

Cold Spring Planning & Zoning June 11, 2014

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, Robin Hahn, Alan McCullough, Vince Sticklen, and Dave Thiem – excused were Tony Ponting and Donna Schmidt. Also present was City Clerk Rita Seger and Campbell County Planning and Zoning Member Ryan Hutchinson.

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

The May 14, 2014 regular meeting minutes were reviewed by all. Alan McCullough made a motion to approve these minutes and Vince Sticklen seconded motion. All were in favor. Motion carried.

There were no subdivision items, or public facilities scheduled.

Chairman Glenn opened public hearing #132-14-SPD-01, **site plan for the construction of a new Tire Discounters next to the existing facility at 5020 Alexandria Pike.** Ryan Hutchinson, Campbell County Planning and Zoning, stated that the request is to construct a new Tire Discounters building next to its existing facility. With a slide presentation, Mr. Hutchinson reviewed the site in question, the topography, the zoning, and considerations as listed in Staff report dated May 30, 2014. Staff has recommended approval of the proposed site plan with five conditions as listed in the staff report and he reviewed the bases for the staff recommendation.

Mr. Hutchinson stated that when the engineers and Tire Discounters came to him initially with this project, they had stated that this has been one of their better performing stores and they are looking to upgrade its facilities. One of the things that has put this at the forefront is that right now they have the ability to get a lot of dirt for this site so they are looking to move forward with this plan. He stated that there may be some changes to the site plan in the future but as long as they are minor in nature staff will review them in-house. They have planned their design on the larger side of things so that if they scale back it would not be a major but a minor change. Any major changes would have to come back to the Planning Commission. Right now they just need to get a plan together to comply with our ordinances so that they can move forward with the grading. Peter Glenn questioned how much change would they be able to do to still be considered a minor change. Mr. Hutchinson explained that if they kept this plan and made it smaller or shifted the building orientation a little bit then that would be considered a minor change. An increase to the density or to take down the existing building would be a major change.

Vince Sticklen stated that they will need to have a lot of dirt to build it up and questioned if there was going to be a retaining wall. Ryan Hutchinson stated that they have not submitted the grading plan yet. Once they get this proposed development plan through then they are going to submit for their grading plan.

Peter Glenn questioned if the lighting plan and grading plan will be submitted separately for this committee to review. Also he noted that there are no stormwater utilities on the plan. He verified that the ingress / egress agreement will also include the main curb cuts out to US27 as well. The road to the north is a private drive and he questioned if the ingress / egress easement would cover that private drive through the parking lot of the existing Tire Discounters and the other drive to the south as well. Ryan Hutchinson stated that the lighting plan has been submitted and it does meet the minimum lighting requirements. As far as the grading staff administration would review that. SD1 used to review all of the drainage and storm water management, but now the city is taking care of that. This will be the city's first stormwater project that they will be reviewing it in that capacity. The site plan is preliminary in nature and we will get more details with the grading and the improvement plans. He is not sure what the existing agreement is with Frisch's about existing driveway and curb cuts. The southern curb cut is on Tire Discounters property and we would definitely want the ingress / egress easement established. This proposed drive would not be able to get their own curb cut because of the minimum driveway requirements along arterial roadways or collector roadways. For safety reasons we don't want to have multiple curb cuts. There has to be a certain spacing requirement which they can't meet because there is an existing curb cut here and to the south where the entrance is down to the little strip center.

Vince Sticklen stated that it would be nice if there were a way of exiting down to the strip center along Plaza Drive and being able to come out at that traffic light because getting out of Tire Discounters and Frisch's is tough already. You will eventually have these three businesses and they are going to be using that exit onto US 27 which is going to make that even tougher. He is thinking of this as a safety concern and we should address this issue with an eye to the future. We can't put another light there because it is too close to the traffic light to the south. We could make the entrance a right hand turn only but that may upset their customers. Peter Glenn verified with Ryan Hutchinson that there were currently no restrictions on the curb cuts as far as right in / right out. He stated that there is a pretty good grade differential there and he questioned if

there has ever been any plans to extend that private drive beyond that point. Alan McCullough stated that if you take the drive down to that strip center, there is a retaining wall there and probably not enough room. Ryan Hutchinson stated that if this Board feels like this is going to create too much of a traffic impact from a safety standpoint, you can ask the applicant to evaluate a connection down to the strip center but then you also have another property owner to the south and they would need to be able to get onto that property and who knows if they would allow them to come down on their property. This question should be addressed to the engineer tonight.

