

Cold Spring Planning & Zoning
October 11, 2006

The regular meeting of the Cold Spring Planning & Zoning Commission was called to order by Chairperson Sam Smith. Pledge to the flag was recited. Roll call showed the following present – Roger Bay, Jim Drye, Joe Feinauer, Ken Sharp and Ken Warden – excused Stephen Taylor. Also present were Mike Schwartz, Rita Seger and Brandon Voelker

The minutes of the September 13, 2006 meeting were reviewed by all. Ken Warden made a motion to approve these minutes, seconded by Roger Bay. All were in favor. Motion carried.

Sam Smith reported that during the past month, she signed off on Granite Spring Building 6, Lot 6 request for approval of condominium regime plat, and Granite Spring Section 12 request for approval of a final plat. Jim Drye made a motion for approval and Ken Warden seconded the motion. All were in favor. Motion carried.

A public hearing was called to order for Stage II Development Plan for approximately 22 acres located on the north side of AA Highway and Murnan Road per James Elliott on behalf of Cold Spring Housing Associates LLC (American Village Properties LLC). Mike Schwartz of NKAPC said that because part of the applicant's party had not yet arrived, they requested that the agenda be changed to first review the second public hearing for Furniture Fair scheduled for this meeting. Jim Drye motioned that the agenda be changed as such and Ken Warden seconded the motion. All were in favor. Motion carried.

A public hearing was called to order for the Furniture Fair amended Stage II Development Plan on approximately 9.8 acre area located along the southwest side of Alexandria Pike, between Poole's Creek Road and Neltner Drive which is currently zone NSC.

Mike Schwartz, NKAPC, reviewed the history, considerations and recommendations as outlined in his report of September 29, 2006. This submitted development plan is about signage for Furniture Fair. They are asking for a total of six (6) building signs totaling 801.38 square feet. Three are class 5 façade signs and three are class 6 wall signs. The building has a linear frontage of 412 sq. ft. Staff has recommended disapproval of the proposed Stage II Development Plan based on the fact that the proposed signage does not meet the minimum requirements of the Cold Spring zoning ordinance.

Mike Schwartz reviewed pictures of the proposed signs. On the three class 5 façade signs, one is for Furniture Fair, one is for Broyhill, and one for Design Destinations. The three class 6 signs are 16 x 12 wall signs that show pictures of furniture to break up the large façade of the building. Mike Schwartz reviewed some of the combination classes of signs and number limits allowed in the sign regulations.

The attorney for Furniture Fair along with owner Rick Daniels and Mark Stottman of Quality Signs were present. He gave a brief history of Furniture Fair. They decided to come to Cold Spring because it is a nice city with a good market and a great opportunity to develop the empty K-Mart building. They recently had a very successful job fair and are going to have fifty employees. Many applicants were from this area. They will essentially have three businesses under the Furniture Fair umbrella, Furniture Fair, a Broyhill division, and a design firm under the name of Design Destinations, all occupying one large building. With that in consideration, they need more signage than their typical Furniture Fair signs. If the three façade signs are taken together they do not exceed the square footage that is permitted for a class 5 sign for a building that has a linear frontage of 412 ft. They are trying to establish a presence there that allows adequate visibility from US 27, because this site has a lower elevation than the road. The signage will not be overbearing for that building but will be tastefully done.

Rick Daniels stated that Furniture Fair, Broyhill and Design Destinations, while owned by Furniture Fair, are separate business and are treated as such. The three class 6 lifestyle pictures are really just something to give that building some life and break up the 412 ft. of blank wall frontage.

Mark Stottman of Quality Signs described the construction material to be used. He stated that the pictures would probably change yearly before the signs could look old, and to give another look to the façade of the building.

Jim Drye confirmed that there would be no lettering on these signs, but they would always be a picture. He asked if the pictures were going to be flush mounted to the wall or pulled away from the building. He wanted to make sure that these three businesses are separate businesses with separate books.

Rick Daniels stated that the three businesses will have their own areas in the building, but will not be walled off, and they do have the same office staff, which handles the sales. They will each have an entryway identifying their areas.

