

Cold Spring Planning & Zoning February 15, 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, Sam Conner, Laura Meiners, and Steve Popovich. Also present were City Clerk Robin Sweeney, City Attorney Brandon Voelker, Wendy Moeller with Compass Point Planning, and Cindy Minter & Kirk Hunter with Campbell County Planning & Zoning.

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

Mike Foulks introduced new P&Z member Laura Meiners. She lives on Sandstone Ridge. Laura attended NKU and played tennis for 3 years, then transferred and graduated from The University of Kentucky. She received an MBA from Xavier. She is married to Mike Meiners and they have three children. Laura is involved with St. Joe's school and chairs a number of events.

Mark Stoeber addressed the commission and staff with some procedural questions. He asked why the public hearing in regards to a stage 1 site is being submitted when there is already a building on that site. Cindy Minter stated that this will be a brand-new building on a section of the lot that has not been developed before. Brandon Voelker stated that if there is any development on a commercial lot then you have to submit a stage 1 plan. His next question was in regards to the second public hearing. Cindy Minter requested that public hearing was going to be removed from the agenda because there is not sufficient documentation from council to move forward. Brandon Voelker said council wanted more information before they sponsored it. There was some discussion in regards to procedures and legal notice.

The January 10, 2017 regular meeting minutes were reviewed by all. Robin Hahn made a correction to the minutes on line 8 of the second page. *He 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.* The City Clerk noted those changes. 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.

Public Hearings: Case 154-18-S1P-02 Stage 1 Site Plan Approval. Mike Foulks introduced Kirk Hunter to give the presentation. Kirk Hunter went over the legal notice requirements and the notification to adjoining property owners. Using a PowerPoint presentation, Mr. Hunter explained the location and size of the site, he talked about the topography, the zoning of the site and surrounding sites, the sediment control plan, and a preliminary landscape plan. Staff recommends approval of the Stage 1 Development Plan.

Steve Popovich asked what the nature of the business is. Peter Hidalgo, the Chief Operating Officer for Combined Public Communications stated they are a telecommunications provider to correctional facilities. They are currently in 19 states, and Cold Spring is where the headquarters is located. Mike Foulks asked for a description of what will take place on this site. Peter Hidalgo said that the location will be used for their technical support and storage.

Brenda Helton asked about the planting of the trees because there is a neighboring resident on Marian Drive that has had concerns for many years about the noise that take place on that site. Linda Murphy with Combined Public Communications stated that they don't use any heavy equipment or have big trucks coming in and out, so she is not sure what the complaints could be about. She said it could potentially be The Water District that is causing the noise complaints. Steve Popovich questioned if it the site will be primarily for housing technicians and storage, Mr. Hidalgo said that is correct, they will have technical support, and operations staff. Mark Stoeber asked if company vehicles repaired and maintenance work at this location, Mr. Hidalgo said they will not be doing that. There was some discussion about what will be stored at the site. Mr. Popovich asked if there will be any signage on the site, Linda Murphy stated that there is no need for signage. There was some discussion on the existing buildings, followed by a discussion on the use of the garage part of the building. Cindy Minter reviewed what is a permitted use in this zone. Ron Schumacher made a motion to approve the stage 1 site plan based on the information presented and included in the staff report provided by Campbell County Planning & Zoning. Laura Meiners seconded the motion. Roll call vote shows 5 yeses, two noes – Stoeber and Hahn. **Motion carried.**

Case # 185-17-TXA-01 Proposed text amendment to the zoning ordinance pertaining to cell towers and distributed antennas was tabled.

The next public hearing was **Case # 187-18-TXA-01 proposed text amendment to the zoning ordinance pertaining to Article X, section 10.13 SDA zone.** Cindy Minter reviewed the application and legal notice publication. The discussion is a drive thru facility with an eating and drinking establishment as a conditional use within the SDA zone. Mrs. Minter reviewed the different areas within the city that are zoned SDA and reminded the commission that this text amendment will apply to all of those areas, not just the one that the applicant is interested in. Cindy Minter went over the staff report and PowerPoint

