

Cold Spring Planning & Zoning January 10, 2018

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

Mike Foulks pointed out the exits from the building, per Fire Department regulations.

The December 13, 2017 regular meeting minutes were reviewed by all. Ron Schumacher made a motion to approve. Robin Hahn seconded the motion. All in favor. **Motion carried.**

Mike Foulks stated there were no subdivision items or public facilities.

The next item on the agenda is public hearing **case # 186-17-S1P-01 front, side and rear yard setback variances, conditional use permit, and Stage 1 plan approval for a self-storage facility.** Kirk Hunter with Campbell County Planning & Zoning gave a PowerPoint presentation with the Stage 1 plans for a property off of Neltner Drive. The applicant is Brian Hill, doing business as Hilltoppers. Mr. Hunter advised the commission that legal notice was published in the paper as required and 4 adjacent property owners were notified. The site 2 acres and is tucked away behind the Neltner property on Neltner Rd, and Kroger on Martha Layne Collins Boulevard. Mr. Hunter showed multiple maps including aerial views. The property is accessible behind Kroger off of Salmon Pass and the zoning for this site is Neighborhood Shopping Center. Mr. Hunter provided the area and height regulations for the NSC zone, gave the KRS definitions for conditional use and reviewed zoning ordinance section 19.2 A. Kirk Hunter gave descriptions from the Stage 1 plan such as lighting, water line, parking spaces, proposed detention areas, fencing, setbacks and landscaping. The applicant is asking for the setback to be reduced from 50 feet to 25 feet because the site is very challenging to develop due to water, electric, and gas easements. Kirk Hunter finished reviewing the staff report; in summary the applicant is requesting a conditional use permit for the facility, approval of the stage 1 plan, and a dimensional variance. Staff recommendation is to approve the conditional use permit, approve the stage 1 plan, and to approve the dimensional variance, not to exceed 25 feet on all sides of the property per the bases stated in the staff report.

Mike Foulks invited the applicant to come forward with any comments. Joe Kramer with Cardinal Engineering on behalf of Hilltoppers addressed the commission and said he is here to answer any questions. Mike Foulks closed the public hearing and opened up discussion to the commission. Robin Hahn asked if the storage facility has items that cannot be stored in their facility. Joe Kramer is not aware of any restrictions, other than illegal substances. Robin Hahn asked if there was a gate. Mr. Kramer stated there is a gate and you would need a code to get in; people who rent a unit will have access 24/7. During business hours there will be an employee in the office. Brandon Voelker said if they were to get a tip that someone is storing drugs in their unit, then police would have probable cause to go in there to check. Mike Foulks asked about the screening for the southside. Mr. Kramer stated that they are going to try and save as many trees as they can. There was some discussion about the two building that are on the property, one of them will be taken down. Mark Stoeber asked for some confirmation on the map. There was some discussion on Salmon Pass being the rear entrance to County Square, and the elevation of the proposed site. Mark Stoeber stated that the parking lot is 3 to 5 feet from the town homes, and from the office itself to the back of the town homes is 30-40 feet, Joe Kramer stated that it is actually 60 feet. Mr. Stoeber said that if there are 260 units then that means there will be 260 cars, trucks or U-Hauls coming through that small 22-foot road, which is only 10 to 15 feet from the town homes. Mr. Kramer responded to keep in mind most of the units only get visited once or twice a year. Mark Stoeber shared his concerns with the distances from the proposed site to the town homes, the distance from the site to the subdivision in front of Mr. Neltner's house, and the detention area at the base of an electrical tower. Mike Foulks shared his concern with the fencing and making it unobtrusive as possible and how it could possibly affect future development in the area. Cindy Minter addressed the commission on a few topics – she said that the application was signed by Mr. & Mrs. Neltner as well as Hilltoppers so they are considered to be part of the application process. In the past, the city has allowed property owners to share landscaping responsibilities. She then handed out a letter from May 2001 when Salmon Pass was accepted, and when there was a bond put down. Mark Stoeber asked if the properties farther east should have been notified of this hearing since Mr. Neltner is co-sponsoring this change. Brandon Voelker stated that it is not who applied, the issue is the track of land and since this will affect only one of his two properties, it is not required for those other people to have been notified. Mike Foulks asked if they knew what color the building will be, Mr. Kramer stated there are no specific plans yet but it will be similar to other storage facilities you may see. Brandon Voelker said you might not want to get into an agreement of color selection. Steve Popovich shared concerns with the fact that is accessible 24/7 and people could possibly come in and out at 2:00 in the morning making a lot of noise. He added that he did go to the site the earlier that day and he agrees that Salmon Pass is a small road for all of that traffic. Mark Stoeber asked if they could regulate hours of operation, Brandon Voelker said that he would not do that considering the nature of this business and that people lease these units. Mr. Foulks asked about their plans for signage. Mr. Kramer stated that is something they plan to address with subsequent stage 2 plans but given there is not any street frontage the only sign they could produce is where Salmon Pass hits the property, but

