

Planning & Zoning Minutes

June 9, 2021

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

Roll Call:

- Present: Sam Conner, Marg Trunick, Glenn Kukla, Mike Foulks, Ron Schumacher, Steve Popovich, Robin Hahn, City Clerk Robin Morency, and City Attorney Brandon Voelker.

Mike Foulks pointed out the exits from the building, per fire department regulations.

Minute Approval:

- January 13, 2021 meeting minutes - Steve Popovich made a motion to approve. Sam Conner seconded the motion. All were in favor. **Motion passed.**

Subdivision Items: None.

Public Facilities: None.

Public Hearing:

- Case # 243-21-ZMA 01, Zone Change from R-2 Zone to SDA Zone between 4304 and 4210 Alexandria Pike. Kirk Hunter stated that the applicant will eventually submit a Stage 1 Plan but this hearing is just for the zone change. Mr. Hunter reviewed the PowerPoint presentation which included an overview of the property, potential site plan, the current comprehensive plan, dimensional requirements, and findings necessary for the map amendment which is: "Before any map amendment is granted, the Planning Commission, or legislative body, must find that the amendment is in agreement with the adopted Comprehensive Plan, or In the absence of such a finding, that one or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the Planning Commission or legislative body."
 - That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; and
 - That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area."

Staff commented that "The parcel was originally used to access a multifamily development. The only use on the parcel was the road leading to that development. The road has since been realigned to the south and the former right-of-way has been vacated. Staff finds that the proposed zone map amendment meets both points required for the Planning Commission to grant approval." Mr. Hunter added that the proposed site is for one building with 3 tenants. Staff recommendation is that The Planning Commission recommend approval of the proposed Zone Map Amendment subject to the following conditions: (1) That the zone map amendment be forwarded to the City of Cold Spring City Council for adoption. The supporting bases for this recommendation are: (1) Per Kentucky Revised Statutes, the City of Cold Spring has the authority to enact zoning regulations within its jurisdiction. This authority includes the provision to amend its zoning map. (2) Pursuant to the Cold Spring Zoning Ordinance Article XVII Amendment Procedure, the Planning and Zoning Commission has the authority to take action

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on amendments to the zoning map for adoption by the legislative body. (3) Proper notice has been given in accordance with Article XVII Amendment Procedure of the Cold Spring Zoning Ordinance. (4) The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate. (5) That there have been major changes of an economic, physical, or social nature within the area involved that were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area. Chairman Foulks asked if there was a representative from Buffalo Wings & Rings that would like to address the commission, Tim Dwyer asked if there were any questions for him. There was discussion about a curb cut on US 27, and Mr. Dwyer stated that it is not looking that is going to be allowed but they are working with KYTC6 on that matter. Mr. Dwyer stated that they will have a pick-up window but not a drive-thru ordering speaker/window and stated that there is no commitment at this time for any other tenants of the building. Chairman Foulks opened up public comment. Paul Studer who is a resident and owns a business in Cold Spring stated that he would like the commission to consider screening on this property and wants the commission to keep in mind the potential of drive-thru's flooding this area in the near future. Mr. Dwyer stated that they will host a neighborhood meeting to get feedback from the adjoining properties to get their feedback before submitting a stage 1 plan. Jen Gessner at 952 Corona Drive addressed the commission stating that they will be the most affected by this development. Ms. Gessner stated that they are in favor of development but would like to be in communication with the developer in regards to site lines and elevations. Steve Popovich made a motion to table this decision due to the uniqueness of the property including the proximity to US 27 and the impact to potential traffic, the body would like to further investigate and allow for due diligence on whether or not the zone change does meet the statutory requirements for recommendation of approval, to assist in the deliberations it would be helpful for the applicant to submit a Stage 1 Plan simultaneously with the zone change request. There was discussion of the bases of recommendation #4 and why the SDA zone is appropriate for this piece of property. Glenn Kukla seconded the motion. Roll call vote shows 7 yeses and 0 noes. **Motion passed.**

- Case # 242-21-ZMA-01 Zone change of 1.048 acres from HC* Zone to HC Zone at 4929 Alexandria Pike and Case # 242-21-SDP-01 approval of Stage I/II Plan for drive thru restaurant adjacent to 4929 Alexandria Pike. Kirk Hunter reviewed his PowerPoint presentation. Mr. Hunter covered the aerial view of the site, dimensional requirements, the comprehensive plan land use map, the accessory uses that will be not permitted/permitted with the zone change and the site plan. Mr. Hunter stated that the site plane does propose for outdoor seating and a drive-thru. Mike Gilbert with Development Management Group stated that they obtained a traffic study and it showed that a right turn lane is not warranted, the study has been submitted to KYTC6 (Kentucky Transportation Cabinet District 6) and is currently under review. Mr. Gilbert answered questions from the commission, he explained that they can stack up to 20 cars on their site for the drive thru, there are 28 parking spots, and there are usually about 6-9 employees working at a time. There was discussion about buffering and trees between the store and the neighbors. Mr. Gilbert added that they are not proposing a new curb cut or making changes to the one that is currently there. Chip Hehman said that he would love to see a Starbucks in the city but is concerned with the heavy traffic in that area. Thomas Hahn shared his concern with the traffic study and grading plans. (a copy of the traffic study is on file at the city building). Staff recommendation is: (1) To approve the Zone Map Amendment and forward the

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recommendation to Cold Spring City Council. (2) To approve the Stage II Development Plan with the following conditions:

- Access management controls be utilized to protect existing pedestrian and vehicular flows, including the limitation or closure of curb cuts.
- The proposed drive-through window for ordering or pick up will not be on a building elevation that abuts a residential zone.
- Drive through stacking spaces may not be included in the minimum parking requirements.
- The drive-through and outdoor accessory seating may only operate between the hours of 6:00 AM and 9:00 PM.

The bases for the recommendation is as follows: (1) The submitted request is appropriate for this site since it is in compliance with the City of Cold Spring Comprehensive Plan, Subdivision Regulations and Zoning Ordinance. (2) Per Kentucky Revised Statutes, the City of Cold Spring has the authority to enact zoning regulations within its jurisdiction. In accordance with Section 18.2 of the Zoning Ordinance, proper notice of public hearing was given. Sam Conner made a motion to approve the zone change based on staff recommendation and the evidence presented. Ron Schumacher seconded the motion. Roll call vote shows 6 yeses and 0 noes.

Motion passed. Marg Trunick motion to approve the Stage I and Stage II development plans as submitted on the bases of staff recommendation with the condition that they comply with the findings of the traffic study done by KYTC 6. Sam Conner seconded the motion. Roll call vote shows 5 yeses and 1 no – Hahn. **Motion passed.**

Unfinished Business: None.

Correspondence: None.

Planning & Staff Items: None.

Commission Items:

Comments/Requests to the Commission: None.

Adjournment:

Chairman Foulks adjourned the meeting at 8:44pm

Approved: 7/14/2021

Chairman:



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