

## Cold Spring Planning & Zoning June 15, 2006

The regular meeting of Cold Spring Planning and Zoning was called to order by Vice Chair, Jim Drye. Pledge to the flag was recited. Roll call showed the following present – Roger Bay, Jim Drye, Ken Sharp, Steve Taylor and Ken Warden; excused – Sam Smith and Joe Feinauer. Also present were Garry Edmondson, Carole Huber and Mike Schwartz.

The minutes of the regular May meeting were reviewed by all. Roger Bay made a motion to approve these minutes. Steve Taylor seconded the motion. All were in favor. Motion carried.

A Condominium Regime Plat for Ivy Ridge, Section 8, Building 10 was signed by Chairperson Sam Smith during the past month. Motion was made by Ken Warden to approve this signing. Steve Taylor seconded the motion. All were in favor. Motion carried.

A public hearing was called to order by Chairman Drye to review a **proposed amended Stage II Development Plan on the site in question for a new entry sign on the Shadow Lake property**. Mike Schwartz presented his review and recommendation to approve the request, subject to compliance with the condition that the proposed sign be set back a minimum of five feet from any street right-of-way line. Allen Smiley, Shadow Lake Homeowners Association, stated that the setbacks are within the requirements. Ken Warden made a **motion to approve the amended Stage II Development Plan for a new entry sign at Shadow Lake, including one condition relating to set backs, and based on the recommendations and bases of staff's letter**. Steve Taylor seconded the motion. Roll call vote showed five yesses and no noes. Motion carried.

A public hearing was then called to order to review an **amended Stage II Development Plan on the Staples site for additional signage**. Mike Schwartz discussed his review and recommendation to disapprove. He reported that staff has consistently recommended disapproval of signage of this type and P&Z has consistently approved this type request.

Bob Jackson, District Manager, was present and stated that his store is down 15% and this additional signage would give this Staples additional exposure to the local businesses. Also, other businesses in the area have been granted additional signage.

Greg Land, Developer, stated that this is a good business for the shopping center and for the city. He did agree to delete 45 ft. of signage, already approved, from the other sign to allow the additional signage. Additional signage from the AA Highway side would definitely help them. Discussion followed.

Ken Warden made a **motion to approve the amended Stage II Development Plan, but only subject to compliance with the condition that the unbuilt Type A sign, identified to be located along the AA Highway, be reduced from a maximum of 160 square feet of sign area to a maximum of 115 square feet of sign area**. Ken Sharp seconded the motion. Roll call vote showed five yesses and no noes. Motion carried.

A public hearing was called to order to review a **request for a text amendment reducing the minimum required area within the MUPD zone from 35 acres to 10 acres**. Mike Schwartz discussed his review and recommendation to approve this request. He stated that reduction of this area will continue to allow the purpose of the MUPD zone currently in the city.

Ben Von Handorf, Schabell Drive resident, asked if there is an application in the works for another MUPD zone. Mr. Schwartz responded that there is, in item 5., E. on tonight's agenda.

Steve Taylor made a motion to **approve this request for a text amendment in the MUPD zone**. The motion was seconded by Roger Bay. Roll call vote showed four yesses and one no – Ken Warden. Motion carried.

Another public hearing was called to order to review for appropriate **Comprehensive Plan designation for a 9.6 acre area at the southeast corner of Alexandria Pike and Ripple Creek Road as part of the annexation process and also designation of appropriate zoning for this same area as part of the annexation process**. Mike Schwartz discussed his review and recommendation that for the Comprehensive Plan Designation, upon annexation, the site be identified as Special Development Area. Also, that for the Zoning Designation, upon annexation, the site in question be zoned SDA. Mr. Schwartz added that the review and current permits were through Campbell County Zoning. Slides of this area were shown. The area is surrounded by residential zones and the recommendation is that, upon annexation, the site be identified as SDA. Discussion followed.

Steve Taylor made a motion to **approve the request that upon annexation, the site be zoned MUPD**. Roger Bay seconded the motion. Roll call vote showed four yesses and one no – Ken Warden. Motion carried.

Jackie Pelgen, Blossom Lane, questioned an area on the map that appears to be on her property. Mike Schwartz explained that this map was prepared many years ago before property lines were determined. No properties on Blossom will be included in this action. Any questions pertaining to the construction itself should be addressed to Campbell County Planning & Zoning.

