Chairperson Dave Hart opened the regular meeting at 7:00 p.m. on the above date, with the Pledge of Allegiance and the following members answering roll call:

Present: Dave Hart, Chair  Sonny Markus  Rick Neithner  
Ron Johnson  Nick Reitman  Randy Nehus  
Absent: Steven Shinkle  
Also Present: Carol Hofstetter, Zoning Administrator  Jan Johannemann, Asst. City Clerk  
Michael A. Duncan, City Attorney

Mr. Duncan stated both public hearings were advertised in the newspaper per the Kentucky Revised Statute 100. When there is an amendment to the text of the zoning ordinance or zoning map, this needs to go before the planning commission for a hearing. The commission’s duty is to hear public comments entered into the record regarding the text amendments. After the public hearings are closed, the commission will deliberate and make a recommendation to city council on whether or not to adopt the text amendments in some form. It is then up to city council to determine whether to enact ordinances for one or both of the text amendments.

Mr. Hart then opened the Public Hearing at 7:04 p.m.

PUBLIC HEARING #1 - To hear and gather evidence, and review and receive public comment regarding a text amendment to Section 4.22 of the Alexandria Zoning Ordinance, (B-1) Old Town Business Zone, subsection B.25 in order to limit the development of future multi-family units in that zone.

Mr. Hart reminded the Commission that their duty is strictly to listen to information presented by the public.

Mr. Duncan said based on a closer review of this text of the Zoning Ordinance, and based upon some recent experience in the City, the Old Town Business is primarily a business zone in the downtown part of Old Alexandria and there are multi-family dwellings permitted in that zone. The only limitation is they be built in accordance with the provisions of R2 and R3 zones, which is a fairly dense multi-family apartment saturation that could potentially go into any vacant property in that zone. It was decided this may not be appropriate, except to allow the multi-family units already existing. Additions could be made to them. The language regarding the R2 and R3 high density multi-family zones would be removed and the following language would be added:

"multi-family dwellings, but only those in existence on the date of the adoption of this ordinance …., and further provided that no new multi-family uses may be instituted after the date of the adoption of this ordinance …., the foregoing established multi-family uses shall be considered Permitted Uses for all purposes, except that any established multi-family use may only expand within the boundaries of the property being used as such, but may not expand beyond those current boundaries."

This recognizes there are some multi-family dwellings, but the city doesn’t want a lot of high-density multi-family developments in this zone.

Mr. Hart then opened the floor for public comment.

1. Jessica Bouras, 10 Rainbow Lane – She works in the After-School Program at St. Mary’s, and her concern is whether infrastructure is in place to allow for the extra traffic that would be generated by the number of people living in a new multi-family development.
Mr. Duncan said based on the experience of the last couple of months, the answer to that question would be no, which prompted the discussion that led to this text amendment. There is a lot of other territory in Alexandria that would be appropriate for multi-family and is prime for development. There is no focus on any parcel of property with this text amendment, it just does not seem to be appropriate for this type of development in that zone.

2. **George Hunderer, 205 Washington Street** – He owns an apartment building on Washington Street. The city could not handle another apartment building like the one that wanted to build before. There is too much traffic now, and Main Street could not be made wider without taking out houses. He is in favor of this change.

Hearing no further comment, Mr. Hart closed Public Hearing #1 at 7:11 p.m.

Mr. Hart then opened the second public hearing at 7:11 p.m.

**PUBLIC HEARING #2:** To hear and gather evidence, and review and receive public comment regarding a text amendment to Section 4.18(B) of the Alexandria Zoning Ordinance, (HC) Highway Commercial Zone, in order to add “microbrewery” as a permitted use in that zone.

1. **Mark Reynolds, Milford, OH** – His son, Andy, is building the brewery. At the open house held this past Saturday, and several people mentioned to them there is no place to go for a private party or get-together, and he heard positive comments.

Mr. Duncan added the Reynolds’ have pointed out to the city that microbreweries are not listed as a permitted use in the HC zone. There is a lot of potential for economic development by way of this fairly new idea. Microbreweries are not defined in any zoning ordinance he could find, except in references in the ABC Kentucky Revised Statutes, which limits the amount of beer that can be brewed. Most microbreweries are combined with foods and other drinks, tastings, private parties, open houses, etc. They are only limited as to what the zoning ordinance would permit and what creativity the operator can think of. There is already an allowance for alcoholic beverages in the HC zones, but this use is a special use as it combines making and brewing small batches of beer together with tasting and selling, etc. Since there is opportunity for that economic development, this should be added.

2. **Greg Bouras, 10 Rainbow Lane** – He believes the city needs these types of small businesses to move forward because there are too many empty storefronts now. He is 100% behind this.

Mr. Duncan then pointed out the statute regarding the “500 feet limitation from schools and churches” has been declared unconstitutional by the Kentucky Supreme Court, so he will recommend this language be removed from the zoning ordinance making it consistent with State law. This text amendment will be done early next year, along with the others that were discussed by P&Z throughout the year.

