

Cold Spring Planning & Zoning February 8, 2017

The regular meeting of the Cold Spring Planning and Zoning Commission was called to order by Vice Chairman Mark Stoeber. Pledge to the flag was led by the city clerk. Roll call showed the following present – Mike Foulks, Steve Popovich, Mark Stoeber and Robin Hahn, Ron Schumacher and Sam Conner - excused was Peter Glenn. Also present were City Clerk Rita Seger, City Attorney Brandon Voelker, and Cindy Minter with Campbell County Planning & Zoning.

Mark Stoeber pointed out the exits from the building, per Fire Department regulations.

The January 11, 2017 regular meeting minutes were reviewed by all. Sam Conner made a motion to approve the minutes. Steve Popovich seconded the motion. All in favor, **motion carried**.

Mark Stoeber stated there were no subdivision items, public facilities.

The next agenda item was the public hearing for **case # 165-16-TXA-01, Zoning text changes to various sections addressing agricultural use, the applicant is The City of Cold Spring**. Mark Stoeber confirmed with Cindy Minter from Campbell County Planning & Zoning that all publication requirements for this public hearing have been met.

Cindy Minter told the commissioners that this is their zoning ordinance text and they should feel comfortable making any changes to the text because this will be the language that will be used after city council approves it. Notice was published in the Campbell County Recorder January 26, 2017, and she stated that they did respond to inquiries from residents. Cindy talked about some background information, KRS 100.111 which defines agricultural uses, KRS 100.203 which covers text provisions that effect land for agricultural uses and their regulations, and KRS 100.204 which says anything that exempts you doesn't exempt someone from any laws or ordinances which relate to health, safety, and sewage requirements. In the Kentucky Residential Building Code it states that any farms that will be within the city limits of Cold Spring have to get building permits. Cindy emphasized that there are differences between agricultural zoning, land use, land division, taxes, and building permits. She then discussed the three different areas in the Comprehensive Plan that reference agricultural land and uses - resources and environment, land use plan element description, and zoning regulations. Cindy Minter reviewed the proposed revisions as outlined in staff report, which includes Article VII - Definitions, Article IX – Pertaining to the Keeping of Cattle, Horse, Sheep and Other Livestock, Article X - Section 10.0 Residential Rural Estate (R-RE) Zone - , and Appendix B – Residential Rural Estate *asterisk* (R-RE*) as regulated by Campbell County, and Appendix C – Summary of Amendments. There was some discussion on the proposed changes to text.

Cindy Minter pointed out the areas in the city which are under the R-RE zone, and areas which had been annexed into the City which are covered under the R-RE* zone regulated by Campbell County under Appendix B. She proposes that they strike the text completely in the R-RE* section and enfold that into Cold Spring text. She compared the differences between the two so this Board is aware of what would be given up as a result.

Cindy Minter suggested that the domestic animal definition be removed, since these are primarily animals customarily kept for personal use or enjoyment with a residence. Mark Stoeber questioned if that was okay to do from a legal standpoint. Brandon Voelker said that is okay to do that. Brenda Helton was concerned that removing the domestic animal definition from this text was removing the regulations for domestic animals in the city. Cindy Minter and Mark Stoeber confirmed that it is only being removed from this zoning ordinance because it does not relate to any issues in the text. It will not affect the city ordinances relating to domestic animals.

There was significant discussion on text changes in Section 9.24 items I, and J regarding onsite parking and outdoor stands. Brandon Voelker questioned if the bottling of beer or wine would be eligible for an outdoor stand. After much discussion, the commission decided to add to the text that alcohol sales are prohibited at outdoor stands. Cindy Minter added that outdoor stands will have to have a building permit because they are intended to be a permanent structure. Mark Stoeber suggested to keep it consistent with other ordinances the city has and keep the stand behind the rear of the house. Robin Hahn said that requiring the stands to be behind the house would make it hard for people to sell their product if the stand is hidden. Steve Popovich stated that the stands would look bad if they were in the front yard. There was some discussion as to what the requirement should be. The commissioners came to an agreement that the stand must be seventy-five (75) feet from a public or private street.

Sam Conner asked if there needs to be requirements as to how far back the parking needs to be from the street. The commissioners decided that onsite parking needs to be a minimum of seventy-five (75) feet from a public or private street.

Mike Foulks asked how the properties are monitored. Brandon Voelker said Code Enforcement will take care of any violations that may arise.

There being no further discussions, Mike Foulks made a **motion to recommend to accept the zoning text changes to various sections addressing agricultural use and as amended tonight, on the bases of all supporting documentation as listed in Staff report, and discussions tonight.** Ron Schumacher seconded the motion. Roll call vote shows six yeses and no noes. **Motion carried.**

There was no unfinished business, correspondence, commission items, or comments/requests to the commission.

Steve Popovich asked about the progress of the potential Tim Horton's establishment. Cindy Minter stated that we have yet to see a site plan. Brandon Voelker said he anticipates that it is possible that the Stage 1 plans may be available in April. Brandon Voelker said that he met with Mr. Mangeot about the lighting, and he has received an estimate and as part of the Tim Horton's they will light that area up. He believes even if Tim Horton's falls through, that there will still be lighting added to that drive by Larosa's, and they may also put in a monument sign that will help people know where to turn in.

Cindy Minter stated that since the office building at that site is nearly filled, they are ready to move forward on another office building. It was originally designed for three office buildings, but with current planned layout that third office may not be built. Mark Stoeber questioned the possibility of having the developer split those two office buildings to have a green space between them instead of behind Tim Horton's, for the aesthetics. Ms. Minter stated that they can have a discussion with them when they come forward, keeping in mind that they have to respect the retention basin and the power lines.

Sam Conner made motion to adjourn the February 8, 2017 Planning & Zoning Commission meeting at 8:45 pm and Mike Foulks seconded the motion. All were in favor. **Motion carried.**

Respectfully submitted,

Robin Sweeney, City Clerk