

COLD SPRING CITY COUNCIL
MEETING AGENDA
September 25, 2023
7:30 PM

1. **CALL MEETING TO ORDER**
2. **PRAYER AND PLEDGE**
3. **ROLL CALL AND EXIT INSTRUCTIONS**
4. **ADDITIONS OR DELETIONS TO THE AGENDA**
5. **ITEMS OF INTEREST TO THE COMMUNITY**
 - The Fall Festival is October 7th from 2pm-5pm. There will be a costume contest, food & treats, games, a magician, face painter, a pumpkin patch and more.
6. **APPROVAL OF MINUTES**
 - September 11, 2023 caucus meeting
 - September 18, 2023 special council meeting
7. **RECOGNITION OF SCHEDULED GUESTS**
8. **RECOGNITION OF UNSCHEDULED GUESTS**
9. **OLD BUSINESS**

Ordinance 23-1087

 - 2nd reading to approve an ordinance of the City of Cold Spring in Campbell County, Kentucky providing for the annual assessment of all real estate and personal/tangible property, including motor vehicles, subject to taxation within the City of Cold Spring for the fiscal year 2023-2024, pursuant to the Campbell County Assessor's property valuation assessment; and levying an ad valorem tax thereon for city purposes; and providing for the payment and collection of such taxes and the penalties and interest thereon; and establishing solid waste collection and removal, including curbside recycling, and describing the purpose for which the taxes so collected shall be appropriated and used.
10. **NEW BUSINESS**
11. **FOLLOW UP CITIZENS COMMENTS**
12. **DEPARTMENT REPORTS (IN WRITING)**
 - A. FINANCE
 - B. POLICE DEPARTMENT
 - C. PUBLIC WORKS
 - D. CITY CLERK
 - E. CENTRAL CAMPBELL FIRE DISTRICT
 - F. PLANNING & ZONING
 - G. CODE ENFORCEMENT
 - H. EVENT COORDINATOR
 - I. ANIMAL CONTROL
13. **COUNCIL COMMENTS**
14. **ATTORNEY'S COMMENTS**
15. **MAYOR'S COMMENTS**
16. **ADJOURNMENT**

Cold Spring Council Minutes

September 11, 2023

The September 11, 2023 caucus meeting was called to order by Mayor Penque at 7:30pm, followed by a moment of silence in remembrance of 9/11.

Prayer and pledge were led by the City Clerk (00:03)

Roll Call & Exit Instructions: (00:46)

- Present: Mayor Penque, Chris Ampfer, Lisa Cavanaugh, Dave Guidugli, Paul Kloeker, Cindy Moore, Adam Sandfoss, City Clerk Robin Morency, City Administrator Steve Taylor, Public Works Director Ron Hitch, Police Chief Steve Collinsworth, Event Coordinator Stacy Klosterman, and City Attorney Brandon Voelker.

Additions or Deletions to the Agenda: (01:10)

- Cindy Moore added a discussion for tax rates. Dave Guidugli added the Prayer & Pledge.

Citizen Comments: None.

Recognition of Scheduled Guests: None.

Old Business: (02:35)

- Crossroad Boulevard – The designs for potential improvements to Crossroad Boulevard were displayed for council and the audience to view. Chief Collinsworth explained the options and associated costs. These options included establishing a third lane to the exit of Crossroads Boulevard, removal of the existing center median, widening of the north exit lane, and an extension to the north right-hand lane. Chief Collinsworth stated that these improvements would help, but only for a problem that lasts a few weeks out of the year. Adam Sandfoss stated that he doesn't think this is the right use of city funds at the moment, as it is not a consistent problem year around. There was discussion about the timing of the lights at the intersection. Paul Kloeker thinks that the removal of the median would be money well spent as this is an issue every year. Council discussed safety concerns with the businesses and school if there were an emergency. Dave Guidugli agrees that this isn't something that the city should pursue at this time. Chris Ampfer doesn't feel that this will help a great deal as it isn't a constant issue. The majority of council decided this wasn't a priority at this time, but they will keep an eye on it.
- Development Updates – Mayor Penque stated that he does not have any updates on the DAV property nor the Midland Atlantic project. Midland Atlantic will be at the Planning and Zoning meeting for a zone issue on September 13, after that it will come in front of council. Brandon Voelker stated that there are no updates in regards to the DAV building. There was discussion on the utilities and maintenance at the property.

New Business: (26:00)

- Tax rate discussion – The 2024 trash fee for the upcoming tax bills will be \$236.04. Last year's real property tax rate was \$1.49 per thousand and the tangible tax rate was \$1.43 per thousand. The compensating rate for this years real property tax is \$1.27 per thousand and the tangible is \$1.22 per thousand. The compensating rate is designed to generate approximately the same revenue as the prior year. The last time taxes were raised was in 2008. Brandon Voelker stated that residents who receive a higher tax bill than last year may be due to a reassessment of their property. There was discussion about the homestead exemptions, fully exempted properties, business tax and payroll tax.

Cold Spring Council Minutes
September 11, 2023

Follow up Citizen Comments: (51:37)

- Brian King (resident) asked if anyone had looked into using the temporary recycling bins for events. Ron Hitch stated that he will look into it.

Police Department Comments: (52:50)

- Dave Guidugli asked if there was any response to the traffic light issues on US 27; Chief Collinsworth said that he will reach out again. Chief Collinsworth advised that any officer that may cover meetings for him does have the ability to answer council or citizen questions.

Council Comments: (54:10)

- Cindy Moore reminded everyone of the special meeting on September 18 at 8:00pm.
- Paul Kloeker asked about the SWAT team. Chief Collinsworth stated that Officer Smith enjoys being a part of it and it is going well.
- Lisa Cavanaugh wanted to give a reminder about Pups in the Park on September 15. Ms. Cavanaugh read a statement for first responders and thanked Chief Collinsworth and Fire Chief Schultz.

Attorney Comments: None.

Mayor Comments: (57:10)

- Mayor Penque gave a reminder for the last concert of the series; it will be on September 21 from 7:00pm to 9:30pm. The band is Vinyl Countdown. Mayor Penque thanked the council members for their participation at the Fishing Derby.

Adjournment: (58:06)

- Mayor Penque adjourned the meeting at 8:28pm.

Approved:

City Clerk:

Mayor:

To view the meeting agenda, visit: <https://coldspringky.gov/city-council/meeting-agendas/>

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

Cold Spring Council Minutes
September 18, 2023

The September 18, 2023 special council meeting was called to order by Mayor Penque at 8:00pm.

Prayer and pledge were led by the City Clerk (00:02)

Roll Call & Exit Instructions: (00:45)

- Present: Mayor Angelo Penque, Lisa Cavanaugh, Dave Guidugli, Paul Kloeker, Cindy Moore, Adam Sandfoss, Public Works Director Ron Hitch, and City Clerk Robin Morency.
- Not Present: Chris Ampfer, City Administrator Steve Taylor, Chief Steve Collinsworth, Event Coordinator Stacy Klosterman, and City Attorney Brandon Voelker.

Minute Approval: (01:22)

- August 28, 2023 council meeting minutes – the minutes were reviewed by all. Adam Sandfoss made a motion. Dave Guidugli seconded the motion. **Motion passed.**

Citizen Comments: There were no citizen comments in regard to the proposed tax rates.

Ordinance 23-1087 (01:46)

- 1st reading to approve an ordinance of the City of Cold Spring in Campbell County, Kentucky providing for the annual assessment of all real estate and personal/tangible property, including motor vehicles, subject to taxation within the City of Cold Spring for the fiscal year 2023-2024, pursuant to the Campbell County Assessor's property valuation assessment; and levying an ad valorem tax thereon for city purposes; and providing for the payment and collection of such taxes and the penalties and interest thereon; and establishing solid waste collection and removal, including curbside recycling, and describing the purpose for which the taxes so collected shall be appropriated and used. Paul Kloeker made a motion. Dave Guidugli seconded the motion. Paul Kloeker said it is great that the city has the ability to lower the tax rates when a lot of surrounding cities are not able to do so; he thanked the mayor, council and department heads for running a balanced budget. Lisa Cavanaugh confirmed the real property rate is \$1.27 per thousand, down from \$.149 per thousand last year. Roll call vote shows 5 yeses and 0 noes. **Motion passed.**

Adjourn: (04:04)

- Lisa Cavanaugh made a motion to adjourn the meeting at 8:04pm. Paul Kloeker seconded the motion. All in favor. **Motion passed.**

Approved:

City Clerk:

Mayor:

To view the meeting agenda, visit: <https://coldspringky.gov/city-council/meeting-agendas/>

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

**COMMONWEALTH OF KENTUCKY
CITY OF COLD SPRING
ORDINANCE 23-1087**

AN ORDINANCE OF THE CITY OF COLD SPRING IN CAMPBELL COUNTY KENTUCKY PROVIDING FOR THE ANNUAL ASSESSMENT OF ALL REAL ESTATE AND PERSONAL/TANGIBLE PROPERTY, INCLUDING MOTOR VEHICLES, SUBJECT TO TAXATION WITHIN THE CITY OF COLD SPRING FOR THE FISCAL YEAR 2023-2024, PURSUANT TO THE CAMPBELL COUNTY ASSESSOR'S PROPERTY VALUATION ASSESSMENT; AND LEVYING AN AD VALOREM TAX THEREON FOR CITY PURPOSES; AND PROVIDING FOR THE PAYMENT AND COLLECTION OF SUCH TAXES AND THE PENALTIES AND INTEREST THEREON; AND ESTABLISHING SOLID WASTE COLLECTION AND REMOVAL, INCLUDING CURBSIDE RECYCLING, AND DESCRIBING THE PURPOSE FOR WHICH THE TAXES SO COLLECTED SHALL BE APPROPRIATED AND USED.

