

This special meeting of the Bromley Council took place on Wednesday-November 26, 2014.

The minutes are being taken from the recorder. They will be accurate to the best of my ability.

The only matter that may be discussed at this special meeting is the proposed zone change.

It appears that the Attorney, Kim Vocke, Mayor and all Council members are present.

Gail Smith, Mike Denham, Greg Rehtin, Mayor Radford, Charlie Foulks, Donnie Jobe and Nancy Kienker.

Mayor Radford stated that tonight's meeting was called to discuss the zoning issue down on Pike Street. It has been called in order for questions to be asked and answered prior to the regular Council meeting to be held on Wednesday, December 3, 2014.

Joe Schutzman was unable to attend this meeting.

The Clerk is absent as well.

Martin Schribner (to be referred to as "Martin") from PDS is present to answer questions.

Smith asked what the difference is between a Neighborhood Commercial Zone and a Mixed-Land Zone. Martin said that Neighborhood Commercial must be all commercial. Mixed-Land may be a mixture of residential and retail (office, this sort of thing).

In the presented version of Mixed-Land use there are two stages and the process is a little longer but it gives Council more control in regards to the types of development that may want to come into the area. Jobe stated that a business could still come in whether or not Council would want it to do so. Martin stated that this is correct. The control that he refers to is more about design and bargaining powers. Industrial Zoning (IP) allows us a say on the type of business that is allowed. This zoning allows for workhouses, factories, storage, large square-footage areas).

Rehtin stated that he has been working on a proposal to change the Industrial to Mixed-Land.

Foulks stated that the map shows the proposed zoning change would include properties to the west down to Tim Bailey's and from Pike Street running east to the City limits. He asks why we would take B/P out.

Rehtin explained that there are currently three zones in the area (IP, Residential and Conservation). BP is zoned I4 which is a very strict heavy industrial zone.

Small businesses (Hamant, Devon, Steidle) are all grandfathered in and, per the Attorney, would not be able to expand.

Rehtin stated that the proposal would change the IP to a Commercial/Residential area or Neighborhood-Commercial which would give a more long-term vision to the riverfront area.

Simpler Times would become commercial. It is currently a non-conforming business. The change, per Martin, would allow that business to expand.

Rehtin stated that he met with Joe Schutzman who wants, in Rehtin's opinion, to determine only the septic definition because of changing specifications of septic tanks and leach fields being proposed by new technology.

Smith asked if she was correct in assuming that BP would not be able to expand if they are included in the zone change. Her concern is to not open the area up to a business that would not be beneficial to the City if B/P would decide to move out. Rehtin felt that the only business that would be allowed in the area, if B/P did move, was another pumping station. B/P is already under control as a business in the I4 zone.

Jobe wanted to know what happens if a residential property were to become a business. Per Martin, according to the new proposal, properties could move from residential to business at any time. Rehtin stated that the reason for considering the change in the IP zone is to allow for the possibility of bringing in new businesses to help the City to prosper.

The Mayor stated that the City is regulating businesses in this area by contract at this time. By attracting small businesses we would be providing a growth option to the City.

Rehtin stated that, with the new zone change, new businesses may still not move in, but, at the present time and under the current zone, they can't.

The Attorney stated that a person cannot purchase a parcel with the intent to change the zoning of that parcel. Martin stated that our zoning code stipulates that a five-acre minimum is required and a person would have to amass quite a few parcels to meet the five-acre requirement.

Martin told Smith that the non-conforming use only applies to something that was already there when the zoning was put into place and no expansion is permitted.

Martin stated that no payment has been made to date by the City for the application for the zone change proposal.

PUD requires Stage 1 and Stage 2. Stage 1 has to go through the public-hearing process with Kenton County Planning Commission. It is then presented to Council for approval.

Stage 2 goes through the staff and no public hearing is required.

PDS would have to say if we are meeting all of the requirements (could involve traffic issues, etc.).

There is a text amendment and an application fee required for the public hearing process (\$208.00) and a rezoning fee of about \$1,300.00 (\$2.00 per acre for residential and \$30.00 per acre for commercial).

The Attorney was told by Martin that fees are only applied to businesses under new construction. There is no charge if the building is already there.

A total of \$1,500.00 is an approximate cost. The fees include notification fees to affected parties and adjacent residents as well.

The Mayor suggests that he, Rehtin, Schutzman and Martin meet again prior to the December City Council meeting so that the matter can go on the agenda. Smith suggests that Jobe be included in the meeting as the future Mayor.

Any changes from business to residential (residential to business) would go through our Zoning Administrator.

A strip mall would have to go through the Stage 1 process.

The block of houses across from DEVON were omitted from the zone change proposal. The Attorney suggests that it be left like that as it is more restrictive that way.

SD1, being a Public Utility, would probably pursue a zone change on their own if they decided to use their lot for one purpose or another. The possibility of a satellite office has been discussed, per the Mayor, which would benefit the City.

Martin stated that his professional advice is to solidify the decisions that the Council and residents want for this area and to focus also on the vision.

Parking requirements would depend on the manner of business that would be operated at a location.

Martin stated that the vision that is desired for the riverfront area cannot happen in the current IP zone except for the grandfathered businesses. For example, if Simpler Times decided to close another, similar business would not be permitted at that location.

Smith stated that this was permitted when Simpler Times was allowed to open. Martin was not sure how this was permitted. The Attorney stated that our zoning regulations allow for affirmative steps to be taken to have a non-conforming use terminated. The Mayor stated that this was permitted by contract.

Martin stated that non-conforming-use businesses already in operation would remain non-conforming with the zone change. The use remains the same but some of the other regulations may not remain the same.

Martin stated that SD1 could sell their property to any type of business that falls in the IP category.

Rechtin stated that the zone change proposal is to make the area more residential/retail friendly.

Martin stated that if we do this we have to make sure that we hit all of the regulations required. He would not include any rental VS ownership issues in the zone change.

The Mayor stated that he will set up the appointment with Martin that was previously discussed.

The Attorney asked about the comprehensive signage ordinance that was put into place in the past ten years. Martin stated that pieces of the ordinance stipulate different things in different zones. We just have to make sure that all things match up when the zone change is put into place.

The meeting adjourned at this time with a motion by Smith.

MAYOR _____

CLERK _____