

Cold Spring Planning & Zoning September 12, 2007

The regular meeting of Cold Spring Planning & Zoning was called to order by Chairperson Steve Taylor. Pledge to the flag was recited. Roll call showed the following present – Roger Bay, Jim Drye, Joe Feinauer, Ken Sharp, Karen Stafford, Stephen Taylor, and Ken Warden. Also present were Melissa Conway of NKAPC, Rita Seger and Brandon Voelker.

Chairman Steve Taylor pointed out the exits per Fire Department regulations.

The minutes of the August meeting were reviewed by all. Ken Warden made a motion to approve the minutes, and Roger Bay seconded the motion. All were in favor. Motion carried.

Chairman Steve Taylor signed **an Identification Plat for a parcel on Chapman Lane** during the past month, and **also a Replat of Lot #'s 1-3 Cold Spring Plaza**. **Motion was made by Karen Stafford to approve these signings**. Ken Sharp seconded the motion. Jim Drye questioned the Cold Spring Plaza replat, and asked if it was related in anyway to the Plaza Drive issue which was discussed with Hiland Pancake House at the August meeting. Brandon Voelker stated that the road was put in without an inspection. NKAPC Staff was supposed to determine if this stretch of road was private or public. Steve Taylor stated that this did not have to do with this final plat signing. All were in favor of the two signings. **Motion carried.**

Discussion followed about the Highland Pancake House, Plaza Drive issue, the right-of-ways, and how to determine if this is a public or private street. In looking at the partial drawing which was available at this time, Joe Feinauer said that it appears to him that the road is a public right-of-way. Joe Feinauer stated that with new construction, usually the builder is responsible for maintenance except snow removal for the first year just in case something goes wrong. After that, it is automatically adopted unless there is a statement from the city that says they do not want it. Brandon Voelker stated NKAPC was asked last month to look into whether Plaza Drive was public or private. If it is private, a statement is required from Hiland Pancake House that there will never be maintenance from the city, but if it is public we have to make sure the road has been built properly. Steve Taylor stated that no action can be taken on it until further information is received from Staff. Melissa Conway of NKAPC stated that she will look into this issue and report back to the city.

A public hearing was called to order for a proposed text amendment to the Cold Spring Zoning Ordinance requiring roofs within the SDA Zone, to be built to a minimum pitch of 3:12. Melissa Conway, NKAPC, gave the Staff review and considerations. Staff recommends approval of the proposed text amendment on the bases that it is allowed to be included within the text of the zoning ordinance as authorized by KRS 100.203 (1), and that it is reasonable and appropriate in that it would provide clarity in determining what a flat roof is and is not.

Jim Drye made a **motion to recommend that council approve the Cold Spring Zoning Ordinance requiring roofs within the SDA Zone, to be built to a minimum pitch of 3:12**. Ken Warden seconded the motion. Roll call vote showed all were in favor. **Motion carried.**

The North Ripple Creek Development, which was tabled at the August P & Z meeting, was then discussed. Attorney Brandon Voelker furnished the Board with copies of possible wording should this Board decide upon a motion on the property tonight. The wording addressed the issue of the horseshoe drive and also detention pond issue. The concern of the detention pond issue was that they would try to access it through the city's land or through another curb cut. Brandon Voelker stated that the Sanitation District #1 has control over storm water and he does not know what they will require. They may require a maintenance easement to ingress and egress over their lot. As far as the curb cuts, the encroachment permits are the exclusive domain of the Commonwealth of Kentucky, who have the final say.

Joe Feinauer stated that we cannot pass anything that is less stringent than what the state has, but the city can make things more strict. Our regulations say there is to be 600 feet between curb cuts, but the state doesn't say that. If this parcel were divided into four or five parcels, the state would allow those curb cuts and they probably wouldn't be 600 feet apart. There is very little chance of the State not approving the horseshoe because they can look at it and say if it were divided differently, they would have to allow it. Our regulation is better for safety and we should adhere to it whenever possible. The state has final authority, but we can make it stricter. Brandon Voelker said the state just looks at sight distance. Joe Feinauer stated that there is not a sight distance problem at this location. The only problem may be at the site of the retention basin.

Melissa Conway stated that the spacing requirements regarding curb cuts are for safety reasons. We don't have so many curb cuts on an arterial road that it will create a bottleneck situation. To actually get an encroachment permit you do have to go to

the State. The spacing requirements are in our zoning ordinance as a guide for developments along arterial rights of way and this is what they adhere to.

Ken Warden stated that in absence of the development plan, we could change this, but the development plan handicaps us and we have to go with this horseshoe road.

Jim Drye asked if the retention/detention issue was clear. There are three ponds, but the drawings show only one and there is supposed to be a separate lot. He is more concerned about the city property and if we get the entire lot.

Brandon Voelker pointed out the usable area of the property, which will belong to the city. He stated the lot lines will be drawn on the final plat. The detention/retention requirements are up to Sanitation District #1. Joe Feinauer stated that they could probably only have one retention basin, and they would need to make sure that everything gets to that one retention basin, otherwise, the City could not get any other property except for a little piece at the top of the property.

Steve Taylor stated the original concern is that they don't show any way to access that retention area, and the concern is that they may come back and ask for another curb cut onto US 27 to maintain what they already own, because it is not shown on the drawings. Not only would they have the horseshoe, but another curb cut to maintain the retention pond.

Brandon Voelker stated that, in his suggested wording for a possible motion that he gave to the Board this evening, he did refer to that issue. It reads that access to maintain it shall come from within the development of six platted commercial lots and not by another way of curb cut or the property deeded to the City.