PURSUANT TO KRS. 92.280, 132.190.132.487 AND 134.420, BE IT ORDAINED BY THE CITY OF COLD SPRING IN CAMPBELL COUNTY, KENTUCKY AS FOLLOWS:

TEXT TO BE DELETED IS STRUCK THROUGH AND TEXT TO BE ADDED IS UNDERLINED

SECTION I

The City of Cold Spring hereby provides for the assessment of all real and personal/tangible property, including motor vehicles, subject to taxation within the City of Cold Spring for the fiscal year 2023-2024 by the use of the annual assessment thereof by the Campbell County Property Valuation Administrator, Campbell County, Kentucky.

SECTION II

There is hereby levied on all real property subject to taxation within the City of Cold Spring, an ad valorem tax of \$0.127 dollars for each one hundred dollars (\$100.00) of the value thereof assessed pursuant to the terms hereof; and there is hereby levied on all personal/tangible property, other than motor vehicles, subject to taxation within the City of Cold Spring, an ad valorem tax of \$0.122 dollars for each one hundred dollars (\$100.00) of the value thereof assessed pursuant to the terms hereof; and there is hereby levied on all motor vehicles subject to taxation within the City of Cold Spring, an ad valorem tax of \$0.169 dollars for each one hundred dollars (\$100.00) of the value thereof assessed pursuant to the terms thereof.

SECTION III

That there is hereby established and imposed upon the owners of the real estate and/or businesses within the corporate limits of the City of Cold Spring, Kentucky, an annual service charge for the fiscal year 2023-2024 to be known as the Solid Waste Collection and Removal Service Charge, including curbside recycling as follows:

1. For each residential and/or business unit the annual service charge shall be Two Hundred Thirty-Six dollars and four cents (\$236.04), which includes curbside recycling.
2. For each residential structure accommodating more than one family, said annual service charge shall Two Hundred Thirty-Six dollars and four cents (\$236.04), which includes curbside recycling.

3. If a single structure is used for both residential and business purposes, the annual service charge shall be Two Hundred Thirty-Six dollars and four cents (\$236.04), for each unit in said structure, which also includes curbside recycling.

SECTION IV

The City of Cold Spring has a lien on all property upon which ad valorem taxes are hereby levied, and for all penalties, interest, fees, commission, charges and other expenses including court costs and attorneys' fees incurred by reason of any delinquency in payment of such taxes, or in the process of collecting them and such lien has priority over all other obligations or liabilities for which the property is liable.

SECTION V

The taxes levied and collected pursuant to the terms hereof shall be deposited in the General Fund of the City of Cold Spring and appropriated and used for the general operating expenses of the City.

SECTION VI

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and affect as long as they remain valid in the absence of those provisions determined to be invalid.

SECTION VII

All provisions or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION VIII

This Ordinance shall take effect and be in full force from and after its passage, publication and recording, according to law.

Adopted this ____ day of _____, 2023.

FIRST READING: _____

VOTES CAST: _____ Yes, _____ No

SECOND READING: _____

VOTES CAST: _____ Yes, _____ No

CITY OF COLD SPRING, KENTUCKY

BY: _____
D. ANGELO PENQUE, MAYOR

ATTEST:

CITY CLERK

COLD SPRING POLICE DEPARTMENT
STATISTICAL DATA FOR AUGUST 2023

Total Calls: 1,172

Total Calls for Service: 211

Traffic Collisions: 22

With Injuries: 0

Traffic Stops: 147

Citation Violations: 79

Traffic Violations: 51

Criminal Violations: 28

Criminal Activity:

Trafficking in Methamphetamine

Fugitive from another state

Total theft arrests: 9

Drug arrests: 4

Total number of arrests this month: 25



Public Works Monthly Report

September 2023

- Exit/emergency light maintenance
- Potholes where needed
- Working at DAV
- Oil changes on city vehicles
- Storm pipe work on Raymond
- Set up, tear down, worked events
- Excavated, formed and poured pad for memorial benches at city building
- Continue to mow
- Cutting annual flowers down in landscape beds
- HVAC filters changed
- Finished pouring concrete floor in salt building

Campbell County / Cold Spring August 2023 Building Permit Report

MONTH	PIDN	PERMIT NUMBER	PROJECT ADDRESS	PROPERTY OWNER	CONTRACTOR	DESCRIPTION	SQ FT	VALUE OF CONSTRUCTION	TOTAL OF FEES	PROJECT DESCRIPTION	FLOODPLAIN
Aug-23	999-99-38-267.00	HVAC-23-0350	6887 BOULDER VW	FISCHER ATTACHED HOMES II LLC 4531 BISHOP LN LOUISVILLE, KY 40218	BRYANT HEATING & COOLING 4531 BISHOP LN LOUISVILLE, KY 40218	HVAC RESIDENTIAL REPLACEMENT		\$10,900.00	\$105.00	HVAC REPLACEMENT	
Aug-23	999-99-19-429.00	BP-23-0519	21 MADONNA LN	GEERS WILLIAM F 21 MADONNA LN COLD SPRING, KY 41076	HOMEOWNER * , KY 00000	FENCE		\$4,000.00	\$50.00	FENCE	
Aug-23	999-99-34-134.00	BP-23-0535	4410 ALEXANDRIA PIKE	FIRST BAPTIST CHURCH OF C S 4410 ALEXANDRIA PIKE COLD SPRING, KY 41076-0000	RANGE ROOFING 765 US 50 MILFORD, OH 45150	COMMERCIAL ROOF	15879	\$54,695.00	\$310.00	ROOF REPLACEMENT	
Aug-23	999-99-33-925.00	BP-23-0537	5589 EAST ALEXANDRIA PIKE	COLD SPRING MUNICIPAL PRO CORP 5589 EAST ALEXANDRIA PIKE COLD SPRING, KY 41076-0000	BORDETTECH 7183 BUFFSTONE DRIVE FLORENCE, KY 41042	FENCE		\$2,000.00	\$50.00	FENCE	
Aug-23	999-99-20-009.00	HVAC-23-0318	100 CROSSROADS BLVD	SBV GOLD SPRING LLC 100 N POND DR WALLED LAKE, MI 48390	LENNOX MAS 2940 CREATIVE DRIVE LEXINGTON, KY 40505	HVAC NON-RESIDENTIAL REPLACEMENT		\$102,860.00	\$550.00	HVAC REPLACEMENT	
Aug-23	999-99-19-029.51	HVAC-23-0359	706 SPIRERIDGE CT	WILSON KATHARINE K TRUST 706 SPIRERIDGE CT COLD SPRING, KY 41076-0000	JOLLY ENTERPRISES 101 BEACON DR WILSON, KY 41076	HVAC RESIDENTIAL REPLACEMENT		\$13,250.00	\$105.00	HVAC REPLACEMENT	
Aug-23	999-99-20-185.05	HVAC-23-0366	304 FALLINGWATER CT	SPRINGSIDE COUNCIL OF COOWNERS 100 WAYSIDE CT COLD SPRING, KY 41076-0000	TEEGARDEN CONSTRUCTION 956 KENTON STATION ROAD ALEXANDRIA, KY 41001	HVAC RESIDENTIAL REPLACEMENT		\$5,900.00	\$105.00	HVAC REPLACEMENT	
Aug-23	999-99-20-725.00	BP-23-0495	201 DAVERICK CT	POE THOMAS LANCE 201 DAVERICK CT COLD SPRING, KY 41076	CUSTOM CARPENTRY 12 DAVID CT NEWPORT, KY 41071	DECK	320	\$12,750.00	\$145.00	PATIO WITH COVERING	No
Aug-23	999-99-20-133.00	HVAC-23-0370	30 SABRE DR	BIUESCHER JOSEPH 73 SENTRY DR WILDER, KY 41076	ARLINGHAUS HEATING & AIR CONDITIONING 40 CAVE RUN DR. ERLANGER, KY 41018	HVAC RESIDENTIAL REPLACEMENT		\$13,463.00	\$105.00	HVAC REPLACEMENT	
Aug-23	999-99-19-666.00	BP-23-0694	4135 ALEXANDRIA PIKE	KPR DEVELOPMENT GROUP LLC 93 S TONYRIDGE DR COLD SPRING, KY 41076-0000	KOORSEN FIRE & SECURITY 3577 CONCORDE RD VANADUNA, OH 43177	RANGE HOOD		\$5,593.00	\$125.00	RANGE HOOD	No
Aug-23	999-99-17-692.10	BP-23-0622	93 STONYRIDGE DR	ROETTER HOLLI 93 S TONYRIDGE DR COLD SPRING, KY 41076-0000	RUST & LEVESQUE CUSTOM DECKS, LLC 814 GARVEY AVE ERLANGER, KY 41018	DECK	480	\$50,000.00	\$310.00	DECK	No
Aug-23	999-99-17-692.21	BP-23-0524	108 STONYRIDGE DR	BODEN ALBERT H & SON INC 13247 ALEXANDRIA PIKE BUTLER, KY 41006-0000	AQUAMARINE POOL 819 MONTCLAIRE CT. MILFORD, OH 45150	POOL - IN GROUND		\$50,000.00	\$310.00	SWIMMING POOL-IN GROUND	No
Aug-23	999-99-17-692.21	ELC-23-0419	108 STONYRIDGE DR	BODEN ALBERT H & SON INC 13247 ALEXANDRIA PIKE BUTLER, KY 41006-0000	HUFFMAN ELECTRIC 4055 BLUE RIDGE DR BATAVIA, OH 45103	ELECTRIC		\$5,200.00	\$30.00	ELECTRIC - POOL	No
Aug-23	999-99-19-663.00	ELC-23-0425	4 PAULENA DR	RUST & LEVESQUE 4 PAULENA DR COLD SPRING, KY 41076-0000	GLEASON ELECTRIC 100 FOX HOLLOW HIGHLAND HEIGHTS, KY 41076	ELECTRIC		\$1,500.00	\$30.00	ELECTRICAL PERMIT	No
Aug-23	999-99-19-429.00	BP-23-0637	21 MADONNA LN	GEERS WILLIAM F 21 MADONNA LN COLD SPRING, KY 41076	HOMEOWNER * , KY 00000	SINGLE FAMILY ACCESSORY STRUCTURE UNDER 200 SQFT	168	\$2,000.00	\$50.00	SHED	No
									\$344,111.00	\$2,490.00	

Planning & Zoning Minutes

August 9, 2023

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: (00:34)

- Present: Mike Forge, Mike Foulks, Greg Hizer, Steve Popovich, Marg Trunick, and City Clerk Robin Morency
- Excused: Sam Conner and Brandon Voelker

Minute Approval: (00:51)

- July 12, 2023 meeting minutes were reviewed by all. Mike Forge made a motion to approve. Greg Hizer seconded the motion. All were in favor. **Motion passed.**

Subdivision Items: None.

