

Cold Spring Planning & Zoning December 8, 2010

The regular meeting of the Cold Spring Planning and Zoning Commission was called to order by Chairman Stephen Taylor. Pledge to the flag was recited. The roll call showed the following present – Alan McCullough, Tom Ross, Donna Schmidt, Vince Sticklen, Stephen Taylor, Tami Trunick, and Christopher Vaught. Also present were City Clerk Rita Seger, and NKAPC staff member Andrew Videkovich.

Stephen Taylor pointed out the exits from the building, per Fire Department regulations.

The November 10, 2010 regular meeting minutes were reviewed by all. Alan McCullough made a motion to approve the minutes as amended and Vince Sticklen seconded motion. All were in favor. Motion carried.

There were no public hearings scheduled for tonight's meeting.

Andy Videkovich, NKAPC addressed the Board members. He stated that he was approached by a property owner, Larry Leap, who wished to start a winery on his property on Pooles Creek Road. The property is currently zoned R-RE* which is a county designation. Wineries are currently not permitted in any zones within Cold Spring. In order to permit this, the city would have to do a map amendment to have it fall under the city zoning regulations rather than the county, and add appropriate text. Staff has researched wineries, and Mr. Videkovich distributed a draft of definitions and suggested text to the Board members should they wish to proceed on this issue.

Mark Schmidt addressed the Board Members on behalf of applicant Larry Leap who is currently out of the country. He gave Board members a packet of information which included a background of Mr. Leap, his proposal, and brief summaries of five other local wineries. This property is on approximately seven acres on Pooles Creek Road. He has approximately 1,000 grapevines planted on the hillside. Four or five acres will be used for the grapevines, one acre located at the front and extending around the sides of a small house will probably be used for parking, and another acre is in the rear of the property which is heavily wooded. They plan to have a winery and a tasting room on site. Typically, wineries cater to small groups and organized events where maybe one vehicle is used for multiple people. They don't expect more than eight to ten cars at any given time.

Steve Taylor questioned if they would be processing the wine on site. Mr. Schmidt stated that they would like to eventually process on site to get to the grapes as quickly as possible. They do have a barn on site which they can use for processing.

Vince Sticklen questioned the hours of operation. Mr. Schmidt stated that typically wineries are a very seasonal operation, and they may just be opened on weekends during the day and up to 9 or 10 pm for specific events, but that would certainly not be daily. In the future they may build a patio and may have tables outside.

Steve Taylor questioned if they would be selling just the winery from his site, and if it would be by glass, bottle or case. Mr. Schmidt stated that Mr. Leap is already bonded by the State and has his permit so that he can sell his wine by the glass, bottle or case, other Kentucky wines by the glass only, and beer by the glass only. He cannot sell liquor / beer by the bottle or case.

Tom Ross asked for clarification on the location of this property, and questioned if there would be any problems with the small bridge. Mr. Schmidt stated that Mr. Leap plans to re-do and widen the bridge this summer.

Steve Taylor questioned what the targeted total production will be for this facility. Mr. Schmidt stated that you typically get three bottles of wine out of a vine, so if he has 1,000 vines he would get 3,000 bottles. They are limited to what they can grow on this small amount of acreage, but they can buy someone else's grapes to increase production.

Vince Sticklen stated that if he is bringing in a lot of grapes from other vineyards, then it becomes a different type of business and more of a wholesale business. With the information we have right now, we are not sure if we are looking at a winery or a distributor starting up. He questioned what Mr. Leap's business plan is and he will have tractor trailers pulling in and out of there distributing his wine. Steve Taylor questioned if Mr. Leap might be planning to plant elsewhere, but refine it at this location. Mr. Schmidt stated that Larry Leap does have another acre and a half in Alexandria, but he is not planning on planting another fifty acres somewhere else. This area is limited by space.

Steve Taylor stated that we are at two different stages. Should we decide to go with this, we would need a text amendment to pass it, and after that we would have to have a public hearing on the map amendment. In that public hearing

he questioned if we would be ratifying the business, or if we would then need another public hearing for a development plan. Andy Videkovich replied that because this is a residential zone, it doesn't have to go through the whole development plan Stage I or Stage II process. A lot depends on whether it would be made a conditional use, and then at some point there would be a development plan reviewed by this Board during the re-zoning process or separately by the Board of Adjustment.

Mark Schmidt stated that he has made notes about the hours of distribution, manufacturing, and so forth which he will get to Larry Leap to see if they can come up with more definite information.

