

## Cold Spring Planning & Zoning July 11, 2012

The regular meeting of the Cold Spring Planning and Zoning Commission was called to order by Chairman Christopher Vaught. Pledge to the flag was led by the city clerk. Roll call showed the following present – Alan McCullough, Tony Ponting, Donna Schmidt, Vince Sticklen, Tami Trunick, Christopher Vaught, and new member Peter Glenn, who was issued the Oath of Office by the City Clerk prior to the opening of this meeting. Also present were City Clerk Rita Seger, Attorney Brandon Voelker, and Andy Videkovich, NKAPC.

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

The February 8, 2012 regular meeting minutes were reviewed by all. Alan McCullough made a motion to approve these minutes and Tami Trunick seconded motion. All were in favor. Motion carried.

Christopher Vaught stated that he had signed a final plat for Granite Spring Section 21 with guarantee on 3/26/12; a correction plat for subdivision of land for 553 Pooles Creek on 3/30/12; an ID Plat for 0.076 acre non-buildable parcel for the Charles Wietholter property on 4/5/12; an ID plat for consolidation plat of the Charles Wietholter property on 4/5/12; and an ID plat for 0.0392 acre non-buildable parcel in the name of James & Linda Noe on 7/1/12. Tony Ponting made a motion to approve these signings, and Alan McCullough seconded the motion. All were in favor. Motion carried.

The next agenda item was a public hearing on a Stage I Development Plan on a 6.4 acre area located on the north side of the AA Highway, between Pooles Creek Road and Dry Creek Road, approximately 1,500 feet east of Pooles Creek Road, which is zoned HC-2 (applicant Robert Moore). Request A is to construct a 3,500 square foot structure to warehouse recyclable materials, and Request B is to seek a variance from section 10.16 C 3 of the Cold Spring Zoning Ordinance. The applicant proposes to erect the 3,500 square foot structure ten feet from the front property line along the AA Highway, where fifty (50) feet is required.

Andrew Videkovich, NKAPC, addressed the board. With a powerpoint presentation, Mr. Videkovich reviewed the current the zoning which is HC-2, descriptions of the topography, and the proposed placement of the warehousing structure and description of said structure, pavement, drive aisles, and parking provisions. Access from the AA Highway will be from an existing curb cut along the AA Highway. Staff has noted that this development plan meets the requirements of the Cold Spring zoning ordinance, with the exception of insufficient information on four items as listed in Staff report.

As it relates to the variance, the site will be approximately ten feet away from the right of way of the AA Highway. When you look at the lot lines and the right-of-way lines, for unknown reasons the configuration of the lot forms an “L” shape. Had the line been drawn straight across, consistent with the rest of the site and other properties in this area, then the need for a variance would not be required. Staff notes that because of the shape of the highway right-of-way it does pose as a special circumstance that does not generally apply to land in that vicinity. In order to meet the backyard setback, they would need to build the structure farther back, but there are severe and challenging topography issues that the applicant would have to contend with. The cost would cause financial hardship on the applicant to do something that otherwise is a pretty reasonable use of the land. The variance doesn't arise from circumstances of the willful violation of the ordinance by the applicant.

Staff has provided a favorable recommendation for the Stage I Development Plan, **subject to four conditions to be when the Stage II development plans are submitted: 1.) that the minimum screening and landscaping requirements be met; 2.) that they state that no manufacturing, compounding, processing, packaging, assembling or disassembling occur on the site; 3.) that the maximum height of all buildings not exceed four feet; 4.) that all signage meet the minimum requirements of Article XIV of the Cold Spring Zoning Ordinance.**

Regarding the variance to reduce the setback from the required fifty feet to ten feet, staff has provided a favorable recommendation for this variance.

Vince Sticklen verified that the road from the AA Highway leading up to the site is owned by the State, and this road only serves the applicant's property and the property next to his. Mr. Sticklen questioned if there were any easements to get from one property to the other. Mr. Videkovich stated that if you look at the property and the right of way, the road is actually split within that right of way, so there would not be a need for easements. Mr. Sticklen explained his concern was if the road toward Cincinnati could be extended if you subdivide the property in the future. He also verified that there was enough room at the top of the hill for large trucks to make a turn.

Alan McCullough questioned who paid for the recent re-paving of this access road. The applicant Rob Moore stated that this was paid for by himself and his neighbor Mr. Griffin.

Applicant Rob Moore addressed the Board. He is in complete agreement with NKAPC's report and the four conditions that they have recommended. He will make those adjustments in the Stage II development plan, and he asked this Board to consider allowing this Stage II to be done in-house. Mr. Videkovich explained that normal procedure is that if a Stage I plan is approved then the applicants have to bring the Stage II development plan back before this Board to review and approve. In the past, when there haven't been any major issues with the Stage I and the Stage II will look relatively the same, this Board will authorize Staff to do the review of the Stage II development plan rather than having it come back to this Board. Since the deadline has already passed for next month's meeting, if this Board approves the Stage I plan tonight the applicant would have to wait for an entire extra month for the Stage II plan to be approved. By allowing Staff to do the Stage II review, not only does it save this Board's time because you would basically be approving the same plan twice, but also saves the applicant time and money, especially if this is something that needs to get going while the weather is still warm. If this Board doesn't feel comfortable with having Staff do the review, you can require the Stage II to come back to this Board.

