

Cold Spring Planning & Zoning January 10, 2007

The regular meeting of Cold Spring Planning and Zoning Commission was called to order by Vice Chairman Jim Drye. Pledge to the flag was recited.

Attorney Brandon Voelker requested the floor in order to submit and read a letter for entry into the records. This letter was addressed to Sam (Ruth) Smith from Mayor Mark Stoeber, dated December 14, 2006 which relieved her from her duties on the Cold Spring Planning and Zoning Commission for various cited reasons, and thanking her for her many years of commendable service to the Cold Spring Community.

Vice Chair Jim Drye questioned the reasons for removal in KRS 100.157 and whether they applied in this situation. He would like to know what this commission is or is not supposed to be doing in the future. Also, he said that Sam Smith's actions as chair were the main issue with council for removal, however she was removed as commissioner.

Brandon Voelker stated that she was removed from the commission while she was acting as chair of this body. Council has the authority to remove her not as chair, but as commissioner. The mayor and council have the ability to remove persons, not the officers of this body pursuant to this law. They have to follow certain guidelines. Everything was done in a legal manner. Brandon Voelker stated that this is a personnel matter and any questions regarding it should be addressed to the mayor and council, and not in this forum.

Brandon Voelker then administered the oath of office to new Planning and Zoning member Karen Stafford.

The roll call showed the following present – Jim Drye, Roger Bay, Joe Feinauer, Ken Sharp, Karen Stafford and Stephen Taylor – excused was Ken Warden. Also present were Rita Seger and Brandon Voelker.

The December 13 regular meeting minutes were reviewed by all. Joe Feinauer made a motion for approval and Steve Taylor seconded the motion. All were in favor. Motion carried.

Vice Chair Jim Drye signed an approval for final plat on Granite Spring Building 15. Roger Bay questioned correspondence which was received from the Central Campbell Fire District requesting that no further permits be issued to any portion of this development until the issue of required heights of fire hydrants in that area is corrected.

Jim Drye stated that two days after he signed the Granite Spring final plat, he was notified by Ray Dishman regarding this issue. He asked Brandon Voelker what authority this board has to deny these building permits.

Brandon Voelker stated that the fire department needs to advise us on the specific standards that need to be followed. Then we can act accordingly. The Northern Kentucky Area Planning Commission hasn't noted any problems with the plat and would not have sent their letter of approval for signature if it didn't comply with our regulations. In order to refuse a permit we have to be able to tell them what they are doing wrong. Our first step would be to call Scott Hiles to verify that the fire hydrant is okay. If the fire district has a code that is in conflict with our ordinance or code then they should come in and ask us to amend our ordinance or code. The fire department should also address specifically which hydrants they have problems with.

Steve Taylor stated that fire hydrants are sold to city specifications, and unless the water line is too deep there should not be a problem. Unless they got these hydrants from another city or put too much dirt around it, they should be the right height.

Jim Drye stated that the plat he just signed was for a condominium plat, multi unit building and there was not street on it. Scott Hiles of NKAPC has been informed about this situation.

Roger Bay made a motion for approval of the signing of the final plat for Granite Spring Building 15. Steve Taylor seconded the motion. All were in favor. Motion carried.

Jim Drye asked when the subdivision regulations are going to be revised and would like to work on the master. He would like to see this on a future agenda. Jim Drye also asked Brandon Voelker about the progress on the sexually oriented businesses.

Brandon Voelker stated that council did pass a resolution to support the county adoption of the SOB regulation portion, setting forth requirements. The second phase, which has not yet been done, is to set up the areas that would be zoned for these uses. Brandon Voelker reviewed what has been done in Kenton County to date. Campbell County may follow their guidelines. A study would be conducted to identify an area, and if that area is in Cold Spring, at that point a recommendation would come to this body to study necessary changes to the zoning ordinance to effectuate this community-wide zoning ordinance. At that time, this body would have a hearing and then take action and it would go to council for review. It is unsure if Campbell County is going to go ahead with this zoning portion of the SOB. The only place in Campbell County that these regulations do not apply is in the City of Newport.

