



[ORIGINAL]

PLANNING & ZONING MEETING
Minutes of July 17, 2018

Chairperson Dave Hart opened the regular meeting at 7:00 p.m. on the above date, with the Pledge of Allegiance and the following members answering roll call:

Present:	Dave Hart, Chair	Sonny Markus	Ron Johnson
	Tom Wheeler	Nick Reitman	Randy Nehus
Absent:	Steven Shinkle		

Also Present:	Jan Johannemann, Asst. City Clerk	Carol Hofstetter, Zoning Administrator
	Mike Duncan, City Attorney	Robert Seitzinger, City Engineer

APPROVAL OF MINUTES – June 19, 2018

MOTION: Nick Reitman made a motion to approve the minutes of June 19, 2018, seconded by Randy Nehus. All in favor, the motion passed 5-0-1, with Mr. Hart abstaining.

INTERNAL BUSINESS

Mr. Nehus presented the Treasurer’s Report for July 17, 2018.

Beginning Balance	\$14,857.11	
Receipts	+250.00	Plat Approval, Amann, 39 Orlando Dr.
	+35.00	Re-Plat, Lot #119, Arcadia, Sec. 4
	+400.00	Re-Plat Lot #119, Arcadia, Sec. 4
Expenses	-671.00	CT Consultants, Inv. 180283-5
	-507.00	Ziegler & Schneider, Inv. 210
	<u>-1,458.00</u>	CT Consultants, Inv. 180283-6
Ending Balance	\$16,808.11	\$12,906.11 (Corrected Balance)

Mr. Hart pointed out the Treasurer’s Report had some errors, and after discussion and recalculation, the corrected ending balance would be \$12,906.11.

MOTION: Sonny Markus made a motion to pay the invoices, seconded by Nick Reitman. All in favor, the motion passed 5-0-1, with Mr. Hart abstaining.

MOTION: Sonny Markus made a motion to approve the Treasurer’s Report, with the receipts and expenses correctly noted and with the amended ending balance of \$12,906.11, dated June 19, 2018, seconded by Nick Reitman. All in favor, the motion passed 5-0-1, with Mr. Hart abstaining.

VISITORS & GUESTS – None

At this time, 7:10pm, Chair Hart opened the public hearing.

PUBLIC HEARING

To hear and gather evidence and public comment regarding the Application of Nathan Atkinson on behalf of A&N Enterprise LLC, for the following for real estate owned by Ronald L. and Karen A. Lange located at 7010 Alexandria Pike, Alexandria, KY:

- 1. Zoning Map Amendment to re-zone the real estate from Residential One-V (R-1V) zone to Highway Commercial (HC) zone;***

2. *Approval of a Development Plan in order to construct an automated car wash; and*
3. *Approval of any variances required to enable the car wash and related facilities to be constructed according to the Development Plan.*

The subject real estate is located at the northwest corner of Alexandria Pike and its intersection with Cedar Lane, south of South Viewpoint Drive.

Mr. Ron Johnson then removed himself from the Commissioner's seat and joined the audience as a private citizen.

Mr. Duncan explained the Notice of Public Hearing was published in the Campbell County Recorder, and all notices and signs were posted according to Kentucky Statute. The applicant has asked the commission for three things: The first two items, a zoning map amendment from a residential zone, and approval of a development plan, which would require P&Z to make a recommendation to city council after hearing the evidence. The third item is a request by the developer to ask the planning commission at the same time as a zoning map amendment, to consider any variances that may be necessary to implement the plans. The decision on any variances would be a final one on the part of P&Z.

If the property is changed to Highway Commercial (HC) zone, the requirements are 50-ft. front setback, 50-ft. side setback if it abuts a street, and 15-ft. rear setback. The ordinance for HC also requires a 10-ft. wide screening area next to any residential property, and a 15-ft. setback for parking to a street, road or right of way or bordering on an adjacent property. All of these requirements pertain to this property.

The Commissioners should take and weigh the evidence, review the plans in light of the setbacks, make a recommendation on the zoning and the development plan, and make a decision on any variances. Under the statute, a decision does not have to be made tonight, but if the commission decides to wait, there is a time limit.

1. Nathan Atkinson, Applicant and Kevin Hanson, Cardinal Engineering: Mr. Atkinson would like to put a car wash on this site. Mr. Hanson is here to answer any technical questions.

