

Cold Spring Planning & Zoning August 12, 2015

The regular meeting of the Cold Spring Planning and Zoning Commission was called to order by Chairman Peter Glenn. Pledge to the flag was led by the city clerk. Roll call showed the following present – Peter Glenn, Grant Mitchell, Tony Ponting, Donna Schmidt, Dave Thiem – Robin Hahn was delayed and entered the meeting at 7:35 pm. Also present were Attorney Brandon Voelker, City Clerk Rita Seger and Campbell County Staff Director Cindy Minter.

Chairman Glenn pointed out the exits from the building, per Fire Department regulations.

The May 13, 2015 regular meeting minutes were reviewed by all. Tony Ponting made a motion to approve these minutes and Grant Mitchell seconded motion. All were in favor. Motion carried.

Peter Glenn stated that on July 16, 2015 he signed a final plat for Cold Spring Plaza as recommended by Staff. Grant Mitchell made a motion for approval and Donna Schmidt seconded the motion. All were in favor. Motion carried.

Peter Glenn opened the public hearing, case #154-15-ZMA-01 for a proposed zone map amendment for 100 Aqua Drive from R-RE to PO (applicant Engel Weil Ventures).

Cindy Minter, Director of Campbell County Planning & Zoning explained the June 11, 2015 Staff Report with a slide presentation which showed the vicinity, aerial view, and topography of the site and the surrounding area. She explained the current zoning and how it differed from the proposed PO zone. She presented photographs showing various angles of the property and reviewed the history. The site was originally owned by NKWD and in 2007 there was a request for a proposed zone change from R-RE & NC to HC, but the request was withdrawn by the applicant in February 2008. Eventually the property was divided. The Water District still occupies a portion of this site, and the other section was sold to Engle Weil Ventures, parent company to Combined Public Communications.

Cindy Minters gave the considerations as listed in Staff report and stated that this request is consistent with the Cold Spring Comprehensive Plan which identifies this site for office, the transportation plan element of the Comprehensive Plan which identifies Pooles Creek as an arterial street, and which identifies the need for a proposed local street to be located to the north east of the property.

Ms. Minter pointed out some items on the proposed site plan so that this Board can get a feel on what the property owner wants to do with this site, however she emphasized that the site plan is not what this Board is approving tonight. This is just a general overview of their plans. The site is currently non-conforming with a 9,300 square foot office building. The applicant is proposing to construct a 7,200 square foot garage area and an additional 9,600 square foot two story office building. They have proposed a total of 71 parking spaces. There are steep slopes on portions of this site, and it has water and sewer and the existing outdoor storage that will remain. There are three proposed loading and unloading areas.

Staff has recommended approval subject to four conditions as listed in staff report. She added that condition 2 should also include *stormwater regulations for future actions on their respective lots*. She also stated that on condition 4 the wording *if applicable* should be included in the condition to submit a stormwater plan. She reviewed the supporting information and bases for staff recommendation. Ms. Minter reviewed the public notices given per regulations and a sign was posted at the site.

Grant Mitchell requested an overview on what the Water District currently has on that site and questioned what the intent of the applicant is for the site. Ms. Minter pointed referred to the aerial view on the slide presentation and pointed out the water tower, another building as well as some additional lot areas. They kept the parcel to the left of the site. The applicant should be questioned on the intent.

Peter Glenn confirmed that the storage trailer area in the back area would be replaced by the garage but he also sees an office trailer parked there. Ms. Minter deferred this question and said to ask the applicant.

Peter Glenn questioned if there were any regulations from the right of way as far as multi buildings and landscaping requirements and things like that. Cindy Minter explained that any future changes to the site will trigger the submittal of a Stage I plan for that development. From that point forward they will have to get into building permits. Peter Glenn asked if there is a huge difference from the zoning on that site and the proposed zone requirements. Cindy Minter stated that in terms of setbacks, there is a difference. The maximum building height is 40 feet as opposed to 35 feet and the yard depths change. The site is limited because of the topography and the hillside stability. They would be subject to additional screening. Ms. Minter reiterated that what is brought before the Board tonight is only the zone change and the site plan would come at a later

date. Peter Glenn requested an explanation on recommendation of condition 3 of Staff report regarding the 20 percent slope compliance. Cindy Minter replied that would be stormwater for actual erosion control measures which will be more restrictive for constructing on a hillside. It would be a more difficult development site and there are additional restrictions that have to be done in terms of stability. Because of the slope, geotechnical engineering would be required. Basically it is more difficult to develop on hillside areas.

