

Planning & Zoning Special Meeting/Public Hearing
September 30, 2020

The meeting of the Cold Spring Planning & Zoning was called to order by Chairman Foulks. Pledge was led by the City Clerk.

Roll Call:

- Present: Mike Foulks, Sam Conner, Steve Popovich, Marge Trunick, Ron Schumacher, City Clerk Robin Morency, City Attorney Brandon Voelker and Cindy Minter with Campbell County Planning & Zoning.
- Absent – Glenn Kukla

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

Approval of Minutes:

- August 12 Special Meeting minutes – Sam Conner made a motion to approve. Marg Trunick seconded the motion. All in favor. **Motion passed.**

Subdivision Items: None

Public Facilities: None

Public Hearing:

- Case # 236-20-SDP-01 stage 1 plan for a dental office building on Alexandria Pike approximately 600 feet south of Ripple Creek Road. Cindy Minter reviewed her PowerPoint presentation, she stated that legal notice was published in the Campbell County Recorder on September 17, 2020 and was mailed to 19 neighboring property owners, and advised that they are acting tonight as the P&Z Commission and the Board of Adjustment. Mrs. Minter talked about the location of the property, the future land use map, the topography, and the zoning which is NSC (Neighborhood Shopping Center) and R3-Residential. Mrs. Minter then explained what the developer wants to do with this property and explained that they are requesting three things: an eighty (80) foot dimensional variance to reduce the front setback distance from one hundred (100) feet to twenty (20) feet, a thirty-three (33) foot variance to reduce a side yard setback to seventeen (17) feet, and a nine (9) foot variance to reduce a side yard setback to forty-one (41) feet. The plans were reviewed, such as the pavement types, a parking summary, sidewalks, area of disturbance, utility plan, photometric plan, landscape plan, and there was a discussion about signage. Mrs. Minter shared the consideration of a variance, which are as follows - Before any variance is granted, the board of adjustment must find that the granting of the variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether: (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone; (2) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. A statement from the applicant was presented to the commission, the applicant states: *"It is of our opinion that the proposed medical office development will be a beneficial contribution to the surrounding communities. The anticipated business to be housed in the proposed building will be essential to individuals who need maxillofacial surgery services. The building will be designed to meet all zoning, subdivision, and building regulations relative to the applicable local agencies. Additionally, a zoning text amendment was approved to permit the medical office use within the development's NSC zone. Requested variances associated with Lot 1 include front and side building setbacks. Per the Cold Spring Zoning Regulations, the front, side, and rear setback is 50 feet. However, the front setback is increased to 100 feet along an arterial roadway, which is US-27 (Alexandria Pike). A 100-foot setback*

requirement would create a difficult development strategy for Lot 1 and would pigeon-hole the building into a smaller area than is appropriate. The requested front setback variance is 20 feet, which more aligns with the building setback of Campbell County Auto Body, which is the adjacent property immediately to the north. The requested side setbacks are 17 and 41 feet. The proposed building will be parallel to US-27, with the parking behind the building and out of view from onlookers. It is the owner's intention to surround the proposed development with future uses that will be supportive of and complement the medical office use." This was submitted in September 2020. John Girdler with Viox and Viox addressed the commission and clarify that this office will be used for maxillofacial services and to share that the Doctor is excited to come to Cold Spring. Mr. Girdler stated that he does not have any current plans for future development of this site at this time. Chelsea Rohrer who lives on Ripple Creek asked how far back on the property line that they will build, Cindy Minter stated that the hillside is not a buildable site, so it is a natural buffer. There was some discussion about the landscaping plans. Sam Conner made a motion to accept the recommendation made by staff - the Stage 1 Development Plan, subject to final engineering review; and to approve the following setback variances: An eighty (80) foot dimensional variance to reduce the front setback distance from one hundred feet to twenty feet along the US 27 frontage, A thirty-three (33) foot variance to reduce a side yard setback to seventeen (17) feet along the internal street, and A nine (9) foot variance to reduce a side yard setback to forty-one (41) feet on the north side of the development for Lot 1. The bases for the recommendation are 1.) Per Kentucky Revised Statutes, the City of Cold Spring has the authority to enact zoning regulations within its jurisdiction, 2.) The submitted request is appropriate for this site since it is in compliance with the City of Cold Spring Comprehensive Plan, Zoning Ordinance and Subdivision Regulations. 3.) Proper notice of public hearing was given in accordance with KRS Chapter 424 and Zoning Ordinance Section 18. 4.) The planning commission may hear and finally decide applications for variances permits with a proposed development assuming all powers and duties otherwise exercised by the board of adjustments pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251. Ron Schumacher seconded the motion. Roll call vote shows 6 yeses, 0 noes. **Motion passed.**

Unfinished Business: None.

Commission Items:

- Continuing Education for Ron Schumacher (2 hours) – Sam Conner made a motion to approve. Steve Popovich seconded the motion. All in favor. **Motion passed.**

Comments/Requests to the Commission: None.

Adjournment:

- Steve Popovich made a motion to adjourn the meeting. Sam Conner seconded the motion. **Motion passed.**

Respectfully Submitted,
Robin Morency, City Clerk

Approved: 1/13/2021

Chairman: 

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