Robert Seitzinger, City Engineer, reported this application is for the rezone of the .457-acre site from the current zone R-1V to Highway Commercial (HC). The future land use map does show this property as general commercial office, translating to the HC zone, and car washes are an approved use. The applicant has applied for and acquired an encroachment permit from the Kentucky Transportation Cabinet (KYTC) for their portion of Cedar Lane, which is a private road, having not been accepted by the City for public right of way and use. There is currently residential access of this property onto US27 but KYTC is opposed to any access onto a state highway, especially for commercial access. The other portion of Cedar Lane is private, so whomever owns that portion of the road would have to allow access. The applicant is proposing an entrance off Cedar within the KYTC right of way, at the top of Cedar Lane.

The house, driveway and some trees will all be cleared to make way for this development if approved. The applicant is proposing to build the site up to where the entrance will be because of the topography change along US27 and Cedar. A steepened slope system is proposed, consisting of an earthen wall with some reinforced fabric material and bracing.

The applicant needs a variance to the 50 ft. front yard setback, which is 47.5 ft. from right of way to the building. In the rear, the parking is more than 15 feet from the building. A variance is also needed to the 10-ft. buffer zone on the south edge of the property as it adjacent to residential property. The buffer on the plan shows 5-6 feet. The site is small enough that SD1 regulations are not required; however, the applicant has met those regulations as if it were a larger site. Parking spaces are adequate, with one handicap-accessible spot per ADA compliance.

If a zoning change is approved, several items need to be addressed before full approval of the site development plan. The geotechnical engineer has asked they be allowed to submit geotechnical study and actual steepened slope design after rezoning, at which time the engineer will do an extensive geotechnical study and a steepened slope design.

1. Ron Johnson, 7000 Alexandria Pike – Where does the ground water evacuate to and what type of buffer zones will be constructed?

Per Mr. Seitzinger, the ground water from the site will flow to the detention pond at the top, then to a pipe that restricts the flow down, and out to the north side of Alexandria Pike to the existing swale line. The buffer zone shown is landscaping to keep some separation between residential and commercial areas, according to zoning ordinance regulations.

Mr. Atkinson explained the area along the north side of the property will be lifted up about 10 feet, with a green wall, and landscaping in front of the wall for a buffer zone. The other screening would be behind the building between the car wash and the private part of Cedar Lane. Mr. Atkinson is asking for a variance from the full 10-ft. of screening from the property line to the pavement. Mr. Hanson explained the property is a unique shape, almost triangular, and in this particular spot there isn't a lot of room to put a drive and building. They are also limited by a 50 ft. Columbia Gas Line easement. The utility company is allowing the applicant to grade 7 feet off the gas main to put the slope up and no closer. Mr. Hanson said this is a tight site, and the 2.5 ft. variance for the front is for building setback due to the gas main location.

2. Jay Walsh, owner of 328 Cedar Lane (lives at 10768 Shaw Hess Rd.) – Mr. Walsh had several questions: Clarification on the number of variances; Who owns the land between the property line and the centerline of Cedar; If the property gets approval to rezone to HC but the car wash doesn't get approved, will the HC zone stick; Have there been traffic studies done or other studies to see what this car wash is going to create (lighting, noise, runoff from the retaining wall).

In response, Mr. Seitzinger explained the applicant is requesting two variances: (1) front yard variance for the building setback from 50 ft. to 47.5 ft.; (2) buffer area between pavement on the south side and the property line by the private part of Cedar Lane from 10 ft. to 5 ft. Carol Hofstetter stated this is not a city street, but she has not been able to find out who the owner is. Mr. Duncan said P&Z doesn't have to approve *everything* requested at this public hearing, but from a legal standpoint, to approve a rezoning and not approve the plan is possible; however, that's not the way it should happen. Mr. Seitzinger explained the storm water will run off the steepened hill and everything should flow down to the storm water detention.

Mr. Walsh said there will be noise so buffering is pretty important to him. There has been some talk that the city took over the street when the sewers went in, and he asked where Cedar Lane starts. Mr. Seitzinger noted the surveyor identified the property corners of the existing property and the edges of the KYTC right of way, but they have not identified the owners any of the remaining properties.

Mr. Walsh wanted a guarantee that the residents of Cedar Lane will have no earth-moving equipment on their street. Mr. Hanson said there shouldn't be any since it's a private drive. Mr. Walsh would like to see a "No Outlet – Private Lane" sign put up. He also sees run-off and erosion issues while the project is being constructed. If there is damage to Cedar Lane, the residents should not be responsible to make the repairs. Mr. Hart cannot give a guarantee on behalf of the city, but the commission can add the conditions to their approval that the developer protect the private property from contractors and equipment and put up signs.