Public Facilities: None.

Public Hearing:

Unfinished Business: None

Correspondence: None.

Planning & Staff Items: None.

Commission Items: (03:30)

- Approval of 3 hours continuing education hours for Marg Trunick and Greg Hizer. Steve Popovich made a motion to approve. Mike Forge seconded the motion. All were in favor. **Motion passed.**

Comments/Requests to the Commission:

Adjournment: (04:09)

- Mike Forge made a motion. Steve Popovich seconded the motion to adjourn the meeting at 6:34pm. All in favor. **Motion passed.**

Approved:

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/>



August 29, 2023
Mr. Mike Foulks, Chair
Cold Spring Planning & Zoning Commission
5694 East Alexandria Pike
Cold Spring, KY 41076

Mr. Foulks,

The Campbell County staff respectfully submits the attached recommendation for review. A public hearing is scheduled before the Cold Spring Planning and Zoning Commission on September 13, 2023 at 6:30 PM at 5694 East Alexandria Pike, Cold Spring, KY 41076.

FILE NUMBER: PZ-23-033
LOCATION: Multiple Parcels Comprising Approximately Seventy (70) Acres at the South-East corner of Alexandria Pike (US-27) and AA Highway (KY-9) in Cold Spring, KY
APPLICANT: Midland Atlantic Properties
REQUEST: (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.

FILE NUMBER: BA-23-018
LOCATION: Multiple Parcels Comprising Approximately Fifty-Three (53) Acres at the South-East corner of Alexandria Pike (US-27) and AA Highway (KY-9) in Cold Spring, KY
APPLICANT: Midland Atlantic Properties
REQUEST: Approval of Variances for the following:
1. Parking Stall Size Requirements
2. Minimum Yard Depth for Building
3. Minimum Yard Depth for Gas Station Canopy
4. Sidewalk Requirements

Legal notice was published in the August 29, 2023 edition of the Link Reader. Notices were mailed to forty-five adjoining and neighboring properties. Signs advertising the Planning and Zoning case was placed at the site on August 29, 2023.

Overview:

The proposed use is multi-tenant shopping complex. The northern section of the site includes a professional office building. As of this writing, only the general type and size of tenant in concept is shown on the plans and no contracts are in place with any specific tenants.

The site is located at the intersection of Alexandria Pike (US-27) and AA Highway (KY-9). The site encompasses approximately 53 acres and is situated across several zoning districts. A

zone map amendment to create a more cohesive and appropriate zoning district for the site is part of the request. The zone map amendment includes a change to Mixed-Use Planned Development (MUPD) for the majority of the site with a section along US-27 to be Highway Commercial-Two (HC-2). The development site is bordered on the north and east by AA highway. North of AA Highway is the Crossroads Shopping Center, zoned entirely as MUPD. Properties to the south are also zoned MUPD. Across from the development site is the Meijer Shopping Center, which is zoned Neighborhood Shopping Center (NSC).



Figure 1: Vicinity



Figure 2: Site Area

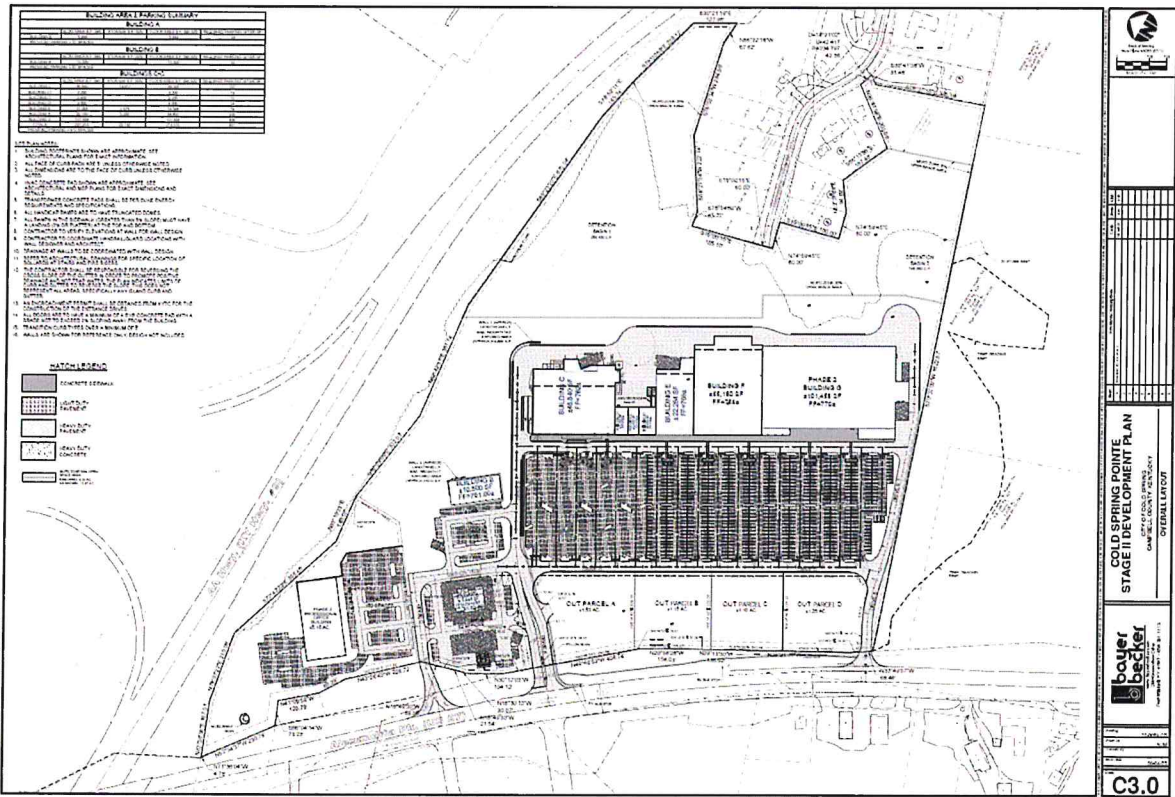


Figure 3: Site Plan ~Note orientation rotated approximately 60 degrees counter-clockwise

I. Considerations of Zone Map Amendment

The proposed development site and associated zone map amendment includes area that is currently in the unincorporated county area. The City is in the process of annexing that unincorporated section.

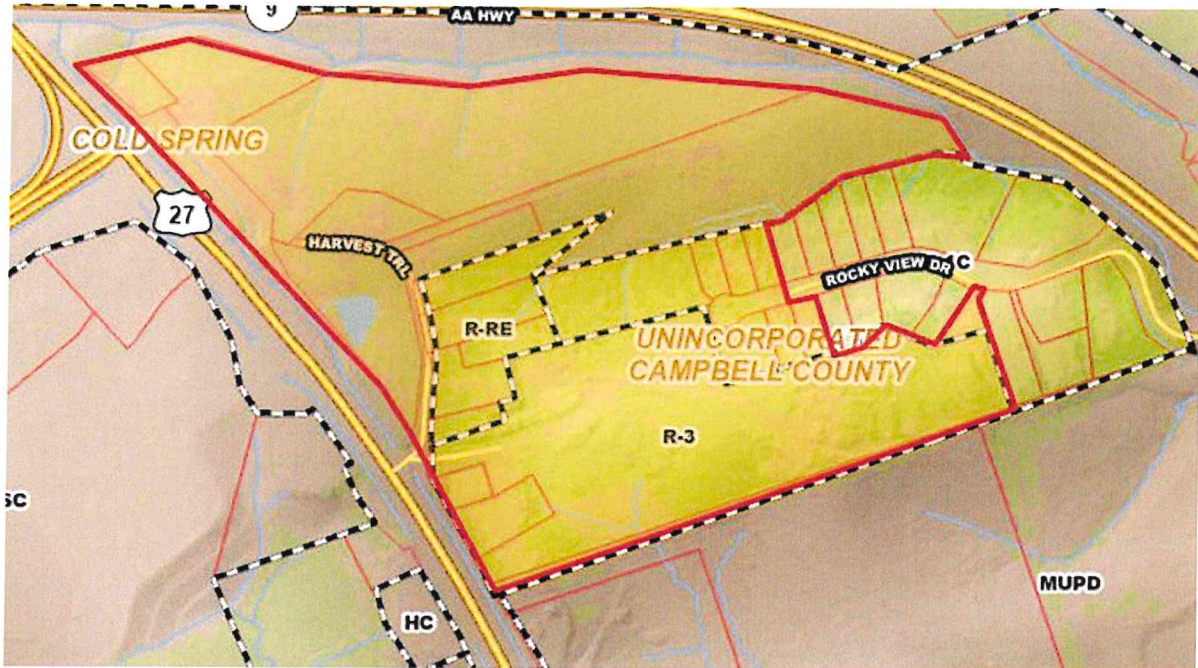


Figure 4: Site area showing proposed site and current, pre-annexation municipal boundaries

The 2018 Comprehensive Plan Future Land Use Map shows the site as "Regional Commercial".

