

Cold Spring Planning & Zoning February 13, 2008

The regular meeting of Cold Spring Planning and Zoning Commission was called to order by Chairman Steve Taylor. Pledge to the flag was recited. The roll call showed the following present – Roger Bay, Joe Feinauer, Karen Stafford, Stephen Taylor, and Ken Warden, excused – Ken Sharp. Also present were Mike Schwartz, Rita Seger and Brandon Voelker.

Chairman Steve Taylor pointed out the exits from Council Chambers, per Fire Department regulations.

The January 9th regular meeting minutes were reviewed by all. Roger Bay made a motion for approval and Ken Warden seconded the motion. All were in favor. Motion carried.

There were no subdivision items, or public facilities.

Chairman Steve Taylor opened the public hearing for a proposed map amendment to the Cold Spring zoning ordinance on an approximate 3.6 acre area located along the east side of Alexandria Pike, approximately 500 feet north of Ripple Creek Road, changing the described area from HC* (Highway Commercial Zone regulated by the Campbell County zoning ordinance), to HC (Highway Commercial Zone regulated by the Cold Spring Zoning Ordinance)

Mike Schwartz gave the history of this area and summarized his review. Land can be annexed into a city with either the option of apply zoning to the annexed property as part of the annexation ordinance, so when it is brought into the city it automatically has city zoning, or a second option is that the city can bring that land into the city from another jurisdiction and if they do that, it shall remain subject to the same land use restrictions as applied to it prior to the annexation. This second option is the one that took place with this parcel. Staff places an asterisk next to those areas as an administrative function so that staff can identify that this is an annexed area where the city did not apply zoning to the annexation ordinance. The site is currently occupied by a car wash facility and automotive oil change facility. Comprehensive Plan identifies the section as a special development area, which are those with unique characteristics or require special consideration in terms of accessibility to the community transportation corridor. The transportation plan element shows US 27 to be an arterial street. This Planning Commission is the applicant, so there is no development plan required to be submitted. Staff recommends approval of the map amendment from HC* to HC on the bases that the existing HC* zone is inappropriate and the proposed city HC zone is appropriate. The Campbell County land use regulations were in affect at the time of this annexation and the way it would be applied today places an undue administrative burden to keep demanding what was in place several years back as opposed to the current city HC zone. Additionally the Planning Commission has approved several Stage II Development Plans for this site and as re-development occurs, it is more appropriate under the city rather than the county ordinance. Action tonight is a recommendation that goes back to city council.

Joe Feinauer asked if it is a problem that they identified it as an SDA zone, and asked if it would be better served with an SDA than an HC. Mike Schwartz replied that the comprehensive plan was not a factor in this request. Staff used another statutory bases in that the existing zoning was inappropriate and the proposed zoning is.

Jim Shields, owner of adjoining property in the county area, verified that there were no plans at the present time to incorporate his property into the city, and that this re-zoning would not affect his property. Brandon Voelker stated that the advantage of his property being next to an HC zone gives him the ability of applying for HC, even though he has less than five acres. The city is doing a housekeeping measure.

Ken Warden made a motion to recommend approval to council of a map amendment to the Cold Spring zoning ordinance on an approximate 3.6 acre area located along the east side of Alexandria Pike, approximately 500 feet north of Ripple Creek Road, changing the described area from HC* (Highway Commercial Zone regulated by the Campbell County zoning ordinance), to HC (Highway Commercial Zone regulated by the Cold Spring Zoning Ordinance), based on the supporting information of Staff report. Joe Feinauer seconded the motion. Roll call vote showed all were in favor. Motion carried.

The second public hearing was opened for a proposed amended Stage II Development Plan for increased signage on an approximate 22 acre area located along the north side of the AA Highway east of Murnan Road, currently zoned R-3(PUD) for Cold Spring Housing Association, Brookstone Apartments.

Mike Schwartz, NKAPC, gave the history and staff review. In the PUD overlay, signage is as approved in the plan; there are no absolute minimum or maximums in size. He explained the originally approved signage for Sycamore Valley. It is now being proposed to read Brookstone Apartments, with the height of the letters to be 24" high on the top line and the bottom line letters with 18" high letters, an increase in both height in terms of length, and square footage of the sign. This

sign would meet the requirements of the Cold Spring zoning ordinance if it was in a straight R-3 zone, but the PUD overlay zone states that the sign is as approved in plan. It has to come back for the process of amended Stage II. Staff recommends approval of this amended Stage II Development Plan, on the bases that, by rights this would be permitted in an R-3 zone and it would be appropriate to be allowed in the overlay. Additionally, the distance between the location of the sign and the roadway is a good distance from center line of AA Highway and the larger sign is proportionate.

