

**COLD SPRING
PLANNING & ZONING AGENDA
May 8, 2024
6:30 PM**

1. PLEDGE TO THE FLAG, ROLL CALL, AND EXIT INSTRUCTIONS
2. APPROVAL OF MINUTES
 - March 13, 2024 P&Z Meeting
3. SUBDIVISION ITEMS
4. PUBLIC FACILITIES
5. PUBLIC HEARING ON SCHEDULED ITEMS
 - File Number: PZ-23-014 and PZ-23-015
 - Applicant: Al Neyer LLC
 - Location: Approximately twenty-seven (27) acres at 3725 Alexandria Pike, corner of Alexandria Pike (US-27) and Industrial Road in Cold Spring, KY
 - Zone map amendment from Industrial Park (IP) to Mixed-Use Planned Development (MUPD) and Neighborhood Commercial (NC); Stage I Plan for development of a Mixed-Use Commercial Development; and variances for parking and setbacks
6. UNFINISHED BUSINESS
7. CORRESPONDENCE
8. PLANNING AND STAFF ITEMS
9. COMMISSION ITEMS
 - Approval of continuing education hours
 - 2.5 hours for Sam Conner, Steve Popovich, Marg Trunick, Mike Forge, Mark King
 - 3.5 hours for Mike Foulks
 - 8.75 hours for Greg Hizer
10. COMMENTS / REQUESTS TO THE COMMISSION
11. ADJOURN

Planning & Zoning Minutes

March 13, 2024

The meeting of the Cold Spring Planning & Zoning Commission was called to order by Chairman Foulks at 6:30pm followed by the Pledge of Allegiance.

Roll Call:

- Present: Sam Conner, Mike Forge, Mike Foulks, Steve Popovich, Greg Hizer, Marg Trunick, Mark King, City Clerk Robin Morency, City Attorney Brandon Voelker and Cindy Minter with Campbell County Planning & Zoning.
- Not Present:

Minute Approval:

- February 14, 2024 meeting minutes were reviewed by all. Sam Conner made a motion to approve. Greg Hizer seconded the motion. All were in favor. **Motion passed.**

Subdivision Items: None

Public Facilities: None

Public Hearing: None

Unfinished Business: None

Correspondence: None

Planning & Staff Items:

- Continuing Education: Cindy Minter led a training session. Many topics were discussed including housing trends in our area, residential and commercial building codes, indoor and outdoor dining, drive-throughs, pick-up windows, and food trucks.

Commission Items:

- There was further discussion on drive-throughs. Greg Hizer made a motion to sponsor a study with recommendations for a text amendment related to drive-throughs and drive-up windows for commercial businesses. Mike Foulks seconded the motion. All were in favor. **Motion passed.**
- The commission discussed Multi-Family Residential uses. Mike Forge made a motion to sponsor a study with recommendations for a text amendment related to Multi-Family Residential. Greg Hizer seconded the motion. All were in favor. **Motion passed.**
- Cindy Minter stated that due to anticipated upcoming hearings, that it may be a few months until her findings are ready to be presented to the commission.
- All members received 2.5 hours of continuing education for the training during this meeting.

Comments/Requests to the Commission: None

Adjournment:

- Sam Conner made a motion to adjourn the meeting at 9:00pm. Greg Hizer seconded the meeting. All were 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/>

Planning & Zoning Minutes

March 13, 2024

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

April 26, 2024

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 May 8, 2024 at 6:30 PM at 5694 East Alexandria Pike, Cold Spring, KY 41076.

FILE NUMBER: PZ-23-014 and PZ-23-015
APPLICANT: AL NEYER LLC
LOCATION: Approximately Twenty-Seven (27) Acres at 3725 ALEXANDRIA PIKE, corner of Alexandria Pike (US-27) and Industrial Road in Cold Spring, KY
REQUEST: Zone Map Amendment from Industrial Park (IP) to Mixed-Use Planned Development (MUPD) and Neighborhood Commercial (NC); Stage I plan for development of a Mixed-Use Commercial Development; and Variances for parking and setbacks.

Legal notice was published in the online edition of the Link Reader. Notices were mailed to adjoining and neighboring properties. A sign advertising the Planning and Zoning case was placed at the site.

COLD SPRING TOWN CENTER

INTRO BY DEVELOPER:

As development partner with the City of Cold Spring, Al Neyer, LLC is excited to present the first phase of Cold Spring Town Center (working name), a mixed-use planned redevelopment at the site of the former DAV headquarters located at 3725 Alexandria Pike. Our proposed development plan reflects the needs of the citizens of Cold Spring and will provide a valuable asset for the community with regard to services provided as well as revenues generated for continued financial success with the City, Schools, County and Commonwealth.



Figure 1: Vicinity

As you are aware, the pursuit of this development opportunity by the City of Cold Spring had been previously impacted by delays caused by

litigation and market dynamics. It is our intent going forward to find a use for the entire parcel that is mutually successful and desirable for the community; however, we feel moving forward with the phased approach as proposed, which represents approximately 17 of the 27 acres in the development area, is the most appropriate process by which to proceed.

Our development will enhance the appearance of Cold Spring and contribute significantly to the quality of life of its residents. Not only will the aesthetics we plan to incorporate into this development provide a high-quality appearance, but the tenants we acquire will present a professional neighbor for the community.

Al Neyer, LLC is a full-service developer, headquartered in Cincinnati, with employees residing in many communities in Northern Kentucky. Al Neyer has developed many mixed-use centers, and will provide experienced management of this development to make certain it is successful.

