

Cold Spring Planning & Zoning July 12, 2006

The regular meeting of Cold Spring Planning and Zoning was called to order by Chairperson, Sam Smith. Pledge to the flag was recited. Roll call showed the following present – Roger Bay, Joe Feinauer, Ken Sharp, Sam Smith, Steve Taylor and Ken Warden; excused – Jim Drye. Also present were Mike Schwartz, Rita Seger and Brandon Voelker.

The minutes of the regular June meeting were reviewed by all. Joe Feinauer said the vote count in paragraph eleven (11) should be changed from five yeases to four yeases. Roger Bay made a motion to approve these minutes as corrected. Steve Taylor seconded the motion. All were in favor. Motion carried.

A plat for Granite Spring, Section 10 was signed by Chairperson Sam Smith during the past month. Motion was made by Ken Warden to approve this signing. Roger Bay seconded the motion. All were in favor. Motion carried.

A public hearing was called to order by Chairperson Smith to review a proposed amended Stage II Development Plan on the 7.8 acre site along the south side of Buning Lane, across from Founders Court. This review is for an amendment of the Stage II Development Plan that P & Z approved in February, 2006 for the construction of a dumpster pad at the northwest corner of Boulder View with Ledgerock Way. Mike Schwartz presented his review and recommendation to approve the request, subject to one condition, that the height of the wall and fences of the dumpster enclosure to be a minimum of eight (8) feet in height.

Laurie Howard, with Fischer Development Company, was present and stated that she did agree with NKAPC recommendation and will resubmit with an eight (8) ft. wall.

Sam Smith questioned why there are three gates shown. Ms. Howard stated that there are three dumpsters in that facility and that allows access to them. Garbage pickup will not be at residents' unit. They will walk around the side of the gates to dispose in the dumpster. The gates are only for the dump trucks.

Joe Feinauer made a **motion to approve this proposed amended Stage II Development Plan based on staff recommendations**. Ken Warden seconded the motion. Roll call vote showed six yeases and no noes. Motion carried.

A public hearing was then called to order to review a **proposed Stage II Development Plan on a 1 acre site along the south side of Crossroads Boulevard, approximately 2,000 feet east of Alexandria Pike (Dialysis Center)**. Mike Schwartz discussed his review and recommendation to approve, subject to seven conditions. He reported that Council had a first reading of the ordinance approving the Stage I Amended Plan on June 12, 2006 and the second reading was expected on June 26th, but NKAPC has not received that documentation yet. This assumed Council approval is one of the seven conditions.

Sam Smith verified with Mr. Schwartz that the recommended sidewalk would go from Crossroads Boulevard south down the side street, between the office and Staples, on the office side.

Joe Feinauer questioned the parking spaces. Mr. Schwartz replied that twenty-eight (28) were shown, however insufficient information was provided so they can not yet determine if the requirement is met. MUPD does not require twenty percent (20%) parking in the front as required in other zones.

Ken Warden asked if the future generator is supposed to be enclosed. Mike Schwartz replied that it just has to be screened from view, either from by landscaping, fencing, walls, etc.

Greg Donahue, representing the applicant, was present and after reviewing the recommendations with his engineer, can meet the conditions required. He also brought a rendering of what the building will look like.

Sam Smith verified with Mr. Donahue that he was fine with the sign condition and the sidewalk. The off-street parking will be figured out at the time of permit submittal. Mr. Donahue said they would be okay on the parking. Most of the patients do not drive to the clinic but are bused or dropped off.

Roger Bay made a **motion to accept this Stage II Development Plan subject to the seven conditions, on the bases of NKAPC recommendations**. Stephen Taylor seconded the motion. Roll call vote showed six yeases and no noes. Motion carried.

A public hearing was then called to order to review the **amended Stage II Development Plan on a 115 acre area located at the northeast quadrant of the Alexandria Pike / AA Highway Interchange (PNC Signage)**. Mike Schwartz discussed his review and recommendation to approve this request subject to the condition that only one façade sign be allowed on the building. This site is zoned MUPD. Staff does not have a concern with any of the other signs requested.

Mike Schwartz said that staff has had the same concerns with this signage as they have had in the past. The Stage I Plan states one façade sign per street frontage, but P & Z has consistently approved additional signage for the other business / restaurants in this area. This PNC has only one street frontage, Crossroads Boulevard.

