

Cold Spring Planning & Zoning January 11, 2012

The regular meeting of the Cold Spring Planning and Zoning Commission was called to order by Vice-Chair Christopher Vaught. Pledge to the flag was led by the city clerk. Roll call showed the following present – Alan McCullough, Vince Sticklen, Tami Trunick, and Christopher Vaught– excused were Tony Ponting and Donna Schmidt. Also present were City Clerk Rita Seger, Attorney Brandon Voelker, and Andy Videkovich, NKAPC.

Vice-Chair Vaught pointed out the exits from the building, per Fire Department regulations.

The December 14, 2011 regular meeting minutes were reviewed by all. Vince Sticklen made a motion to approve these minutes and Tami Trunick seconded motion. All were in favor. Motion carried.

Christopher Vaught called to order the **public hearing on a proposed map amendment to change areas A and C (a Highway Commercial Zone as regulated by Unincorporated Campbell County) to HC-2 (a Highway Commercial – 2 Zone) and to change Area B from R-RE (a Residential Rural Estate Zone) and HC* to HC-2 zone.**

Andy Videkovich, NKAPC, reviewed the staff report along with a power point presentation. He explained that the HC* zones are zones which were annexed from the county and, upon annexation they kept the HC classification as regulated by Campbell County. Area A which is an approximate 1.5 acre area is located on the southeast corner of the intersection of Rose Place with Alexandria Pike. Area B is an approximate 3.9 acre area located on the east side of Alexandria Pike between Ripple Creek Road and E. Alexandria Pike. There is also a very small portion to the west of Area B that is zoned R-RE, but it has the same owner so it is included in this request as well. Area C is an approximate 6.3 acre area located on the north side of the AA Highway between Pooles Creek Road and Dry Creek Road. Mr. Videkovich reviewed each area, giving a history, description of the location, zoning of the surrounding areas, and a review of the comprehensive zone designations for both the city and the county. Staff has made a favorable recommendation on these proposed map amendments to change Area A, B, and C to the HC-2 Zone.

An audience member stated that Goodwill has located into this area and questioned if they can build out more. Andrew Videkovich stated that they could add an addition or another structure as long as they meet the setbacks and landscape requirements and such. What is currently permitted now is exactly what the HC-2 will permit. In effect, nothing is changing on the site but it is just more control for the City.

Another resident questioned the landscape requirements and if outside drop offs would be allowed. She lives behind the area, and said there is no barrier between her house and the existing buildings. Brandon Voelker stated that all of this area was developed through the county and not the city. When the county developed these parcels, the city did not have any jurisdiction over it, and it is likely the county had no landscape regulations at the time. Andrew Videkovich said that the landscape regulations are not retroactive and will only kick in if new development occurs. Under the current regulations as far as new development in this area is concerned, between any commercial and residential zone there should be a minimum planting strip of twenty feet and within that strip they have several options: shade trees, flowering trees, a six foot wall or fence with trees, or six foot wall or fence with a hedge. As long as they are not doing any additional development or adding structures we cannot do anything, even with changing the use, because they are not changing the layout of the site. As soon as they do something new, then the landscape regulations would kick in and be reviewed by Staff and this Board.

Brandon Voelker stated that Goodwill is just a drop off zone, and all uses in that zone have to be conducted inside. You cannot have outdoor storage. That is specific to this zone. If there are any problems with people just dropping items off outside of Goodwill and leaving, then you should contact the city and code enforcement will deal with it.

Alan McCullough made a motion to **approve the proposed map amendment to change the designated Areas A, B, and C to the HC-2 zone based on the recommendations of NKAPC Staff**, and Tami Trunick seconded the motion. Roll call vote showed four yeses and no noes. **Motion carried.**

The second public hearing was called to order on a **proposed text amendment, to add recycling warehouses to the list of permitted uses within the HC-2 zone.** This does not include any manufacturing, compounding, processing, packaging or assembling.

Andrew Videkovich, NKAPC, reviewed the Staff report along with a powerpoint presentation. He stated that the purpose of the HC-2 zone is to allow a limited variety of retail and service business uses. A list of all permitted uses is included in the staff report. He notes that currently the IP zone permits warehousing and wholesaling. Staff comments are that the proposed use is not consistent with the purpose of the HC-2 zone, and it is not a retail or service business nor is it

meant to serve the traveling public. Staff notes that this use is not appropriate in the HC-2 zone but is more consistent with the permitted uses in the IP zone since it is more of an industrial nature. Also, the proposed text amendment is not consistent with the Comprehensive Plan. Therefore staff's recommendation is unfavorable for the proposed text amendment.

Alan McCullough stated that we have just discussed the Goodwill Store. He stated that basically, that is a warehouse. Brandon Voelker explained that there is no exact science when it comes to interpreting some of these uses. He interprets warehousing to be a place where goods are brought in that are in commerce. If they are purchasing the items or selling the items collected, then they are within their rights to do it, but from an aesthetic standpoint he would think the less amount of traffic the better.

Rob Moore addressed the Board. He had requested this review. He is dealing with a lack of space. There are plenty of times that he has had the opportunity of saving materials and waiting until the market is right to sell them. This will not be a "drop zone" where people can drop things off, and this is not an area where customers drop in and buy materials either. It is just a place where he can store materials. He sees this use as a warehouse. The allowable uses for this zone includes warehousing for carpet, so we have warehousing for Goodwill and warehousing for carpeting, and he is just asking for warehousing for recyclable items. NKAPC's opinion does not satisfy his interpretation for warehousing and he is not agreeable with that.

Alan McCullough verified that everything that Mr. Moore is planning to do with the warehousing is inside. He stated that when you look at the list of allowable uses, you have automotive, motorcycles, autobody, and he can guarantee that materials for these uses are being stored outside. Floor covering warehouses are allowed and we also have furniture stores in the city that are actually warehouse for goods too.

Alan McCullough made a motion **to approve the proposed text amendment, to allow recyclable warehousing to the HC-2 zone.** Vince Sticklen seconded the motion. Roll call vote showed four yeses and no noes. **Motion carried.**

Brandon Voelker stated, in looking at the definitions and considering the concerns of this Board, that this Board may want to consider amending the motion to make it more stringent and perhaps add a condition to say no retail sales will be held on site and to define that it should just be a storage area.

Vince Sticklen stated that we don't know what will change in the future. He stated his opinion, that the original motion is the right way to proceed. The Board agreed to stay with the original motion.

Tami Trunick, representing the nominating committee for the appointment of Planning and Zoning Officers for 2012 addressed the Board. The nominating committee has recommended that **Christopher Vaught be named as Chairman, Tony Ponting be named as Vice-Chairman, and Tami Trunick to be named as Secretary.** Alan McCullough made a motion to **accept these appointments** and Vince Sticklen seconded the motion. Roll call vote showed four yeses and no noes. **Motion carried.**

Vince Sticklen made a motion to delegate the duties of the Planning and Zoning secretary to the city clerk. Tami Trunick seconded the motion. All were in favor. Motion carried.

There were no audience members present with additional questions or comments to the Commission.

Vince Sticklen made a motion to adjourn the January 11, 2012 meeting and Alan McCullough seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, City Clerk