Ken Warden verified that the way they measure the size of the sign starts with the letters, and asked if a normal building sign is measured letter by letter. Mike Schwartz replied that with a box type sign you go to the extent of the cabinet. If it is individual letters you take a rectangle around each individual letter – not counting the space between those letters. The wall itself is the same size as the original when it was approved. Mike Schwartz said there is no maximum size of the sign in the R-3, but it is the height of the letters that is what is important. Staff feels that this sign is well within the portion of that linear footage.

Marshall Slagle was present on behalf of the Cold Spring Housing Association. He stated that they concur with staff recommendations.

Joe Feinauer made a motion **to approve the amended Stage II Development Plan for increased signage on an approximate 22 acre area located along the north side of the AA Highway east of Murnan Road, currently zoned R-RE (PUD)**, based on Staff recommendation. Roger Bay seconded the motion. Roll call vote showed all were in favor. **Motion carried.**

The third public hearing was called to order on a proposed **Stage II Development Plan on an approximate 0.9 acre area located along the north and west side of Plaza Drive, approximately 200 feet southwest of Alexandria Pike, currently zoned HC for James Elliott on behalf of Huntington Bank.**

Mike Schwartz, NKAPC gave a review of the history and considerations. This area is part of the Highland Pancake zone changes. This proposed Stage II is for the construction of a 3,000 sq. ft. building (bank), with three drive thru lanes, 28 off-street parking spaces, one ground sign and two curb cuts onto Plaza Drive. Staff reviews this Stage II against the subdivision regulations and the Cold Spring zoning ordinance as well as what was approved as part of the existing Stage I Development Plan. Staff finds that this development plan does not meet several requirements of both of those documents, and therefore has recommended disapproval. When this came through at the Stage I this Board approved a variance on the setback from ten ft. to five ft., but only as it applied between the two curb cuts. In this case they show the five ft. setbacks in both this section and another section where a ten ft. setback is required. Landscape requires a minimum 15 sq. ft. of basal area per acre on the site in question as well as areas on the west and northwest. This is complicated by a strip of land which was used when figuring the total basal area for this original site in question. This sliver of land is unclaimed as part of any development, however, because the zone change made this part of the original review of the total area of the zone change, 72 sq. feet is required on that land mass. The previous approved land area showed 47 ½ sq. ft. of basal area. This submitted Stage II identifies 14 sq. ft. which totals only 61 ½ sq. ft. a deficiency of 10 ½ sq. ft. of basal area need for the entire site. They do meet the 15 sq. feet of basal area on their land, and if taken with the adjacent land of Sherwin Williams and Margaritas, it meets the basal area, but with that strip of leftover land as part of the original request, a deficiency comes in. Staff doesn't know if it will ever be developed. Other conditions in staff report are for heights of buildings and insufficient information on class 8 signs. In terms of this plan meeting the subdivision regulations, there are five items as shown in staff report. Mike Schwartz stated that the setbacks and the basal area were their big concerns. This Board's decision is final.

Ken Warden questioned if the sliver of land was concrete. Mike Schwartz stated that he believes it is grass. It is roughly ½ to 2/3rds of an acre. This is the last piece to be developed. The rear parcel going west of the Plaza is a separate item altogether.

Ken Warden verified that there were sidewalks all the way around.

James Elliott, civil and environmental consultant representing Huntington National Bank was present along with architect Brad Schneider, project engineer Max Bailey, and Dave Melton from Huntington. He stated that they have addressed staff comments, but did not have time to submit a revised set of changes. He went through them item for item. They have addressed the setback issue. Mr. Elliott stated that there are discrepancies in the ordinances in the off-street parking. Looking at that section, it states the vehicular area setback from the right of way to the parking lot is five ft. in a commercial zone, but when you get into the landscaping part of the ordinance it describes the 10 ft. area. They concede the setbacks and have made a change to their site plan which took the entire plan and made the whole setback ten ft. This compressed the site about ten total feet, and because of it, they lost one parking space. They didn't lose any landscape area and total square footage is about the same. They have a complete revised site plan and landscape plan which they gave to

Mike Schwartz. Despite staff recommendation to disapprove, they want to get back with these plan changes to adjust and move things around to meet requirements.

Steve Taylor verified that when they increased the setbacks they did not change their drive aisles, and that the building was just moved five feet further back than what it was before.

Mr. Elliot states that this plan meets the current ordinance for landscaping. They are confused as to the basal area as it relates to the sliver of land and their site. This sliver of land, in all fairness should not influence their site. They are trying to be visible in the area and cannot absorb 21 trees on their property. If something is done with that property down the road they hope that some logic will prevail. The new plan building height is 24.4 ft. They were hoping to submit a permit for ground mounted sign, but they will conform and meet the requirements of a class 8 sign. The building signage will conform to class 5 or 6 per regulations. They will be compliant with the curb, ramps and sidewalks. The detail did embellish handicap ramping, parking with ramps and tapering curbs, all ADA compliant. Mr. Elliott described the grading and paving. The total black is 4". In fact, they will have two extra inches of dense grade and that is like an extra inch of asphalt in structure. The concrete paving details typically include mesh reinforcements. Our subdivision regulations don't prohibit it, but says it is not a requirement unless the engineer chooses to use it. Their engineer chooses to use it. They have made changes and ask for approval tonight based on those changes. They will be submitting for a building permit and hope this Board will grant conditional approval based on what they have done. The main issue is the total basal requirement, but they do meet the landscape requirements on their site.