Mr. Stottman stated that the signs are not huge considering the size of the building and are not right along the roadway. He stated that there would be a decorative frame that would be fixed to the wall and it is one foot square coming out from the wall and would be one foot wide. The sign would be recessed into that opening, like a picture frame around it. They will be backlit. The pylon sign in the front has already been approved and it just says Furniture Fair.

Roger Bay asked if these pictures would be considered as signs. Mike Schwartz replied that this is the question that has to be answered by this Board. There is an argument both ways. This is a furniture store; the pictures are of furniture and therefore could be construed as a sign for the store. One could also say that it is more mural-like and is not really a sign because there are not any words and not really any advertising of exact materials or products that are in the store itself.

Sam Smith expressed concern that once these pictures are approved and up, they could then put up pictures with wording on them. Brandon Voelker stated that if approved, they could preserve this as simply artwork but putting a condition on it, that they would be maintained strictly as decorative artwork, with no wording

Joe Feinauer requested information on the total square footage of the three class 5 business signs, which was 225.38 ft. He asked the difference between class 5 and class 6 signs. He stated that the way the regulations are written right now, there is ambiguity about the combination of signs that could be allowed.

Mike Schwartz described class 5 and class 6 signs. He stated that you can have one class 5 or one class 6. If you use a combination of building mounted, window or awning signs, you can have two class 6 or a combination class 5 and 6 such as a logo and a sign in a box. That combination is considered one sign, even though it is distinctly a class 5 and class 6.

Sam Smith asked if there was any way the three business signs could be thrown into one sign. Mike Schwartz replied that it would be too big. The size is not the question here, but as they are placed on the building so that they are viewed as separate. If they were placed in close proximity to each other then they could consider that a single class 5 sign.

Jim Drye made a **motion to approve the proposed Stage II Development Plan as submitted this evening with the following findings and stipulations:** 1.) The three 192 sq. ft. signs are not signs but artwork and those would be restricted as such that they would have not advertising lettering on them at any time in the future and that those are allowed to be changed periodically and they can be backlit, and 2.) The three class 5 signs are identification signs for three individual businesses and since the total area meets the acceptable requirements. Ken Sharp seconded the motion. Roll call vote showed six yeses. **Motion carried.**

The public hearing for the Stage II Development Plan for the American Village Properties LLC on a 22 acre area located along the northside of the AA Highway and along the East side of Murnan Road, Cold Spring per James Elliott on behalf of Cold Spring Housing Associates LLC (American Village Properties LLC) was then re-opened.

Mike Schwartz gave the history, considerations and recommendations as outlined in the September 29, 2006 NKAPC report. This property was annexed by the city under the R3-PUD zone. Staff is recommending approval of this Stage II Development Plan with two conditions; 1.) Documentation be provided to the NKAPC staff prior to the issuance of a certificate of occupancy that all work was performed in substantial compliance with the recommendations contained in the geotechnical report, and 2.) Concerns about school bus pickup be resolved prior to the issuance of the first zoning permit.

Chair Sam Smith asked if the information requested by City Council at the Stage I Development Plan has been resolved. Mike Schwartz replied that their conditions were that the location, height and type of all signs for the entire site be submitted with the first Stage II Development Plan. That has been provided. The issues and concerns of the Fire Department must be resolved prior to the submission of the Stage II Development Plan. A letter is on record from the Fire Department indicating that they were satisfied with the plan. The third condition was the concern with the school bus pickup.

Jim Drye verified that the number of units remained the same. He asked how much leeway they had on pedestrian circulation and sidewalk issues. He said that if the school bus pickup was not internal to that area he would hate to see the children waiting along driveways or the road. He also asked about the condition of access to Murnan Road. Without that access, if something happened at the entranceway they would all be trapped. He also stated that there was not any type of recreation area.

Mike Schwartz replied that they could impose a condition regarding school bus pickup before a zoning permit was issued. They could make certain that a sidewalk / concrete area or shelter is provided where the pickup would be. The Murnan Road access was discussed by City Council and Council removed that condition because they were satisfied that the applicant showed due cause why that could not do so. The residents of Murnan Road did not want the access. There is not a recreation area but there is open space area which is in compliance with the requirements.

