

Cold Spring Planning & Zoning October 13, 2010

The regular meeting of the Cold Spring Planning and Zoning Commission was called to order by Vice-Chairman Vince Sticklen. Pledge to the flag was recited. The roll call showed the following present – Tom Ross, Donna Schmidt, Vince Sticklen, Tami Trunick, and Christopher Vaught – excused were Alan McCullough and Steve Taylor. Also present were City Clerk Rita Seger, Administrative Officer Michael Vank, City Attorney Brandon Voelker, and NKAPC staff members Keith Logsdon and Jenna Haverkos.

Vince Sticklen pointed out the exits from the building, per Fire Department regulations.

The September 8, 2010 regular meeting minutes were reviewed by all. Donna Schmidt made a motion for approval and Tom Ross seconded motion. All were in favor. Motion carried.

Vice-Chairman Vince Sticklen called public hearing #CS-10-09-03 to order. The purpose of this public hearing is for the review of a **proposed Stage I Development Plan on an approximate 1.8 acre area located at the terminus of French Street, approximately 500 feet west of the intersection of Alexandria Pike with French Street, which is located in the SDA zone; the applicant proposes to convert the existing office building into a church, add off-street parking spaces, add a covered drop-off carport, add a sign, and add an accessory structure (applicant is Alexandria Congregation of Jehovah's Witnesses Inc.)**

Keith Logsdon of Northern Kentucky Area Planning Commission presented slides of the area being considered, discussed surrounding zones of the area, and presented the Staff review, comments and considerations. Staff has found that the submitted Stage I Development Plan does meet the minimum requirements of the Cold Spring Subdivision Regulations with three exceptions which are noted in the Staff report. NKAPC staff has recommended approval of the submitted Stage I Development Plan, subject to six conditions: **1.) that a landscape plan be submitted as part of the Stage II, 2.) that the paving of off-street parking area meet the minimum requirements of the zoning ordinance and Appendix A, 3.) that the correct off-street parking calculation be used to determine the required number of off-street parking spaces, 4.) that any wall signs meet the requirements of Article XIV, 5.) that the Stage II Development Plan meets the minimum requirements of the Cold Spring Subdivision Regulations, and 6.) that the parsonage remains accessory to the church and not sold, leased, or rented to an individual or agency not associated with the church.**

Vince Sticklen questioned if the house would be for the pastor, and if are there any other restrictions. Keith Logsdon stated that condition #6 would apply to all restrictions concerning the house.

Herschell Mirick, representing the regional building committee of Jehovah's Witnesses addressed the Board. He is responsible for the construction and renovation of Kingdom Hall and also represents the congregation. He presented a drawing of what the final building renovation will look like, as well as a floor plan. This is the former Hill & Griffith office building. Kingdom Hall, as they call their place of worship, fits well into most commercial and residential areas because they reflect that type of construction. They plan to redo the roof plan and make it more like a commercial type building, anywhere from 3,000 to 5,000 sq. ft. Their congregation sizes are from 60 to 120 persons. This building is sized to hold a total of 204 including the auxiliary room. There are about 170 seats in the main auditorium. They do not have a church-like look to their buildings, with no steeples or bells, so it fits nicely into most communities. They are taking the existing footprint of the building and changing the interior to fit their particular needs. There is an existing four car garage. Rather than remove it, they will put a very small apartment, about 900 sq. ft., with a single car garage. The pastor will not live there, but it will be owned by the church and will be used by perhaps a retired missionary on assignment or someone who travels within their organization and visits their congregation.

Vince Sticklen questioned if there were enough parking allowances for 204 members of the congregation. Mr. Mirick stated that the state requirements are one parking space for every four members and they have one for every three members.

Tom Ross verified that the parsonage would not always be occupied, but would be "come and go". Mr. Mirick stated that this is not a permanent residence for any member of the congregation.

Donna Schmidt questioned the exits from St. Michaels and French Streets. The only way to turn north is to go all the way around St. Michaels Drive at the light, because a left hand turn has been prohibited from French Street. She stated that St. Michaels is not a very wide street to begin with, and asked if this should be looked at. With the restaurants there, Ms. Schmidt expressed her concerns about the traffic activity on that street.

Mr. Logsdon stated that the way that churches function is to have their activities in the evenings or on weekends and this traffic flow would not be in peak hours. This is not a building that would be in full time use. They can take another look at this before the Stage II.

Mr. Mirick clarified that their services are on Tuesday evenings and Sunday mornings, not during peak traffic times, so it shouldn't be an issue. When Boston Beanery had the original layout of the building they had parking all the way around the lot, at least for 100 cars or better, and the traffic was not an issue at that point.

An audience member questioned why this was called a parsonage when it is not actually a parsonage if a pastor is not living there. Mr. Mirick stated that they refer to it as a parsonage because most municipalities recognize that wording as a residence connected with a church. This is in fact an attached apartment for one or two people at the most, very small, to be used as temporary living accommodations.