Joe Feinauer stated that takes care of the original problem of no more cuts on US27, but what Marshall Slagell showed them are two additional ponds, which cannot be there. By law you can't write a deed for a piece of property that doesn't touch a piece of property that you own. Either the city would have to own those two retention basins and have an agreement that says they would have to maintain them, or the city could only own the northern-most part of that property. Brandon Voelker stated that this storm water issue is a problem that the Sanitation District will have to address. Their regulations may determine what land the city gets. There are certain portions of this property that are usable for either a park, or a development. The rest of it would remain natural green space.

Joe Feinauer stated that there is not much access off of Ripple Creek to get to the remaining parcels. It has to be all one parcel regardless of whether the city keeps it or does something else with it, because there is not enough room unless you make the parcel one, or possibly two flag lots.

Ken Warden questioned if the street in that area would be a city street. Jim Drye stated that it does show a right-of-way. The way the horseshoe is drawn, it looks like the property line is not going to the center of the street. The driveway is going to the edges so that there would be a right-of-way, and he questioned if the right-of-way was of adequate width within the horseshoe.

Joe Feinauer stated that it has a forty foot right-of-way with a twenty-five foot wide street with no parking. In the county, as long as you are servicing less than seven lots, the right-of-way only has to be forty feet wide. He believes our regulations are probably the same. It does not make a difference if they are commercial lots.

Melissa Conway stated that the preliminary plat looked at the street widths and didn't seem to have a problem. The problem was the curb cut issue and lack of compliance with the subdivision regulations.

Jim Drye said that if it is a city street, we get into setback problems, property lines and minimum right-of-way widths. Ken Warden questioned what the development plan said about this. Brandon Voelker stated that it did not say anything about setbacks.

Ken Warden stated that NKAPC did not review it because as soon as they saw the horseshoe, they stopped the review and did not go further with any analysis. We need to have NKAPC look at this completely and bring it back to the next meeting. Steve Taylor stated we need to have Staff review a list of items to address at the next meeting. Discussion followed on time frames for review. By regulations, we have ninety days to act. Ken Warden stated that the October P & Z meeting is within the ninety day window.

Steve Taylor made a **motion that we extend this Oxford Development, North Ripple Creek issue an additional full thirty days**, to give us time to do more research and to put on the October agenda for a full formal vote. Jim Drye ascertained that this was with a full review from NKAPC. Karen Stafford seconded the motion.

Roger Bay questioned if we could get a review from the Sanitation District on their requirements and what they are going to do. Melissa Conway stated that the Sanitation District would normally look at this in the next phase of the development.

Steve Taylor asked if we could have the Sanitation District to look at things early. Melissa said she could try to have them to look at it in advance of the formal application.. A fee would have to be paid to them, usually by the applicant. Steve Taylor stated that we could not require the applicant to do this.

Jim Drye stated that on the plans there has to be another line there for the eighth lot, which is the city lot. In order for it to be formally deeded over, it has to be platted. Brandon Voelker stated that until we know what the storm water issue is, there is no way to say what is coming to the city. We must have a determination from Sanitation District.

Roll call vote showed all in favor. **Motion carried.**

Discussion followed on what items Staff would have to review on this issue before the next meeting. Melissa Conway confirmed that they will address the roadway for compliance with subdivision regulations and she will check with Scott Hiles to determine if NKAPC staff can request that Sanitation District #1 look at the easements to the proposed detention/retention basin.

Jim Drye stated that the developers have to do all of the drainage calculations for the retention basins and Sanitation District #1 has to approve what they are doing. That is already shown on some drawings and their engineers should already know what is supposed to be done to meet the Sanitation District #1 run off requirements. NKAPC should have some of those drawings already.

Joe Feinauer stated that Marshall Slagell said that the engineer had already gone ahead and did some additional drawings and all of the engineering and basal requirements should be on this Stage II drawing. Jim Drye stated that basal area comes out of staff review for each lot. Ken Warden stated that the review was stopped as soon as they saw the horseshoe. We are asking staff to do a complete Stage II of the plans that were submitted, and line off and show where the additional retention ponds are going to be, and to indicate where the lot for the city is going to be. Steve Taylor said we also would like to see where the easements are going to be for maintaining the proposed retention pond. Jim Drye stated that he wants the sidewalk on US 27 included in the Staff report.

Roger Bay questioned the internal sidewalks. Steve Taylor stated that this is still an open issue. Melissa Conway stated that in staff comments submitted as part of the preliminary plat review, it said the waiver should be denied because of the recommendation for disapproval, but stated if the Board did take action to approve, that the Board should deny the waiver and require sidewalks on both sides. If this Board did allow the waiver, it should be on the outside versus the inside of the development. Steve Taylor confirmed that if Staff did a complete review, that issue will come back up. Melissa Conway stated that most of these things are part of that Stage II review.

Ken Warden stated that we have to have Staff look outside the horseshoe and move on. Steve Taylor stated that we have the legal issue of having to allow the horseshoe, but we need to determine that this plan will comply with everything else. One of the attempts of this wording is to say that we are not in agreement with the violation of the horseshoe in the development agreement, and in discussions with the city, they will look at developments more closely than they have in the past.

Ken Warden questioned if the annexations need to stay on the agenda. Karen Stafford stated that we do have an annexation group, of which she is a member, that is still looking at some of the parcels but there is nothing active at this moment. Steve Taylor said there may be future updates and should remain.

Melissa will get clarification on the on the Plaza Drive issue which was discussed earlier in the meeting.

Roger Bay made a motion to adjourn and Jim Drye seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger

NEXT MEETING --- OCTOBER 10, 2007