OVERVIEW:

The site is located at the intersection of Alexandria Pike (US-27) and Industrial Road (KY-1998/KY-8). The site encompasses approximately 27 acres spanning 3 parcels and is currently zoned Industrial Park (IP) its entirety. All structures on the site are planned to be demolished.

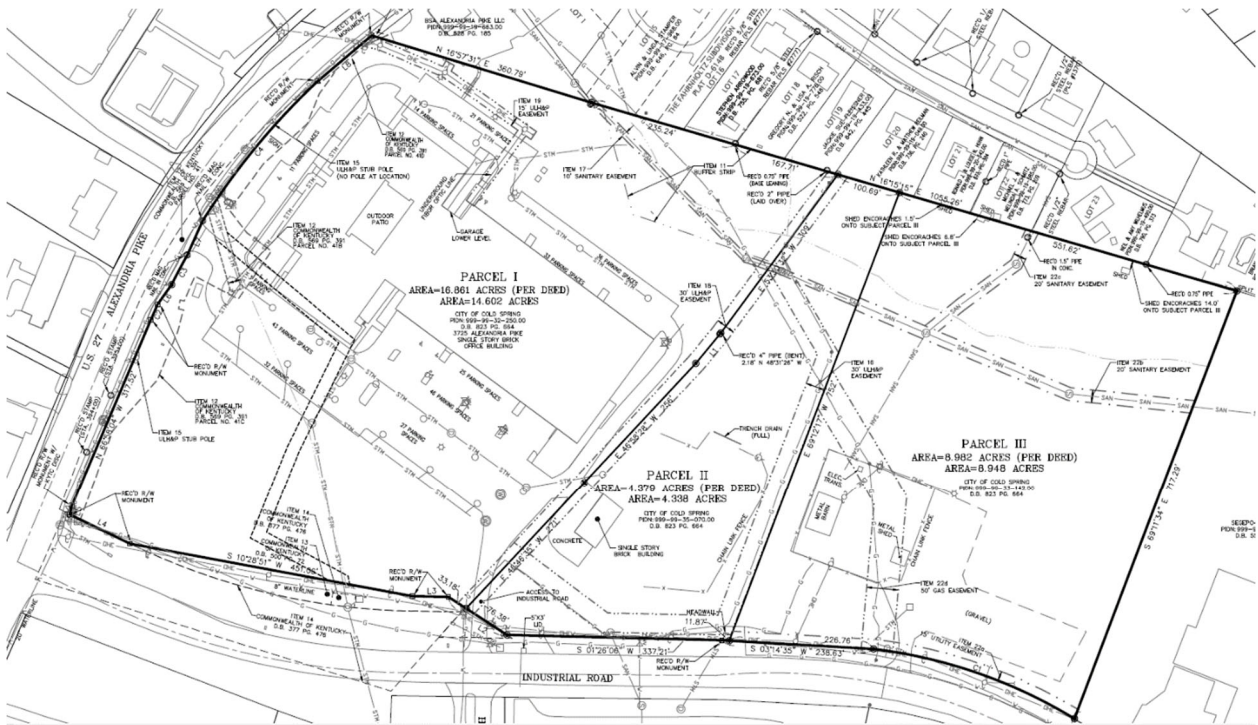


Figure 2: Site Area

The proposed use for the east side of the development site is office buildings with multi-tenant and single occupant retail commercial buildings. Only the general size and type of tenant in concept is shown on the plans and no contracts are in place with any specific tenants.

The western portion of the site has been labelled as *Future Development*. This future development area will require a Stage I plan review at the time of its consideration for development. Uses within the future development must comply with the Mixed-Use Planned Development (MUPD) zone and could include Office, Commercial and/or residential.