Kevin Reedy, a physician with Pediatric Associates, addressed the Board. Their building is to the south, across French Street from the current building. He is also a partner with Eastland Enterprises which is the entity which owns the building of Pediatric Associates. Dr. Reedy verified the location of the proposed new driveway, and pointed out the location of the driveway owned by Pediatric Associates. He is concerned that, with the location of the new driveway, it may cause difficulty for their patients because they schedule appointments up to 5 or 5:30 pm, Monday thru Friday. His concern is with the services on Tuesday evening. French Street is a tight street. With some landscaping there is a potential for blind spots.

Rod McMahon, architect for the Kentucky regional building committee of Jehovah's Witnesses addressed the Board. He stated the entrance drive is actually a second entrance drive, which would align directly across from the Pediatric Associates entrance drive. You usually don't want to stagger intersections. This was done intentionally. In the Stage II Development Plan they had to reduce a drive to a one lane further necessitating this to be a two way exit in and out of the parking area. The bulk of the vehicle circulation would be for another exit, but this is for circulation around the car drop off area.

Tom Ross verified that there is no street parking on French Street. Vince Sticklen questioned if there were "no parking" signs posted in case of overflow so people don't start parking along the street. Brandon Voelker stated that if someone parks on the street, the Police Department would ticket them or they could be towed.

Mr. McMahon distributed a revised drawing to the Board, which has already been submitted to NKAPC, which shows the parsonage which was not on the original drawing.

Tom Ross made a **motion to approve the Stage I Development Plan for the Jehovah's Witness Inc, based on the recommendations of NKAPC staff, and to include the six conditions as presented in the Staff report.** Christopher Vaught seconded the motion. Roll call vote showed five yeases and no noes. **Motion carried.**

Brandon Voelker stated that the applicant contacted his office and made a request that the Stage II be handled administratively. NKAPC staff would make sure that all six conditions are met rather than having a full blown public hearing because of time deadlines

Fred Macke who represents the church on this purchase addressed the Board. He stated that they are on a very tight time frame to get this building closed and to start the construction before the foul weather hits. He requested that this body would permit them to finish out the approval process with NKAPC, thus allowing them to chip off a little more time.

Keith Logsdon stated that they do this all of the time with other cities. Donna Schmidt questioned if this would include them looking at the traffic flow. Brandon Voelker stated that the right in / right out on French Street was something that the city adopted. The original development was full access, but it is up to city council on whether they would want to open it up. Mr. Voelker suggests that if we allow NKAPC to handle this administratively, we could have them review the traffic effects and then have that traffic study forward to city council for their deliberation. They would decide whether that access point is an issue that needs to be addressed.

Keith Logsdon stated the best thing to do is to get an estimate back on the cost of doing a traffic study. The state probably doesn't do French Street. He will take that step with their traffic engineer consultant, and after they get that estimate and he will get back to us and we can go from there. It would probably be best to wait until the church is in operation before we take a look at the traffic flow to gauge what is happening.

Vince Sticklen stated another concern is if the services for the Jehovah Witnesses and St. Joseph Church both get out at the same time. Then we may have issues of turning at that intersection. Brandon Voelker stated that this is not relevant to the Stage I analysis, but is one of traffic control from the city's standpoint. It might be that KDOT needs to change the timing of the light on Sundays. Mr. Mirick stated they have studied traffic patterns, but their traffic does not have the impact that is anticipated. There are only two meeting times a week, not during high volume times, and there is never a mass exodus from the parking lot. When services are over there is a staggered departure because some stay for one to one and a half hours for other activities.

Christopher Vaught made a **motion to approve the request to allow NKAPC to administratively handle the Stage II Development Plan.** Donna Schmidt seconded the motion. Roll call vote showed five yeses and no noes. **Motion carried.**

Vice-Chairman Vince Sticklen called public hearing #CS-10-09-02 to order. The purpose of this public hearing is for a **proposed text amendment to the Cold Spring Zoning Ordinance: (1) clarifying Indoor Recreational Facilities as permitted uses within the SDA Zone; and (2) adding Outdoor Recreational Facilities, subject to certain conditions, to the list of conditional uses within the SDA zone.**

Keith Logsdon of Northern Kentucky Area Planning Commission stated that this text amendment is actually two text amendments in one. He reviewed the events of the September 8, 2010 P & Z meeting, in which they discovered a mix-up of the language in the adopted ordinance and the intended ordinance versus the printed ordinance in the zoning regulations. The first part of this text amendment is to clarify this wording. The second part of this text amendment is to add the Outdoor Recreational Facilities subject to the following conditions: **1.) no lighting of the outdoor recreational facility shall be permitted, 2.) no amplified sound or entertainment shall be permitted in conjunction with the recreational facility, and 3.) no activity associated with the outdoor recreational facility shall be permitted within 50 feet of a residential zone, except where a variance has been granted.** Mr. Logsdon stated that in addition, there are other development controls as listed in Staff report, Attachment A, Section K. Staff has recommended approval of this text amendment.