Mr. McCullough questioned what they were going to be doing with the other building. Mr. Hutchinson stated that this site may develop exactly as is or they may keep the existing building, they may sell the existing lot, they may tear down the existing building, or they may move the building and keep this all as one tract and put it on the property line. They are not necessarily married to this plan but this is the most extreme or the largest building that they would desire, so there might be changes to this site. Right now they want to get a site plan in so that they can get the grading underway so that will be the next phase.

Peter Glenn verified that the proposed landscaping plan meets the regulations and he questioned if there were any requirements for a buffer yard between the old building and the new building. Ryan Hutchinson stated that they are a compatible use and there is no drive aisle going between them, therefore they do not need to provide screening. If there were a drive aisle they would have to provide some kind of screening. They have to screen along the public road and the private drive aisle to the south and to the west where they need to provide a ten foot screening buffer.

In looking at the connectivity between the parking lots Peter Glenn questioned if there are limits on the amount of parking lots that could be added, one to another, similar to this. If there was more property to the south could they add another building and have people go from one parking lot to the next and to the third. Ryan Hutchinson stated that they probably couldn't add an additional building to the south because it would be too close to the overhead utility easement and they can't build underneath that. As far as connecting parking lots he is not aware of a restriction but he does know that with new residential subdivisions, if you are getting close to another property you don't necessarily have to require them to extend the roadway, but you can require for them to extend an easement or a public right of way if they are creating a public road so you don't create a "spite strip". In the past developers would develop the road or easement up to two feet from the next property line and they could then withhold that right of way from the next property owner so that they would be the only ones able to negotiate the buying of that piece of property. They don't allow this. You could make a condition that the applicant extends the ingress / egress down to the southern portion of this property in the future if they do decide to make a connection the easement is already there.

Jake Rudemiller with Leesman Engineering addressed the Board. He stated that as far as the grading, they are going to do a 2 1/2 to 1 slope off of the existing parking lot. Peter Glenn verified that as far as the stormwater goes the whole back side going down to the residential lots and that hillside will be a 2 1/2 slope and that works out with the proposed layout. He questioned where the detention basin will be. Mr. Rudemiller stated that they met with the Steve McKinley, the city's stormwater engineer on the site, and as far as the bmp and stormwater requirements they are still working out some ideas. Peter Glenn stated that all of the properties around them are populated, either retail, commercial, or residential so they will have a steep grade coming off of that site and discharging all of that water which is going to be a concern. Mr. Rudemiller stated that this is one of the recommendations in meeting the bmp's and stormwater management requirements and they will make sure everything is in order.

Vince Sticklen stated that he thought the exit at the south of the property was a right hand turn only. Also, he would like to see a study done on the impact of the traffic. With the third building that adds a whole other complexity to it especially not knowing what they will do with the existing building. They have to look at the worst case scenario, and having three businesses there would be a major concern in getting traffic in and out of there. Alan McCullough stated that the south exit used to be a right turn only, but it changed when they took out the divider. Peter Glenn verified with Mr. Rudemiller that he was not aware of any turning restrictions in place for Tire Discounters in the past, and verified that they have not done any type of traffic study as far as egress.

Vince Sticklen questioned the possibility of investigating some way of connecting this to Plaza Drive. Alan McCullough stated that we are not sure how much traffic the nursing home is going to add to that street. Dave Thiem stated that if you come down to the strip center from Tire Discounters you are at the top of the street and you won't be able to tie in there. There is a retaining wall so you would have to come in from the back side but the grade wouldn't allow you to do that. Ryan Hutchinson stated that where it comes out you would have to go through an existing ground sign and the wall. There would not be enough room, unless the strip center gives you access to their private parking lot and they probably won't want additional impact on their private lot.

Robin Hahn questioned the elevation of the proposed site. The existing building is 832.5 and there is a 15 foot drop at the back corner. Peter Glenn stated that without any elevations it is hard to tell how this building is going to sit in relationship to the roadway. Mr. Rudemiller stated that is when they get the fill in they can determine that and will go with the site plan from there. Ideally they will put the proposed building at the same elevation as the existing building. They don't want to come in on a slope.