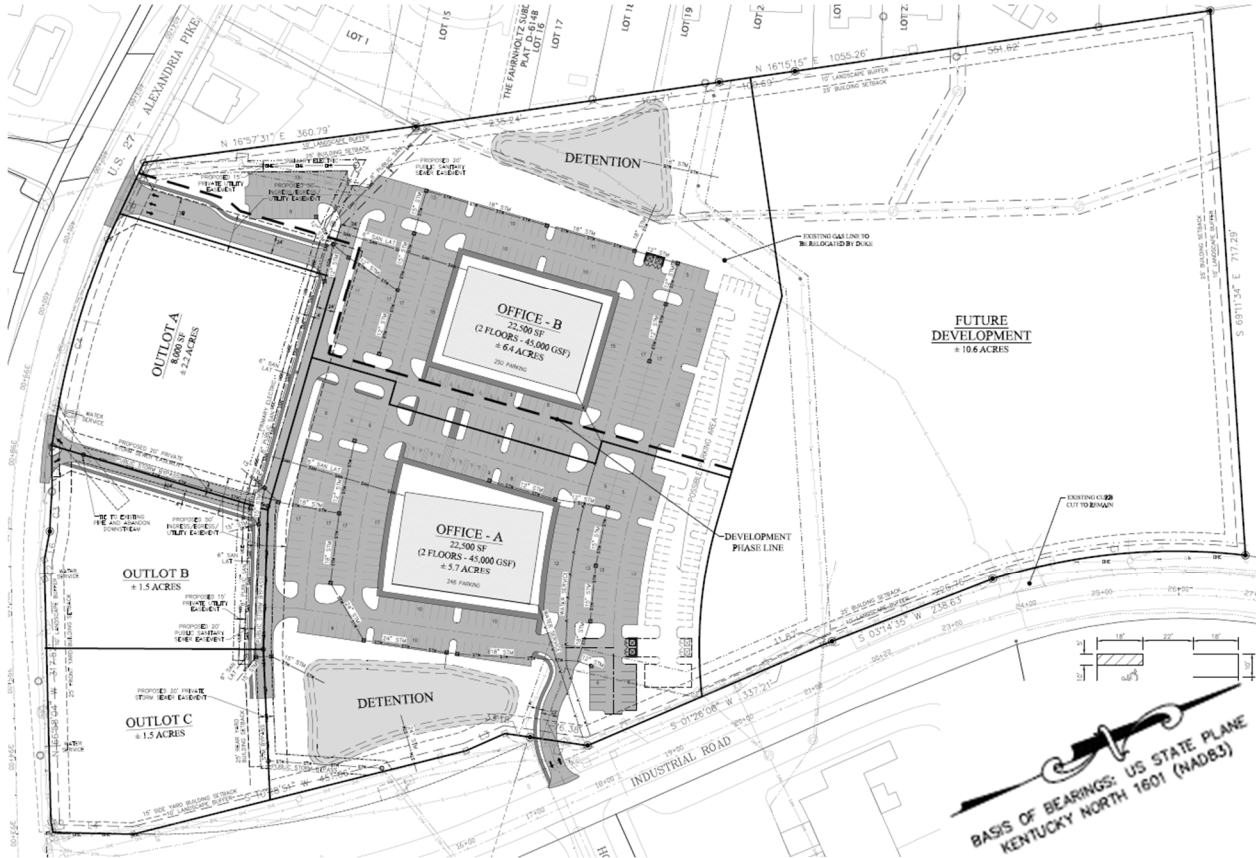


Figure 3: Site Plan

Article XVII, Section 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.

Considerations of Zone Map Amendment:

The development is bordered on the North/Northeast and East by industrial and commercial businesses, zoned Industrial park (IP). The property to the south and southwest is zoned Neighborhood Commercial (NC) and Neighborhood Shopping Center (NSC). Property adjacent to the subject parcel along the western boundary is zoned Neighborhood Commercial (NC) and Residential (R-1D).

The proposed MUPD zone exceeds the minimum required 10 acres for approval of an MUPD zone. The proposed NC zone abuts an existing NC zone therefore a minimum stand-alone zone size is not required.

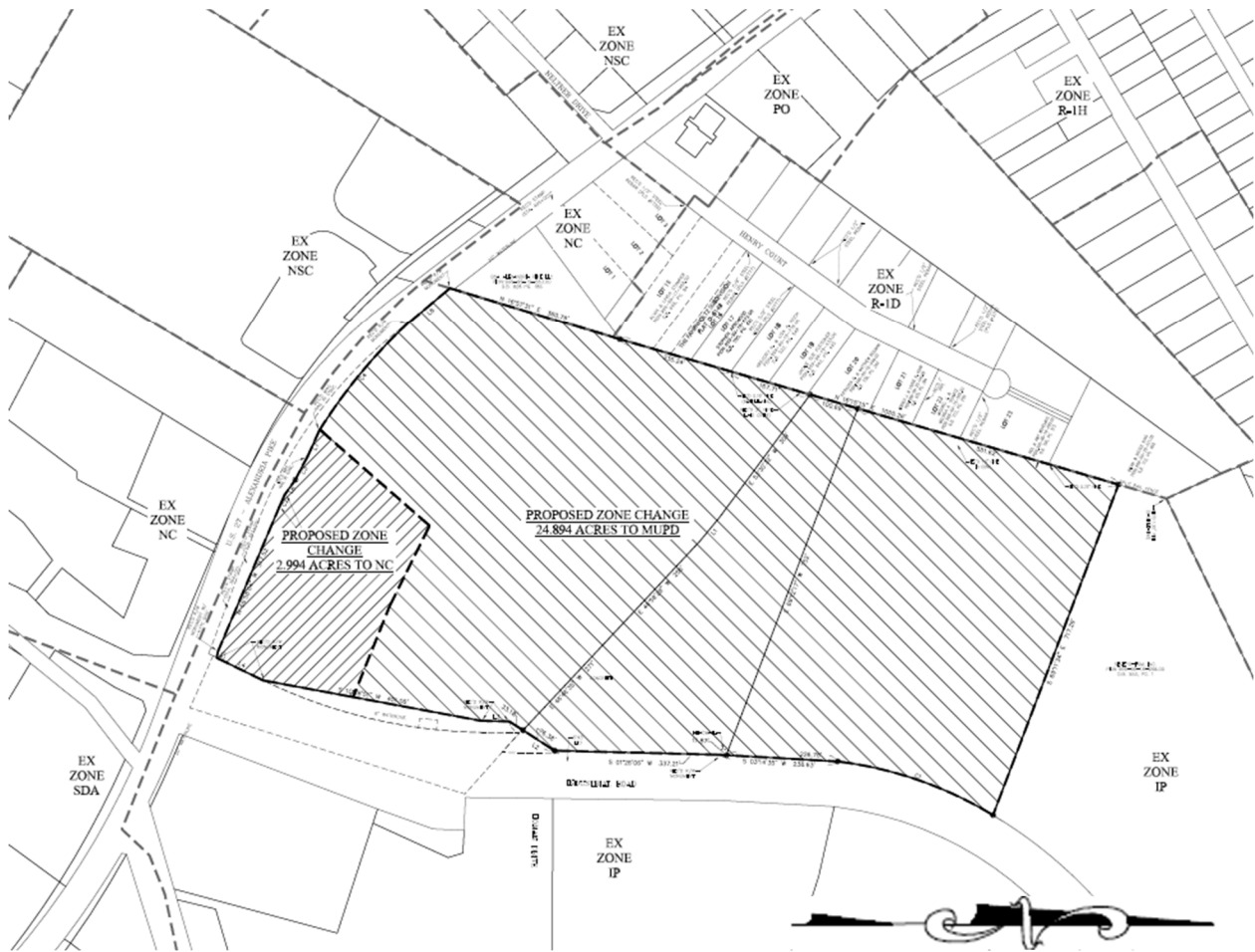


Figure 4: Zoning Plan

The Goals and Objectives of the Cold Spring Comprehensive Plan highlight two relevant items the emphasize a strong tax base and a balanced approach to development:

Land Use and Development - The city's business areas will include a diverse, high-quality mix of retail, service, professional (e.g., medical, general office, government, etc.), and industrial uses (e.g., manufacturing, research and development, etc.) that provide a job base and tax revenue

for the community with a focus on encouraging the development of small-scale uses that meet the community's daily needs.

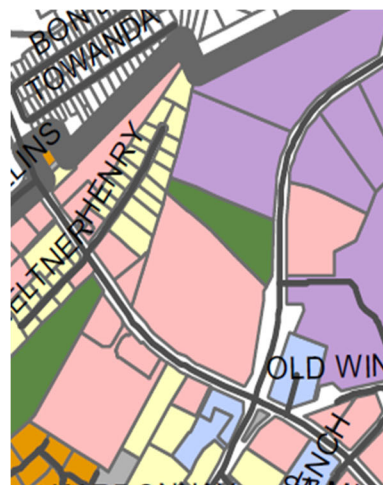
- Residents of Cold Spring see the city as a community of great housing and neighborhoods and would like to retain that small city character with emphasis on establishing and supporting businesses that meet the local's needs.
- While there is pride in being a bedroom community, there is still a desire to attract non-retail businesses to the area including offices and clean, indoor industrial companies that fit within the scale of Cold Spring.
- New developments, of any use, should be subject to clear and predictable design standards that meets the vision of the community and helps ensure the long-term viability of buildings.

Economic Development - The city will have an expanded and diverse tax base by working with existing businesses to help them grow while simultaneously looking to attract new businesses to the area.

- While residents appreciate that Cold Spring has a larger residential population where most residents work outside of the city, they also want access to services, shops, and restaurants. The vision of new businesses in Cold Spring is for small-scale businesses, farmers' markets, and local shopping and dining that fit within the character of the city.
- New developments should be designed in a manner that contributes to enhancing the quality and value of development in Cold Spring.

The Cold Spring Comprehensive Plan Existing and Future Land Use Maps shows the site as being comprised of Commercial, Parks and Recreation, and Industrial uses.

The activities around the property have been the type that caters to both the residents of Cold Spring as well as the larger region. This area will integrate well with the existing shopping and services uses available to the community and could include, but not be limited to, specialty retail, restaurants, banks, and professional services.

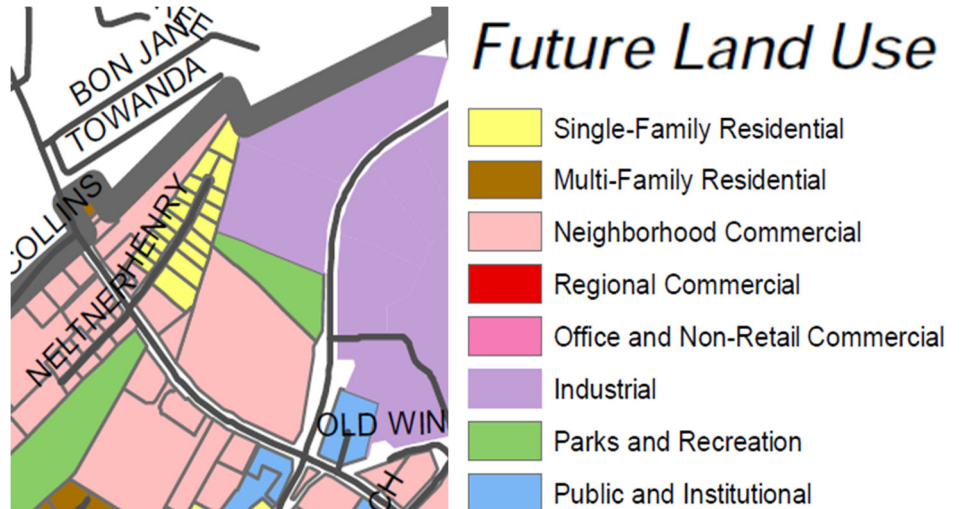


Existing Land Use

	Single-Family Residential
	Multi-Family Residential
	Commercial and Office
	Industrial
	Parks and Recreation
	Public and Institutional
	Agricultural, Vacant, or Undeveloped

This site is planned as a mixed-use site with a focus on office and supporting neighborhood commercial in the initial phase. The tenants cater to primarily auto oriented users; however, the development plan proposed includes opportunities to tie in pedestrian access between buildings and surrounding developments.

The redevelopment of this site was not anticipated during the 2018 plan update and referenced the area to be a blend of categories. The perceived neighborhood commercial is no longer appropriate for the entire south parcel site. Each of the proposed large office buildings would exceed the desired scale of the neighborhood commercial.



