

Cold Spring Planning & Zoning December 12, 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, Steve Popovich, Glenn Kukla, Sam Conner, and Laura Meiners was absent. Also, present were City Clerk Robin Sweeney, and Attorney Jack Gatlin standing in for Brandon Voelker

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

The October 10, 2018 regular meeting minutes and November 28, 2018 public hearing minutes were reviewed by all. Glenn Kukla made a motion. Robin Hahn seconded the motion. All in favor. **Motion carried.**

Subdivision items – None.

Chairman Mike Foulks added to the record that they received correspondence from Joe Heil. He submitted a letter to all the board members.

Public facilities – None.

Public Hearings – None.

Unfinished Business – **Approval of the Comprehensive Plan Update** - Mike Foulks stated that they have been meeting for two years with Planner Wendy Moeller to update the Comprehensive Plan and have had two public hearings regarding such. There were some suggestions at the public hearings from residents to make amendments to the plan, which Mrs. Moeller added to the text. Mr. Foulks opened discussion from residents in regards to the approval of the plan. Paul Studer approached the board. He resides on Marian Drive and also has a commercial property on US27. He voiced his concern with the SDA Zone and Comprehensive Plan. He strongly proposes that drive-throughs be removed from the SDA zone and go back to the language that it used to be that restricted them. Mr. Gatlin explained the options that the board has tonight in regards to the plan: They can adopt the plan as is, they can make a motion to approve with minor changes, or it can be tabled if substantial changes are needed. He stated that the adoption of this plan does not change any laws or zoning regulations as they apply to the city, it does provide guidance for future changes that may be made to city policies, laws and regulations. If there is desire to disallow drive throughs in the SDA zone, his opinion is to make a text amendment first because there was just a text amendment done 6 months ago that allows drive throughs. Mr. Studer asked why that updated text amendment isn't on the website, because it is deceiving. Mr. Foulks responded that we are working on getting that updated. Mr. Gatlin stated that it became law when it was published and the law does not require that it posted on the website but most cities do for convenience. Sam Conner addressed the fact that they have had multiple public meetings solely for the purpose to get resident feedback. Mike Foulks stated their intent is to review the SDA Zone after suggestions are submitted. There was some discussion about the Comprehensive Plan and the SDA Zone. Mr. Gatlin reviewed the recently passed text amendment to the SDA Zone. **Steve Popovich made a motion to amend page 26, paragraph 3 of the Comprehensive Plan to say that drive through facilities are not allowed.** Glenn Kukla seconded the motion. Glenn Kukla questioned the approval of this motion because there was just a recent text amendment allowing this, is that capricious? Jack Gatlin stated that it could possibly increase the risk of litigation, but the city would have justifiable reasons if they decided to do so. Steve Popovich stated he doesn't feel that it could hurt us to make that amendment to the Comprehensive Plan. Mike Foulks added that he wants to give the public an opportunity to speak on that in regards to the SDA Zone before any further changes are made. Roll call vote shows 2 yeses and 4 noes – Foulks, Conner, Schumacher, Hahn. **Motion failed.** **Sam Conner made a motion to approve the Comprehensive Plan as written before them tonight.** Robin Hahn seconded the motion. Roll call shows 5 yeses and 1 no – Popovich. **Motion passed.**

Commission Items – Mike Foulks thanked the public for their input and they will address the SDA Zone in future meetings. He thanked the Mayor, P&Z members, staff. Legal advice and Wendy Moeller for their help and support and help with the Comprehensive Plan. Mr. Foulks said that officers will be elected for 2019 at the next meeting.

Comments/Requests to the commission- None.

Robin Hahn made motion to adjourn the December 12, 2018 Planning & Zoning Commission meeting at 7:40 pm and Sam Conner seconded the motion. All were in favor. **Motion carried.**

Respectfully submitted,
Robin Sweeney, City Clerk

Approved: 1/9/19