Peter Glenn verified that all of the mechanical equipment is on the roof of the building and they will have a front parapet wall to hide the mechanical equipment from the road if at the right elevation. If the building sits down he questioned how the rooftop would be viewed from US27. We don't want the travelling public to see all of that equipment on the roof. Ryan Hutchinson stated he will be reviewing the final grade, but this board can put in some conditions so that mechanical infrastructure from the site is not to be seen from US 27.

Forry Hargitt of Tire Discounters addressed the Board. He stated that the mechanicals are all high on their new store design. They are on the roof behind the wall and you won't see any of them. Their intention is to have this at the same elevation as the existing elevation. The current store was built in 1994 and is one of their busiest stores but it has worn out its design. They would like to keep the existing store open while they are building the new store so that their customers have a place to go, and this site gives them the opportunity to do that.

Vince Sticklen questioned what the intentions are for the existing building, once the proposed building is up and running. Mr. Hargitt stated that they haven't gotten that far in that decision, but it will not be a competitor or a Tire Discounters. They intend to split the property in two and they will probably sell that property. They are looking at the setbacks as a single unit, not the whole and will probably sell it off. They will not be putting in a strip center.

Robin Hahn questioned how long the lot will stay empty after they have filled in the lot before they actually build their new store. Mr. Hargitt stated that they will start construction as soon as the grading is done and the permitting goes through. They want to put in a larger footprint store there to handle their guests and the new store design will be more efficient and customer friendly. You will see action as soon as the permits are granted. In reference to the drive aisles, he added that the parking lots are connected in the back because they are keeping the existing store open at the time of the building phase and that will continue until they decide to sell the other property. They will have to keep the drive aisle at the front because they will need that ingress / egress. They will still have the two entrances but the ATM will be eliminated.

Vince Sticken reiterated that he would like to see a condition that there be some time of traffic study/projection, knowing there will be eventually three businesses there. Peter Glenn verified with Mr. Sticklen that the traffic study would be for the turning movements from US 27 into and out of both of the curb cuts.

Peter Glenn verified that Tire Discounters will start grading as soon as the dirt becomes available. Mr. Hargitt stated that the dirt is available right now and that is why they are here tonight. Peter Glenn questioned if a condition on a traffic study could be accommodated yet still grant them a grading permit. Ryan Hutchinson stated that generally they would not accept the next submittal until these conditions were met. They would need to split the lot, provide an ingress / egress easement, submit and receive approvals for the stormwater and the bmps to the city of Cold Spring, and if you would require a traffic impact study done on the intersection then that would also have to be done prior to starting. This Board could put on the condition that the traffic study could be met prior to the submission of a building plan. That way they could do the grading and would not submit any type of building plan until all of these conditions are met.

Dave Thiem stated that they need to get that fill in first and they don't have the time. You can get the study done and hold up the construction but as far as the grading they need to get that right away or they lose that fill. Peter Glenn verified that no one had any issues of the grading portion of the plan. Ryan Hutchinson stated the grading plan would be reviewed by them and the city engineer as well.

Dave Thiem made a **motion to approve the site plan with the following conditions, 1.) that the applicant complies with all applicable building, subdivision and zoning ordinance regulations; 2.) that the applicant submits a plan to staff for review and approval splitting the proposed 4.13 acre lot; 3.) that the applicant submits a plan to the City of Cold Spring and comply with all the BMP and stormwater requirements; 4.) and that the applicant provides an ingress/egress easement for access to the new lot.** Mr. Thiem questioned if the Board wanted to include another condition for a traffic study of the ingress/egress, and possible wording for that condition. Discussion followed on possible wording.

Vince Sticklen suggested that the ingress / egress traffic study be done before they can do anything with their existing store. That way they can build their new one, but they have to keep their existing one until they can come up with a plan to show how we can get more cars in and out of the place with some type of study.

Peter Glenn stated that it would be difficult to do because we would essentially be holding them hostage to building a store but then the approval of that store being based on a traffic study that no one knows the results of today. Dave Thiem questioned what we are trying to accomplish with this traffic study and if this study is to learn the count of the number of cars going in and out of their driveway currently. He understands the concern in getting in and out of this property, but stated that it is no different than getting out of Sturbridge Drive right now. Vince Sticklen stated that the difference is because there is a little hump on US27 near Tire Discounters that you don't see coming toward the south from Frisch's. If you don't check back when you are leaving a car could be coming at you at 45 mph. With a third store there, it would put more people on the road and be more of a safety concern.