Neighborhood Commercial - Alexandria Pike is a major commercial artery for Cold Spring that has continued to grow and redevelop with changing trends and markets. Unlike other areas of Cold Spring, many of the properties along Alexandria Pike are shallower than the larger lots around the AA Highway and have attracted smaller uses. Additionally, there are a number of different zoning districts that applied to properties along this entire corridor, including the Special Development Area (SDA) zoning district. The small-scale commercial and office mix already located in this area should continue with a focus on uses that serve the local residents and provide job opportunities. Additionally, this area has long served as a central focus and gateway entry for the community and therefore should maintain a strong aesthetic with more focus on small-scale development connected to surrounding neighborhoods with enhanced architectural design, landscaping standards, outdoor lighting standards, and regulations that will mitigate the negative land use impacts of nonresidential uses including, but not limited to, noise and lighting glare.

Similarly, the north parcel is no longer appropriate for Industrial.

Industrial - The industrial use category includes areas where there are establishments for the light manufacturing and production of goods and/or services. The uses in these areas may have some accessory commercial and/or offices uses. Future industrial development should be focused on clean industries that largely operate within fully enclosed structures. Some limited outdoor storage and activities may occur with appropriate buffers from adjacent properties.

It would be anticipated that the initial phase of the site would be a blend of the following future land uses:

Office and Non-Retail Commercial -The office and non-retail commercial category is intended to provide for areas of business growth in the city that may include office uses, research and development uses, institutional (e.g., hospitals or colleges), or a combination of such uses but where retail commercial uses (e.g., restaurants, grocery stores, book stores, etc.) are limited in an effort to protect an area of the city for job-focused growth. Limited retail uses such as coffee shops, banks, or restaurants may be appropriate when they provide needed services to the surrounding businesses.

Neighborhood Commercial – The future development phase should consider a blend of Office and Non-Retail Commercial, Neighborhood Commercial and Multi-Family Residential. The City has strong demand for well-designed, moderate-density, multi-family dwelling units that include townhomes, rowhouses, and low-density apartment buildings. However, care should be taken to balance the commercial and residential base throughout the development.

Permitted and Conditional uses in Industrial Park (IP) Zone:

PERMITTED USES

1. Manufacturing, compounding, processing, packaging, or assembling of
 - a. Candy and confectionery products, food and beverage products
 - b. Cigars and cigarettes
 - c. Cosmetics, pharmaceuticals, and toiletries
 - d. Commercial advertising structures
 - e. Household appliances
 - f. Electrical machinery, equipment and supplies
 - g. Fountain and beverage dispensing equipment
 - h. Furniture
 - i. Instruments of professional, scientific, photographic, and optical
 - j. Metal products and metal finishing
 - k. Musical instruments, toys, novelties, jewelry, rubber or metal stamps
 - l. Office equipment
 - m. Pottery and figurines
 - n. Products from previously prepared materials
 - o. Textile products
2. Bottling and canning works
3. Crating services
4. Fire stations
5. Industrial engineering consultant offices
6. Laboratories, offices, and other facilities for research
7. Machine shops
8. Police stations
9. Printing, engraving and related reproduction processes
10. Publishing and distribution printed material
11. School for industrial or business training
12. Warehousing or wholesaling

CONDITIONAL USES:

1. Restaurants (sit-down only)

Permitted and Conditional 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

CONDITIONAL USES:

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.

NEIGHBORHOOD COMMERCIAL (NC) ZONE:

PERMITTED USES

1. Apparel shop
2. Art supplies
3. Bakery and bakery goods store
4. Banks and other financial institutions
5. Barber and beauty shop
6. Book, stationery, or gift shop
7. Camera and photographic supplies
8. Candy store, soda fountain, ice cream store, excluding drive-ins
9. Child care center
10. Convenient food store, without gasoline pumps
11. Delicatessen
12. Drug store
13. Dry cleaning and laundry pick-up station
14. Eating and drinking places, excluding drive-ins
15. Florist shop
16. Garden supplies
17. Glass, china, or pottery store
18. Hardware store
19. Hobby shop

- | | |
|---|--|
| 20. Interior decorating studio | 29. Photocopy establishment |
| 21. Jewelry store, including repair | 30. Radio and television store (including repair) |
| 22. Library | 31. Shoe store and shoe repair |
| 23. Locksmith shop | 32. Sporting goods |
| 24. Offices | 33. Tailor shop |
| 25. Off-street parking lots and/or garages | 34. Toy store |
| 26. Opticians and optical goods | 35. Variety store, including notions and "five and ten" stores |
| 27. Paint and wallpaper store | 36. Video tape sales and rental |
| 28. Pet shop, excluding boarding and outside runs | |

CONDITIONAL USES:

1. Outdoor Dining, with an Eating Establishment as the primary use of the property

Staff finds that while the proposed amendment is not in agreement with the adopted Comprehensive Plan, there has been a major change of an economic and physical nature on the site which was not anticipated at the time the Comprehensive Plan was adopted and which has substantially altered the basic character of such area.

At the time of adoption of the plan in 2018, the City had not anticipated the relocation of the national headquarters for the DAV leaving 27 acres available for redevelopment. Zone map amendments are drawn to the centerline of adjacent streets.

Staff recommends that the zoning designation be changed from Industrial Park (IP) to Mixed Use Plan Development (MUPD) for approximately 25 acre and from IP to Neighborhood Commercial (NC) for approximately 3 acres as designated on the zoning plan plus adjacent right-of-way (ROW) to the centerline of US 27 and Industrial Road.

Considerations of Site Development Plan

The Applicant is submitting a combined Stage I Development Plan.

The applicant is also requesting approval of the following variances with the site development plan: ¹

- Parking Stall dimensional variance of two feet from the required length. Stated dimensions are 10' W x 20' L. Requested dimensions are 10' W x 18' L.
- Setback dimensions in NC section of the project aligned to be consistent with the requested front yard setback and rear yard setback for the MUPD zoned areas of the project.
 - Reduce Front Yard setback from 50' to 25'
 - Reduce Rear Yard setback from 50' to 25'

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., and C., the submitted Site Development Plan identifies and provides the

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.

following information:

- a. The existing proposed finished topography of the subject property shown by contours with intervals of five (5) feet. C-500
- b. The Project Area consists of the following soil mapping units. Geotechnical work would be completed during subsequent plans.



Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EdE2	Eden silty clay loam, 20 to 35 percent slopes, eroded	4.4	11.0%
FcC	Faywood silty clay loam, 6 to 12 percent slopes	14.1	35.7%
FcD	Faywood silty clay loam, 12 to 20 percent slopes	3.1	7.8%
NeB	Negley silt loam, 2 to 6 percent slopes	1.6	4.0%
NeC	Negley silt loam, 5 to 12 percent slopes	3.5	8.9%
NeD	Negley silt loam, 12 to 20 percent slopes	3.1	7.8%
NIB	Nicholson silt loam, 2 to 6 percent slopes	9.8	24.8%
Totals for Area of Interest		39.5	100.0%

- c. 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. C-400, C-500

We anticipate the location and orientation of OFFICE A and OFFICE B as indicate on the plan to be further refined during the Stage II Plan development.

The Future Development area of approximately 10 acres will require a separate Stage I plan review. This area may include residential or commercial uses per the MUPD zone.

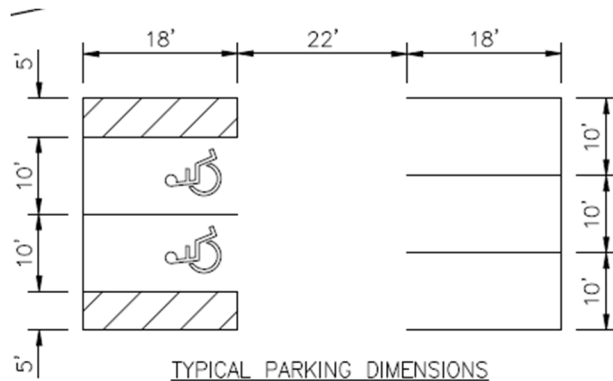
- d. Landscaping features and open space areas will be provided as part of the Stage II plan review. A 10-foot landscaping buffer around the perimeter of the property is proposed. Stormwater detention areas are located to the North and site of the primary building site. The project notes indicate a commitment to greenspace.

NOTES:

1. AREA OF SUBJECT PARCEL IS 27.888 ACRES
2. AREA OF CONSIDERATION IS 17.287 ACRES +/- (NC: 2.994±; MUPD: 14.294)
3. AREA OF FUTURE DEVELOPMENT IS 10.600 ACRES +/-
4. AREA OF MUPD GREEN SPACE (WITHIN CONSIDERATION) IS 6.8 ACRES +/-
5. GREEN SPACE RATIO: MIN 20%, PLAN SHOWS 47% +/- GREEN SPACE.
6. MAX HEIGHT OF BUILDINGS IS - 60 FEET
7. MINIMUM PARKING SPACE DIMENSIONS ARE 10 FT X 18 FT.
8. PARKING RATIO (OFFICE A - MUPD ZONE): MIN 5.5 PARKING SPACES PER 1,000 GSF, 2% OF WHICH TO BE ACCESSIBLE. PLAN SHOWS 248 SPACES 8 OF WHICH ARE ACCESSIBLE. MIN=248(5)
9. PARKING RATIO (OFFICE B - MUPD ZONE): MIN 5.5 PARKING SPACES PER 1,000 GSF, 2% OF WHICH TO BE ACCESSIBLE. PLAN SHOWS 250 SPACES 8 OF WHICH ARE ACCESSIBLE. MIN=248(5)
10. DETENTION SHOWN IS FOR DEVELOPMENT OF OFFICE LOTS A & B AND OUTLOTS A, B, & C, OTHER FUTURE DEVELOPMENT WILL BE RESPONSIBLE FOR THEIR OWN DETENTION.
11. EASEMENTS WILL BE PROVIDED TO ALLOW UTILITY ACCESS ACROSS PROPERTIES FOR ALL LOTS TO BE SERVED.

- e. No recreational facilities are proposed.
- f. No new streets are proposed.
- g. Location of signs will be determined as part of subsequent plan reviews.
- h. Existing and proposed utility easements are indicated. We do anticipate the relocation of a gas line as a separate project by DUKE Gas. Applicable utility capacity reservations are in place.
- i. Location of all off-street parking, loading and/or unloading, and driveway areas, C-400. A conceptual parking layout for the primary buildings. Note the use of landscape islands within the layout.

The applicant has planned for 5.5 parking spaced for 1,000 square feet of Office A and Office B. *A dimensional variance of two feet from the required length of the parking stalls is requested within the MUPD zone.*



- j. A general circulation system including pedestrian walkways and drive aisles was provided. *Sidewalks along US 27 and Industrial Road will be required.*
- k. The development will be built in phases.

The development of the three out-parcels to be zoned Neighborhood Commercial will be reviewed individually as they develop.

Considerations of Variances:

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

1. The Board of Adjustment² 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 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:

Parking Stall Depth:

² 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.