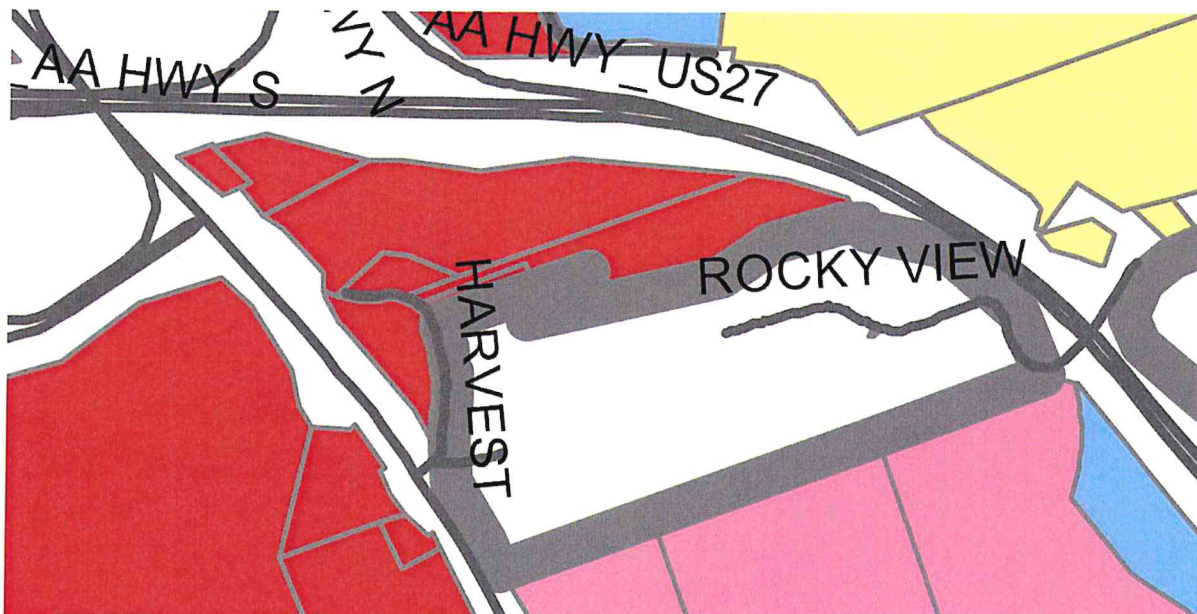


Figure 5: Site area showing the proposed future land use "Regional Commercial" shaded in red

From the Ordinance:

SECTION 8.5 AREAS NOT INCLUDED WITHIN ZONES: Property which has not been included within a zone, either through error or omission, or when an area is annexed or proposed to be annexed by the city, the zoning to be applied to the area shall follow the procedures identified in KRS 100.209 and KRS 81A.420 (1), as amended.

This zone map amendment request includes the unincorporated site development area that is on track for annexation.

The Future Land Use Map of Campbell County identifies that area as "Urban Mixed-Use".

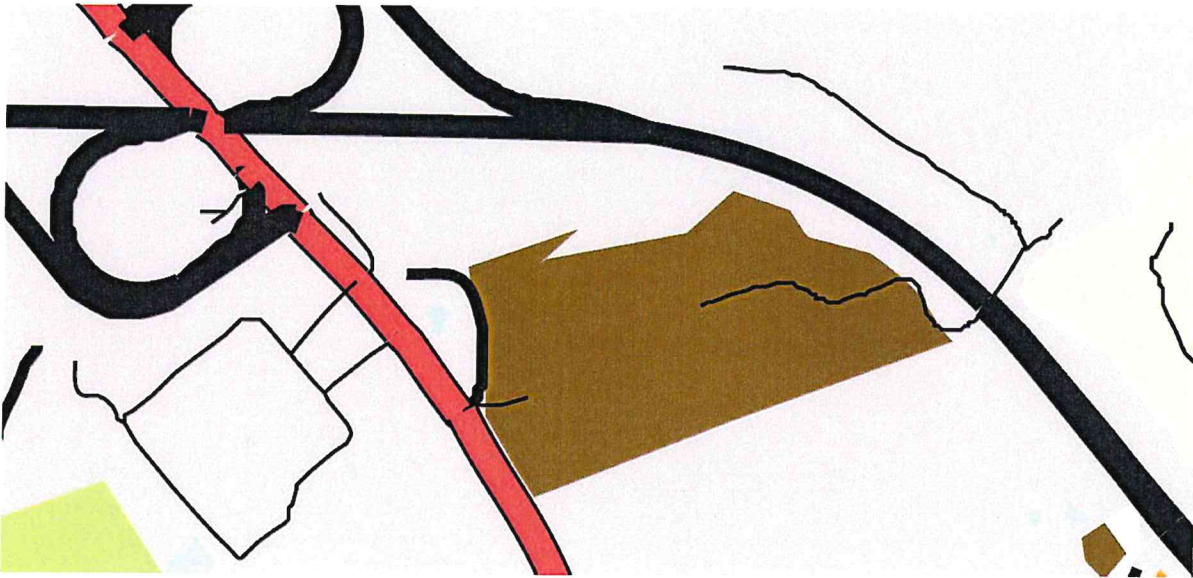


Figure 6: Excerpt from the Unincorporated Campbell County Future Land Use plan indicated the area proposed to be "Urban Mixed-Use" shaded in Brown

From the 2018 Comprehensive Plan:

Regional Commercial

The commercial activities around the AA Highway have been of a type that caters to both the residents of Cold Spring as well as the larger region. This commercial area will continue to serve as a general shopping location for the community and include, but are not limited to, grocery stores, wholesale clubs, large-scale general retail, department stores, specialty retail, restaurants, banks and gas stations. The heavy retail and office focus of these areas makes them primarily auto oriented; however, opportunities to tie in pedestrian access between buildings and surrounding residential development is strongly encouraged through the use of sidewalks and off-street trails.

- Regional Commercial Design Principles
 1. Larger-scale, auto-oriented commercial retail, office, and service uses are appropriate within this area
 2. Drive-through facilities may be appropriate if located to the side or rear of properties and screened from adjacent uses.

- Pedestrian connections to surrounding neighborhoods are important but otherwise, uses should be screened from adjacent neighborhoods with vegetation and decorative fences.

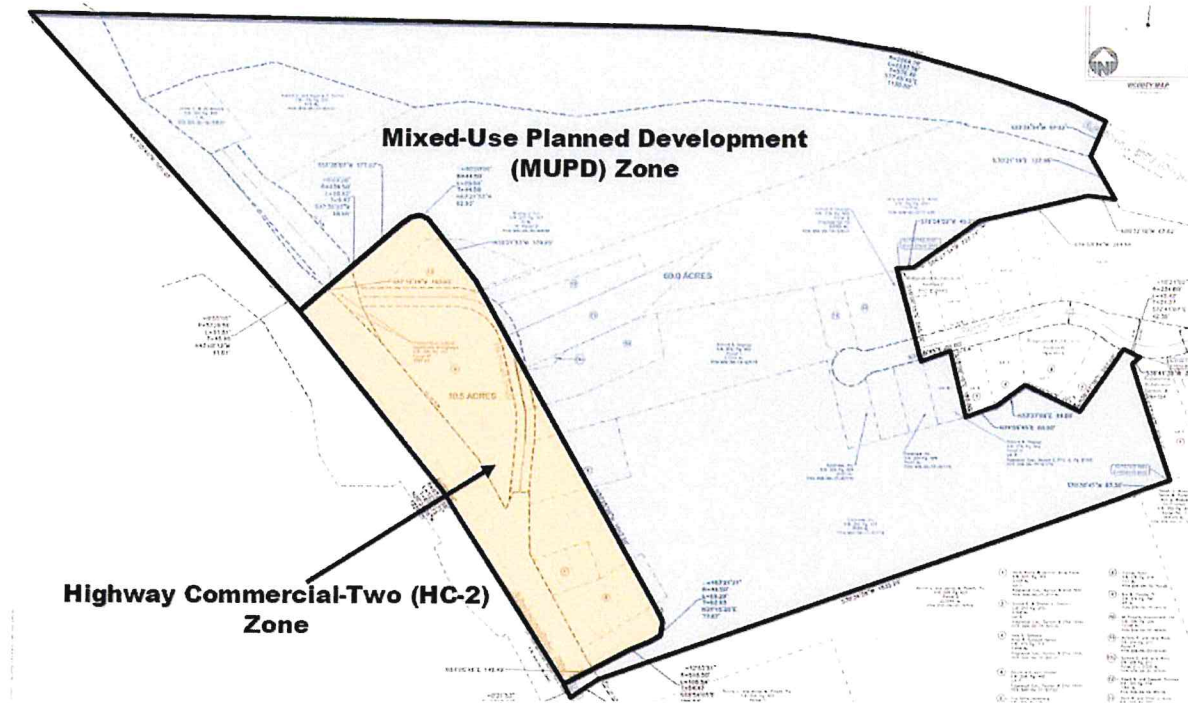


Figure 7: Proposed zone map amendments

Dimensional Requirements for Permitted Uses.

		Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Setback	Maximum Building Height	Misc.
Existing Zones	R-RE	3 Acres (130,680 ft ²)	300 Feet at Setback Line	75 Feet	75 Feet	25 Feet	35 Feet	N/A
	R-1C	12,500 Square Feet	80 Feet at Setback Line	30 Feet	10 Feet	25 Feet	35 Feet	N/A
	R-3	20,000 Square Feet	100 Feet at Setback Line	40 Feet	15 Feet	30 Feet	40 Feet	Maximum Density - 14 dwelling units per net acre More than one principal structure may be permitted on one lot
Proposed Zones	MUPD	1. No MUPD Zone shall be permitted on less than ten (10) acres of land. However, an area of less than ten (10) acres may be zoned MUPD provided it is adjacent to an area with an existing approved Stage I Development Plan and is currently zoned MUPD. 2. The minimum area for submission of a Stage II Development Plan shall not be less than one (1) acre.					Height, yard, and setback requirements shall be as approved on the Stage I Development Plan.	
	HC	1 Acre	100 Feet	50 Feet	15 Feet*	25 Feet	40 Feet	N/A

**No restrictions, except when adjacent to a dedicated street, road, highway, or other right-of-way, then the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the building code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet.*

Permitted uses in current zones:

R-RE	R-1C	R-3
Single-family residential dwellings (detached)	Single-family residential dwellings (detached)	Multi-family residential dwellings
Qualified manufactured homes, subject to the compatibility standards established in Section 9.29 of this ordinance	Qualified manufactured homes, subject to the compatibility standards established in Section 9.29 of this ordinance	

Permitted uses in proposed zones:

Mixed-Use Planned Development (MUPD):

1. Residential Uses: Only attached single-family and multi-family residential uses are permitted in the MUPD Zone, and shall be grouped in areas as delineated on the Stage I Development Plan.
2. Office and Related Uses: Professional Office, Research Training and other related uses shall be contained in designated areas as delineated on the Stage I Development Plan and may include the following uses:
 - a. Care centers for children and/or adults
 - b. Corporate headquarters, regional and administrative offices
 - c. Professional, medical, and dental offices
 - d. Regional and metropolitan offices
 - e. Sales and marketing offices
 - f. Data and communication centers, including information processing facilities
 - g. Sales and service offices related to electronic equipment, computers, and similar office equipment
 - h. Research and development facilities
 - i. Hotels and meeting facilities
 - j. Training, educational and conference facilities
 - k. Printing and publishing facilities
 - l. Athletic and recreational facilities
 - m. Financial institutions and services
 - n. Retail and retail services in conjunction with and located within an office building, hotel, conference center, or athletic facility
 - o. Colleges, technical, and business schools
 - p. Libraries and museums
3. Commercial Uses: Areas designated for commercial and service uses may be included on the Stage I Development Plan to include the following uses:
 - a. Antique stores
 - b. Apparel stores
 - c. Art supplies
 - d. Art gallery and framing services
 - e. Bakery and bakery goods store, provided the products are sold exclusively on the premises
 - f. Barber and beauty shops
 - g. Bicycle shop
 - h. Book, stationery, or gift store
 - i. Butcher shops
 - j. Camera and photographic supplies
 - k. Candy store, soda fountain, ice cream or yogurt store, excluding those with drive-in or drive-through facilities
 - l. Card and gift shop
 - m. Carpet and flooring store

- n. Collectables store
- o. Communications and postal service center
- p. Computer store
- q. Dance studio
- r. Delicatessen and coffee shops
- s. Drug store
- t. Dry cleaning store
- u. Eating and drinking places, excluding those with drive-in or drive-through facilities
- v. Fabric store
- w. Florist shop
- x. Travel agency
- y. Glass or pottery shop
- z. Grocery or food stores
- aa. Health and fitness facility
- bb. Hobby and craft store
- cc. Home furniture store
- dd. Home improvement and garden stores, including sales and service
- ee. Interior decorator services
- ff. Jewelry store
- gg. Leather goods and luggage store
- hh. Locksmith shop
- ii. Music store, including sale of instruments and recorded material
- jj. Office supply store
- kk. Opticians and optical goods
- ll. Paint and wallpaper store
- mm. Party supply and paper goods store
- nn. Pet store and grooming, excluding boarding of animals
- oo. Photocopy establishment
- pp. Radio, television and similar or related electronics and appliance sales and service
- qq. Shoe store and shoe repair
- rr. Sporting goods store
- ss. Tailor shop
- tt. Tanning salon
- uu. Toy store
- vv. Video tape and audio products sales and rental
- ww. Wine liquor store

Highway Commercial-Two (HC-2):

- 1. Automobile, motorcycle, and truck sales, new or used
- 2. Automotive service and repairs, providing that all business activities shall be conducted within a completely enclosed building
- 3. Banks and other financial institutions, including savings, loan, and finance companies, with drive-in windows
- 4. Boat and other marine equipment sales and service, new and used
- 5. Bowling alleys
- 6. Car wash
- 7. Eating and drinking places, including drive-ins
- 8. Flea market
- 9. Floor covering warehouse and retail sales
- 10. Food stores/retail sales
- 11. Hotels and motels
- 12. Kennels
- 13. Mobile home and trailer sales, rental and service (new and used)

14. Off-street parking lots and garages
15. Police and fire stations
16. Service station
17. Skating rinks, golf driving ranges, miniature and par-3 golf courses
18. Single and two family residential uses, provided that such uses occupy the second or third floor or attached to the rear of a commercial use. In the case of this use, more than one principal use may be constructed on one lot.
19. Theater, drive-in
20. Veterinary clinics and animal hospitals
21. Sale of Consumer Fireworks, as defined by KRS 227.702 on March 16, 2011
22. Warehousing of Recyclable Materials. This does not include any manufacturing, compounding, processing, packaging, assembling, or disassembling.

Conditional uses in current zones:

R-RE	R-1C	R-3
Cemeteries	Cemeteries	Cemeteries
Child care centers	Child care centers	Child care centers
Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street	Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street	Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street
Fire and police stations, providing they are located adjacent to an arterial street	Fire and police stations, providing they are located adjacent to an arterial street	Fire and police stations, providing they are located adjacent to an arterial street
		Funeral homes, providing they are located adjacent to an arterial street
Governmental buildings	Governmental buildings	Governmental offices
Institutions for higher education, providing they are located adjacent to an arterial street	Institutions for higher education, providing they are located adjacent to an arterial street	Institutions for higher education, providing they are located adjacent to an arterial street
Institutions for human medical care - clinics, congregate housing, and hospitals, providing they are located adjacent to an arterial street	Institutions for human medical care - clinics, congregate housing, and hospitals, providing they are located adjacent to an arterial street	Institutions for human medical care - clinics, congregate housing, and hospitals, providing they are located adjacent to an arterial street
Libraries	Libraries	Libraries
Nursery school	Nursery school	Nursery schools
Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization	Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization	Parks and/or recreation areas which are owned and/or operated publicly or by a non-profit organization
Parochial, private, and public schools, providing they are located adjacent to an arterial street	Parochial, private, and public schools, providing they are located adjacent to an arterial street	Parochial, private, and public schools, providing they are located adjacent to an arterial street
Professional offices within a structure: (a) which is at least one hundred fifty (150) years old; and (b) is recognized as a Kentucky Landmark by the Kentucky Heritage Council, and providing the site is adjacent to an arterial or collector street.		

Conditional uses in proposed zones:

There is only one conditional use listed in the MUPD zone:

1. Fuel dispensing facilities when incidental to and operated as a part of and located within 1,000 feet of a grocery store containing at least 40,000 gross square feet and when such facilities are not directly adjacent to or fronting on US 27/Alexandria Pike.

There are no conditional uses listed for the HC-2 zone.

Zone map amendments are drawn to the centerline of adjacent streets. The development site measures approximately 53 acres, however the entire zone map amendment, measured to the adjacent centerlines, encompasses approximately 70.54 acres. Approximately 60.15 acres is proposed to be rezoned to MUPD and approximately 10.39 to be rezoned to HC-2.

According to the Cold Spring Zoning Ordinance Section 17.0 Amendment Procedure, E. Findings necessary for map amendment:

Before any map amendment is granted, the Planning Commission, or legislative body, must find that the amendment is in agreement with the adopted Comprehensive Plan, or in the absence of such a finding, that one or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the Planning Commission or legislative body.

1. That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate; and
2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.

Staff Comment – Zone Map Amendment

The proposed zone change is in agreement with the adopted 2018 Comprehensive Plan. The existing zoning classifications at these properties are inappropriate. The proposed zoning classification of Mixed-Use Planned Development (MUPD) is appropriate for the majority of the site. 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.

*

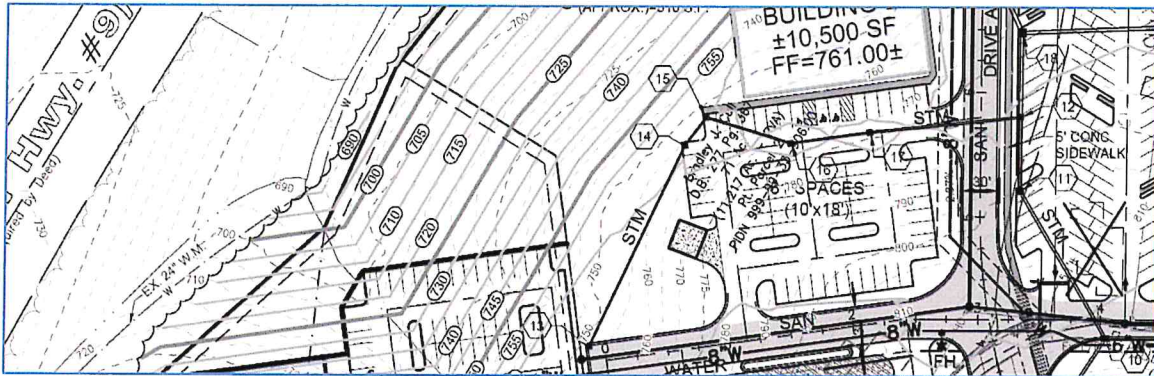
II. Considerations of Site Development Plan

The Applicant is submitting a combined Stage I and II Development Plan

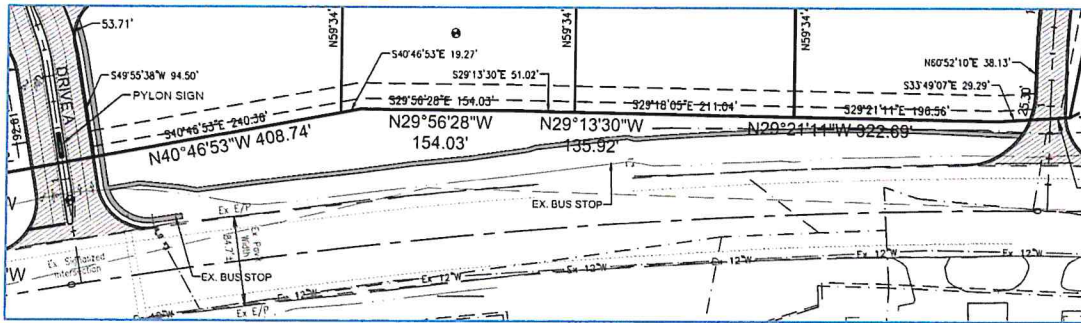
In conformance with Section 9.18 DEVELOPMENT PLAN REQUIREMENTS - STAGE I, II AND RECORD PLAT, and Section 10.15 MUPD – MIXED USE PLANNED DEVELOPMENT ZONE, paragraph(s) B., C., and D., the submitted Site Development Plan identifies and provides the following information:

Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:

- a. The existing proposed finished topography of the subject property shown by contours with intervals of five (5) feet. C1.1



- b. Location, height, arrangement and identification of all nonresidential buildings and uses on the subject property and, location and arrangement of all lots with exact lot dimensions. C3.0-C3.3
- c. Design elements, including building materials and design. See Elevation drawings
- d. Open space areas, including identification of planting areas. C3.0
- e. Landscaping features, including identification of planting areas. L1.0 – L4.0
- f. Location of signs indicating their orientation and size and height. C3.0, L3.0
- g. All utility lines and easements. C4.0-C4.2
- h. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces. C3.0-C3.2
- i. Circulation System including pedestrian walkways and drive aisles. A sidewalk along US-27 is proposed between "Drive A" and "Drive B". This would connect the development to the existing TANK bus stops. C3.0



- j. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction C6.0
- k. A tentative schedule of development in two phases. C1.0

13. SCHEDULE: THE FOLLOWING IS A TENTATIVE SCHEDULE SUBJECT TO CHANGE WITH MARKET DEMAND/CONDITIONS. START OF CONSTRUCTION TO FOLLOW UPON PERMIT APPROVALS AND WILL BE PHASED.