Alan McCullough stated that the study should be as of right now, but also to add projections and forecasts on how much traffic may be added to that. Ryan Hutchinson stated that they can make projections on what you are looking at overall and they can make recommendations if there needs to be improvements to the intersection, whether you are talking about lighting or one of the driveways such as a right in and right out. But it would have to go to the state because it is not a county road but a state road. It is KDOT that would have to be involved. He questioned if the study on the potential traffic increase would be submitted before construction of the building starts. Alan McCullough stated that he would like for them to be able to do the study while they are getting the dirt work and the grading done. Ryan Hutchinson stated from a staff perspective they wouldn't want to issue a building permit until they get that study. He recommends that the Board allow them to have the grading but not the building.

Alan McCullough questioned the store hours. Mr. Hargitt stated that they would be open 8 am to 7 pm Monday thru Friday, and from 8 am to 4 pm on Saturday. Peter Glenn questioned that as we think about a traffic study would we act on the main entrance to the north and could we even put restrictions on that. That main entrance has to remain fully operational because then we would be affecting Frisch's. Putting in a light would not be an option and the only restriction would be a right in / right out which would never fly on the main entrance. Now we are only talking about the southern entrance, right in and out. He doesn't think that there is anything that could happen on US 27 that the state would ever approve for that northern entrance.

Dave Thiem stated that if we want a study on the traffic, it would just be information which we would share with the state because we can't do anything about it. Peter Glenn verified that we would use the traffic study for reference only, so it would be a traffic study that we would ask to be completed within a certain amount of time but it would not ever affect Tire Discounters from moving forward with building construction. Once they give us the study, then they can go forward. That would be hugely important to them.

Peter Glenn verified that we would like a traffic study done within a certain time frame before the building pad is started however the traffic study is not something that we are going to act upon. We just want to know the impact and pass it along to the state to see if there is any way that they can make the traffic issue better. Mr. Hargitt verified that the traffic impact study is for the joint Frisch's / Tire Discounters drive, and the southern point of connection to US27. Peter Glenn stated it would be both points of connection to US 27 and the turning movements from US 27 in and out of both entrances. Mr. Hargitt stated that they could incorporate projections in the study. Engineer Jake Rudemiller confirmed that in this study we want to have a general figure based on the high end projection on what that old store would be, and presented to staff prior to the physical erection of the building. Mr. Hargitt verified with the Board that the idea is for them to be able to do the grading, continue on the permitting process down that road but before they turn a shovel to start building they must have a traffic count.

Peter Glenn verified with Mr. Rudemiller that this time frame for a traffic study was doable because we do not want to cause undo burden with the process. Ryan Hutchinson questioned if the traffic study is something that this Board wants staff to come back and present or just submit it to the city for distribution. In the report there would be a recommendation on what or not to do, just for informational purposes. The Board agreed to just submit the report to the city.

Dave Thiem stated that in his original motion, he dropped condition #4 on signage since we have an ordinance that covers this already. Ryan Hutchinson stated that he likes to keep these conditions/comments listed for a bases for staff recommendation as a catchall so anyone reading this is reminded of the conditions before they are ready to go ahead with their plan. The last thing he wants the applicant to do is to submit all of their design work to the building department only to find out that their sign is too close to the property line and then they have to relocate conduits, trenches, etcetera.

Dave Thiem amended his original motion, to include the condition that the proposed ground sign be placed no closer than 5 feet from the property line, and to add the sixth condition that the applicant provides a traffic study to the city before building construction can start but that they may begin grading at the present time. This motion for

approval is on the bases of Staff recommendation. Vince Sticklen seconded the motion. Roll call vote showed five yeses and no noes. **Motion carried.**

Peter Glenn closed the public hearing.

There were no unfinished business, correspondence, or planning and staff items.

Per House Bill 55, Donna Schmidt received 4 $\frac{3}{4}$ hours of continuing education. Vince Sticklen made a motion for approval and Dave Thiem seconded the motion. All were in favor. Motion carried.

Alan McCullough made a motion to adjourn the June 11, 2014 meeting, and Dave Thiem seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, City Clerk