

## Planning & Zoning Minutes

September 13, 2023

ORIGINAL

The meeting of the Cold Spring Planning & Zoning Commission was called to order by Chairman Foulks at 6:30pm. The pledge was led by chairman Mike Foulks.

### *Roll Call: (00:28)*

- Present: Sam Conner, Mike Forge, Mike Foulks, Greg Hizer, Steve Marg Trunick, and City Clerk Robin Morency, City Attorney Brandon Voelker and Cindy Minter and Kirk Hunter with Campbell County Planning & Zoning.
- Excused: Steve Popovich

### *Minute Approval: (00:47)*

- August 9, 2023 meeting minutes were reviewed by all. Greg Hizer made a motion to approve. Mike Forge seconded the motion. All were in favor. **Motion passed.**

*Subdivision Items: None.*

*Public Facilities: None.*

### *Public Hearing: (01:02)*

- PZ-23-033: Zone map amendment (1) Zone Map Amendment from Residential-Rural Estate (R-RE), Residential-Rural Estate\* (R-RE\*), Residential-One C (R-1C) and Residential-Three (R-3) to Mixed-Use Planned Development (MUPD) and Highway Commercial-Two (HC-2); and (2) Approval of Stage I and Stage II plans for the development of a Mixed-Use Commercial Development and BA -23-018: Approval of variances for the following: Parking Stall Size Requirements, Minimum Yard Depth for Building, Minimum Yard Depth for gas station canopy, and sidewalk requirements. Kirk Hunter stated that legal notice was published in the August 29, 2024 edition of LINK Reader, it was mailed to adjoining properties and there were 4 signs placed on the property. Mr. Hunter showed an overview of the proposed development, which is a multi-tenant shopping complex which will also include a professional office building. It was explained to the commission and audience that some of this property is in the process of being annexed from the county but that is separate from this hearing. The only access to this development will be from US 27. The PowerPoint presentation included a review of the comprehensive plan land usage map, dimensional requirements for permitted uses in the existing and proposed zones, the uses for a Mixed-Use Plan Development (MUPD) zone and Highway Commercial-Two (HC-2) zone and the process and requirements of a zone map amendment. In regards to the zone map amendment, staff's comments are: (1) The proposed zone change is in agreement with the adopted 2018 Comprehensive Plan. (2) The existing zoning classifications at these properties are inappropriate. (3) The proposed zoning classification of Mixed-Use Planned Development (MUPD) is appropriate for the majority of the site. (4) Because of proposed uses on the plan, an area of Highway Commercial-Two (HC-2) is proposed to allow uses in that location not permitted within an MUPD zone. Staff recommends that the zoning designation be changed from R-RE, R-1C and R-3 to MUPD at the 60.15-acre section designated on the site plan, and from R-RE and R-3 to HC-2 at the 10.39-acre section designated on the site plan. Mr. Hunter then went on to speak about the considerations of the site development plan; staff finds that the combined Stage I and II Development Plan submitted by the applicant to be in conformance with *Section 9.18 DEVELOPMENT PLAN REQUIREMENTS - STAGE I, II AND RECORD PLAT, and Section 10.15 MUPD – MIXED USE PLANNED DEVELOPMENT ZONE, paragraph(s) B., C., and D.* Staff comments are: (1) The proposal is a mixed-use development that includes a professional office and commercial uses. (2) The development will be built in phases as designated on the plans. (3) The HC-2 section of the proposal includes a gas station and four out-parcels. (4) The development of the four out-parcels can be done individually as-needed because they are not within the planned development portion of the project. (5) The sign ordinance allows signs to be approved as part of the development plan. Mr. Hunter stated that there are four different variances being presented; (1) Parking stall dimensional variance of two feet from the required 10' x 20' to 10' x 18'. (2) Setback requirements in the HC-2 section of the project: Front yard setback variance of twenty-five (25) feet from the required fifty (50) feet in order to be consistent with requested front yard setback as requested for