PHASE 1 - (BUILDINGS A-F, OUT PARCELS A-D) START CONSTRUCTION JANUARY 2024

PHASE 2 - (BUILDING G & PROFESSIONAL OFFICE) COMPLETION EXPECTED OCTOBER 2026

No residential uses are proposed.
 No recreational facilities are proposed.
 No new streets are proposed.

Comments

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.

III. Considerations of Variances:

Section 18.6 Variances; Change from One Nonconforming Use to Another; Conditions Governing Applications; Procedures:

1. The Board of Adjustment¹ shall make findings that the requirements of this section of this ordinance have been met by the applicant for a variance.
2. The board of adjustment shall further make a finding that reasons set forth in the application justify the granting of a variance and that the variance is the minimum

¹ The Planning Commission is assuming the powers of the Board of Adjustments in this case pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251.

variance that will make possible the reasonable use of the land, building, or structure.

3. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 16.9 of this ordinance.
 - a. Before any variance is granted, the board of adjustment must find that the granting of the variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - i. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - ii. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 - iii. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
 - b. The board shall deny any request for a variance arising from circumstances that are the result of willful violations of this ordinance by the applicant subsequent to the adoption of this ordinance from which relief is sought.
4. **VARIANCE CANNOT CONTRADICT ZONING REGULATION:** The board of adjustment shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by this ordinance in the zone in question, or to alter the density of dwelling unit requirements in the zone in question.
5. **VARIANCE RUNS WITH LAND:** A variance applies to the property for which it is granted and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

The applicant is requesting the following variance requests:

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 the MUPD zoned areas of the project.

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.

1. Variance for Parking Stall Size Requirements

The size of off-street parking spaces is specified in **Section 11.1 Design and Layout of Off-Street Parking Areas**, paragraph A:

"For the purposes of this ordinance, one (1) off-street parking space shall be a minimum of ten (10) feet in width and twenty (20) feet in length, exclusive of access drives and aisles. Such parking spaces shall have a vertical clearance of at least seven (7) feet."

The plans indicate a mix of 90-degree and angled parking stalls measuring ten (10) feet wide by eighteen (18) feet deep. The proposal does include fifty-two (52) 10' x 20' parking stalls at the gas station.

The applicant is requesting a variance of two (2) feet in parking stall depth.

BUILDING AREA & PARKING SUMMARY				
BUILDING A				
	BLDG AREA S.F. (BA)	STORAGE S.F. (SA)	FLOOR AREA S.F. (BA-SA)	REQUIRED PARKING (4/1000 SF)
BUILDING A	5,944	-	5,944	24
PROVIDED PARKING = 52 SPACES				
BUILDING B				
	BLDG AREA S.F. (BA)	STORAGE S.F. (SA)	FLOOR AREA S.F. (BA-SA)	REQUIRED PARKING (4/1000 SF)
BUILDING B	10,500	-	10,500	42
PROVIDED PARKING = 61 SPACES				
BUILDINGS C-G				
	BLDG AREA S.F. (BA)	STORAGE S.F. (SA)	FLOOR AREA S.F. (BA-SA)	REQUIRED PARKING (4/1000 SF)
BUILDING C	48,840	14,817	34,023	137
BUILDING C1	3,200	-	3,200	13
BUILDING D	2,400	-	2,400	10
BUILDING D1	4,000	-	4,000	16
BUILDING E	22,264	2,676	19,588	79
BUILDING F	55,150	5,250	49,900	200
BUILDING G	101,459	-	101,459	406
TOTALS	237,313	22,743	214,570	861
PROVIDED PARKING = 912 SPACES				

The site plan indicates a total of 1025 parking spaces distributed as shown in the table above. The ordinance would require 927 spaces based on the proposed uses at the site. The plan exceeds the requirement by 98 spaces, less than 10 percent. By increasing the size of the spaces to twenty feet deep, the developer would not be able to meet the minimum parking requirements without a separate variance. The slightly smaller parking stalls enable the developer to meet the parking regulations while maintaining the required open space requirements of the MUPD zone.



Applicant Comment:

"The developer/engineer discussed the parking dimension with the City and their attorney, they we're fine with the length reduced to 18' but wanted to maintain 10' wide, this has been approved on recent developments within the City. If 20' long stalls are required, 10% or approx. 100 spaces would be lost, which would prohibit the development. We are providing 10' x 20' stalls at the fuel station as it is a tenant requirement. All the other tenants only require 9' x 18' stalls but 10' x 18" will be the minimum provided."

Staff Comment:

A parking stall depth variance of two feet will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The requested variance arises from special circumstances due to topography, which do not generally apply to land in the general vicinity, or in the same zone;

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

2. Minimum Yard Depth Site-Wide (HC-2)

Setback Requirements in the Highway Commercial-Two Zone			
Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Setback
100 Feet	50 Feet	15 Feet*	25 Feet
*No restrictions, except when adjacent to a dedicated street, road, highway, or other right-of-way, then the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the building code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet.			

The minimum yard depths (setbacks) in the MUPD zone are to be approved as part of the development plan. A portion of the development area is proposed to be re-zoned to HC-2, which has specific setback distances.

The applicant is requesting a 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 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.

Applicant Comment:

"Reduction in setbacks in the HC-2 zone is to be consistent with the requested setbacks for the MUPD zone and the HC-2 zone lots front along US27 where the R/W is wider than typical to allow for access to the Harvest Trails Road that will be removed as well as the drive to 5315 Alex Pike that will also be removed."

Staff Comment:

The front and rear yard setback variances will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. The requested setback variances will not affect visibility along adjoining streets

The requested variance arises from special circumstances resulting from the extended KYTC right-of-way width, which do not generally apply to land in the general vicinity, or in the same zone;

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

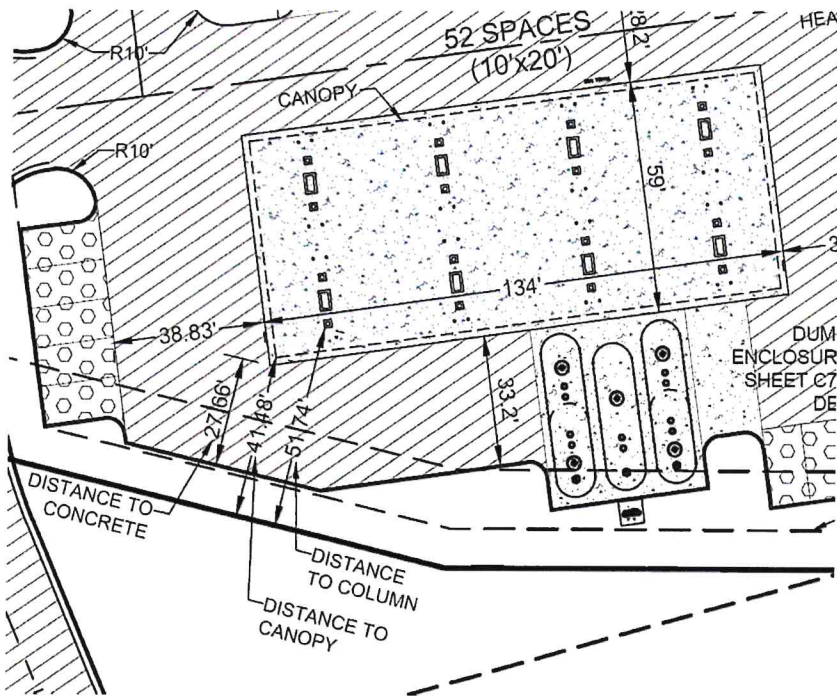
The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

3. Minimum Yard Depth Gas Station Canopy (if site-wide setback variances are not approved, or if conditions of approval preclude the canopy from locating as proposed)

The minimum yard depths (setbacks) in the MUPD zone are to be approved as part of the development plan. A portion of the development area is proposed to be re-zoned to HC-2, which has specific setback distances.

Setback Requirements in the Highway Commercial-Two Zone			
Minimum Lot Width	Front Yard Setback	Side Yard Setback	Rear Setback
100 Feet	50 Feet	15 Feet*	25 Feet
<i>*No restrictions, except when adjacent to a dedicated street, road, highway, or other right-of-way, then the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the building code, shall be required. In the event a side yard is provided, it shall never be less than fifteen (15) feet.</i>			

The proposed gas station canopy is 41.48 feet from the property line. A variance of 8.52 feet is requested to situate in this location.



The right-of-way width at this point includes an access drive that will be removed for this development. It is in excess of 100 feet from the edge of pavement at US-27.



The applicant is in the process of acquiring right-of-way at this location from the State (KYTC) but at this writing is not in possession of it.

Staff Comment:

An approximately 8-foot setback variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone stemming from the extended state right-of-way at this location.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by pushing the gas station facility deeper into the development site, sacrificing area necessary for internal circulation.