Ben Von Handorf, Schabell Drive, questioned set backs for this development. Mike Schwartz explained that a 50 ft. setback is required where the SDA abuts a residential zone, which must also be screened.

Mike Johnson, Schabell Drive, discussed the SDA development which was originally approved as PO. What is now permitted on this site? Mike Schwartz responded that it will allow retail, public and semi-public uses, and residential. Mr. Johnson is concerned about traffic exiting the development and using Ripple Creek Road to access US 27. A Stage I Plan will have to be submitted when annexation takes place. This board would approve or deny the plan at that time.

Roger Bay made a **motion to accept the designation of the Comprehensive Plan as SDA, when annexed. This is based on the supporting information and bases for staff recommendation.** Stephen Taylor seconded the motion. Roll call vote showed four yeses and one no – Ken Sharp. Motion carried.

Roger Bay made a **motion to recommend to City Council that upon annexation of this site, the parcel be zoned SDA. This is based on the supporting information and bases from staff.** Motion was seconded Stephen Taylor. Roll call vote showed four yeses and one no – Ken Sharp. Motion carried.

A final public hearing was called to order to review a **proposed map amendment changing the 11.5 acre area along east side of Alexandria Pike, between East Alexandria Pike and Springside Drive, approximately 1,200 feet south of East Alexandria Pike. The current zone is NSC and R-3 and the requested zone is MUPD (Mixed Use Planned Development zone).** July, 2004 an application for clearing was approved by this Board with the condition to not remove large trees.

Mike Schwartz discussed the adjoining zones, and stated that the City is the applicant. He and staff recommend disapproval of this MUPD zone request since this zone is not consistent with the Land Use Plan of the Comprehensive Plan. MUPD allows for a much larger development than provided for in the SDA zone and such a development would be unrelated to Alexandria Pike. Neither the existing zone nor the proposed zone would be appropriate. The final decision on this matter will be made by City Council.

Jerry Hodges, 5899 Ripple Creek Road, is concerned about the amount of traffic which could be put on Ripple Creek. He suggested that Sabre Drive be extended to Alexandria Pike as part of this development. Please require something that will benefit the residents of Ripple Creek, such as sidewalks.

John Russell, owner of Campbell County Auto Body, is aware that the property will be developed in the future. He is concerned that a new zone will make his non-conforming use even more so.

Ken Warden questioned the existing zone for Campbell County Auto Body. It will continue, at this time, to be NSC which does make it non-conforming. According to Mike Schwartz, if the building were to be destroyed Mr. Russell could re-build as long as he applied for the permit before the Board of Adjustment filed an application to revoke his “non-conforming use permit”.

Garry Edmondson asked if Mr. Russell would be interested in being a part of this zone change. He responded that he could not at this time, since he is not aware of what the plan is for this site.

Jackie Pelgen, Blossom Drive resident, stated that this is very confusing. She does not understand this process and thinks that Mr. Russell’s situation should be taken into consideration.

Various options for this application were discussed.

Jim Drye made a **motion to recommend that City Council consider the MUPD zone in looking at re-zoning of this property.** Steve Taylor seconded the motion. Roll call vote showed four yeses and one no – Ken Sharp. Motion carried.

Jim Drye made a **motion to accept staff’s recommendation to disapprove this requested zone change, based on NKAPC bases and supporting information.** Steve Taylor seconded the motion. Roll call vote showed five yeses and no noes. Motion carried. City Council will make the final determination on this issue.

There will be an APA Conference at NKAPC offices on June 2. This will provide 1.5 hours training.

Three items will be on next month's agenda.

Sam Smith and Roger Bay attended APA Audio Conference, "The Housing Plan" on May 24. Motion to credit their continuing education with 1.5 hours each was made Ken Warden. Motion was seconded by Steve Taylor. All were in favor. Motion carried.

Stuart Oehrle, Council Member, was present to request that someone from P&Z attend the council meeting to explain any request or for additional questions at the council meeting.

Ken Warden made a motion to adjourn. Motion was seconded by Roger Bay. All were in favor. Motion carried.

Respectfully submitted,

Carole Huber

***NEXT MEETING --- JULY 12, 2006***