## Planning & Zoning Minutes

September 13, 2023

the MUPD zoned areas of the project and a rear yard setback variance of fifteen (15) feet from the required twenty-five (25) to be consistent with rear yard setback as requested for the MUPD zoned areas of the project. (3) Possible gas canopy within current 50' front yard setback at us27 (8.52' inside the 50' setback required per the hc-2 zone), if HC-2 front yard variance of 25' above is approved then a variance is not required. (4) Waiver of sidewalk requirements. Mr. Hunter reviewed each variance in detail. Staff's recommendation is to approve the (1) parking stall dimensional variance two feet from the required 10' x 20' to 10' x 18'. (2) front yard setback variance of twenty-five (25) feet from the required fifty (50) feet in the HC-2 section in order to be consistent with requested front yard setback as requested for the MUPD zoned areas of the project. (3) A rear yard setback variance of fifteen (15) feet from the required twenty-five (25) in the HC-2 section to be consistent with rear yard setback as requested for the MUPD zoned areas of the project. (4) the waiver of sidewalk requirements with the following conditions- that the proposed sidewalk as shown on the plans be extended to meet the phase two professional office building either by appropriate striping within the complex or a paved extension or a combination of both. (4) the site development plan with the following conditions - That the subject area currently in Unincorporated Campbell County be annexed into the City of Cold Spring, that an engineering review be completed by a city-authorized engineer, lastly, that a traffic study be completed and approved by KYTC. Clayton Riney with Midland Atlantic addressed the commission to give some history on their company and provided them with *Attachment A* which gave examples of some of their projects. Mr. Riney stated that if they get approval this evening, construction could potentially start in Spring of 2024 and the first wave of tenant opening in Fall/Winter of 2025. He added that this project would be 250,000 square feet of retail space and 100,000 square feet of professional office. There was discussion about the topography of the land, access drives to the development, and a traffic study. Mr. Riney stated that they are in agreement with staff report recommendations. Gary Gabbard (a resident) is concerned that at some point an entrance will be added from the AA Highway which will cause issues on Ricky View Drive. Mr. Voelker stated that the agreement with the city and developer states that there will never be access there. Cindy Minter that no one wants additional traffic on Rocky View Drive. Craig Kramer who lives and works in Campbell County, feels that this development will be good for Cold Spring and the surrounding areas and he agrees with Campbell County Planning & Zoning recommendations for the zone change. Dallas Bray (neighbor to the proposed development) stated that he is in favor of the development, and that the developer has a proven track record. Tom Travis (resident) provided the commission with *Attachment B* which outlines the following concerns/suggestions: traffic issues, install a right lane entrance from US 27 to AA Highway, install a Cold Spring Police Department Substation at the development, and to install charging stations for electric vehicles at the development. Mr. Travis thanked the developers for all of their work. Jim Drye (resident) thinks that the parking space variance will cause issues, he would prefer that the size remain 10x20 and reduce the number of spaces as he feels the requirement is excessive. Mr. Drye also feels that a turnaround should be installed at the end of Rocky View, and that the sidewalk requirements should be enforced at this development, he also submitted a comment via email that is included as *Attachment A*, Ms. Minter addressed that concern. There was also a discussion about police and fire departments reviewing the plans, Ms. Minter said that they will review them.

There was discussion about the sidewalks, Mr. Riney stated there is a possibility that the sidewalk will be extended the entire length of US 27 dependent on the traffic study, however the request this evening is to extend it from the southern boundary line to the gas station and stop it at the right-in right-out. Cindy Minter stated that the developer has committed to work with TANK to provide a better bus stop in this area. Mike Fore made a motion to approve the zone map amendment to MUPD and HC-2 on the bases of staff recommendation. Greg Hizer seconded the motion. Roll call vote shows 5 yeses and 0 noes. **Motion passed.** There was discussion about the parking space and Mr. Riney stated that 9'x18' is the standard size of parking spaces but that does not meet the city's requirements. If they aligned with the city requirements of parking space size, then they would not meet the tenant's requirements of the amount of parking spaces. The variance will allow them to comply with the city and satisfy the tenant. Mike Forge made a motion to approve the Parking stall dimensional variance of two feet from the required 10' x 20' to 10' x 18'. Mike Foulks seconded the motion. Roll call vote shows 4 yeses and 1 no – Trunick. **Motion passed.** Greg Hizer made a motion to approve the Stage I and Stage II site

## Planning & Zoning Minutes

September 13, 2023

development plans as presented by staff with the following conditions: (1) that the subject area currently in Unincorporated Campbell County be annexed into the City of Cold Spring, (2) that an engineering review be completed by a city-authorized engineer, and that the plans be forwarded to Central Campbell Fire department. (3) That a traffic study be completed and approved by KYTC, (4) No access to Rocky View to or from the development (5) The developer will maintain the right of way along US27 subject to approval or agreement with KYTC. Marg Trunick seconded the motion. Roll call vote shows 5 yeses and 0 noes. **Motion passed.** Mike Forge made a motion to approve a front yard setback variance of twenty-five (25) feet from the required fifty (50) feet in the HC-2 section in order to be consistent with requested front yard setback as requested for the MUPD zoned areas of the project, and rear yard setback variance of fifteen (15) feet from the required twenty-five (25) in the HC-2 section to be consistent with rear yard setback as requested for the MUPD zoned areas of the project. Sam Conner seconded the motion. Roll call vote shows 5 yeses and 0 noes. **Motion passed.** Cindy Minter stated that the planning commission has taken no action to grant a variance for a waiver on the sidewalk but they are not precluding the applicant from coming back to request that when the professional office area is developed.

*Unfinished Business:* None

*Correspondence (36:43 of 2<sup>nd</sup> video):*

- Mike Foulks stated that it has been 5 years since the last revision of the comprehensive plan, so that is something that needs to be discussed at a future meeting. Cindy Minter stated they still have time; some homework is being done and we will revisit.

*Planning & Staff Items:* None.

*Commission Items:* (

*Comments/Requests to the Commission:*

*Adjournment: (37:24 of 2<sup>nd</sup> video)*

- Greg Hizer made a motion. Mike Forge seconded the motion to adjourn the meeting at 8:42pm. All in favor. **Motion passed.**

Approved: 10/11/23

Chairman: 

City Clerk: 

To view the meeting agenda, visit: <https://coldspringky.gov/departments/planning-and-zoning/planning-and-zoning-agendas/>

To view the meeting video, visit: <https://coldspringky.gov/planning-and-zoning-meeting-videos/>