

**CITY OF HIGHLAND HEIGHTS
MINUTES OF PLANNING AND ZONING
PUBLIC HEARING
AUGUST 14, 2007**

Chairperson Crawford opened the Planning and Zoning Public Hearing meeting on August 14, 2007 at the Civic Center at 7:30 p.m.

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

ABSENT: Commissioners McMannon and Eifert.

Chairperson Crawford announced the purpose of the Public hearing. He stated the City is the applicant and is requesting a text amendment to the City Official Zoning Ordinance. He stated the City is requesting that outside dining be added as a conditional use in the General Commercial Zone.

NOTIFICATION PROCESS: Mrs. Rauf announced that notification of the meeting was published in the Campbell County Recorder and that notice of the meeting was posted on the front door of the Civic Center.

Chairperson Crawford announced that each of the commissioners received a packet from the Clerk. He stated the packets contained the following items: a copy of the petition from Mr. Tom Spicer June 3, 2007, also petition submitted by Mr. Randy Alvis and a letter from Mr. Spicer dated July 5, 2007.

Mr. Randy Alvis owner of Lucky Dog 1972 Alexandria Pike. He informed the commissioners the size of the deck is approximately 16X24; there will be approximately 5 tables on the deck, approximately 20 seats. He said the outside dining would be for lunch and for dinner for his patrons. He said there will be no music, no lighting and the deck will close after the kitchen closes at 9:00 pm.

Chairperson Crawford addressed the map that was attached to Mr. Alvis's petition. He asked if the people whose parcels are directly adjacent to the Lucky Dog signed the petition. He said the two houses next to his business on Alexandria Pike signed the petition. He stated there are three property owners who live across the street from the Lucky Dog who signed the petition. He said the two ladies who live directly behind his business on Taylor Avenue did not sign his

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petition. He said everyone who signed his petition supports his petition. He further added that, today, the ladies who live directly behind his business came to his business and asked when he was going to start serving lunch on the deck.

Attorney Franzen explained the reason for the Text Amendment being brought back to Planning and Zoning from City Council. He stated at the last Planning and Zoning meeting, Planning and Zoning recommended the text amendment be approved. He said this recommendation was brought before City Council, and City Council rejected Planning and Zoning's recommendation. He further stated that Council was satisfied with the text amendment with the exception of the hours of operation that was 11:00 am till 11:00pm.

Attorney Franzen further stated that Council is recommending that Planning and Zoning consider the hours of operation be from 11:00am till 9:00pm and they felt they would be happy to pass such a text amendment into law.

Commissioner Koester asked if they restrict dining until 9:00pm., could they still use the deck until 11:00pm? Mr. Franzen stated the way it is written, that at 9:00 pm the people would not be permitted to use the deck, it would be a violation of the conditional use permit.

Mr. Franzen explained the reason he requested the following changes be added to the text. He said that in line B he suggested that the word minimal should be added to the text amendment. He said he wanted it to be clear that these standards are the minimum and that the Board of Adjustments could add additional standards if they felt it was necessary. He stated it was Council's recommendation that Planning and Zoning consider changing the hours of operation from 11:00am till 11:00pm to 11:00am till 9:00pm.

FOR THE RECORD: Attorney Franzen read the entire proposed text amendment, with the changes, to the General Commercial Zone.

COMMENTS FROM CITY PLANNER: Mr. Shaw stated his reasons why he originally added the 11:00pm to the text amendment. He stated he does not have any objections to 9:00pm.

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Commissioner Koester expressed her concerns if this applies to an establishment known more than a restaurant than a bar. Mr. Shaw stated he has written this text amendment so that it applies to owner/proprietor. He said it excludes franchises.

COMMENTS FROM: CITY ZONING ADMINISTRATOR: No report.

COMMENTS FROM THE AUDIENCE: Mr. Tom Spicer, 1955 Blair Avenue. Mr. Spicer stated, as far as he knows, the house to the right of the Lucky Dog did not sign the petition, and that the two ladies directly behind the Lucky Dog did not sign the petition. He said everyone who signed his petition would be directly affected by the noise from the bar.

Mr. Spicer also stated there are beer bottles and beer cans piled up on Taylor Avenue. He said he thinks, with the deck, this problem would become worse. Mr. Spicer stated he has filed complaints with the City Clerk and nothing has been done. Mrs. Rauf informed the Chairperson that she turned these complaints over to the Public Works Director.

COMMENTS FROM CITY ATTORNEY: Attorney Franzen stated that Planning and Zoning has options. He said they could recommend that Council pass the text change and it becomes part of an ordinance, or that you recommend that it not be passed and it not become part of the ordinance.

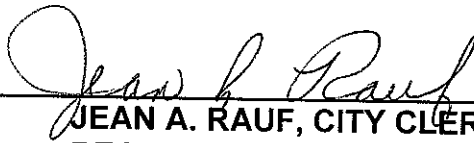
Mr. Alvis commented. He stated he had lengthy discussions with Mr. Shaw about this matter. He said he thinks Mr. Shaw was trying to be fair not only to him but to someone else who may want to add a deck.

Mr. Alvis stated that in the Summer the kitchen closes at 9:30 pm. He said since we are now heading into Fall, as of August 1st, the kitchen closed at 9:00 pm. He said he suggested to Mr. Shaw that he be permitted to keep the deck open until 9:30pm so people can finish their meal. He said he would prefer the deck close at 9:00pm because it would be better for his neighbors and for him. He said he would gladly close at 9:00pm rather than not having the deck at all.

THESE MINUTES ARE NOT OFFICIAL
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Hearing no further comments, Chairperson Crawford closed the Public Hearing at 8:00 pm.

SUBMITTED
BY: _____



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

SIGNED: _____



STEVE CRAWFORD, CHAIRPERSON
PLANNING & ZONING