The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

4. Sidewalk Requirements

Section 10.15 MUPD - mixed use planned development zone, paragraph O., 9.: Other Development Controls specifies that:

Sidewalks shall be required when any new development occurs.

The Subdivision Regulations specify:

Sidewalks shall be required as identified in Table 7-1 of these (subdivision) regulations. The planning commission may grant a modification or waiver to the sidewalk regulation as part of a Preliminary Plat, providing the planning commission shall find:

- (a) that the plat for development, or other request, includes low densities and contains extremely large rural estate type lots;
- (b) that the development, or request, will generate low traffic volumes without adversely jeopardizing pedestrian safety; and
- (c) that the provision for sidewalks abutting existing streets or roadways, or other roadways, is impracticable, unnecessary, or will contribute to an attractive nuisance or other safety hazard.

Alternative pedestrian walkways to those identified in Table 7-1 of these regulations may be permitted by the planning commission provided such alternative(s) are determined to constitute an integral pedestrian circulation system equal to, or exceeding the requirement for sidewalks along both sides of a street. Such alternative pedestrian walkways may be within the public right-of-way, outside the public right-of-way within a public pedestrian circulation easement, or combination thereof.

Applicant Comment:

"Midland will extend the walk further north to the right-in/right-out at the fuel station/convenience store that is not currently shown on the plan. This will connect all 3 access drives and provide walks from the south end of the property to the north for approx. 1,325' or about 2/3 of the total frontage length of 2,000'. The remaining section north of the right-in/right-out drive leads to the bridge/overpass of the AA Highway where pedestrian access is not provided, similar to the development on the north side of AA Highway. Midland will improve the bus stop areas along the provided walks adjacent to US 27."

Staff Comment:

The development presents significant changes to the "essential character of the general vicinity". The development brings with it increased activity to a once quiet corner of the City. A lack of pedestrian facilities at this location presents a potential risk to public health and safety. Sidewalks would be consistent with the new "essential character of the general vicinity"

The development proposes a sidewalk connecting two of the three driveways entering the site that turns into the development, leading pedestrians to the front of Building C. This sidewalk connects the development to two TANK bus stops on the east side of US-27.

A waiver of sidewalk requirements does adversely affect the public health, safety, or welfare and does cause a potential hazard or a nuisance to the public, and would allow an unreasonable circumvention of the requirements of the zoning regulations.

Staff does not find that the plat for development includes "low densities or contains extremely large rural estate type lots";

Staff does not find that the development will generate "low traffic volumes without adversely jeopardizing pedestrian safety";

The US-27/AA Highway interchange is poorly designed for pedestrian safety. Staff does find that the provision for sidewalks abutting the AA highway frontage of the development site is "impracticable, unnecessary, and will contribute to an attractive nuisance or other safety hazard". Staff also finds that extending the sidewalk north of Drive C would only function to direct pedestrians to that dangerous interchange, hence staff finds a northern extension of of the sidewalk to also be "impractical, unnecessary and would contribute to an attractive nuisance or safety hazard".

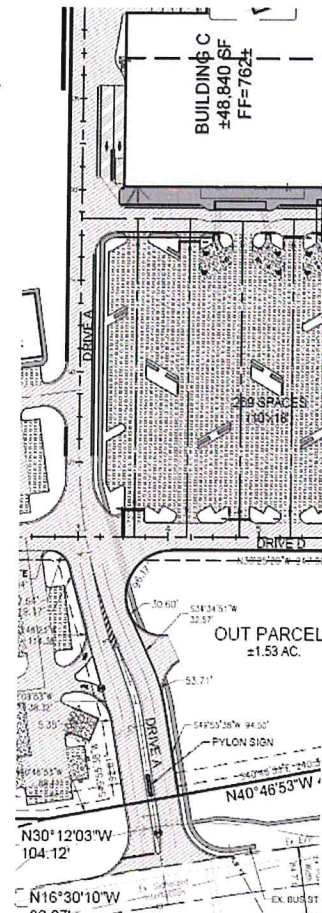
Staff finds that the Phase 2 Professional Office Building is wholly inaccessible to pedestrians.

Staff does not find that the requested waiver arises from special circumstances that do not generally apply to land in the general vicinity, or in the same zone.

Staff also does not find that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

Staff does agree that the circumstances surrounding this request are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

From the Comprehensive plan:



"The heavy retail and office focus of these areas makes them primarily auto oriented; however, opportunities to tie in pedestrian access between buildings and surrounding residential development is strongly encouraged through the use of sidewalks and off-street trails. . . . Pedestrian connections to surrounding neighborhoods are important but otherwise, uses should be screened from adjacent neighborhoods with vegetation and decorative fences."

The nature of the project is a regional shopping complex. By that nature, its design prioritizes vehicle traffic over pedestrian or bicycle traffic, which is presumably how the vast majority of its patrons will arrive at it. However, the development promises scores of new employment opportunities, and some of those new hires will be commuting to this location by means other than a car.

The applicant has proposed an updated sidewalk design subsequent to the original application submittal (see applicant comment above). Updated drawings showing the revised sidewalk are not available at the time of this writing.

Summary of Applicants Request:

The applicant is requesting:

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 the MUPD zoned areas of the project.
 - 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; and
5. Site Development plan approval.

Staff Recommendation:

1. To approve:
 - a. Parking stall dimensional variance of two feet from the required 10' x 20' to 10' x 18'.
 - b. 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.
 - c. 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.
2. If HC-2 front yard variance of twenty-five (25) feet above is not approved, or, if conditions of approval do not allow setback variance at the gas canopy location, staff recommends approval of a nine (9) foot front yard setback variance to permit the proposed location of the gas station canopy.

3. To approve the waiver of sidewalk requirements with the following condition:
 - a. That the proposed sidewalk as shown on the plans be extended to meet the Phase 2 Professional Office Building either by appropriate striping within the complex, a paved extension, or a combination of both.
4. To approve the Site Development Plan with the following conditions:
 - a. That the subject area currently in Unincorporated Campbell County be annexed in to the City of Cold Spring,
 - b. That an engineering review be completed by a City-authorized engineer.
 - c. That a traffic study be completed.

Bases for Staff Recommendation:

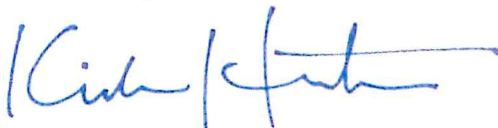
1. The submitted request is appropriate for this site since it is in compliance with the City of Cold Spring Comprehensive Plan, Subdivision Regulations and Zoning Ordinance.
2. In accordance with Section 18.2 of the Zoning Ordinance, proper notice of public hearing was given.
3. The evidence presented by the applicant and staff is such as to make a finding that:
 - a. The requirements for a variance have been met by the applicant for a variance and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - b. The variances requested will not adversely affect the public health, safety, or welfare, will not adversely alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Additional Information to the Applicant:

1. A stormwater plan must be submitted to and approved by the City of Cold Spring

If you need additional information or clarification prior the meeting, you may contact us at 859-292-3880.

Sincerely,



Kirk Hunter, AICP
Principal Planner

Attachments (2)

CODE GRAPHS

ALL

Select View

Selected	Case Number	Case Date	Parcel	Property Address	Owner	Description	Occupants Name	Prior Violations	Status	Edit/View
<input type="checkbox"/>	263	09/13/2023	999-99-17-539.00	308TOWN SQUARECIR	YOUNG SEAN YOUNG FELICIA	Dog loose and excrement in neighbors yard	Sean Young	No	Open	
<input type="checkbox"/>	262	09/01/2023	999-99-19-116.00	21GOETZDR	DEPENBROCK SOPHIA L	Dogs running at large pooping on property	Sophia Depenbrock	No	Open	
<input type="checkbox"/>	261	08/31/2023				Complaint on neighbor using driveway and additional issues with new fence	William Geer	No	Pending	
<input type="checkbox"/>	259	08/22/2023	999-99-18-455.00	520DARLASDR	POLATKA ADON POLATKA JANET	high shrubs, mulch stacked in front yard	Adon Polatka	No	Open	
<input type="checkbox"/>	258	08/16/2023	999-99-19-150.00	23STURBRIDGEDR	FREPPON KAELE WETMORE BRYAN A	Driveway has old furniture standing there.			Open	
<input type="checkbox"/>	257	08/14/2023	999-99-20-360.00	200-350SALMONPASS	COLD SPRING TOWNHOMES LLC	Dumpster enclosure is full of loose garbage that has spread out onto the grounds.	Salmon Pass Condo's	Yes	Closed	
<input type="checkbox"/>	252	08/08/2023	999-99-32-210.00	3710ALEXANDRIAPIKE	COLD SPRING HOLDING CO LLC	Overgrown retention pond	Furniture Fair	Yes	Open	
<input type="checkbox"/>	251	08/07/2023	999-99-19-029.70	261RIDGEPOINTDR	COFFEY AMY G COFFEY ROBERT C	Trailer in driveway NOT REPORT	Rob Coffey		Closed	
<input type="checkbox"/>	250	08/07/2023	999-99-17-827.00	5510DODSWORTHLN	SPRADLIN WILLIAM & GINGER	5510 Dodsworth...building permit ?	SPRADLIN WILLIAM & GINGER		Closed	
<input type="checkbox"/>	249	07/25/2023	999-99-19-666.00	4135ALEXANDRIAPIKE	KPR DEVELOPMENT GROUP LLC	Illegal signage	Bluegrass Vape Shop	Yes	Closed	
<input type="checkbox"/>	248	07/25/2023	999-99-19-083.00	17CEDARPT	KRUER DAVID A & KATHLEEN	loose bricks / yard waste	David Kruer	No	Open	
<input type="checkbox"/>	247	07/18/2023	999-99-17-842.00	25STURBRIDGEDR	CALHOUN GREGORY W	Trailer in driveway	Gregory Calhoun	No	Open	
<input type="checkbox"/>	246	07/18/2023	999-99-19-378.00	405MILLRACEDR	FRITZ EDWARD H	Trailer in driveway	Edward Fritz	No	Closed	
<input type="checkbox"/>	245	07/17/2023	999-99-20-372.00	70MARTHA LAYNE COLLINSBLVD	TOWN COLD SPRING ASSOC	fence overgrown			Open	
<input type="checkbox"/>	244	07/14/2023	999-99-19-033.00	3906ALEXANDRIAPIKE	SUMMIT VENTURES LLC	Illegal signs posted			Closed	
<input type="checkbox"/>	243	07/11/2023	999-99-20-009.02	300CROSSROADSBLVD	MIRO LLC	weeds / grass uncut			Closed	
<input type="checkbox"/>	242	07/10/2023				not a complaint - FYI RV in driveway			Closed	
<input type="checkbox"/>	241	07/06/2023				not a complaint - trailer in driveway	Diane Murray		Closed	
<input type="checkbox"/>	240	07/05/2023	999-99-19-997.00	3601ALEXANDRIAPIKE	SCHWALBACH GARRY V & MARGARET	Dumpster enclosure needs door added.	SCHWALBACH	Yes	Open	