Mike Speedy with Cold Spring Housing Associates was present, along with Max Kendall, J. R. Kendall of Kendall Construction Group and Jim Elliott of Civil and Environmental Consultants Inc. The units were specially designed for this location to take advantage of the valley view and are more upscale. There is a conflict between a landscaping buffer in a particular area and their arrangement with a landowner next door that the city is a party to. A double row of evergreens is shown when a subsequent arrangement was made of a twelve foot berm and a single row of evergreens on top of that. At the time of that agreement, the berm plus the evergreens were considered more restrictive than just the double row of evergreens.

Mr. Speedy stated that management of the development would maintain the berm and the trees. The kiosk is a central mailbox location. It would also be ideal for a school pickup location. They have a centrally located compactor rather than a dumpster. Compactors are much smaller and more aesthetically pleasing and environmentally friendly than dumpster pads. They will have only one compactor which is more than adequate for the development and will have to be emptied ten to fourteen days. Thirty percent of the units are one bedroom, fifty five percent two bedrooms and roughly twelve to fourteen percent three bedrooms. They have at least eight different floor plans, all with full size washer and dryers, nine foot ceilings, walk in closets, etc. The rent range will be high \$600 to over \$1,000 for the town homes with attached garages.

Jim Drye asked if there was a way for pedestrians to get up to Murnan Road. He also asked if there was any intention of making these public streets or intention of becoming condominiums. Mr. Speedy replied that there was not a practical way up to Murnan because there is at least fifteen feet of wall in that location, but there is a complete circulation within the community. They have no intention of these streets being public streets or becoming condominiums.

Jay Harris, a Springside resident was present. He said generally the people in Springside are unaware of this development coming into this area and asked for more information on the type of housing. He verified that these were apartments. He asked what market these apartments were being built for and who would be the anticipated occupants moving into this area. Mr. Harris is concerned about maintaining the green space and what this community would look like.

Mr. Speedy replied that the resident profile was twenty-two to thirty two year olds, maybe a little older with the three bedroom two car garage town homes. They are fifteen to twenty minutes from downtown or the airport, so they could be professional or highly skilled workers. Income would be from \$30,000 to \$75,000 per year. This development is not for any type of government assistance program. The units have been designed for quality and stability. They are a colonial-type architecture.

Resident Nancy Legner was present and stated that she has a strong concern about the amount of traffic and auto accidents on the AA Highway. Because of the sheer number of apartments in this area emptying out to a very dangerous highway already, was there any possibility of lowering the numbers of units in this area. She has concerns about how close these buildings butt up to Springside. She asked about soil studies on possible slippage. She is all for progress but she wants to make sure we keep our quality.

Mr. Speedy said that the development would be 500 feet from the Springside area. They are not doing any excavation work on the Springside side of the creek. The only part of this development affecting Springside is a detention pond at the creek but it is only for the collection of storm water, detention not retention.

Jim Drye stated that they are putting in turn lanes for the development on the AA Highway. All of the developments in Alexandria and Southern Campbell County is going to effect this AA traffic whether or not this development goes in..

Joe Feinauer said that the only other option was to let this come out on Murnan Road. If that was done, then the exit would be from Murnan onto US 27 which would be far worse. This solution is the better of the two.

Joe Feinauer made a motion to accept the Stage II Development Plan based on staff recommendations with the two conditions. Motion died due to lack of a second.

Ken Sharp made a motion to deny the Stage II Development Plan.

Brandon Voelker stated that there would have to be some problem with the zoning ordinance that would be the legal bases for the denial, and none were found.

Ken Warden stated that council has taken their recommendations and decided to rewrite and approve it. It is now back to this board to conform with what is there now. There is nothing else that they can do.

Jim Drye stated that one of the conditions was to have the school bus pickup issues resolved prior to the Stage II submissions and this has not been done.

Brandon Voelker said that this is impossible to resolve at this time until there are actually people living there.

Sam Smith said that she had talked to Mr. Roseberry, the transportation director for the county and he said they really don't like to go into private streets.

Motion to deny died due to the lack of a bases.

Jim Drye moved that we table action on this until we know what is happening with the school bus pickup or what the alternates are. Concerns on if the pickup will be inside or outside the development along with what will be done to accommodate the children have to be addressed. Roger Bay seconded the motion to table. Roll call vote showed three yeses, Sam Smith, Roger Bay and Jim Drye, and three noes, Joe Feinauer, Ken Sharp, and Ken Warden. The vote was tied.