Audience member Roger Bay addressed the Board. He questioned if there would be any drinking in this area, lighting, or selling of bait. Steve Chuke, owner of Guys and Dolls stated that there would be no alcohol or lighting, but he would be selling bait on the premises. Brandon Voelker stated that this public hearing is not site specific. It is a text amendment which, if approved, will go to the Board of Adjustment who can then put conditions on this as they want, with the exception of the conditions concerning the lighting and sound as listed in Staff report. It would be up to the Board of Adjustment on whether alcohol would be allowed or bait could be sold.

Vince Sticklen stated that no lighting is one of the conditions, but there is lighting on the building. He questioned what would stop them from putting stronger lights on the building shining toward the lake. Keith Logsdon stated that we do have regulations on lighting which should protect us in this case. If it is not covered by the code, it could then be covered by the Board of Adjustment conditions.

Steve Chuke questioned his Cruise In events, which sometime run during the day until 9 or 10 pm at the latest. The disc jockey brings in his music van and quits around 8:30 to 9 pm. He questioned if the sound issue would apply here. Brandon Voelker stated that Mr. Chuke has had Cruise In events in the past, and he verified that he has not been required to purchase permits, since there are no sales associated with this event except food on his enclosed porch. This is mainly an occasional event held in the parking lot.

Vince Sticklen questioned if this then creates a stumbling block because we are imposing conditions on his property that may relate to the front of the property for occasional events that he wants to hold there. Brandon Voelker stated if you are just using your parking lot occasionally for events such as a cruise in, then it would not be deemed a recreational facility. Keith Logsdon stated this is an interpretation issue by the city. Mr. Logsdon stated that if this is something that happens every weekend, then it is no longer a casual use. Brandon Voelker stated that we have never taken action on this so he sees no reason why this would change. Since there is no charge and this is just an occasional event, it is just a right to congregate.

Audience member Nancy Bay questioned if this would go to council and then to the Board of Adjustment. Brandon Voelker stated that council would have to approve this as a text amendment, and then anyone who wants to operate an outdoor recreational facility that is a stand alone outdoor use would hinge on Board of Adjustment approval. Specifically churches and daycares could have playgrounds as an accessory to their building without going to the Board of Adjustment. Schools are exempt from zoning. A Board of Adjustment hearing is more detail notice. Each contiguous property owner

would receive a notification letter advising them of a variance request, with the date and time so that they will be aware of the public hearing. At that time they can make comments before the Board of Adjustment.

Christopher Vaught made a **motion, based on Staff report, to recommend that city council approve this text amendment clarifying Indoor Recreational Facilities and allowing an Outdoor Recreation Facilities within the SDA zone subject to the conditions as listed in Staff report.** Donna Schmidt seconded the motion. Roll call vote showed five yeses and no noes. **Motion carried.**

Chairman Vince Sticklen called public hearing #CS-10-09-01 to order. The purpose of this public hearing is to **amend (population and other demographic data), modify language (transportation element), and re-adopt the Cold Spring Comprehensive Plan.**

Jenna Haverkos addressed the Board. First she clarified that the Staff review showed this to be from Andrew Videkovich but it was actually from her. This was merely an oversight. Included in this review are the two appendixes which were discussed in full at the September 9, 2010 Planning and Zoning meeting. The only difference now is that it is in text format to be inserted in the Comprehensive Plan as the appendixes Plan B. She pointed out the overall trends to watch: continuous growth in Cold Spring and at the same time the decline in population in Campbell County; aging population; the purpose of this shorter version which is the release of the 2010 census data gives a better opportunity to assess comprehensive plan needs; and job loss in the area.

Vince Sticklen stated that by adopting this, it takes care of our five year plan requirements, so technically we do not have to do this for five years. Jenna Haverkos stated that technically that is true, however, the intention of doing this shortened version now is to catch up with the census data and when that is available we plan on doing this again after the census data is release.

Tom Ross made a **motion to recommend to council approval of the amendments on the population and other demographic data, to modify the language in the transportation element, and to re-adopt the Cold Spring Comprehensive Plan.** Donna Schmidt seconded the motion. Roll call vote showed five yeses and no noes. **Motion carried.**

Keith Logsdon verified that this will next go before City Council. Once this passes through Council, he would like immediate notification so that this can be added to the website and copies provided to the city.

Per House Bill 55, **Christopher Vaught received six hours of continuing education, Vince Sticklen received 1.5 hours of continuing education, and Tom Ross received 1.5 hours of continuing education.** Donna Schmidt made a motion for approval and Tami Trunick seconded the motion. All were in favor. Motion carried.

Christopher Vaught made a motion to adjourn, and Donna Schmidt seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, City Clerk