Mr. Markus asked Mr. Walsh where his property is located. Mr. Walsh owns the first house on the left side of Cedar Lane, and he also owns 6 feet on the other side of Cedar Lane that abuts the

triangle on the plan. Mr. Duncan then referred to Mr. Walsh's earlier question as to who owned the strip of land between the property line and center line of Cedar. Mr. Walsh said he does not own that strip in question. Mr. Duncan said a title exam could identify the owner.

Mr. Atkinson addressed Mr. Walsh's noise question. The dryers are probably the noisiest part of the car wash bay, and they will be located inside the bay which is on the side with the 10-ft. wall. Vacuums are the second noisiest and those will be far from the residential area. Mr. Markus said if this car wash is similar to the one in Cold Spring, the buzzers going off would be a factor for him.

In summary, Mr. Walsh does not think a decision should be made tonight when there are so many "unknowns". His immediate concerns deal with increased traffic, the noise, the light shining down in the valley, protecting the integrity of the street, and if something is damaged it is not on the residents to repair. He also stated some of the residents don't know this is a private street. There seems to be a lot of vagueness on where it begins and ends among the community leaders. He isn't opposed to growth, the rezoning to HC is probably appropriate for this spot, but we need to build the right things and not make a quick decision or approve variances that cause the community to make concessions. Could they redesign the structure so it fits?

3. Dennis White, 762 Terrace Ct. – What was the property zoned before it was rezoned to R-1V? Are all houses on Cedar zoned R-1V? Carol believes this property was either R-1D or R-1C before it was rezoned R-1V, and Cedar Lane residents are included in the R-1V zone.

Mr. White knew it was a private drive and all property lines went to the middle of the street. However, about 10 years ago the city put in sewers and repaved the street. Some people in the city have told him it was now a city street and the city was maintaining (plowing snow). It's only a 30 ft. right of way and doesn't comply with subdivision regulations. He is also surprised Mr. Walsh owns property across the road and not just to the center of the road. Perhaps Cardinal assumed it was the edge of a right of way when drawing up these plans.

Mr. White owns the property to the west with an entrance off 27 that was negotiated from the Highway Department about 40 years ago when US27 was widened the first time. KYTC took right of way from his father and re-created the interchange. His father intended to develop this property. The frontage piece is left and is listed for sale now as commercial property. The proposed road cut and right of way detail was provided for the White's to develop solely for that property. Before this, Cedar Lane was a gravel road that ran all the way to US27; there was no 30-ft. concrete strip entering his property. This development proposes to come in and use ingress and egress onto that 30-ft strip negotiated for his property. He is trying to promote a large professional office building for his land that would be an asset to the city. The frontage piece was already designated, with an existing general commercial property that's empty, already on the market, and in compliance with all city requirements and ordinances versus asking for approval to develop this site and approval of variances at the expense of the city and residents. Perhaps the property should be added to other commercial property for zone change. He doesn't think complete compliance is possible on this lot. The zoning is appropriate for a car wash, but he believes it could be better used as office space.

Mr. White vehemently opposes the road cut of this development going out onto the 30-ft. strip of Cedar. KYTC did approve an encroachment on that section of the roadway, but Mr. White thinks it's a bad idea to add traffic a short distance from the entrance of a 4-lane highway.

Some time ago, the Cedar Lane street sign was moved from the end of Cedar Lane out to where the road comes off US27 for safety reasons. He doesn't oppose this now, but he eventually plans to put a name on that entrance that comes into his property. He provided a document (attached) that shows a drafting design of Proposed Intersection Detail of US 27 and Cedar Lane, allowing the White's to develop this parcel. Mr. White has frontage along Cedar Lane up to Mr. Walsh's property.

He also thinks the sound of buzzers, flashing lights, and car engine noise would be problematic.

4. **Mary Ethinger, 8283 E. Main St.** – Was there a traffic control study done? She can foresee a problem with coming in and out of this entrance. Also, what is being done for the buffer on the north side besides the trees at the bottom.

Mr. Atkinson replied the zoning ordinance calls for the buffer area, which will be down below. The noise coming from up above would go out. The noise from the automatic bays would be going toward 27 and Cedar. Ms. Ethinger said the lights would also be a problem, so is there a screening that could be put at the top to deflect the light.