Brandon Voelker said that if the concern is the school bus pickup, they could make it a part of the motion that the school pickup occur within a designated area in the premises of the community. That would take out some of the concerns about the AA Highway. He said that the streets are a right-of-way. Public streets versus private streets just mean it is a maintenance issue and has nothing to do with who is allowed to drive on them.

Joe Feinauer stated that there is no way the transportation department would have kids standing on the AA Highway waiting for a pickup. He said that the state cannot put a light there right now because they are bound to follow certain regulations and criteria set up by the state and the Federal Highway Administration, which are not yet warranted.

Mike Schwartz replied that one of the conditions is that the concerns of a school bus pickup area be addressed prior to the issuance of the first zoning permit. They will have to submit documentation that a school bus will come in there, where the pickup will be, and show that the circulation pattern is sufficient and acceptable to the school district. Jim Drye replied that the pickup area should be connected to a sidewalk and the pickup point would have a hard surface.

Ken Warden stated that they will have to make provisions for these kids to be picked up in a safe manner so they are not standing in a puddle of water or mud waiting to get on a school bus. These are all concerns that they have tried to go through before. It would be harder for the developer to market their project if these provisions are not made.

Ken Warden made a **motion to approve the Stage II Development Plan for American Village Properties subject to the two conditions as stated in the staff report, and with condition 2 stating that they shall provide an area inside the boundaries of the project for pickup of school children on the bases of supporting documents as submitted by staff report.** Joe Feinauer seconded the motion. Jim Drye verified with Mike Schwartz that the documentation required under the first condition by staff be submitted by a geotechnical engineer. Roll call vote showed five yeses and one no, Ken Sharp. **Motion carried.**

Brandon Voelker stated that all of the annexation of the Low Gap area has been completed. Our boundaries have basically been rounded out to Low Gap Road. The Ripple Creek property has had its second reading as well for the office condos.

Mike Schwartz stated that there were no applications for next month's meeting. Since there are no issues for next month's agenda, Roger Bay made a motion that next month's meeting be cancelled. Jim Drye seconded the motion. All were in favor. Motion carried.

Ken Wardens asked where we were on the S.O.B ordinances Brandon Voelker replied that Kenton County prevailed in court. Campbell County is moving forward and will probably taken action in the next month or two for the licensing regulations. Then there is the issue of the zoning that identifies where they would identify areas in Campbell County that would be set up for sexually oriented businesses. This is for the county as a whole.

Jim Drye reported that he and Roger Bay attended the APA Audio Conference at NKAPC, and hour and a half on green community planning for each of them. In addition he viewed recordings on CD's of conferences from the previous years, as far back as April of 2005 on planning for safe growth, which he highly recommends if anyone else is interested. That was a one hour session. Another was the Housing Plan, and hour and a half program which was presented on May 24. The Zoning for Transit Oriented Development was presented in November 2005, another hour and a half program. In April of last year was an hour and a half session on design graphics for planning. Jim Drye should receive a total of seven credit hours and Roger Bay a total of another hour and a half. Roger Bay said he also attended a presentation in Highland Heights on local comprehensive plan which was an hour and a half. Three hours for Roger Bay and seven hours for Jim Drye.

Joe Feinauer made a motion to approve the continuing education for Jim Drye and Roger Bay. Ken Warden stated Board members actually spend more time with further discussion after the meetings and asked if these hours could be

rounded out to full hours. Brandon Voelker replied that they can just present this to board. Time was adjusted for Roger Bay and Jim Drye. Joe Feinauer amended his motion to accept three and one half hours for Roger /Bay and seven and one half hours for Jim Drye. Ken Warden seconded the motion. All were in favor. Motion carried.

Roger Bay reported that Highland Heights was having an open house on October 26th from 4:00 to 7:00 pm for a 471 corridor study on transportation.

Jim Drye pointed out that there appears to be some type of road going in from Granite Spring to Dry Creek, which the developers said could not be done. Joe Feinauer stated that they didn't say they couldn't do it but they did not want traffic on Dry Creek because the county had no plans to upgrade it at all.

Roger Bay motioned adjournment of the meeting, Ken Warden seconded the motion. All were in favor. Motion carried

Respectfully submitted,

Rita Seger, Assistant City Clerk

Next Meeting December 13, 2006