presentation with the commission. She reviewed design use and guidelines, land use, permitted uses, and conditional uses. Mrs. Minter explained the additions and deletions to the text that is recommended by staff. Mike Foulks asked Cindy Minter to explain what a conditional use is to the audience and new member. Mrs. Minter stated that a permitted use is the primary use of the property, accessory uses are an accessory to the primary use, and a conditional use is typically held to a higher level of standard and has to come to either the Board of Adjustment or Planning & Zoning with a connection with a site plan development. When an applicant asks for a conditional use there are different restrictions the commission or Board of Adjustment can put on that site. Mrs. Minter added that each conditional use is handled individually but they do stick with the property, not the user if they were to move. Mark Stoeber added that if a business wants to come into this zone and meets all of these requirements, it's an allowable conditional use. There was some discussion on curb cuts and if the city has any input on a state curb cut. Mr. Stoeber also asked what the zoning logic is behind the condition of a 2-acre lot and 170 feet on an arterial street. Mrs. Minter stated that it just keeps them from being right on top of a neighbor. Mark Stoeber asked what properties in the city meet these guidelines of 170 feet on an arterial street and a 2-acre lot, staff is not sure of that analysis. Mr. Stoeber said that it doesn't make sense to adjust language that only applies to two pieces of property in the city. Brandon Voelker reminded the commission that they are not bound by the text that staff has presented; they can make changes, or do nothing at all. Mr. Voelker suggested that what they should be deliberating about is if this is something they want to be highly restrictive with, or is it too restrictive. He added that the purpose of the public hearing is to develop what you want, not for staff to show up with a finished product that is exactly what everyone wants, they are here to listen to the facts and recommendations, debate, take public input, and make any necessary changes. Mark Stoeber made a motion that based on the public hearing they do not have adequate information to make a decision; he would like staff to present three viable options for possible drive thru options with conditional uses within the city as well as pros and cons between the usage of drive thru's and not. Steve Popovich seconded the motion. Brandon Voelker said that this is what staff has presented because it is their recommendation. Robin Hahn stated that we take into advisement of this text for the upcoming comprehensive plan and look at it then. Brandon Voelker stated that this text is not in the comprehensive plan, it talks about land use. Steve Popovich agreed with Robin Hahn and stated that he thinks the city does not want that type of thing and they can address that in the plan. Mark Stoeber withdrew his motion in order to give the public a chance to speak. Ann McBride, with McBride Dale Clarion addressed the commission. She understands what the comprehensive plan says in relation drive thru's on US 27, and also understands that some drive thru's might not be what the city desires along US 27. She stated the reasoning for 2 acres is that all not restaurants want 2 acres. She said they designed that language to limit who could apply for that conditional use. Steve Popovich requested some examples of restaurants that would be interested in this specific property. She said this would be of interest to fast casual dining rather than fast food, and there was further discussion about that. There was some discussion on the relevance of the ongoing comprehensive plan update and this public hearing. Brandon Voelker stated that the commission has to make a recommendation within sixty (60) days from the date of the receipt of the proposed text amendment. Mike Foulks asked the members what information they would like Mrs. Minter to research before the next meeting. Steve Popovich asked what other properties would meet these requirements. Robin Hahn said he would like to know how many cars go up and down US 27 throughout the week, and weekends. Laura Meiners asked if she is understanding part of the text correctly; if you have a drive thru, that any outdoor seating at that establishment has to be closed at 9:00pm. She stated that this is strictly geared toward one particular restaurant. She asked if the acreage can be changed, because it is too large of a space, and change the hours of the drive thru and outdoor seating. Cindy Minter stated that this is the point in time where you would wordsmith what has been presented. Steve Popovich added that we could also motion to do nothing at this point. Cindy Minter stated that is correct, and whatever they decide on after the sixty days, this will then be presented to council. Mark Stoeber made a motion to table the discussion for a more robust discussion at March 15th meeting. Mike Foulks asked what they need to discuss at the next meeting that they haven't already discussed. Mark Stoeber asks that Cindy Minter bring more research on what was proposed and how it will impact the city today. Also, he said that Robin Hahn asked for traffic counts. Brandon Voelker stated that they are not in the record right now. The public hearing was just closed and the evidence has already been presented and nothing new can be presented at the next meeting. Mrs. Minter stated she is not going to take new traffic counts, but if there is something that we can get from the transportation cabinet, she will point them to that information. Steve Popovich seconded the motion. Roll call vote showed 5 yeses and 2 noes – Laura Meiners and Robin Hahn. **Motion carried.** Cindy Minter suggested the commission may want to call in a different expert in terms of additional information to come forward, she has no data base on average lot sizes for multiple restaurants. Brandon Voelker stated they would need to call another public hearing in order to do that because new information cannot be presented.

Unfinished Business – Comprehensive Plan working session with Wendy Moeller with Compass Point Planning.

Commission Items – None.

Comments/Requests to the commission- None.

Sam Conner made motion to adjourn the February 15, 2018 Planning & Zoning Commission meeting at 9:35pm and Mark Stoeber seconded the motion. All were in favor. **Motion carried.**

Respectfully submitted,
Robin Sweeney, City Clerk

Approved: 3/15/18