he is unaware of any specific plans at this time. Cindy Minter stated that they have already pointed out the difficulties with signage; they have not provided any signage plans yet. Mrs. Minter said they did receive the sign ordinance, and the restrictions were highlighted. Mark Stoeber asked if they are allowed to put any type of tower or raised sign on the site. Mrs. Minter said that she doesn't believe that will be allowed but she will confirm that. Mr. Stoeber just wanted to make sure that they could not put a sign up that is taller than the trees. Kirk Hunter said that would not be a permitted sign, and that any sign would have to be placed where there is road frontage. They do not have a lot of options for signs. Cindy Minter said the commission can add reasonable restrictions because it is a conditional use because it is a variance. There was a lot of discussion on the types of signs that would be allowed and the restrictions that they can require. Robin Hahn asked if there were specific details in regard to the overhead tension wire. It was my contention that Duke may have specific requirements for fencing under these wires and they may even limit installation of a fence. The civil engineer was going to look into the concern further. Mr. Kramer said there will be fencing all the way around the sight, and they will get into screening and buffering details at stage 2. There was a detailed discussion on fencing options, they talked about chain-link fences with or without slats, wrought iron, wood fencing etc. Mr. Kramer's proposal is a chain-link fence all the way around but they are open to decorative fencing. There was a lot of discussion on which type of fence would be where on the property, for example, decorative fencing may not be necessary where the property meets the back of Kroger because no one will see it. They also discussed and made requirements in regards to the height of the fencing. Mr. Popovich stated that they are going to have fencing around the facility for security reasons; and the commission is just trying to accomplish an aesthetic look for the residents and he would rather see foliage on the outside of the fences as a buffer. Mrs. Minter asked if they wanted decorative features and a classified fence. Mrs. Minter added that they should not hamper security by overanalyzing the fencing. Brandon Voelker suggested applying the general landscaping rules to the whole site, the planting manual is in the zoning ordinance and it is very specific. Mark Stoeber thinks that there needs to be a privacy fence that runs along the apartment side of the proposed site. Kirk Hunter and Brandon Voelker reviewed some of the planting manual with the commission. Ben Neltner with Neltner Realty approached the commission and asked if they could make a landscape maintenance agreement, the commission agreed that is a good idea.

Robin Hahn made a motion to accept the conditional use as stated by staff which is, to approve the Conditional Use Permit for a Self-Storage Facility subject to the conditions that: the development exclude a Class 9 sign, decorative landscape features including a Class 5 fence of at least 8 feet in height be utilized at or near the property boundary abutting the southwest portion of the development, a Class 2 fence be utilized at or near the property boundary abutting the south/southeast portion of the development, and a landscape maintenance agreement be added to the berm/landscape area on the northeast property. Ron Schumacher seconded the motion. Roll call vote shows 4 yeses and 1 no. **Motion carried.**

Ron Schumacher made a motion to approve the dimensional variance not to exceed 25 feet on all sides of the property, as presented and recommended by staff. Mike Foulks seconded the motion. Roll call vote shows 4 yeses and 1 no. **Motion carried.**

Mike Foulks made a motion to approve the proposed stage 1 plan for a self-service storage facility as modified based on the recommendations of the conditional use and the variance previously granted. Robin Hahn seconded the motion. Mark Stoeber asked if this is accepted, any material change would come back to the commission. Brandon Voelker stated that is correct. Roll call vote shows 4 yeses and 1 no. **Motion carried.**

Unfinished Business – Comprehensive Plan working session was tabled until the February meeting.

Commission Items – Per House Bill 55, approval of 2 hours of continuing education for Board of Adjustment member Todd Weiner, and 4 hours for P&Z member Mike Foulks. Steve Popovich made a motion to approve. Robin Hahn seconded the motion. All in favor. **Motion carried.**

Requests to the commission- Mike Foulks introduced Ann McBride to the commission. She is with McBride, Dale, Clarion and she is at the meeting tonight to discuss initiating a text amendment. They would like an amendment to section 10.13 of the zoning code which is SDA, relating to drive-throughs in conjunction with eating and drinking establishments with very specific conditions. Some conditions suggested are: that there is at least a minimum of a 2-acre lot, a minimum of at least 170 feet on an arterial street but that they would not have access to that arterial street, that any drive-through could not be on an elevation that faces a residential zone, that the drive-through stacking spaces could not count as parking spaces, hours of drive-through operation would be limited to 6am to 9pm, and that at least 40% of the building that is associated with the drive-through would be devoted to interior seating. Brandon Voelker clarified that they are not approving or disapproving this tonight, they are simply choosing or not choosing to sponsor the idea. If they chose to sponsor it, there will be a public hearing scheduled. Cindy Minter stated that this is not site specific, it is zone specific. She added that if they decide to sponsor text, doesn't mean they have to approve it but it does mean you have to have a public hearing. Mark Stoeber asked how many sites fall into the above guidelines, Cindy Minter said they have not done that analysis yet. Mike Foulks made a motion to sponsor

a text amendment to allow a drive-through to be a conditional use in the SDA zone. Ron Schumacher seconded the motion. Roll call vote shows 4 yeses and 1 no. **Motion carried.**

The last item to discuss is meeting day and times for 2018. Mike Foulks asked if there is a need to change the day and time. Steve Popovich said yes as far as he is concerned, he has a conflict. Cindy Minter stated that she prefers an earlier time. The commission and Cindy Minter decided on the third Thursday of the month at 6:30pm. Steve Popovich made a motion to change the meeting time to the third Thursday of the month at 6:30pm. Ron Schumacher seconded the motion. Roll call vote shows 5 yeses and 0 noes. **Motion carried.**

Steve Popovich made motion to adjourn the January 10, 2017 Planning & Zoning Commission meeting at 9:50pm and Mark Stoeber seconded the motion. All were in favor. **Motion carried.**

Respectfully submitted,
Robin Sweeney, City Clerk

Approved: 2/15/18