

Cold Spring Planning & Zoning August 14, 2013

The regular meeting of the Cold Spring Planning and Zoning Commission was called to order by Chairman Christopher Vaught. Pledge to the flag was led by the city clerk. Roll call showed the following present – Christopher Vaught, Tony Ponting, Donna Schmidt, Vince Sticklen, and Tami Trunick - excused were Peter Glenn and Alan McCullough. Also present were City Clerk Rita Seger, City Attorney Brandon Voelker, and Campbell County P&Z Member Ryan Hutchinson.

Mr. Vaught pointed out the exits from the building, per Fire Department regulations.

The July 19, 2013 regular meeting minutes were reviewed by all. Vince Sticklen made a motion to approve these minutes and Donna Schmidt seconded motion. All were in favor. Motion carried.

Per House Bill 55, continuing education credits were completed by P&Z Members Donna Schmidt - 1 hour, Alan McCullough – 1 hour, and Peter Glenn - 1 hour, Board of Adjustment Members Todd Weiner - 1 hours and Brian Rieger - 5 hours. Vince Sticklen made a motion for approval and Tami Trunick seconded the motion. All were in favor. **Motion carried.**

The next item on the agenda was a presentation on wineries, as carried over from the July P & Z meeting. Captain Larry Leap addressed the Board. He stated that he hired McBride Dale Clarion to review winery regulations. In July he asked the Board to consider either coming up with a new A1 Agricultural Zone or amending the R-RE zone text to allow for wineries in the city. After McBride Dale Clarion did their review, they recommended that the best way to handle this would be to amend the text to the R-RE zone and add conditional uses. This way, it would give the city and the Planning and Zoning Board more controls. Each property owner interested in this usage would have to petition the Planning and Zoning Board and this Board could add more conditions if that is what they decide. Captain Leap just wants to have a small boutique and would apply to serve beer by the glass in conjunction with the wine tasting. All of this would be done at the discretion of the Planning and Zoning Board which gives them maximum control.

Patty Clap addressed the Board on behalf of Captain Leap. She stated that most of the neighbors are very supportive of the plans for the winery. She polled twenty-five households in this area and of those, only two were naysayers, the neighbor on the left who is not present tonight, and the neighbor on the right, Ralph Anthony.

Ralph Anthony then addressed the Board. He stated that he is very much against what Larry Leap is proposing.

Captain Leap showed site plans of his property and described the features. He presented a packet to Board members prior to this meeting, which included proposed amendments to the Cold Spring Zoning Ordinance, listing possible conditional uses to be added to the R-RE zone. He presented a photo and aerial of his property which showed the various features. He pointed out that he has a privacy fence and his neighbors cannot see his property from their properties. Captain Leap stated that he will improve the bridge, but he will not go to that expense until he receives a decision from the City as to whether or not he can proceed with this plan. He showed photos of his grapevines and also showed the stone patio which he has set up. He stated that the Board can see that this is very pleasing to the eye. The front entrance is improved and the inside is improved. He was instrumental in having the state of Kentucky place guardrails in that area, and he has spoken to them about plans for widening and bringing the bridge up to code.

Donna Schmidt verified that all of the grapevines are located on the property at 333 Pooles Creek Road, and Tony Ponting verified that he resides in the house. Vince Sticklen questioned the proposed conditional uses which he presented and if the other house is included in his reference to the 2,000 square feet in his calculations.

Larry Leap stated that he hasn't decided to use the other house as his residence or rent it out. He is doing some upgrades to the house and the property surrounding it may be utilized as parking for the winery. He is updating both properties but has not conducted business because he is not currently licensed to do so. What he has presented tonight is a recommendation, and he asks to be granted this opportunity.

Christopher Vaught questioned if he has spoken to the State Highway Department about widening the bridge and if he is aware that there are specifications and permits that he must obtain from them before he can do so. Captain Leap stated that if he gets to that point, and gets the go ahead from the city, then he will certainly make all of the proper applications. He has already spoken to the Bank of Kentucky about receiving the financing for this project.

Christopher Vaught questioned Staff and the City Attorney on their opinions as to whether it would be better to make text amendments to the R-RE with conditional uses or to just create a new zone to handle this.

Brandon Voelker stated that this decision is entirely up to this Board and what you feel comfortable with, whether it be a new zone or a text amendment. By going with a conditional use, the application would then have to go through the Board of Adjustment. This adds some conditions that have to be considered. In the future, if a large portion of Pooles Creek wanted to become wineries on a larger scale, then more conditions could be added.

