

Cold Spring Planning & Zoning November 11, 2009

The regular meeting of the Cold Spring Planning and Zoning Commission was called to order by Chairman Stephen Taylor. Pledge to the flag was recited. The roll call showed the following present – Roger Bay, Tom Ross, Donna Schmidt, Vince Sticklen and Stephen Taylor - excused were Dave Guidugli and Alan McCullough. Also present were Attorney Jack Gatlin substituting for City Attorney Brandon Voelker, City Clerk Rita Seger and Administrative Officer Michael Vank.

Steve Taylor pointed out the exits from the building, per Fire Department regulations.

The August 12, 2009 regular meeting minutes were reviewed by all. Roger Bay made a motion for approval and Vince Sticklen seconded motion. All were in favor. Motion carried.

Chairman Taylor stated that he signed four plats since the August meeting as follows: an ID Plat for consolidation of parcels in the name of Donald and Florence Wagner; a Final Plat on Ivy Ridge Condominiums Section 12; a Final Plat on Ivy Ridge Condominiums Section 12 Part B; and a Final Plat for Granite Spring Building 22. Vince Sticklen made a motion to approve these signings and Roger Bay seconded the motion. All were in favor. Motion carried.

A public hearing was called to order for a proposed Stage II Development Plan for an approximate 6.5 acre area located on the south side of Martha Layne Collins Boulevard between Alexandria Pike and Salmon Pass, currently zoned NSC, applicant McBride Dale Clarion on behalf of Town Cold Spring Associates – Kroger.

Andy Videkovich of Northern Kentucky Area Planning Commission stated that the applicant will be submitting an amended plan to this Board this evening, and Mr. Videkovich stated that his presentation tonight will be a review of the plan that was originally submitted and reviewed. The applicant will explain the differences between the original submission and the amended plan submission.

Mr. Videkovich presented the NKAPC staff review with a projection screen presentation, along with staff considerations, recommendations and documentations per the November 3, 2009 Staff report. He stated that the reason for the change is that on November 2, 2009 the Cold Spring Board of Adjustment disapproved the variance request which was necessary for this development plan. That request was to reduce the setbacks for the front yard from 50 feet to 24 feet. The second part of this request is to remove some of the off-street parking spaces and add a pharmacy drive-thru / kiosk. The plan also shows provisions for signage. The original drawings submitted to Staff show that the only new signage would be on the proposed liquor store. The drawings for the pharmacy drive thru show four signs on each side of the drive-thru. They propose Class 3 signs on the left and the east elevation. A Class 3 sign is a directional sign and this use is permitted within the property. Also shown is a Class 6 sign, which is a wall sign, on the south elevation facing away from the off-street parking area toward the adjacent property, of approximately 6.4 square feet. The drawing also shows another Class 6 sign on the north elevation facing the off-street parking and Martha Layne Collins, of approximately 10.5 square feet. The submitted plan shows the removal and replacement of catch basins where the liquor store addition would have gone if the variance had been approved. The applicant will submit an amended plan to this.

Mr. Videkovich stated that the primary difference is that this proposed liquor store on the north side has been removed from the development plan, due to the denial of the variance request. Also they show a minor change with new signage at the elevation. Staff recommendation, which is based on the original development plan, is for disapproval based on the variance request, since the proposed addition does not meet the requirements of the zoning ordinance. The other bases is regarding the signs on the pharmacy drive thru. Our regulations say that each structure is allowed to have only one Class 6 sign and their plan shows two Class 6 signs, one on the front and one on the rear, which do not meet the requirements of the zoning ordinance.

Jonathon Wocher of McBride Dale Clarion was present on behalf of Kroger on this project. He passed out modified plans to all Board Members. Mr. Wocher stated that, since the variance request was denied at the November 2nd Board of Adjustment hearing, they have modified the plan and removed that 3,000 square foot proposed addition. This eliminates the need to have those parking spaces removed and eliminates the drive aisle modification and storm water catch basin changes. That side of the store will remain the same. This removes the primary reason for Staff's recommendation of disapproval. The scope of the project hasn't changed that much, and the area for the drive-thru / kiosk is still as proposed. Approximately 15 parking spaces would be removed from that location, however they would still have 345 parking spaces remaining and as noted on the plan, only 272 are required. That is the main change.

Mr. Wocher stated that, in response to Staff's comment regarding the two Class 6 signs, they were not aware that the sign facing the south would be considered a Class 6 sign. They are acceptable to the condition of having only one Class 6

sign, which would be the sign facing the parking lot on the north face and eliminate the one on the south side. Mr. Wocher pointed out some changes to the plan on the elevation. He stated that they did change the signage due to some timing issues from when they filed the original Stage II. They made a decision to change the sign for Fifth Third Bank with a smaller sign in the same general location, and it is approximately 39 square feet depending on how it is boxed. Also they will modify the Kroger sign which currently says Kroger Food and Drugs, and will instead just say Kroger. It would also be a smaller sign but with the same size lettering. It would have LED energy efficient lights.

Mr. Wocher stated that there are other minor changes on the front elevation, such as the front doors which are to be modified. Also there is a small bump out under the canopy, and with the removal of the liquor store there is a small enclosure which finishes out the triangle instead of having a door entry. Steve Taylor verified with Mr. Wocher that the canopy would not be moved out any farther into the drive aisle.

Roger Bay stated that the drawing shows a crosswalk where the entrance is. There are two entrances and he questioned if they could put in another one. Mr. Wocher stated that this has to do with the handicap accessible designated spot, but he is willing to talk to the engineer to see if that is something they can do.

Steve Taylor asked Andy Videkovich if the elimination of the Class 6 sign and the change in the other store front signs will bring them within classification of the site. Mr. Videkovich stated that they will have to verify that, however he believes that they are allowed either one or two square feet of linear frontage, and the existing signs are well within that. If they are actually reducing the size of the signs, they should match. By dropping the Class 6 sign on the south side of the pharmacy drive thru, that eliminates the objections that were on the original drawing. Just leaving the one Class 6 sign is still acceptable as far as the regulations are concerned.

Roger Bay made **a motion to accept the amended Stage II Development Plan for Town Cold Spring Associates – Kroger, with the condition that the Class 6 sign on the south side of the pharmacy drive thru be eliminated and only have the Class 6 sign on the north side of the pharmacy drive thru.** Donna Schmidt seconded the motion. Roll call vote showed five yeses and no noes. **Motion carried.**

Steve Taylor stated that Planning and Zoning Board Members Vince Sticklen and Tom Ross both earned 1.5 hours of continuing education credits, Board of Adjustment Member Tom Freppon earned 4 hours of continuing education credits, and Board of Adjustment Member Brian Rieger earned 4.5 hours of continuing education credits. Roger Bay made a motion for approval and Vince Sticklen seconded the motion. All were in favor. Motion carried.

Steve Taylor made a motion to adjourn the November 11th meeting and Roger Bay seconded the motion. All were in favor. Motion carried.

Respectfully submitted,

Rita Seger, City Clerk