Selected	Case Number	Case Date	Parcel	Property Address	Owner	Description	Occupants Name	Prior Violations	Status	Edit/View
<input type="checkbox"/>	239	07/03/2023	999-99-17-551.00	410MILLRACEDR	BOSLEY JAMES K & NICOLE D	Trailer in driveway	James Bosley	Yes	Open	
<input type="checkbox"/>	238	07/03/2023	999-99-20-294.00	4306ALEXANDRIAPIKE	GSL INVESTMENTS I LLC	Tall weeds and grass	GSL Investments	Yes	Closed	
<input type="checkbox"/>	237	07/03/2023	999-99-19-854.00	PAULENA DR	RUST ARTHUR C & EILEEN	Grass/weeds. shed in disrepair	Arthur Rust	Yes	Open	
<input type="checkbox"/>	236	07/03/2023				Sign request	Barleycorns	No		
<input type="checkbox"/>	235	06/29/2023	999-99-20-213.00	4042ALEXANDRIAPIKE	ENGLE VENTURES LLC	Exterior building (Garage) needs maintenance .			Open	
<input type="checkbox"/>	234	06/29/2023	999-99-20-133.05	5886EAST ALEXANDRIAPIKE	PAYNTER TIMOTHY L & LINDA L	home still in disrepair	Linda Paynter	Yes	Open	
<input type="checkbox"/>	233	06/28/2023	999-99-18-472.00	4304 ALEXANDRIA PIKE	GSL INVESTMENTS I LLC	Property Overgrown			Closed	
<input type="checkbox"/>	232	06/26/2023	999-99-17-905.00	5436DODSWORTHLN	DAVIS BRADLEY & RHONDA	Inoperable vehicle parked in driveway	Davis, Bradley and Rhonda	No	Closed	
<input type="checkbox"/>	231	06/13/2023	999-99-19-997.00	3601ALEXANDRIAPIKE	SCHWALBACH GARRY V & MARGARET	brick falling from top of building	Schwalbach		Closed	
<input type="checkbox"/>	230	06/09/2023	999-99-19-997.00	3601ALEXANDRIAPIKE	SCHWALBACH GARRY V & MARGARET	Garbage on property			Open	
<input type="checkbox"/>	229	06/08/2023	999-99-19-033.00	3906ALEXANDRIAPIKE	SUMMIT VENTURES LLC	Illegal signs posted	Shell gas station	Yes	Closed	

Records 1 to 30 (of 240)



Event Coordinator Report

August 2023

- Finished Summer Open Gym Schedule
- Held Pickleball Clinics
- IconX Concert (Rescheduled)
- Prepped and hosted Back 2 School Bash
- Not Johnny Concert
- Cruise-In Car Show & NKG Concert
- Started Silver Sneakers
- Began collecting Craft Show Vendor Applications
- Fishing Derby Prep
- Pups in Park Prep

Print Date **Thursday, August 24, 2023**

Print Date **Thursday, August 24, 2023**

Case Category									
Case #	Case Category	Case Type	Case Date/Time	Case Status	Case Officer	Case Jurisdiction	Case Result	Case Result Date/Time	
Case SubType	Case Reference #	Case SubType	Reported Date/Time			Patrol Area	Case Result By	Case Review Date/Time	
Stray	7922152	Incident	Stray	8/17/2023 11:14:00 AM	Open	Kendra Cross	City of Cold Spring		
Case Result	All	Case Result By	All	Include Activities	False				
Case Memo Type	All	Include Case Address	False	Include Violations	False				
Include Animal Info	All	Include Person Info	False	Based On	Case Date/Time				
Include Animals	All	Include Persons	False	Date From	8/1/2023 12:00 AM				
City of Cold Spring				Date To	8/21/2023 11:59 PM				
Patrol Area	All								
Total Count:									

Activity ID	Activity Name	Activity Type	Activity Subtype	Incident Date	Created On	Opened On
8	Snow- missing husky in Bellevue	Community Services - Lost & Found	Lost Pet Report	8/22/23 3:59 PM	8/22/23 3:59 PM	8/22/23 4:10 PM
2	Stray Lab Mix Running Loose	Dispatch	Lost Pet Report	8/17/23 11:09 AM	8/17/23 11:09 AM	8/17/23 11:40 AM
14	Leash Law 2 Shepherds at 902 Vine	Dispatch	Lost Pet Report	4/19/23 2:05 PM	8/23/23 2:05 PM	8/23/23 2:05 PM
10	Missing KCAS Foster	Dispatch	Lost Pet Report	8/23/23 12:00 PM	8/23/23 12:19 PM	8/23/23 12:19 PM
15	Dog Barking Complaint at 39 Indiana Ave	Community Cat Program	Trap	5/12/23 2:16 PM	8/23/23 2:16 PM	8/23/23 2:16 PM
12	TNR	Community Cat Program	Trap	8/23/23 1:02 PM	8/23/23 1:02 PM	8/23/23 1:02 PM
21	SNR- 3 Traps	Community Services - Lost & Found	Lost Pet Report	8/26/23 12:09 PM	8/26/23 12:09 PM	8/30/23 12:12 PM
25	Lost Cat in Highland Heights @Campus View Apartments	Dispatch	Trap	8/29/23 2:55 PM	8/31/23 2:55 PM	8/31/23 2:55 PM
3	Black and White stray at large	Community Cat Program	Trap	3/31/23 2:13 PM	8/17/23 2:13 PM	8/17/23 2:22 PM
20	SNR- trap/pick-up 4 kittens @RHI in Wilder	Dispatch	Trap	8/26/23 12:04 PM	8/26/23 12:04 PM	8/30/23 12:12 PM
13	Mule running at large	Dispatch	Trap	8/23/23 1:54 PM	8/23/23 1:54 PM	8/23/23 2:00 PM
16	White Shih Tzu running at large	Dispatch	Trap	1/20/23 2:22 PM	8/23/23 2:22 PM	8/23/23 2:22 PM
17	Black & Tan Rott Running at Large	Dispatch	Trap	1/11/23 2:32 PM	8/23/23 2:32 PM	8/23/23 2:32 PM
18	Welfare Check at 2664 Carhage Road	Dispatch	Trap	8/25/23 2:22 PM	8/25/23 2:22 PM	8/25/23 2:32 PM
19	Piper- Aussie missing from Melbourne	Community Services - Lost & Found	Lost Pet Report	8/25/23 10:33 AM	8/26/23 10:33 AM	8/26/23 11:15 AM
22	Welfare Check for grey tabby in RV	Dispatch	Lost Pet Report	8/30/23 10:30 AM	8/30/23 10:30 AM	8/30/23 10:30 AM

Closed On	Assigned To	Status	Priority	Due Date	Location	Zip Code	Jurisdiction
8/22/23 4:11 PM		Open	P5		71 Geiger Ave, Bellevue, KY 41073	41073	City of Bellevue
8/17/23 11:40 AM	Kayla Greis	Closed	P5	8/17/23 12:00 AM	702 Queensway Ct, Cold Spring, KY 41076	41076	City of Cold Spring
8/23/23 2:13 PM	Kendra Cross	Closed	P3		902 Vine St, Dayton, KY 41074	41074	City of Dayton
8/23/23 12:27 PM		Closed	P5		20 Edwards Ct, Fort Thomas, KY 41075	41075	City of Fort Thomas
8/23/23 2:18 PM	Kendra Cross	Closed	P4		39 Indiana Ave, Fort Thomas, KY 41075	41075	City of Fort Thomas
8/26/23 10:41 AM		Closed	P5		1919 Taylor Ave, Highland Heights, KY 41076	41076	City of Highland Heights
8/30/23 12:17 PM		Closed	P5	8/30/23 12:00 AM	1919 Taylor Ave, Highland Heights, KY 41076	41076	City of Highland Heights
8/22/23 2:49 PM	Kayla Greis	Open	P5		Campus View, 133 Hidden Valley Dr, Highland Heights, KY 41076		
8/30/23 3:07 PM		Closed	P3		United States Postal Service, 5642 Mary Ingles Hwy, Melbourne, KY 41059	41059	City of Melbourne
8/30/23 2:00 PM	Kendra Cross	Closed	P5	8/30/23 12:00 AM	111 Banklick Rd, Wilder, KY 41076	41076	City of Wilder
8/23/23 2:26 PM	Kendra Cross	Closed	P3		7353 Licking Pike, Newport, KY 41076		
8/23/23 2:33 PM	Kendra Cross	Closed	P4		9209 Indian Trace Rd, Alexandria, KY 41001	41001	Unincorporated County
8/28/23 12:22 PM	Kendra Cross	Closed	P3	8/28/23 12:00 AM	Grandview Road, Grandview Rd, Alexandria, KY 41001	41001	Unincorporated County
8/31/23 1:35 PM	Kendra Cross	Open	P5		2664 Carthage Rd, California, KY 41007	41007	Unincorporated County
		Closed	P4		3849 8 Mile Rd, Melbourne, KY 41059	41059	Unincorporated County
					11243 Alexandria Pike, Alexandria, KY 41001	41001	Unincorporated County