Richard Carr, the project engineer representing the owners addressed the Board. He also introduced Linda Murphy, of Combined Public Communications.. The business is going well and the trailer that you see on that site is just a temporary office trailer that they use because they have run out of space. They would like to stay in the area and that is what is motivating the zone change. When they began talking about putting in an office building, they realized that they did not have the proper zone in place. On the plan they wanted to build a two story office behind the existing building so that they can keep their people in that location. The garage is just for parking their trucks there in the evening to get them out of the weather. One of the conditions for a zone change is that it has to be consistent with the Comprehensive Plan which is spelled out on page 5-10. They agree with all conditions of Staff report, but they would like to add the stormwater note on condition 2 and *where applicable* on condition 4 about the stormwater plan. His thought is that this is a small business and the application fees get very high. If they can keep it under the one acre of disturbed area then they are not required to have a separate stormwater submittal. If they are required, then they will certainly do so. On condition 3 of staff report on the 20% slope that is on the front the building, if you look at the plan they are not looking to make any changes to the front of the property so that lot will remain as it is.

Peter Glenn questioned how many acres they would be disturbing. Mr. Carr stated that if they only build the garage this year and the office next year then they wouldn't be disturbing more than an acre per year, and even if they build both buildings at once they probably wouldn't be disturbing more than an acre. But if you get into the parking lot and things like that it may get over an acre and then of course they would have to comply with a stormwater submittal. They will follow the rules.

Grant Mitchell verified that the proposed office building is solely for that business and he questioned what kind of business is Combined Public Communications. Richard Carr stated that Engle Weil is the owner of Combined Public Communications. Linda Morgan of Combined Public Communications addressed the Board and stated that they actually provide services to the Campbell County jail and to various detention center inmates and supporting things such as their phones. They are regional so they serve other states as well. Combined Public Communications also has two other buildings in Cold Spring. Grant Mitchell questioned if they were going to move any of these businesses over to the new proposed office building. Linda Morgan stated that is actually part of this. The company has grown so much that they move from building to building. The customer service center which is what she manages is located at the former D&D Printing site. Their first priority on Aqua Drive is to put the garage up because the vehicles. They worry about people getting over the fence and going around the building and tampering with the trucks. The existing garage space won't hold them anymore.

Grant Mitchell verified that the intent of the garage is to house their trucks. He questioned how many people would be coming into this site since it is a 9,300 square foot office building, and he questioned how many trucks run out of the property. Linda Morgan said the trucks are basically just bigger model pickups but with the work racks, so that they can install telephone systems and she estimated that they have more than a dozen vehicles on their property. She stated that the number of employees now is around 80, and when she started four years ago it was only 27. They are expecting to grow. As they add more jails they will have to add more installers. It would be nice if they could have everyone on campus. Mr. Carr stated that this is a telephone company that provides services to jails, so they don't have lifts and things like that. Ms. Morgan stated that the white truck that they see in the photos would be their largest truck.

Grant Mitchell questioned if the new garage and office would match the existing buildings. Ms. Morgan stated that she can't say it won't be a metal building and in fact the NKWD building is a pole type building. She is not sure what owners' thoughts are for the garage, but the office building would certainly match the other office building. Mr. Carr stated that he requests that this Board gives a recommendation of approval for this proposed zone.

Peter Glenn invited comments from the public.