Brandon Voelker stated we have two requests, as a separate vote, and then we need to entertain a third request to allow staff to handle the Stage II in-house. This is something that we routinely do.

Alan McCullough made a motion to approve the **Stage I Development Plan with the four conditions as set forth by NKAPC Staff, based on the supporting information and bases for recommendation as listed in NKAPC Staff report.** Vince Sticklen seconded the motion. Roll call vote showed seven yeses and no noes. **Motion carried.**

Alan McCullough made a motion to **approve the variance to erect 3,500 square foot structure ten (10) feet from the front property line along the AA Highway (applicant Robert Moore), based on the supporting information and bases for recommendation as listed in NKAPC Staff report.** Vince Sticklen seconded the motion. All were in favor. **Motion carried.**

Alan McCullough made a motion to allow **the NKAPC Staff to administratively handle the Stage II Development Plan for review and approval at their discretion.** Tami Trunick seconded the motion. All were in favor. **Motion carried.**

Christopher Vaught closed the public hearing.

The next item on the agenda was determination of **a major or minor change on a revised plan for Kingdom Hall of the Jehovah's Witnesses for their structure located at 100 French Street.** Andy Videkovich reviewed of the history of this development. The approval was for using the existing building, and adding some pavement. Circumstances have now changed and they now wish to tear down the entire building to its foundation and re-build a new structure on top of that. While the actual development plan may not change as far as how it looks, the ordinance says that any new development, new structures, demolition structures etcetera have to go through the Stage I and Stage II development plan procedure. Since the Stage I development plan was already approved, it is up to this Planning and Zoning Board to determine whether or not the changes proposed represent a major or minor change. If it is a major change, then the project has to go back through the entire Stage I and Stage II development plan process and come back to this Board for approval. If it is deemed a minor change, then it still has to go through the Stage II development plan process, but we would allow NKAPC Staff to do the review and approval.

Jerry Matheny representing Kingdom Hall of the Jehovah's Witnesses stated that the original plan of the building was to gut the inside down to the studs and replace the roof. When looking at this further, they found the potential for some serious safety issues with people working inside and the roof going off and back on. The cost to take down the entire building versus just gutting it is very negligible. The existing foundation and existing plan will be utilized and the building will be essentially the same. They are asking that this be viewed as a minor change for Staff to review the Stage II plans.

Tony Ponting verified with Mr. Matheny that this is and will remain a one story structure. Mr. Matheny stated that only the front entryway is above one story tall. Mr. Ponting questioned if the roof was flat because if so it will have a large roof. He questioned if it is this Board's job to look at the elevations, or do we just look at the use. Mr. Videkovich stated that since they were planning on using the existing structure, we did not ask for elevations at the Stage I Plan since they were already there, but when the revised plans are submitted we would ask for elevations. The way that the building looks is not actually part of the zoning ordinance.

Brandon Voelker verified that this was an SDA zone, which does not allow a flat roof. It would have to be a hip roof, or slanted roof. This will be addressed at the Stage II.

Vince Sticklen verified that when this was approved they would be adding a small parsonage to the rear. Mr. Matheny stated that they had planned on repurposing the four car garage into a one bedroom apartment with one car garage. That is still part of the plan. Andy Videkovich stated that dwelling units are a permitted use, and he reviewed the zoning ordinance which gives guidance on what would be considered a major or a minor change.

Peter Glenn stated that the drawing showed some re-working and removal of two of the parking spaces in the area by the parsonage and questioned if this was moved from a minor to a major site plan would they have to resubmit for a land disturbance permit, and will they be subjected to new design criteria put in place this spring. That site would have to be completely changed for what little they want to do there as far as water retention and water quality requirements. Mr. Videkovich stated that if the plan doesn't change significantly and if they don't disturb more than an acre, then they don't need a land disturbance permit, but they do still need to meet the runoff requirements. This actual disturbed area is less than one acre. Mr. Matheny explained his drawings and where the land would be disturbed.

Donna Schmidt questioned if they will still have the correct number of parking spaces required. Peter Glenn stated that the reconfiguration may actually be an improvement as far as impervious parking area being that they lose two spots. Tony Ponting stated that it will be up the Staff to determine if there are enough parking spaces. Our decision tonight is to decide if this revised plan is a major or minor change.

Peter Glenn made a motion that this **revised plan for the United Kingdom of Jehovah's Witness be a minor change**. Tony Ponting seconded the motion. All were in favor. **Motion carried.**

Alan McCullough made a motion to **defer the Stage II development plan to be administratively handled by NKAPC Staff at their discretion for review and approval**. Donna Schmidt seconded the motion. Roll call vote showed seven yeses and no noes. **Motion carried.**

Per House Bill 55, P & Z member Tony Ponting received 1.5 hours of continuing education credit hours, P & Z member Vince Sticklen received 9.5 hours, and BOA Member Dave Thiem received 1.5 hours. Tami Trunick made a motion for approval, and Donna Schmidt seconded the motion. All were in favor. **Motion carried.**

Donna Schmidt made a motion to adjourn the July 11, 2012 Planning and Zoning meeting, and Tami Trunick seconded the motion. All were in favor. **Motion carried.**

Respectfully submitted,

Rita Seger, City Clerk