

Cold Spring Planning & Zoning January 14, 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, Robin Hahn, Grant Mitchell, Tony Ponting, Donna Schmidt, Vince Sticklen, and Dave Thiem. Also present was City Clerk Rita Seger and Cindy Minter and Ryan Hutchinson of Campbell County Planning and Zoning.

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

The December 10, 2014 regular meeting minutes were reviewed by all. Grant Mitchell made a motion to approve these minutes and Donna Schmidt seconded motion. All were in favor. Motion carried.

There were no subdivision items, public facilities, public hearings, unfinished business, correspondence, or planning and staff items.

Chairman Glenn stated that under commission items is a request for the city to sponsor a map amendment / zone change for Paulena Drive. Acting as spokesman for the property owners, Brian Donelan of 2 Paulena Drive addressed the Board. He presented a copy of the petition signed by all of the seven property owners of Paulena Drive. He stated that Paulena Drive is currently zoned as R-RE which means that each lot owner is sitting on three and on half (3 ½) acres which contradicts their actual lot sizes of approximately one (1) acre. It was brought to their attention that should the property owner want to do any construction on their lot, they are restricted to 75 feet from their property lines compared to 10 feet that surrounding residential streets under a different zone are bound to. Also, should one of the lots on Paulena Drive be destroyed due to fire or calamity, the owner would not be able to rebuild under the current zone. The property owners of Paulena Drive are asking the Cold Spring Planning and Zoning Commission to sponsor a map amendment in order to change the zone on Paulena Drive to one that is realistic based on the lot dimensions. Since they did not know what zone would be appropriate for them it was not listed in the petition. He questioned if it is true that if something should happen they could not rebuild under the current zoning restrictions.

Ryan Hutchinson of Campbell County Staff stated that if their structure was damaged over fifty percent of its value or its size it would have to be re-constructed to meet the minimum standards of the zone and if they couldn't meet those requirements then they could go to the Board of Adjustment to ask for a dimensional variance, but there is no guarantee that they would receive it. Mr. Donelan questioned if they were zoned correctly then could they get the approval for construction. Mr. Hutchinson stated that if they could meet all of the setback requirements of that zone and it is a permitted use, they could build the house back as long as it met the setback requirements. The challenge of the current zone is that these lots can't meet the setback requirements.

Mr. Donelan stated that this property was originally his grandfather's dairy farm and when he passed away the heirs sold most of the property to Drees to build where the Sturbridge Subdivision is now located. At that point Paulena Drive was in the county and still considered farmland but two years later, in order to get sewer lines, they requested to be annexed into the city but nothing was done at that time to change the zoning. Peter Glenn verified that this petition represents the six homeowners and one owner of the vacant lot. He verified that they are not requesting any specific zone. Mr. Donelan stated they just want the proper zoning that would fit the size of their lots.

Peter Glenn questioned Ryan Hutchinson on what the proper zoning should be for this street. Ryan Hutchinson responded that an R-1C with a 70 foot lot wide, or an R-1D or R-1DD would also be fine which the city does have and which is adjacent to the Paulena property.

Ryan Hutchinson gave a history of that area. As the applicant has stated there was a development that occurred and it was in the county, so all of the lots were platted in the county. Zoning came in after that occurred and the county put the R-RE zone there. As the applicant stated, they wished to get sewer on their street so they were annexed into the city in order to make that happen, and it appears that the county R-RE zone was then adopted by Cold Spring and nothing was ever changed development-wise that triggered an issue with zoning. Cold Spring did not zone the property R-RE, they annexed it with that county zone which isn't uncommon. Even if it were under the county R-RE designation which requires smaller lot sizes and smaller setback sizes than Cold Spring, they still wouldn't be able to meet the county's R-RE standard either. Mr. Donelan presented a copy of the lots when they were annexed in 1988 which he passed along to Board members.

Tony Ponting requested that Ryan Hutchinson elaborate the process of a changing a city zone and questioned since it was a county R-RE designation would it have to go through county also. Ryan Hutchinson responded that with a general map amendment process would be that the applicant would come to Staff to apply and they would need a site plan drawn up.

There are a series of questions that they have to answer along with the bases of facts. Staff would then do their review and make sure that it meets our minimum standards and what they are asking for was appropriate. Then Staff would make recommendations one of three ways to this Planning Commission - either straight approval, approval with conditions, or it would be a denial. At that point the Planning Commission would take action and make a recommendation to their city council who would have final authority on making the final change to their zoning map. That would be the standard process.

Peter Glenn verified that they are requesting that the city becomes the applicant for that zone change. Tony Ponting questioned who among our group then decides if it is not going to be an R-RE. Peter Glenn stated that we would have staff go ahead and study it and come back with a formal recommendation. Ryan Hutchinson stated that the Board needs to make a decision on whether or not you want to move forward as the applicant and sponsor them for their map amendment or if you feel that it is the applicant's responsibility to request a map amendment on their own.

Vince Sticklen stated that we would want Staff investigate what the proper zoning should be. If he owned a house there and something happened, he would be very upset if he couldn't rebuild. We need to address this issue, to help them to be able to maintain their property. We need Staff to tell us what is the best way to proceed with this and what would be the proper zone. This is something that happened years ago that has fallen into a crack, and it is both their responsibility and our responsibility as a city to take care of our residents.

Dave Thiem agrees. When he looks at this as well as other annexations in the city, he questioned why the city doesn't look at zoning to make sure it fits when they annex a property. This should have been addressed by the city in 1988. The zoning just doesn't fit and if it had been addressed in 1988 there is no way you would have let it go. The zone would have been changed, so he thinks it is our responsibility to sponsor this to get it fixed for the residents. Grant Mitchell stated that you have to make sure that the zoning doesn't create conflicts with existing surrounding zones and regulations.

Vince Sticklen stated that we should just have Staff do a study and come back next month with information on what the proper zoning would be and perhaps we should sponsor this to a degree. Ryan Hutchinson verified that right now they are not being asked to formalize a report and this Board is not sponsoring any type of application. This Board just wants Staff to look further into this matter, layout the options for what would meet the minimum standards for their existing lots, and see what zones we have in the books that would fit. Tony Ponting stated that it would be appropriate for the county to look at that and say what the proper zoning would be. Mr. Hutchinson, Campbell County Staff, will have more information for this Board by next month's meeting.

Per House Bill 55, **Peter Glenn** received **2 hours of continuing education** and Tony Ponting received **6.5 hours of continuing education**. Dave Thiem made a motion for approval and Grant Mitchell seconded the motion. All were in favor. **Motion carried.**

Vince Sticklen made a motion to adjourn the January 14, 2015 Planning and Zoning meeting at 8:10 pm, and Dave Thiem seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, City Clerk