Sam Smith asked if the 35 sq. feet could be amended to two signs instead of one. Mike Schwartz stated that the 35 sq. ft. size on the north side of the building would still meet the 1 sq. ft. of sign area per linear foot of building wall. Staff is not concerned with the size, but of the number façade signs requested. Mr. Schwartz noted that the existing approved Stage II Plan was approved with one class 5 or 6 façade sign on the north side and allowed to install 40 sq. ft. panel sign on the large sign on the corner of Alexandria and the off ramp of the AA Highway.

Dick Semple, representing applicant Steve Weeks from Tri-State Signs, was present. He has been involved with PNC Bank and several of their sites in the area and explained the request for three signs on this building. He asked for a reasonable compromise. There would be no identification on the back side of the PNC bank if seeing the building from the back parking lots of O'Charley's or Longhorn.

Sam Smith asked about the illuminated letters. Mr. Semple replied that they are backlit illuminated, self contained channel letters with their own neon and illuminated at night. Sam Smith verified that they also do have signs for the drive-up and ATM teller and traffic control directional signs.

Ken Sharp asked if they would be installing all three signs at the same time. Mr. Semple replied that yes, this is their procedure. He said they are now at a critical stage in their building and must address this now.

Ken Warden asked Brandon Voelker if P & Z has opened the door for these signs based upon what has been allowed the other buildings in this area. Brandon Voelker agrees that legally someone could claim that the city has been arbitrary. He doesn't feel that this argument would fly, however they should certainly consider the precedent that they have allowed these signs in the past.

Joe Feinauer stated that allowing these signs is consistently wrong. If we do this again we need to change the rules. He doesn't have a problem with allowing for signage, but with the fact that each time this comes up, we go beyond what is allowed. Brandon Voelker replied that the MUPD zone does not specifically spell out signage. MUPD zone allows for a certain flexibility. That is the nature of an MUPD zone that you do not find in other zones. It would be very difficult to spell out signage regulations in an MUPD zone.

Mike Schwartz said the problem is not the regulations, but that the Stage I Development Plan, which when approved allowed for only one sign per street frontage. An amended Stage I Plan could be processed, but at quite an expense to the developer, therefore, each of the different outlot developers come in individually and ask for some relief to that approved Stage I Development Plan. MUPD has signage that is approved as part of a development plan submittal.

Ken Warden asked about the size of the original site plan. Mike Schwartz replied that it was more than 115 acres, The school property, which was 22 acres, was taken out too, but he has no records on that. Brandon Voelker said we will never have information on that because the school is exempt from zoning.

Greg Land, CMC Properties addressed the board. He only found out about this proposed amendment by PNC through the mail and was never contacted directly by them. The Stage I had some give and take in that they put a second pylon on the site and stole off of one pylon to make up for the other two. Building mounted and additional signage on a first pylon is more aesthetically pleasing than yet another pylon sign. Over a five or six year project, there was originally 135 acres but 20 acres came out from the Cabin Creek project and an additional 22 acres from the school. They have never acquired additional property. Because of the state law, the school property has dropped out of the zone which also cuts out of the project when accounting for green space. The green space has been calculated absent the school land and it has gone up to 30 percent, and the basal area is being re-surveyed and re-calculated. It is an arithmetic problem.

As the developer, since he hasn't spoken to PNC about their signage before this, he cannot make a point of making more use of his pylon sign for PNC down the road. It may be needed for the office space. Obviously from a commercial point of view they want to locate in the city and do well. The site is unusual and MUPD gives flexibility for the Board from

site to site. PNC has a very narrow frontage on US 27. From the commercial viability point of view, the businesses feel that they need more presence to the population traveling the thoroughfares. That is why they keep coming back for signage.

Greg Land said the Stage I Plan was done long ago and that they could not foresee so far in the future. In his opinion as a developer, to the extent that we can accommodate a user in an aesthetically pleasing way, the zone and language of the statute gives you the flexibility to ignore the Stage I Plan made five years ago if the Board is okay with that.