Andy Videkovich reviewed the draft of possible wording for the text, which included definitions and whether to consider wineries as a permitted use or a conditional use. If we consider adding it as a permitted use, Staff suggests allowing this as a permitted use only if the winery is adjacent to arterial streets, because small roads in residential zones probably cannot hold the traffic. Aside from tours, these would all be indoor type of activities so there wouldn't be that great of an impact on the adjacent properties. If he adds an outdoor patio or outdoor activities other than the tours, that would be a conditional use that would need an additional form of approval. Staff has included provisions to control other outdoor activities such as no amplified sounds and the like. Mr. Videkovich stated that the main decision, should this Board consider going forward with this is to see this treated as a permitted use or as a conditional use, and also consider what additional conditions of approval you want to see on top of whether it is conditional or permitted use. This Board does not have to make a decision tonight.

Steve Taylor asked what the signage restrictions are on this. Andy Videkovich stated that right now conditional uses with R-RE zone allow for wall signs or a ground sign twenty-five square feet in area, with one sign per street frontage. The lighting restrictions would be from a concealed source.

Vince Sticklen stated that when you say you are starting to bring wines in from other places you are talking about a whole other operation. We need to have this spelled out. He questioned if Mr. Leap's neighbors have been contacted for their views of this operation. Andy Videkovich replied that they would be contacted for a public hearing on the map amendment if it goes that far.

Steve Taylor questioned if this site would be just for a business or a residence as well. Mark Schmidt stated that he believes it will be both residence and business. He doesn't believe Larry Leap is anticipating anything other than what is typical in other wineries, such as maybe a four to five hundred square foot shop with maybe some seating area.

Tom Ross likes the idea but does not like the location. It is not a good road and any additional traffic might be a disaster. Andy Videkovich stated that Pooles Creek was identified by the Kentucky Transportation Cabinet for improvements, but doesn't know where it now stands, or whether it has been funded. Steve Taylor stated that the improvement was tied into the NKU ingress/egress road. Mr. Videkovich stated that if this request goes through the process then the Board of Adjustment or Planning & Zoning can require roadway improvements such as turning lanes. Vince Sticklen stated that the creek is right next to the road so improvements would be difficult. Steve Taylor stated that a right in right out may be a solution. If the State does expand the roadway then they can possibly incorporate a turn lane.

Steve Taylor questioned if the parking is something that we can regulate here. This property in the R-RE zone is acting like a business, but it is in a residential area. Mr. Taylor stated that not knowing capacity makes this a very gray area. We have too many unknowns to put it into a category. Andy Videkovich stated that for every use there are a specific numbers of required parking spaces, but this does not fall under a specific area. It is difficult to determine if it is retail, restaurant, or what.

Vince Sticklen verified that right now there is enough parking for ten to twelve cars. We have to look down the road, and if he is very successful, he will probably need more parking, and he questioned what he will do at that point. Tami Trunick stated that she would like to see benchmarking with the other wineries, their capacity, times of operations and seasonal times, since they are already established winery businesses. This would give us a better idea what to expect.

Steve Taylor stated that at this point, in order to proceed there are some things that we need answers to, such as business hours, distribution and anticipated volume before we can talk about whether we incorporate this into the R-RE or to make it a conditional use. We need to get more information from Mr. Leap and then we can get back together and proceed from there. Andy Videkovich stated that he will work with the applicant and bring this back when more definitive information is gathered.

At the November 10th meeting, the Planning & Zoning Commission agreed to discuss setting up a date for additional discussion on signs regulations and reader boards. Steve Taylor stated that there was a large volume of information and he asked the Board Members if they had any thoughts on how they would like to proceed. He suggested that it be discussed in two or three sessions. The Board agreed to start discussions at the January 12th Planning & Zoning meeting. Andy Videkovich suggested that discussions be divided between the administrative areas, and then move to the residential zones, and then commercial zones. He suggested we review the first ten pages of Attachment C in January. Steve Taylor agreed and stated that if we understand the administrative ground rules, it will make it easier to go through the individual sections themselves.

At the November 10th Planning & Zoning meeting, it was agreed that thirty minutes of continuing education credits due to a sign regulation presentation by Eric Kelly on DVD be awarded to Board members Steve Taylor, Tom Ross, Alan McCullough, Vince Sticklen, Donna Schmidt, and Tami Trunick. Donna Schmidt made a motion for approval, and Alan McCullough seconded the motion. All were in favor. Motion carried.

Steve Taylor stated that a **nominating committee** of Planning & Zoning members is needed to appoint officers for 2011. According to the by-laws, the chairman's position can only be held for a period of four years. Steve Taylor has completed his four year chairman position, so he will not be eligible as chairman in 2011. **Donna Schmidt, Tom Ross, Tami Trunick and Christopher Vaught volunteered to be on this committee.** Recommendations will be made at the January 12, 2011 meeting.

Christopher Vaught made a motion to adjourn the December 8, 2010 meeting, and Donna Schmidt seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, City Clerk