The development plan proposes a reduction in parking stall depth from 20 feet to 18 feet for all parcels within the MUPD portion of the project. The parking stalls would maintain the required 10' width. The aisles will be 24' wide to comply with Section 11.1.B.1.a; if the variance is granted, the 24' width would not be reduced as would otherwise be permitted by Section 11.1.B.3 as a condition of the 10' width. The requested adjustment reflects stall dimensions used in numerous of the Applicant's past projects (residential, office, and retail), all of which have established the safety and convenience of this parking standard. Additionally, we believe that this variance will:

- a) Support redevelopment at this site that produces valuable and desirable services to the community along with contributing to its general well-being.*
- b) Not be detrimental to the health, safety, or overall welfare of those residing or working in the vicinity, not be injurious to property or improvements in the vicinity but will be an asset to the community.*
- c) Be a use that complies with regulations in the Zoning Ordinance and Subdivision Regulations*
- d) Help mitigate the adverse effects of additional pavement and impervious surface area resulting from an increased parking ratio of 5.5 spaces per 1,000sf of office, which is mandated by market demands for the proposed use.*
- e) Modify parking stall requirements that do not apply to other properties in the general vicinity. The parking stall area defined in the City's zoning ordinance is >11% larger than what is required just 1,000 feet north on US27 in the neighboring jurisdiction.*
- f) Help reduce the environmental impact of the additional pavement, which creates an unnecessary hardship on the applicant. Additionally, this allows for greater areas for landscaping within the development, resulting in a more desirable development.*
- g) Not allow unreasonable circumvention of the requirements of the zoning regulations, and will not alter the essential character of the neighborhood.*
- h) Not confer on the applicant any special privilege that is not conferred by this ordinance to other land, structures, or buildings in the same zone.*

Staff finds that 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 will allow for greater landscaping opportunities which will be an asset to the community.

The strict application of the provisions of the regulation would result in a reduction of parking which the applicant projects that they will need.

Retail Outlot Setbacks (B & C):

The second variance request pertains to the front and rear yard setbacks for retail outlots B & C reducing from 50 feet to 25 feet. The existing setbacks for developments along the Alexandria Pike corridor vary widely, thus the proposed setbacks fit within the established context for the commercial district. Additionally, we believe that this variance will:

- a) Support redevelopment at this site that produces valuable and desirable services to the community along with contributing to its general well-being.*
- b) Not be detrimental to the health, safety, or overall welfare of those residing or working in the vicinity, not be injurious to property or improvements in the vicinity but will be an asset to the community.*
- c) Be a use that will comply with regulations in the Zoning Ordinance and Subdivision Regulations*
- d) Help create a consistent street corridor to align setback requirements for the NC-zoned lots to match that of other lots in the general vicinity, including the lots in the adjacent MUPD zone.*
- e) Mitigate the challenging circumstances created by the topographical character of the property. The grade differential, as determined by engineering controls, between the pad elevations and US27 necessitates a*

rear entrance to the buildings, so reduced setbacks would offer needed flexibility (and thus, marketability) to support commercial uses.

- f) Minimize unnecessary hardship on the applicant associated with the elevation difference. Bringing the buildings closer to US27 would partially compensate for the diminished visibility of the structures and maintain some connection between the development and the street.
- g) Not allow unreasonable circumvention of the requirements of the zoning regulations and will not alter the essential character of the neighborhood.
- h) Not confer on the applicant any special privilege that is not conferred by this ordinance to other land, structures, or buildings in the same zone.

Staff finds that 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 topography and need to maintain visibility along this roadway corridor.

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.

*

Summary of Applicants Request:

The applicant is requesting:

- 1. Zone Change
- 2. Site Development plan approval with variance for parking and setbacks

Staff Recommendation:

- 1. To approve a Zone Map Amendment from Industrial Park (IP) to Mixed Use Plan Development (MUPD) for approximately 25 acre and from IP to Neighborhood Commercial (NC) for approximately 3 acres as designated on the zoning plan plus adjacent right-of-way (ROW) to the centerline of US 27 and Industrial Road. The recommendation shall be forwarded to the City of Cold Spring City Council for adoption.

Bases for Staff Recommendation

- a. Per Kentucky Revised Statutes, the City of Cold Spring has the authority to enact zoning regulations within its jurisdiction. This authority includes the provision to amend its zoning map.
- b. Pursuant to the Cold Spring Zoning Ordinance Article XVII Amendment Procedure, the Planning and Zoning Commission has the authority to take action on amendments to the zoning map for adoption by the legislative body.
- c. Proper notice has been given in accordance with Article XVII Amendment Procedure of the Cold Spring Zoning Ordinance.
- d. The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate.

- e. That there have been major changes of an economic, physical, or social nature within the area involved that were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.
2. To approve the conceptual Site Development Plan with the requested variances:
- Parking stall dimensional variance of two feet from the required 10' x 20' to 10' x 18' within the MUPD zone.
 - A front yard setback variance of twenty-five (25) feet from the required fifty (50) feet within the NC Zone.

Bases for Staff Recommendation:

- a. Proper notice has been given in accordance with the Cold Spring Zoning Ordinance.
- b. The conceptual site plan is within general conformity of the Cold Spring Zoning Ordinance and Subdivision Regulations.
- c. 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. In accordance with KRS 100.241 Variances, the board shall have the power to hear and decide on applications for variances.
- d. 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 variance 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. In making these findings, the board considered 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.
 - iv. The variance will not allow unreasonable circumstance of the requirements of the zoning regulations and will not alter the essential character of the neighborhood.