Joe Feinauer questioned the trees planted as shown on their plan and if they will be that big, and verified their revised setback plans with the parking spaces moved five feet to the north. Mr. Elliott stated the drawings reflect a ten year growth. Our regulations require a 2" caliper at planting and that is what they are stipulating. Our tree regulations give a limited number of types of trees, which doesn't give them the opportunity to put the oval type of trees that grow tall and thin. Mike Schwartz says the 27 parking spaces are enough for the bank. Our ordinance only requires ten.

Joe Feinauer stated that paving is better to have more base and an inch and a quarter surface is plenty. Having a thicker asphalt base is better for strength.

Ken Warden questioned who held the title for this land. Mr. Elliott stated that Huntington Bank has a contract to purchase but it hasn't been transferred yet. The owner on deed is Cold Spring Investors, formerly Hiland Pancake House.

Mike Schwartz explained the different zones in this area, which was previously zoned HC. They came back with one as NC and the other HC. When the sliver was sliced off for sale, the sliver is still part of the big triangular piece which is zoned NC. Ken Warden verified that banks are permitted in both zones, and the basal requirements are basically the same on both zones.

Brandon Voelker questioned Staff interpretation on the basal area. A developer of the parcel in the rear may come in and take that sliver of land as part of it. Mike Schwartz stated that if this Board approves this plan, and agrees that proportionate shares have been met, in the future, if a developer on the rear parcel comes in, Staff will go back with the paper trail, and say that 10 1/2 sq. ft. of basal area has to be on some of that rear parcel, including whatever basal requirements has to be on the rest of that site, as long as this body makes a finding that these two properties have met their proportional share and meet the requirements of the zoning ordinance on their land, each providing at least 15 sq. ft. of basal area per acre.

Steve Taylor stated that if one entity owns this property and another entity owns the balance, that means that they would have to buy that strip in order to incorporate it into the other one. He can't put the burden on someone who may not own that piece of land.

Brandon Voelker stated that when the entity sold only part and not the whole thing including that sliver, they made that decision and they will have to put basal on that portion. Whoever owns the rear parcel will have some development and then they will have to incorporate that sliver and absorb that basal area. Mike Schwartz stated that if it doesn't, this Board doesn't have to approve it.

Joe Feinauer made a motion to approve **the Stage II Development Plan for Huntington Bank, subject to Staff review of the new plans, based on the amended plans submitted by the applicant at this meeting tonight, with the condition that the plan be revised to meet the minimum requirements of the zoning ordinance and the subdivision regulations, with two exceptions, one being the basal area that was shown on the original submission is adequate as their pro-rated share, and that items 2 d. and 2 e. of the staff report are also satisfactory as submitted on the original development plan.** Joe Feinauer stated that they have addressed all of the concerns, and have done everything they need to

do apart from the tree issue which shouldn't be theirs. Mike Schwartz stated that staff would review any plan that comes in as part of the permit against this action. It will meet all other requirements. Roger Bay seconded the motion. Roll call vote showed all were in favor. **Motion carried.**

Steve Taylor stated that Jim Drye was appointed as Vice-Chair for this body at the January 9th meeting and is no longer a member of this Board. Ken Warden stated that he would fill that position in the event that Jim Drye could not do it. Roger Bay motioned approval and Joe Feinauer seconded the motion. All were in favor. Motion carried.

Roger Bay attended a conference on "Complete Streets", for 1 ½ hours of continuing education. Joe Feinauer made a motion for approval and Ken Warden seconded the motion. All were in favor. Motion carried.

Mike Schwartz stated that there were no items for next month. Mike Schwartz introduced Jenna Haverkos who is a planner in the long range planning department at NKAPC. Ms. Haverkos stated that she has been there a little over a year. The comprehensive plan was updated in 2005 and in the next coming years we will be updating again and she will be looking for the opportunity to work with the commission at that time. Please phone her with any comments or concerns.

Roger Bay questioned the large banner sign on Margaritas. The city clerk stated that a temporary sign permit was issued on that, but the Code Enforcement Officer is checking into it because of the size of the sign.

Ken Warden motioned that the meeting be adjourned. ~~Ken Warden~~ Roger Bay seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, City Clerk

NEXT MEETING --- MARCH 12TH