Jim Drye asked about the median up in the Cold Spring Crossing, and the traffic issues during the Christmas season after seeing and hearing of a number of complaints, and also potential problems with the future school going in. He asked that this board recommend to council to negotiate with the school board to try to fund some improvement in that area since it is a public right of way.

Roger Bay had read in previous council minutes that the police can control the traffic lights now. Brandon Voelker stated that from time to time the police will manually operate the light or sometimes just go out in the road to administer the traffic. The state did go in and examine the amount of time between the lights to allow the flow to go out.

Joe Feinauer said that the state just does time studies on how long it takes a car to get through an intersection. When this traffic issue was brought up, the developer said there was not a problem. The state has probably increased the light to whatever maximum amount there is, however that reduces the green time on US 27. The problem will be with school buses, some of which will be turning to the south side and quite a few school buses will have to sit in the left lanes to turn south. This may back up the lanes for buses trying to get to the right lane for a right turn. Regardless on whether the officer can control the light, that would not change the fact that something needs to be done with the second left turn lane. It is now a public thoroughfare.

Brandon Voelker said that cost would be incurred by the city since it is a public street, but the schools do have the ability to get money from the state and they may be able to help since it does involve the busing of children in and out of the area. Now is the time to act since the school opens in the fall.

Jim Drye asked if the state would have enough information, from a study, for them to alter anything. Joe Feinauer said the state had to have some studies done when they recently went in and changed the timing of the lights.

Roger Bay made a **motion to ask council to take action to negotiate with the school board to try to fund some improvement in the area of egress at Crossroads Boulevard and US 27** and Ken Sharp seconded the motion. All were in favor. **Motion carried.**

Jim Drye asked Brandon Voelker what the current status is on the property on Alexandria Pike next door to the Campbell County Auto Body, whether they have the approved plans, and why this board hasn't seen the Stage I plans. Brandon Voelker stated that they have a development agreement as authorized by council and that is how they are proceeding. The developers will be at the next council meeting in February and at that point this body will probably be receiving a Stage II which will be consistent with the development agreement. The Stage I was part of the annexation agreement. In the Ripple Creek area where it lets out on the south side, the backend which was zoned R-3. This R-3 could possibly have been used to put in apartments. Since the city already has current plans for apartment developments at the old drive in area and on Murnan Road, the decision was made by council was that there not be more apartments. The developer was willing to agree not to sell the back property and leave it green space in exchange for a certain things he could do with that property as well as the property on Ripple Creek. When this board put it in for SDA zoning it worked out with their plans.

Joe Feinauer said that when he spoke to NKAPC they did not have to have a Stage I but did have a Stage II that was approved. They are working on an amended Stage II that has not yet been submitted to Planning and Zoning.

Brandon Voelker said the only issue is for the back end of the property to either stay with the developer to be restricted for single housing only, or to have it donated to the city to be green space. Joe Feinauer questioned if this body needed to take action to rezone it from R-3. Brandon Voelker said that this is part of the development agreement that runs with the land and it cannot be apartments. If the city elects to just have it donated to the city this will not be an issue.

Joe Feinauer reported that nominations from the **Nominating Committee** are as follows: Stephen Taylor as Chairman, Jim Drye as Vice Chair and Roger Bay as Secretary / Treasurer. These nominations were accepted by all. There

were no other nominations from the floor. Joe Feinauer made a **motion to approve this slate of officers as presented, for 2007**. Ken Sharp seconded the motion. Roll call showed all were in favor. Motion carried.

Roger Bay then motioned **to delegate his secretarial responsibilities to the city clerk's office**. Joe Feinauer seconded the motion. All were in favor. **Motion carried**.

Roger Bay motioned that the meeting be adjourned. Steve Taylor seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, Assistant City Clerk

NEXT MEETING --- FEBRUARY 14TH