

Cold Spring Planning & Zoning September 12, 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, Sam Conner, Steve Popovich and Laura Meiners. 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.

Mike Foulks introduced the new commission member, Glenn Kukla and asked him to say a few words about himself. Mr. Kukla stated that he lives in the Glenridge subdivision with his wife and kids. They moved here about 3 years ago. He used to live in downtown Covington and served on the Housing Authority of Covington, and Urban Design Review Board. He wanted to join P&Z because it is nice to network and be involved with the community and to help preserve and protect the aesthetic quality and ensure smart planning within the community.

The June 13, 2018 regular meeting minutes were reviewed by all. Robin Hahn made a motion. Laura Meiners seconded the motion. All in favor, Glenn Kukla abstained. **Motion carried.**

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

Public Hearings – Case # 185-17-TXA-01 Proposed text amendment to the Zoning Ordinance pertaining to cell tower and distributed antenna systems. Cindy Minter addressed the commission and stated that we actually started a discussion on this last year, and it is now back on the agenda. She is going to walk us through our Comprehensive Plan in regards to cell towers, PCS facilities, and satellite dishes, as well as a new section that we do not have that pertains to cell towers and distributed antenna systems. Mrs. Minter stated that currently, we do not have any language in our zoning ordinance related to cell towers, so we cannot regulate them. The FCC (Federal Communication Commission) requires registration for any cell tower over 200 feet, they administer the rules for construction and administer the rules. There are a lot of state laws about cell towers, you cannot say ‘no’ to them, but you can regulate how they look. Mrs. Minter showed some pictures of different types of cell towers; some are made from existing telephone poles. Another type is a stealth pole where all of the utilities are hidden and they are much more expensive. Cindy Minter went over the language from the City’s 2005 Comprehensive Plan, followed by sample text that she provided, which is similar to what the county has adopted. She started by going over the ‘Purpose’ section then reviewed the definitions, public notification, application process and design standards for cellular antenna towers and small cell system towers. The application process covers the application requirements, permitted locations, design guidelines, setback requirements, and lighting. Robin Hahn asked at what height are the tall towers required to have lighting so aircrafts are able to see them. Mrs. Minter said that requirement is at 200 feet and it depends where they are located. Mike Foulks asked what the overall height is in a residential area, Cindy Minter stated that it really just depends on the area but they want it low enough so that it doesn’t have to have the extra lights that very tall ones require. The sell sites do need signs, which are basically just for parking and security. Mr. Foulks asked if there was a square footage requirement mentioned for the signage. Cindy Minter stated there is not because that is all heavily regulated. Mrs. Minter talked about the mitigating standards because that is what the commission should focus on if an application comes in, they can request a stealth tower if they want, require landscaping and fencing. The commission can also pick the design criteria for the buildings that the larger towers have, as well as requiring the parking to be paved. Mike Foulks asked how common it is for a request to be made for multiple small towers. Cindy responded and said that they do tend to come in groups because they are looking for repeaters in high density areas. Mrs. Minter stated there have been requests for towers in the City but they have not matured as of now. Glenn Kukla asked if they buy or rent the property. Mrs. Minter said that the large tower typically buys the land, and the distributed antenna systems usually look for existing poles to use. Mike Foulks added that they have some now that look like fir trees. Cindy Minter stated to be cautious of the maintenance programs on the stealth towers. Robin Hahn asked what the range of the small towers is, Cindy Minter said she isn’t sure but they are dependent upon line of sight. Mike Foulks asked Cindy Minter if the owner of the land gets the income generated if it is in a residential zone. Mrs. Minter said no, they lease the ground from the owner of the property, they just rent the land from the owner. She also stated that these are placed where there is a high data demand, not necessarily the highest point in the city.

There was some discussion about updating our sign ordinances and a couple of other ordinances. Brandon Voelker stated that the sign ordinance really needs to be looked at and updated. Cindy Minter agreed stating that many cities ordinances can not be implemented because they violate Freedom of Speech. She also mentioned to discuss this at the next meeting where there is not a public hearing.

Glenn Kukla asked what an example of “another non-preferred location” is. Mrs. Minter stated that would be something like a historical area, where you would not want to have a tower. There was some discussion about the setback requirements. Brandon Voelker suggested keeping the setback to under 30 feet otherwise it will be impossible for them to build

a tower in the city. There was also discussion about the fact that you cannot say you don't want a tower, but you do have a say so as to what they look like.

Staff recommendation is that The Cold Spring Planning & Zoning Commission recommends to City Council to adopt text amendment related to cell tower and distributed antenna systems. The bases for recommendation is (1) the notice of the public hearing was given in accordance to section 18 of the Cold Spring Zoning Ordinance (2) the proposed changes have been reviewed in comparison with the Cold Spring Comprehensive Plan update, Zoning Ordinance and Subdivision Regulations, (3) Per Kentucky Revised Statutes, the City of Cold Spring has the authority to enact zoning regulations within its jurisdiction. This authority includes the provision to amend its zoning classifications and uses. Brenda Helton asked if there is any need for Board of Adjustment or if P&Z has the final say, Cindy Minter said if there was a request for a waiver and the commission said they wanted to waive something in the guidelines, the next process would be the Board of Adjustment for the appeal. Steve Popovich asked if they have any other suggestions can they still submit them. Cindy Minter said at this point it will go to council and they have the ability to modify the text or send it back to P&Z for more discussion. Brandon Voelker read the Telecom Act of 1996 for the commission. Glenn Kukla made a motion to make a recommendation to City Council to adopt the text amendment related to cell tower and distributed antenna systems based on staff recommendation. Sam Conner seconded the motion. Roll call vote showed 7 yeses and 0 noes. **Motion carried.**

Unfinished Business – None.

Commission Items – Per House Bill 55, approval of 1 hour of continuing education for P&Z member Mike Foulks, and 1 hour for Board of Adjustments member Bill Farah, Tom Freppon, Todd Weiner, Stuart Oehrle, and Sherry Conner. All in favor. **Motion carried.**

Glenn Kukla asked for an update on the Comprehensive Plan. Mike Foulks stated that the last review is being revised and the goals and objectives are waiting on approval from council, then it will be brought before the public. Cindy Minter mentioned a conference hosted by the Ohio Planning Agency, if anyone would like to join she strongly encourages it for Continuing Education.

Comments/Requests to the commission-

Steve Popovich made motion to adjourn the September 12, 2018 Planning & Zoning Commission meeting at 8:10 pm and Ron Schumacher seconded the motion. All were in favor. **Motion carried.**

Respectfully submitted,
Robin Sweeney, City Clerk

Approved: 10/10/18