Bill Frambes, who lives in Chardonay and is on the Board of that HOA, stated that Chardonay is right across the street from this site and he has questions and concerns. He stated that Pooles Creek Road is not a very good road. It is falling apart again, sliding over the hill. The congestion on US 27 is getting heavier just by the nature of business growing, as is the AA Highway. That is all good except for the fact that it is all concentrating on that little path of Pooles Creek Road going up and down between US 27 and the AA Highway. Studies were done a few years back as to the amount of accidents that are on that road, and a few people have been killed over the years because it is so winding and hilly. The Chardonay

community has only one way of getting in and out and that is right onto Pooles Creek Road at the bend. They are trying to have the State do some cutbacks on the hill right across the street from them because when they come out they cannot see up to US 27, and traffic comes down the road from US 27 at 50-60 mph and you don't have time to clear that. This development will add more business space and more people will be working there and they will have more traffic going in and out of Aqua Drive onto Pooles Creek. He stated that an access around to the back end of the property that comes out near Bob Evans and the Library would help take off some of that load, but he doesn't know if they would have that ability. The more you do the more it will add to the badness of the road.

Mr. Frambes questioned how many people would be in that office building. Linda Morgan said that there would be no more immediately and since she is not an owner she really can't speak for the future and growth of the business, however she would think that there will be more employees but their immediate priority is to build the garage to house their trucks.

Bill Frambes questioned what the capacity is for a 9,300 square foot office building and what the potential is six years down the road. Ms. Morgan stated the current building houses 15 people on a regular basis but a lot of employees are installers who just come in briefly and then leave in their trucks. Also, she stated that when their drivers pull out of their site, they go up to US 27, not down Pooles Creek past the Chardonnay development.

Cindy Minter totally appreciates the concerns about the traffic congestion issues. There have been some improvements along Pooles Creek Road and the Transportation Cabinet has done some additional studies on it and plan to build a connector road from the bottom of Pooles Creek over to the Northern Kentucky University Campus. That is designed to alleviate some of that traffic and those plans are progressing. There are some long term changes in the vicinity in respect to the traffic. Peter Glenn questioned if it is in their five year plan. Ms. Minter doesn't know if it is in their two year budget but their plans are ongoing. She does know that they are obtaining the right of way acquisition and she will bring more details to the next meeting. She did not know about the cut back in the hill. She meets quarterly with the Transportation Cabinet and she will make sure that is on their agenda. This would be a line of site issue and on behalf of the county she will raise that flag.

Peter Glenn stated that he would have thought when they proposed the Chardonnay development they would have done a line of site study. Mr. Frambes stated that Chardonnay went to Fischer Development who went to the state and they were able to bring some equipment in and cut the backside because they were unable to see anything pulling out of that development. If they cut that back another couple of feet would give them a greater line of site up to US27. They are trying to find out how much farther they can cut it. At the top of the hill there is a house that has an easement to the entry into their units. You can't cut back too far or it would endanger that house.

Cindy Minter stated this is a separate issue and she will be happy to take it up with the Transportation Cabinet. She emphasizes that speeding in that area is something that needs to be referred to our public safety department. In regards to future development and capacity on this site, it is well within the guidelines of this commission to request a traffic study for future development on this site. It is within this Board's purview and she does recommend that.

Peter Glenn summarized that we have an existing building with existing parking and they are proposing a new building and additional parking. Cindy Minter stated that they have some parking right now. There are a combination of gravel and paved lots. In the front of the building the parking lots are paved but the large area in the back are gravel lots left over from the Water District. This applicant really does care about the visuals of their sites and it is her understanding that they would like to make a better overall site there.

Mr. Frambes stated when he first moved to Chardonnay they talked about doing something with Pooles Creek Road. Chardonnay has 160 more units with traffic going out of there and they keep hearing that the road will be straightened but fourteen years later they are still talking about plans to do something. The State has never had the money and keep saying it is not in the budget but they will get to it. Chardonnay is an active community, and takes great interest in what is going on.

Raymond Burkhart, resident of Chardonnay addressed the Board. He is also concerned about Pooles Creek. It is one of the most dangerous roads in the State of Kentucky. Many people have been killed on that road, and he too was in a traffic accident at US 27 and Pooles Creek Road. He is concerned about the health and welfare of more people coming up and down that road. Pooles Creek Road is bad and it is falling apart and this site is maxed out. You can't have much more vehicles coming out of there. You have a lot more traffic coming down that hill and onto a road that is not safe. There should be no more building done on this road whatsoever until something is done with it. There have been plans to fix it but nothing has happened. He has looked at the OKI plan and there is nothing planned for this road in the five year plan. Until they can come up with a plan to fix that road, nothing else should be added to Pooles Creek.

