages, but the only thing they have to do is what the ordinance requires. If P&Z wants the owner to leave trees beyond the buffering required in the ordinance, then they should pose that as a condition and the applicant would have to agree. Mr. Bray stated a grading plan will be discussed later in this meeting and it should not be related to his request for a zone change. Mr. Hart said the correlation between the grading and the rezoning is something the commissioners might want to keep in mind in considering the evidence.

Mr. Feldmann addressed commercial screening by reading Sec. 4.18(F)(5) of the Zoning Ordinance: *"where any yard or any use permitted in this zone (HC) abuts property in a residential zone, a minimum of at least 10 feet wide screening area is regulated by Sec. 3.18 of this ordinance shall be required . . ."*

Mr. Hart then closed Public Hearing #1 at 7:22 p.m.

PUBLIC HEARING #2 -To hear and gather evidence and public comment regarding a Zoning Map Amendment by Robert S. Martin to re-zone real estate located at the northwest corner of Alexandria Pike and Thatcher Court, consisting of Lots 4 and 26 Thatcher Heights, and known as 7979 Alexandria Pike, from "Residential One-D (R-1D)" to "Highway Commercial (HC)" zone.

Mr. Hart opened Public Hearing #2 at 7:23 p.m.

Rick Carr, Project Engineer for Robert Martin – The applicant is asking for recommendation to Council to rezone his property from residential to Highway Commercial. There is an existing house at the corner of Thatcher Court and US 27 which is owned and occupied by Mr. Martin. Lot 26 (on Thatcher) is also owned by Mr. Martin, which wraps around behind his and two other lots fronting US 27 (Lohr Enterprises which is zoned HC, and Mrs. Painter's property which is still zoned residential). Mr. Martin plans to run his IT company out of the house. The Development Plan shows the existing house, proposed parking for 3 additional parking spaces and a handicap ramp, and is consistent with the Comprehensive Plan. He would like to rezone both properties for consistency. Mr. Carr's thought is that 150 feet for a commercial lot is not very good, and at some point, especially if Mrs. Painter wants to rezone her property to commercial at some point, there would be a large section zoned HC. Mr. Martin's two lots are on one deed.

Mr. Duncan will have some comments later, but he doesn't think Mr. Martin would have to rezone both lots at this time if he does not want to. However, if the commission agrees to rezone both lots, there should be a condition that the back lot could not be sold separately for a separate development. The applicant would have to agree to this.

Mr. Carr explained they would like to go ahead and rezone both parcels at this time, even though Mr. Martin is not planning on doing anything with Lot 26. Mr. Neltner asked about setbacks for commercial buildings. Mr. Brueggemann pointed out Item 4 in his 3/11/16 letter stating, *"The existing building does not meet the required 50' front yard setback, 50' side yard setback on the south side, and the 15' side yard setback on the north side. This would not disqualify this property from a zone change; however, any addition to the existing building or additional construction of buildings on the property will need to conform to the applicable portions of the HC ordinance or be subject to a variance application."* In other words, P&Z would be rezoning this property and grandfathering the existing building under its existing condition. Anything new the owner would want to do would have to conform to the HC zoning.

Mr. Neltner does not see why the owner would ask for Lot 26 to be zoned commercial. He thinks it makes more sense to keep #26 as residential and rezone Lot 4 to commercial. Mr. Carr reiterated at some time in the future that entire block of real estate might be commercial. To him, it makes sense to rezone both lots at this time, because if someone would ever want to consolidate all three properties along 27, the property would be 207 feet deep by 258 wide.

Mr. Brueggemann's interpretation of the future land use plan does show Lot 4 being general commercial office, and it appears that some of Lot 26 is also within that general commercial office area due to the depth.