Regarding traffic, Mr. Atkinson said if there's a long line at an automatic bay most people will not wait in line and will come back later. Other than after a snow, there isn't going to be a large amount of traffic.

Ms. Ethinger asked if he had considered property north of West Low Gap that is also for sale. Mr. Hanson knows of that property and there are too many restrictions for a car wash.

Ron Johnson stated as a private citizen and living next to this development, he has concerns. He believes this lot is too small for the proposed development even with the variances. Cedar Lane is too small to handle the traffic. If built as planned, with traffic coming in/out from US 27, off Roger Steffen Way, in/out of the car wash, and residents coming and going from Cedar Lane, it would create a traffic safety hazard. Also, there is no traffic control in that area.

Mr. Walsh asked about stacking and how long it takes to wash a car, and are there issues with blocking the entrance from 27 for residents, and customers from Skyline/Arby's. Mr. Atkinson said there is a requirement for reserved spaces in the zoning code. The car wash would have two self-serve bays, and 3 more automatic bays. A car wash would take about 2-3 minutes for the machine to pass a couple of times, then the vehicle would drive through the rest of the washing features. There is probably enough stacking for about 10 cars. Maybe 4-5 days out of the year there might be 10 cars stacked up. He doesn't think there will be any issues with blocking the entrance at Cedar. In his experience people never want to wait if there is a line. The actual wash through an automatic bay takes about 5 minutes.

Mr. Nehus noticed there appears to be only one way in/out. What happens if a car breaks down, or an emergency vehicle needs to get onto the property? Mr. Atkinson said the bays are drive through and if a car is broken down they could pull off to the side. Mr. Hanson sees his point, but the site is tight and the applicant was limited to what he could get from KYTC. Normally KYTC requires a traffic study, but they did not feel like it was necessary in this case.

Mr. White asked if there are any other car washes designed and owned by the applicant where the vacuum stations back into the main exit. This is the first car wash Mr. Atkinson has developed, but he said the car wash in Cold Spring has stations where the cars back out into the same area where cars come out of the wash bays and it doesn't seem to be an issue. There is enough space in his plan for cars to get in and cars to back out. Mr. Seitzinger said there is a minimum 12-ft. lane that goes all around the area, but in some places it is wider than 12 ft.

When Village Green was developed, Mr. White said there were traffic design studies done for US27. The developers intentionally lined up their third entrance across from Cedar Lane so if there was enough development and traffic, an additional light could be put there. There may be a need if his development generates enough traffic. A car wash at an intersection so close to the highway would be a bad situation.

Mr. Hart then closed the Public Hearing at 8:27 p.m.

OLD BUSINESS - None

NEW BUSINESS - None

Mr. Markus feels the Commission should table this matter until the next meeting in order to digest what was said and to take some time to look over the documents. He is not prepared to make any type of decision tonight.

Mr. Hart suggested the commissioners might want to visit the property to get a better perspective, at least on the public roads. Mr. Duncan cautioned them not to go back Cedar Lane (behind the site) unless they obtain permission.

Mr. Duncan asked Kevin Hanson if there was a survey of the property. Mr. Hanson said yes, but he does not know who owns that 5-7 ft. strip of property behind the property and between the rear of the property and the pavement on Cedar Lane. Mr. Walsh says he owns behind the triangular piece of the subject property. He has some old documents that he will try to locate and provide to the city. Mr. Duncan was interested in ownership to make sure everyone was notified that should have had the right to participate in this public hearing. The applicant had submitted the list of adjoining property owners.


MOTION: Sonny Markus made a motion to table the Application of Nathan Atkinson for a zoning map amendment, approval of a Development Plan, and approval of variances for the property located at 7010 Alexandria Pike owned by Ronald L. & Karen A. Lange. The motion was seconded by Tom Wheeler. All in favor, the motion passed 4-0-1 with Mr. Hart abstaining.

Other Items: Mr. Hart introduced Tom Wheeler, the new member of Planning & Zoning Commission.


ADJOURNMENT

MOTION: Nick Reitman made a motion to adjourn, seconded by Randy Nehus. All in favor, the motion passed with a 4-0-1 vote with Mr. Hart abstaining. Meeting adjourned at 8:35 p.m.

Attested to and submitted by:



Karen M. Barto, City Clerk/Treasurer



Dave Hart, Chair

Dated 8-8-18

Dated 8/7/2018