3. **Mark (Andy) Reynolds, 7 Stonegate Dr.** – Impact studies have shown a brewery does help economic development, bringing in more restaurants, etc. A microbrewery should bring other businesses to Alexandria, citing as an example what Braxton Brewing did for Covington.

Hearing no further comment, Mr. Hart closed Public Hearing #2 at 7:20 p.m.

**APPROVAL OF MINUTES - November 16, 2017**

**MOTION:** Nick Reitman made a motion to approve the minutes of November 16, 2017 as submitted, seconded by Randy Nehus. All in favor, the motion passed 5-0-1 with Mr. Hart abstaining.
NEW BUSINESS  None

OLD BUSINESS

Mr. Johnson asked for a status of the AT&T building. Carol Hofstetter replied this is on hold.

Mr. Neltner said there is one new business coming into the city and five leaving, and asked Mr. Duncan what can be done for off-site advertising. He has heard these businesses were leaving because of the City of Alexandria. About three months ago he had personally asked for the code enforcement officer to come to a meeting to tell P&Z what is going on. Carol pointed out the code enforcement officer only enforces what is in the Zoning Ordinance.

Mr. Neltner asked if any off-site advertising is allowed. Mr. Duncan explained it is allowed only if it is permitted in the Zoning Ordinance. Also, the issue of signs is something that has to be addressed separately citing a Supreme Court case from last year. He is taking a very close look at the sign ordinances and is studying a report from an expert on this matter. After the first of the year this will be addressed. He asked Mr. Neltner if he wanted to loosen up off-premises signs. If so, this is something that can be looked at, but for now, the code enforcement officer and zoning administrator can only enforce what is on the books – that off-site signs are not permitted.

Mr. Neltner then asked about bench signs. Mr. Duncan explained they fall under another set of rules. Bench signs in Alexandria are owned by a company called Bench Billboard that claims they have been “grandfathered in,” and have been around since the 1960’s. He is waiting to get a report from them on when the signs/benches first came into the city so he can document how long they have been here. They should not get any special treatment, but they deserve fair treatment under the law. He is researching the zoning code to determine if they are, in fact, grandfathered in.

Mr. Neltner asked whether we could remove benches if the owners did not pay a permit fee. He believes if a law is put into effect, then that law should now be followed. Mr. Duncan explained this is true for every topic in the law except for zoning. Since 1966 the zoning law states if a use is in existence when a zoning law goes into place that would declare it to be illegal, it can continue. The “grandfather” clause is basically the non-conforming use law. Mr. Duncan explained once a property right is established (for example, placing a bench), if that bench has been removed other than intentionally by the owner, it can be replaced. Mr. Duncan cited a legal battle that ensued when this was challenged in another city. He does not want to do anything to allow the City to get involved in a lawsuit, so he is being very careful on how to proceed.

INTERNAL BUSINESS:

Based on the information heard at the public hearings this evening, Chairman Hart asked if the commissioners were ready to make a recommendation to city council.

MOTION: Nick Reitman made a motion to recommend to City Council the adoption of the proposed text amendments to the Alexandria Zoning Ordinance as written and discussed for:

1. Section 4.22 (B-1) Old Town Business, Sub-Section B.25 to limit the development of future multi-family units in that zone; and
2. Section 4.18 (HC) Highway Commercial Zone, in order to add “Microbrewery” as a permitted use in that zone.

The motion was seconded by Rick Neltner. All in favor, the motion passed 5-0-1 with Mr. Hart abstaining.

Other Items-

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Mr. Neltner asked Mr. Duncan if the Commissioners can make changes or eliminate off-site advertising. Mr. Duncan explained P&Z can hold a public hearing for a text amendment to the Zoning Ordinance to this effect and send it to council with a recommendation. Carol added there will be changes made as discussed earlier in the year for the temporary sign limitations, increasing allowable days from 14 to 30 per year, along with a 90-day permit for a new business. Mr. Neltner wondered if we needed to give them more time, as there are two businesses moving out of the Jolly Center on US 27 because they are on top of the hill and cannot be seen from the road. He believes businesses can’t survive because of the lack of advertising. Mr. Markus stated there is a large sign by the Goodyear store that is available for advertising business in that center. Carol cautioned if we allow off-site advertising for one business, we have to allow for all businesses.

1. **Nicholay Stounkov, 8005 Alexandria Pike** – He frequents the Hidden Dragon, which will be moving to Cold Spring. You cannot see that place or the sign from the road. He had asked the owners why they don’t have a bigger sign and was told their sign was the size that was permitted, and that the City doesn’t help them. He believes there is no clear sign for that area.

Mr. Neltner would like the City to back off a little bit on regulations and let the landlord and the tenant decide what type of sign would be allowed. He would like to see the City keep more of the “mom & pop” restaurants, instead of them moving 3 miles down the road.

**ADJOURNMENT:**

**MOTION:** Nick Reitman made a motion to adjourn, seconded by Ron Johnson. All in favor, the motion passed with a 6-0-1 vote with Mr. Hart abstaining. Meeting adjourned at 7:48 p.m.

Attested to and submitted by:

Karen M. Barto, City Clerk/Treasurer

Dated 12/20/17

Dave Hart, Chair

Dated 12/19/17