Mr. Duncan repeated his comment from the prior public hearing that P&Z should base their finding on whether it is consistent with the Comprehensive Plan; that the existing zoning is inappropriate, and the proposed zoning is appropriate; or that there have been major changes of an economic, social or physical nature since adoption of the Comprehensive Plan. Again, he does not think the third item is applicable. He believes Lot 26 is included in that red strip of the Comprehensive Plan as being commercial property, but there is also evidence to the contrary. The engineers say that some or part of Lot 26 may be land used for future commercial, but maybe not all of it. Mr. Duncan also agrees that a separate commercial development should not be allowed on Lot 26 (Thatcher Court), and it should be made a condition in granting this application. The applicant has agreed to this condition. Mr. Duncan pointed out the Comprehensive Plan does encourage consolidation of several properties that are currently under separate types of uses to reduce curb cuts off US27. One of the reasons for rezoning Lot 26 commercial is if someone wants to develop Lots 4, 26, 3, 2, and 1, that the zoning is already in place to encourage that kind of development instead of the piecemeal plan there is now. Mr. Brueggemann agrees that it would be advantageous for Mr. Martin to rezone both lots now.

There being nothing more to add, Mr. Hart then closed Public Hearing #2 at 7:43 p.m.

APPROVAL OF MINUTES: March 15, 2016

MOTION: Nick Reitman made a motion to approve the minutes of March 15, 2016 as presented, seconded by Ron Johnson. All in favor, the motion passed 5-0-2 with Mr. Hart and Mr. Feldmann abstaining.

VISITORS & GUESTS: None

NEW BUSINESS:

Bray/Perry, 2 Viewpoint Drive – Application for Grading Permit –

Mr. Duncan suggested reviewing this permit under the old zoning because the new zoning has not yet been approved by Council.

Mr. Markus asked Mr. Bray if he plans to remove all of the trees on the property. Mr. Bray stated he would clear the trees as shown on the grading plan submitted for approval.

Mr. Brueggemann explained this is an application for a grading plan for 2 Viewpoint Drive and 6812 Alexandria Pike. The site would be filled to make it a usable site. The gas main would be relocated and a storm sewer constructed to pick up the drainage of the property to the west to tie into the storm sewer running across Alexandria Pike and into the Walmart property. A significant amount of fill is needed. The application shows grading approximately 10 feet from the property line on 2 South Viewpoint. If P&Z wants to approve this plan, they may want to make a condition that the proposed grading only go far enough back to not to disturb the trees in the buffer area indicated for a commercial zone. There is also an existing residential house on the lot which will be demolished. A condition of any approval should include the applicant obtaining a land disturbance permit from SD1 for the grading and storm sewer work.

Mr. Markus asked Mr. Bray if he would agree to keeping a 10-ft. tree line while doing the necessary grading. Mr. Bray said he is willing to meet the "zoning requirements at that time". Joe Kremer, Cardinal Engineering, stated this is something more appropriate to address at the site plan level when there is a specific use. That 10-foot strip of trees consists of mostly honeysuckle and scrub trees, and might not be as good a buffer. It would be better if it were screened at the new (higher) level when the site is built. Mr. Bray prefers to grade the property per the plan before the Commission tonight. The existing elevations will be brought more in line with the highway and the other existing infrastructure. Once he knows what the use will be (parking lot, building, dumpster pad, etc.), then the appropriate type of screening can be done.

Mr. Hart pointed out it may be up to two years before something is built, and in the meantime, there will be no screening to satisfy the residents. It wouldn't be out of line to ask him to leave some type of screening or add some before completion stage. Mr. Bray understands this, but he also believes the type of vegetation that is there now is not going to provide the screening P&Z is looking for.

Mr. Brueggemann stated this is a grading plan, and not the final improvement plan. If the applicant gets the rezoning and they submit an improvement plan, they will then be required to submit a landscape plan to meet the requirements outlined in the Zoning Code for Highway Commercial. Because of the time period from when it can develop, the question is whether or not they will be asked to leave a buffer area of the existing vegetation. The plan does show grading adjacent to Lot 2 to approximately 5-10 feet from the west property line, and there is at least 20 feet from the north property line.

MOTION: Rick Neltner made a motion to approve the Application for a Grading Permit for 2 Viewpoint Drive, with the condition the applicant obtain a land disturbance permit from SD1, seconded by Nick Reitman. All in favor, the motion passed 6-0-1.