Sam Smith asked what square footage was allowed on that building, and asked if we could split the sign footage and make it two signs. Mike Schwartz replied that one façade sign at one square foot of sign area for each linear foot of building wall upon which the sign is to be located was allowed. Mr. Semple replied that a neon sign could only be of a certain "smallness" in order to still function. If the sign size was cut in half, the letters would be too small for the neon to fit inside.

Ken Warden asked if they could live with only two signs. Mr. Semple replied that the bank would be willing to give up one sign in order to have two signs, one on the north and one on the south side of the building.

Ken Warden made a **motion to approve the amended Stage II Development Plan, subject to the installation of 35 sq. ft. sign on the north side of the building and 35 sq. ft. sign on the south side of the building, installation of 1 ft. sq. ft. clearance sign in the drive thru canopy and the installation of two three sq. ft. directional signs within the off street parking area, on the bases of staff recommendation.** Stephen Taylor seconded the motion. Roll call vote showed four yeases and two noes, Joe Feinauer and Sam Smith. Motion carried.

Sam Smith read a request from the city asking for volunteers to help out at the Cruise-in / Concert to be held on August 12th. Also there was a request from the city asking if they had anything they wanted to have published in the July newsletter.

Roger Bay voiced his concern about some property on Alexandria Pike that is very much in need of attention. Brandon Voelker replied that the property has just gone through foreclosure and possibly sold. He replied that perhaps the mortgage holder could do something to clean up the property. Sam Smith said she would refer this matter to the Cold Spring Code Enforcement Officer.

Sam Smith said there is a workshop on "Landslides in Northern Kentucky" to be held on Tuesday, July 25 if anyone was interested in attending.

Sam Smith went to the NKAPC summer dinner meeting and relayed some interesting information regarding the Brent Spence Bridge, and the possible solutions and plans for that project.

Sam Smith spoke about reworking the basal area of the Cold Spring Crossing Development, especially in how it now relates with the new school being built in that area. Mike Schwartz said in order to do that he would need an exact description of what was purchased by the school board in order to recalculate the figures for the basal area as an overlay on the Stage I Development Plan. Brandon Voelker replied that the school is totally exempt from any type of zoning and they can do whatever they want, including putting up a sign of any size at US 27.

Sam Smith said that there was no business scheduled for the month of August. Ken Warden made a **motion to cancel the August meeting.** Joe Feinauer seconded the motion. All were in favor. Motion carried.

Mr. Jerry Lang then addressed the Board. He stated that he is a new resident of Cold Spring in the Granite Spring Subdivision. He does not represent any group and this information is for his own knowledge. He presented a list of questions about the plans for exits from that subdivision which he presented to Chairperson Sam Smith.

Brandon Voelker replied that the plans call for there to be a second exit, which has not yet been determined. It may be at Darlas, or there is a possibility that Fischer could pay money into the city's fund to assist in the funding of another road, i.e. a tract of land down to Pooles Creek Road near the water tower, or a connection for a possible new road which would include Buning/Granite Spring, Murnan, and other areas to feed into a four way stop at US 27 at E. Alexandria Pike.

Mr. Lang asked if the city would be the agent to have a traffic light placed at Buning and US 27. Brandon Voelker replied that part of the approval for the development was that, since the city could not mandate off site improvements for Fischer, as part of the give and take in lieu of putting a road down thru extreme terrain to Dry Creek, they agreed to do off site improvements, which included to work to get the traffic light and to pay for it. Fischer continually has their traffic engineers submit reports to Kentucky. Right now a light has not yet been approved because the traffic count is not yet there.

Sam Smith said that Mr. Lang's list included the question of any exits being identified from Granite Spring. Sam Smith said they had left space between two of the condo buildings to hook up to a possible "Cold Spring Parkway" if that is ever built. This would be the road that would go to the possible four way stop at US 27 and E. Alexandria Pike. Brandon Voelker replied that this infrastructure is already in place in case someone develops that land to where it could connect as well.

Mr. Lang thanked the board for their help. He said he really hasn't had any problems exiting at US27 in the morning. As long as you are willing to wait a few minutes you can take your time and get out.

Ken Warden made a motion to adjourn. Motion was seconded by Roger Bay. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, Assistant City Clerk

NEXT MEETING --- SEPTEMBER 13, 2006