

Cold Spring Planning & Zoning June 13, 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, Robin Hahn, Ron Schumacher, and Laura Meiners. Sam Conner arrived at 6:40pm and Steve Popovich arrived at 6:54. Also present were City Clerk Robin Sweeney, City Attorney Brandon Voelker, and Cindy Minter & Kirk Hunter with Campbell County Planning & Zoning.

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

The May 9, 2018 regular meeting minutes were reviewed by all. Robin Hahn made a motion. Laura Meiners seconded the motion. All in favor. **Motion carried.**

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

Public Hearings – Case #195-18-CUP-02 Conditional use permit for a drive-through and Case # 195-18-S1P-03 Stage 1 plan for a Panera restaurant. Mike Foulks introduced Cindy Minter & Kirk Hunter to give the presentation. Mrs. Minter proposed that they present both hearings at the same time. Mr. Hunter reviewed a PowerPoint presentation explaining the area. He first discussed the conditional use permit; the permit stays with the property. There are no records of any other conditional use for this property. The proposed drive through will be on the south elevation of the building which adjoins another SDA zone. Mr. Hunter then reviewed the site plan which shows the utilities, topography, lighting plan, landscaping and where the sidewalks and dumpster pad will be located. It will be a single building with two tenants; Panera will be the 4,300 square foot portion of the building, the tenant of the other 2,500 square feet has not been determined yet. Mr. Hunter reviewed the building plan which includes proposal for parapet walls. (Sam Conner joined in at the meeting at 6:40pm) Staff recommendation is to approve the conditional use permit for a drive through. Staff also recommends to approve the Stage 1 Plan with the following condition, that the roof be constructed with a minimum pitch of 3:12 as stated in section 10.13, or a variance be granted to allow a flat roof. Mr. Hunter added to the recommendation that the stormwater plan be submitted to the City of Cold Spring and refer to section 14 for sign policies. Michael Foulks would like to vote on these separately. Laura Meiners suggested that there be bike racks since it will close to residential areas. Robin Hahn asked if the other section of the building would be able to have a drive through. Cindy Minter stated that the board has the authority to only allow one drive through at this property. Robin Hahn would like to make that a condition. Ann McBride who represents Anchor Associates stated that they are agreeable to the single drive through, she doesn't believe it would physically work for there to be two, she also stated that they can add bike racks as they are doing that at other locations now. Maura Meiners made a motion to approve the conditional use permit for a single drive through. Sam Conner seconded the motion. Roll call vote showed 5 yeses, 0 noes. **Motion carried.**

Ann McBride addressed the commission proposing a flat roof with extended parapet walls so that you cannot see the mechanical equipment on the roof. She stated that a pitched roof will raise the building profile to the residents that are close by so they are trying to keep it low key. If they do a pitched roof, then all of that equipment will have to go on the ground behind the building. Ann McBride stated that they have been working with the close neighbor to make sure that the right trees are planted and to discuss the grading; they have kept those residents very aware of what is going on. (Mr. Popovich joined the meeting at 6:54) Michael Foulks asked the commission if anyone knows what the intent was behind not allowing flat roofs. Brandon Voelker stated he believes that it was to avoid a square box building. Cindy Minter stated that having the mechanical equipment on the roof is a better use of land, as well as keeps the sound from equipment less likely to hear. Michael Foulks asked if there are instances where a flat roof is an advantage. Cindy Minter responded that she thinks in this case, it is an advantage because of how close it is to a residential neighborhood, she also thinks it is important that there is architectural character to the building as well as mechanical screen. Michael Foulks asked if there would be signage on the awnings of the building, Cindy Minter stated they do not have that information yet. Ann McBride stated the lighting meets all of the requirements, and the landscaping will be in excess to what the city requires. Michael Foulks asked if they know who the tenant will be in the second space. They are unaware at the time but often you will see something like AT&T, Verizon, Orange Theory, it is usually low impact type of places. Steve Popovich asked if allowing a flat roof will set a precedent, Brandon Voelker stated that Cracker Barrel has a flat roof. Mr. Voelker also stated that to avoid setting a precedent they need to state in their findings that they are building a smaller building which is less impact on the residential area. Robin Hahn stated that it does set a precedent if they allow it. Ann McBride stated the precedent has already been set. Brandon Voelker stated that is why it is important to note the reasoning for the flat roof. She added that a pitched roof would not work for them at this location. Robin Hahn stated that building a shorter building with a pitched roof would be smaller than the parapet walls. He also stated the it's not the height issue that bothers him, but the health and welfare of the people around it. Cindy Minter made some changes to the recommendation. Staff recommendation is to approve the Stage 1 plan with the following conditions – a variance be granted to allow a flat roof with parapet walls that are a sufficient height to shield mechanical equipment, bike racks be provided, add an additional bases to the information that was previously presented to clarify that the roof design variance provides a height profile less than 25 feet versus the allowed 40 feet, reducing the visual impact by exposing less of the building's profile and

screening for the mechanicals, reducing noise , to the abutting single-family properties meeting the intent of contributing to the general well-being of the community. Laura Meiners suggested that plants/trees be used for screening of the cars in the parking lot, the landscaping plan shows that will be done. Laura Meiners made a motion based on staff recommendation stated previously. Sam Conner seconded the motion. Roll call vote showed 6 yeses and 1 no – Popovich. **Motion carried.**

Unfinished Business – None.

Commission Items – Per House Bill 55, approval of 12.5 hours of continuing education for P&Z member Robin Hahn, 6 hours for Sherry Conner, and 3 hours for Board of Adjustment member Bill Farah. Sam Conner made a motion to approve. Steve Popovich seconded the motion. All in favor. **Motion carried.**

Comments/Requests to the commission-

Steve Popovich made motion to adjourn the June 13, 2018 Planning & Zoning Commission meeting at 8:00 pm and Ron Schumacher seconded the motion. All were in favor. **Motion carried.**

Respectfully submitted,
Robin Sweeney, City Clerk

Approved: 9/12/18