Mr. Hart then asked if P&Z was ready to make decisions on the two Public Hearing rezoning matters.

MOTION: Sonny Markus made a motion to recommend to City Council approval of the Brandon Bray/Ken Perry Realty Inc. application for rezoning the property at 6812 Alexandria Pike and 2 South Viewpoint Drive from R-RE to HC. Mr. Duncan recommended an amendment to add findings that (1) this rezoning is consistent with the Comprehensive Plan, and (2) the existing zoning is inappropriate and the proposed zoning is appropriate. Mr. Markus agreed with the amendment, and the motion was seconded by Ron Johnson. Mr. Hipple disagrees. The entire Viewpoint corridor is zoned residential, and he does not think it's right to take a section of residential property and make it Highway Commercial. He plans to ask for a traffic study in the future because of the traffic situation. However, he has no problem with the front section being rezoned commercial.

Mr. Hart asked for a roll call vote: Dan Feldman-YES; Marty Hipple-NO; Nick Reitman-YES; Chair-abstain; Rick Neltner-YES; Ron Johnson-YES; Sonny Markus-YES. The motion passed 5-1-1.

MOTION: Nick Reitman made a motion to recommend to City Council approval of the Robert Martin application for rezoning of the property at the northwest corner of Alexandria Pike and Thatcher Court from R-1D to HC as submitted, and that it is consistent with the Comprehensive Plan. The motion was seconded by Rick Neltner.

Mr. Duncan said a friendly amendment to the motion would be in order – to add the condition that Lot 26 cannot be developed separately. Mr. Reitman and Mr. Neltner agreed to this amendment to their motion, and the applicant also agreed to this condition.

Mr. Hart asked for a roll call vote: Dan Feldmann-YES; Marty Hipple-NO; Nick Reitman-YES; Chair-Abstain; Rick Neltner-YES; Ron Johnson-YES; Sonny Markus-YES. The motion passed 5-1-1.

Mr. Feldmann said he attended the small cell tower presentation put on by Cincinnati Bell. One of the items brought up was language that needs to be incorporated into the zoning regulations. Kenton County is already trying to put language together and he would like to see what they have prepared. New zoning

language would help control how the towers go in and their aesthetics, etc. Mr. Hart added there had been discussion while the commission was updating the Comprehensive Plan about language on cell towers, but at that time, there wasn't enough information to revise it, so it was left as is.

OLD BUSINESS: None

INTERNAL BUSINESS:

Treasurer's Report:

Dan Feldmann presented the Treasurer's Report date April 5, 2016:

Beginning Balance	\$37,909.00	
Receipts	0.00	
Expenses	-2,416.63	CT Consultants, Inv. 150283-10, dated 11/30/15
	-2,647.92	CT Consultants, Inv. 160283-1, dated 2/24/16
	-2,081.00	CT Consultants, Inv. 160283-2, dated 3/9/16
	-718.45	Ziegler & Schneider, Inv.185, dated 3/3/16
Ending Balance	\$29,463.27	

MOTION: Sonny Markus made a motion to pay the invoices as submitted, seconded by Marty Hipple. All in favor the motion passed 6-0-1 with Mr. Hart abstaining.

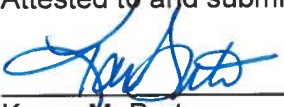
MOTION: Sonny Markus made a motion to accept the Treasurer's Report of April 5, 2016 as submitted, seconded by Rick Neltner. All in favor, the motion passed 6-0-1 with Mr. Hart abstaining.

Correspondence: The handout from the cell tower class was hard to read and Mr. Hart has asked for a better copy from the presenter. Once he receives it, he will distribute it to the other commissioners.

ADJOURNMENT:

MOTION: Dan Feldmann made a motion to adjourn, seconded by Marty Hipple. All in favor, the motion passed with a 6-0-1 vote with Mr. Hart abstaining. Meeting adjourned at 8:21 p.m.

Attested to and submitted by:



 Karen M. Barto
 City Clerk/Treasurer
 Dated 4-26-16



 Dave Hart, Chair
 Planning and Zoning
 Dated 4/19/16