Grant Mitchell questioned their concerns about the traffic and the zoning change. A traffic study is a whole different process. This hearing tonight is for a zoning change and it really doesn't have to do with an increase in traffic. Cindy Minter stated that this is a zone change based on the use of the property. It is zoned Rural Residential Estate and the Comprehensive Plan identifies it as Professional Office. The owners of the property would like to go ahead and have it re-zoned as Professional Office. It is well within the Board's guidelines to ask for a traffic study to confirm if any kind of future development would have an impact for the traffic on Pooles Creek. Grant Mitchell confirmed that this would address the concerns brought forth tonight.

Tony Ponting made a **motion to approve the zone change for Aqua Drive on the bases of staff recommendation, with four conditions and to include a fifth condition of a traffic study.** Cindy Minter re-emphasized the items noted during her presentation regarding additions to the conditions in staff report. Peter Glenn questioned if we should be more specific on the traffic study and if this would be for the entire road or just for that area. Cindy Minter stated that it would strictly be for their site development. If you wanted for it to be a traffic study for the entire road, that is really a request that the City has to make to the Transportation Cabinet. It is not a burden that you can put on this applicant. The applicant can be asked to submit a traffic study for just this site. That would not come at the Stage I plan for the current development but it would come at some future date for a future development. The recommended general wording for the traffic study will be sufficient. Cindy Minter stated that any time they were adding capacity to that site, the applicant could quantify some numbers. They will know more as their plans develop and then they can come back and say how many employees or vehicles they will have and the times that they will go in and out. You need all of that information to do a traffic study. At this point it is too premature to do a traffic study. We do need to separate the traffic from this study and some of the traffic issues addressed tonight need to be forwarded to the Transportation Cabinet.

Linda Morgan clarified that they have no issues with the traffic study and she understands the concerns about Pooles Creek Road, but she wants to be clear that they would be doing a traffic study on Aqua Drive, the road that they would affect, because you could tell from the increase or decrease of traffic on Aqua Drive which would be their portion on Pooles Creek Road. They certainly would not want to be responsible for a traffic study on the entire Pooles Creek Road. Cindy Minter stated that it would be based on the traffic that is generated from their site only, not traffic generated someplace else

Tony Ponting **amended his motion to approve the zone change on Aqua Drive, from R-RE to PO zone on the bases of Staff recommendation, with the amended conditions as follows: 1.) That the Cold Spring City Council adopts the map amendment for the submitted request; 2.) that the property owners comply with all applicable building, subdivision, zoning ordinances and stormwater regulations for future actions on their respective lots; 3.) that any development within the 20% slope complies with hillside development control regulations; 4.) that the applicant submits a Stage I & landscape plan to the planning commission for review and approval. The applicant submit a stormwater plan if applicable to the City of Cold Spring for review and approval; 5.) that the applicant have a traffic study performed for all future development on that site.** Brandon Voelker stated that on the stormwater plan, Mr. Carr knows the city's stormwater engineer Steve McKinley and since it says if applicable it will go to our stormwater consultant and he will say whether it is applicable or not. Grant Mitchell seconded the motion. Roll call vote showed six yeses and no noes. **Motion carried.**

Brandon Voelker clarified that this action goes to council for the zone change. By favorable recommendation, that means that council has ninety days to act, and if they don't act, by operation of law this Board's recommendation changes the zoning. If they choose to act and they want to reverse this recommendation it would take super majority of council. The applicant can't do anything until either council takes action or after the ninety day period is up. Typically they put it on the next council agenda. Dave Thiem stated that this what condition #1 of staff report states. This is a recommendation to city council and it is in council's hands.

Per House Bill 55, Todd Weiner of the Board of Adjustment received two hours of continuing education. Dave Thiem made a motion for approval and Donna Schmidt seconded the motion. All were in favor. Motion carried.

Tony Ponting made a motion to adjourn the August 12, 2015 Planning & Zoning meeting at 8:27 pm. Dave Thiem seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, City Clerk