

Cold Spring Planning & Zoning March 15, 2018

The regular meeting of the Cold Spring Planning and Zoning Commission was called to order by Chairman Mike Foulks. Pledge to the flag was led by the city clerk. Roll call showed the following present – Mike Foulks, Robin Hahn, Ron Schumacher, Sam Conner, and Laura Meiners. Steve Popovich was not present. Also present were City Clerk Robin Sweeney, City Attorney Brandon Voelker, and Cindy Minter & Kirk Hunter with Campbell County Planning & Zoning.

Mike Foulks pointed out the exits from the building, per Fire Department regulations.

The February 15, 2018 regular meeting minutes were reviewed by all. Robin Hahn made a correction to the minutes on line 8 of the second page. Sam Conner made a motion to approve. Robin Hahn seconded the motion. All in favor. **Motion carried.**

Mike Foulks stated there were no subdivision items or public facilities.

Continuation of **case # 187-18-TXA-01 proposed text amendment to the zoning ordinance pertaining to Article X, Section 10.13 SDA Zone.** Robin Hahn stated that if a development truly wanted to go in the SDA zone that they can come in with that proposal as a site specific conditional use rather than changing a whole zone and adding this text amendment. Mike Foulks asked if we know how many pieces of property in the SDA zone currently could handle a two-acre requirement. Cindy Minter stated that this zone change will affect all of the properties that are in this zone, or properties that could be zoned SDA in the future. There is minimum number or acreage requested in the change but the commission needs to think about if that is enough to protect the conditional use because lots can change shape and size. Mrs. Minter stated that there are two things to think about – do we want to move forward with considering drive thru's and if so, what conditions do you want to put on it. All members but one wants to move forward with considering a drive thru. Brandon Voelker stated that they now need to decide if there are any conditions that they want to put in place. Cindy Minter reviewed what was being considered: drive thru facilities had to be associated with a sit down restaurant establishment as the primary use of the property, be subject to access management controls to be utilized to protect the existing pedestrian and vehicle flows including the limitations of closure of curb cuts, the drive through window for ordering or pick up will not be on a building elevation that abuts a residential zone, drive thru stacking spaces may not be included in the minimum parking spaces, the drive thru and outdoor accessory seating will only operate between 6am and 9pm, the establishment provides indoor dining for at least 40% of the total square footage of the building. The area and height regulations for the conditional use are: that the minimum lot area is 2 acres, the minimum lot width at the building setback line is 170 feet on an arterial street, the maximum impervious surface ratio is 70%, the maximum building height of 35 feet, and no more than one principal structure permitted on the lot. Brandon Voelker added that the importance of the 170 feet on an arterial street is so there isn't curb cut after curb cut on US 27. He also added that it is not spot zoning, even though there are only a few spots that meet these requirements. Mike Foulks suggested that the commission ask any questions they might have in regards to conditional uses. Laura Meiners, asked for confirmation on what stacking spaces are. Mrs. Minter stated those are the cars in the drive through, they are not parking spaces. There was some discussion in regards to the time frame allowed for outdoor dining and entertainment. Cindy Minter stated that Cold Spring Planning Commission recommends to the City of Cold Spring to adopt the text amendment for the SDA zone as amended by the planning commission, the notice of the hearing was given in accordance with section 18 of the Cold Spring Zoning ordinance. Laura Meiners made a motion to adopt the text amendment for the SDA zone as amended. Ron Schumacher seconded the motion. Roll call vote showed 4 yeses and 1 no - Hahn. **Motion carried.**

Public Hearings: Case 191-18-SDP-02 proposed site development plan for a Raising Canes restaurant. Mike Foulks introduced Kirk Hunter with Campbell County Planning & Zoning. Mr. Hunter stated that legal notice was posted in the Campbell County Recorder on March 1, and notice was also mailed to adjoining property owners. Mr. Hunter described the property, which is zoned NSC (neighborhood Shopping Center, even though it is a residential use, they are grandfathered in. He reviewed the topography and grading plan, as well as the future land use plan from the Comprehensive Plan. One of the permitted uses is eating and drinking places excluding drive in's (ex: a restaurant like Sonic, where you drive in and car hop brings you your food) this restaurant has a drive thru. Mr. Hunter discussed the area and height restrictions, the site plan shows 49 parking spaces, 2 ADA compliant spaces, and access points. The site plan also shows more grass than is required, and a lot of landscaping. Mr. Hunter also had the grading plan, landscape plan, utility plan, geotechnical report, the demolition plan and building plan available for review. As far as signs, the plans show conventional signage for the site. There is an average of about 35,000 cars a day that pass this location. Michael Foulks asked if there would be a 'porkchop' at the right in right out off of US 27. Mr. Hunter stated that is correct. Mike Foulks suggested that a sign be put up that says "Right Turn Only". Mrs. Minter said that can be taken care of when they get to the building permit side of things; she added that directional signage is encouraged. Drew Gatliff with Raising Canes Ohio approached the commission and stated that they will be grading the site down considerably, about 7 or 8 feet. He also said that they are proposing that they are able to use the existing left turn lane as a turn lane to enter the restaurant, unless KYTC and the city engineer will not allow that. They are okay with a right in, right