Larry Leap stated that if you look at the property right across from his which is county R-RE it allows them to have a winery. Also some people have expressed concerns about potential plans with the state widening the road and they don't wish to have their property removed. This would create an agricultural green zone to keep it that way.

Christopher Vaught questioned the wine business which he had in the city of Alexandria. Captain Leap reviewed how the city of Alexandria dealt with this issue and allowed him to produce wine in the basement of his parent's home in Alexandria.

Lloyd Rogers then addressed the Board, and stated that he previously served on the Council for the city of Alexandria, as Campbell County Judge Executive, and had been on the Highland Heights Planning and Zoning Commission. He stated that the county has embarked on allowing a lot of these conditional uses. The way the current commerce is, many are operating businesses out of their homes. He has known Larry Leap for a long time and he would appreciate it if you could help him.

Dennis Nafus addressed the Board. He stated that this property had been in his family for seventy years before he sold it to Larry Leap. He stated he is here to support this plan. Captain Leap has already invested tens of thousands of dollars in this property and has done a beautiful job on the inside of the house. It was a small farm dwelling and he is pleased with what he is doing there. Captain Leap does what he says he will do. He is intent on bringing it to up to new codes and specs. We also need to help our veterans.

A resident of Chardonay stated that she has driven past this property many times and it has been improved and looks beautiful and Captain Leap obviously is taking care of it very well.

Ralph Anthony questioned when he would have an opportunity to speak about this issue. He stated that everyone else seems to be able to speak in favor of this tonight, but he hasn't had the opportunity.

Brandon Voelker stated that Mr. Anthony will have an opportunity to speak if this issue comes up in a public hearing. After hearing all sides of the issue, that is when Planning and Zoning will take action to recommend approval or denial of this issue. City Council could then conduct their own public hearing if they choose to do so.

Vince Sticklen stated that he is concerned with both the entrance and the fact that there are currently only ten parking spaces, which won't be enough if he has fifty people visiting. Brandon Voelker stated that this is the type of item that Staff will review if Planning and Zoning wishes to sponsor a text amendment.

Vince Sticklen stated that the way to go is to have staff do a review so this Board can look at the whole picture and decide how to go about this. He stated that he wishes Captain Leap had come to us with this request before he began his improvements and grown the grapes. Now we are being asked to make a decision right now.

Larry Leap stated that he understands he concerns. He began discussions with Brandon Voelker and Mayor Stoeber in 2008, but then he was deployed in the military twice. He stated that he did have his representative, Mark Schmidt approach the Board a year ago. Now he is just trying to create this unique, charming, classy and fun spot for the city.

Donna Schmidt questioned if we decide to look at this is there any potential environmental issues because there is a waterway involved. Captain Leap stated that the EPA and Board of Health have come and viewed his property and gave him a clean bill of health. Also, if approved, the Board of Health will come in from time to time, unannounced and do inspections.

Christopher Vaught questioned if he would do the actual bottling there. Captain Leap stated that he plans on producing 5,000 cases a year, which is not a large production, and he will sell on location and to distributors. He will put the cases of wine in his pickup to deliver to the distributing houses himself, and there will be no large truck traffic. They will not be utilizing large trucks for these small quantities.

Neighbor Ralph Anthony stated that he called up the Agricultural Department regarding Larry Leap spraying his vineyards and Larry Leap is supposed to notify him 24 hours in advance before he sprays, but that has never happened. Larry Leap rebutted and stated that he has paperwork from the Kentucky Agricultural Department stating that because the spraying that he is doing is by the use of backpacks and it is a very controlled spray, there is nothing detrimental being done here. He doesn't even need to use masks and even the wind speed is not an issue. He doesn't have to notify neighboring property owners.

At this point, Chairman Vaught closed the public comment portion of this meeting.

Vince Sticklen made a **motion to sponsor the proposed text amendment adding conditional uses to the R-RE as presented, and for Staff to research and review, and to set a public hearing on this issue for September 11th.** Donna Schmidt seconded the motion. Roll call vote showed five yeses and no noes. **Motion carried.**

Donna Schmidt made a motion to adjourn the August 14, 2013 meeting at 8:25 pm and Tami Trunick seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, City Clerk