out if that is there only option. There was discussion about whether or not it would be a good idea to allow people to turn left into the restaurant, and a right turn only exit. They are also proposing that the parking space requirement be reduced by 4 spaces. They are also in discussion with County Square in regards to a cross access parking agreement. They are also proposing a double dumpster enclosure rather than a single, which is made of brick with wood gates. Mr. Gatliff also stated that the corral area is used for a staging area. They have a policy that does not allow employees to go outside after dark, so the garbage is placed in a corral area in the back of the building, as well as at peak times when the drive thru is busy. This is a safety precaution. There is also a grease management system in the corral area. In regards to the parking, Cindy Minter added that the proximity to NKU as well as the public transit, there will probably be a number of employees that will be transit dependent. Mike Foulks asked Cindy Minter how she feels about the cross-access parking agreement between Raising Cane's and County Square. Mrs. Minter stated that County Square is at the stage in life where redevelopment is likely to occur, and we might see new investments. She can appreciate County Square not wanting to further burden their own traffic needs since they are going to want to redevelop. She thinks that making use of the bicycle racks and public transit is probably a more reasonable approach. Mike Foulks said his biggest concern is the 'porkchop' and the entrance and exit. Cindy Minter suggested requiring a traffic study if they want anything other than a right in, right out. Drew Gatliff stated the traffic study is under way at this time. Brenda Helton said she has never seen a Stage 1 and Stage 2 submitted at the same time, she is concerned that once this is done tonight that it is done and we have nothing else to go back on later. Cindy Minter stated typically the Stage 1 plan comes in front of the planning commission and Stage 2 is deferred to staff but based on the level of detail they have provided to us, and to expediate their own time schedule, they submitted them together. They do that at their own risk. If a change is made to the Stage 1 plan that rolls into some of the higher-level engineering, they have to go back and make changes to the engineering data as well. It is not circumventing the commissions review, as much as it is for them if a change is requested in the Stage 1 plan that rolls into the Stage 2 plan, they have to make a change to both. Mike Foulks closed the public hearing and asked if there were any more questions. Robin Hahn asked how they keep the garbage from being disturbed when it is being held in the corral. Mr. Gatliff stated there is a canopy, and at the end of the evening two people go out together to throw out all of the garbage, it is not kept there overnight, only until close. Brandon Voelker asked about stormwater, Cindy Minter stated that the applicant is aware that the stormwater plan must be submitted and approved by the City. Sam Conner made a motion to approve the conditions as presented by staff and the bases for the recommendation as presented and the discussion that was held. Laura Meiners seconded the motion. Roll call vote showed 5 yeses and 0 noes.

Unfinished Business – None.

Commission Items – There was some discussion on a new meeting day and time for the commission. Mike Foulks suggested to change the meeting day back to the second Wednesday of the month at 6:30 pm. Robin Hahn made a motion to approve. Sam Conner seconded the motion. All in favor. **Motion carried.**

Per House Bill 55, approval of 1 hour of continuing education for P&Z member Robin Hahn. Brandon Voelker suggested that the meeting on March 8, 2018 would qualify for 2 hours of continuing education for all members that were present, per House Bill 55 for Robin Hahn, Sam Conner, Steve Popovich, and Ron Schumacher. Sam Conner made a motion to approve. Mike Foulks seconded the motion. All in favor. **Motion carried.**

Mike Foulks reminded the members of the working sessions scheduled on April 18th and May 16th, both at 6:30pm.

Comments/Requests to the commission- None.

Mike Foulks made motion to adjourn the March 15, 2018 Planning & Zoning Commission meeting at 8:07pm and Ron Schumacher seconded the motion. All were in favor. **Motion carried.**

Respectfully submitted,
Robin Sweeney, City Clerk

Approved: 5/9/18