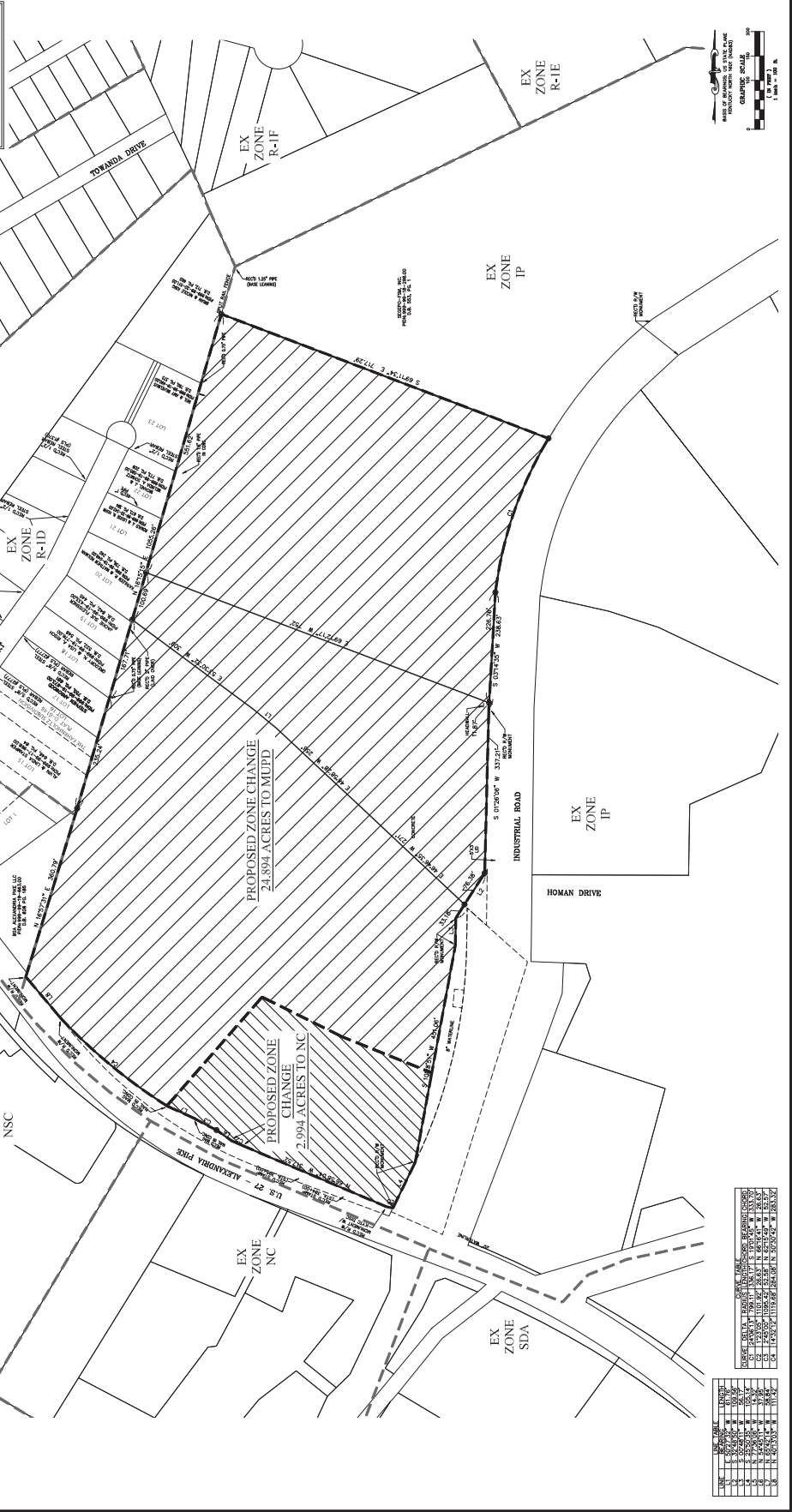
- v. The variance requested will not confer on the applicant any special privilege that is not conferred by this ordinance to other lands, structures or buildings in the same zone.

REVISIONS
DATE # ITEM

DATE	#	ITEM

LEGEND

- EX OVERHEAD ELECTRIC
- EX UNDERGROUND ELECTRIC
- EX ANCHOR POLE
- EX ELECTRIC MANHOLE
- EX UTILITY POLE
- EX GROUND LIGHT
- EX UNDERGROUND TELEPHONE
- EX TELEPHONE BOX
- EX BOLLARDS
- EX SIGN
- EX WATER LINE
- EX SANITARY SEWER
- EX WATER METER
- EX FIRE HYDRANT
- EX WATER VALVE MANHOLE
- EX POST INDICATOR VALVE
- EX GAS METER
- EX GAS VALVE
- EX UTILITY MANHOLE
- EX STORM MANHOLE
- EX DITCH OR CREEK
- EX FENCE LINE
- EX R/W FENCE LINE



CARDINAL ENGINEERING BOARD SURVEYING

4815 BROADWAY SUITE 200
CINCINNATI, OH 45219
WWW.CARDINALSURVEYING.COM
PH: 513.752.8181
FAX: 513.752.8182

PROJECT: FORMER DAY PROPERTY DEVELOPMENT PLAN
SUBJECT: 3725 ALEXANDRIA PIKE, COLD SPRING, KY 41076
CLIENT: AL NEYER, LLC 302 W. 3RD STREET, SUITE 800 CINCINNATI, OH 45202

DATE: 03/18/24
SCALE: 1" = 100'
PROJECT: ZONING PLAN

C-300
SHEET

VICINITY MAP A41.55

DATE: 03/18/24
SCALE: 1" = 100'
PROJECT: ZONING PLAN

C-300
SHEET

DATE | **SCALE** | **PROJECT** | **SCALE** | **PROJECT** | **SCALE**

03/18/24 | 1" = 100' | ZONING PLAN | 1" = 100' | ZONING PLAN | 1" = 100'

302 W. 3RD STREET, SUITE 800 CINCINNATI, OH 45202

3725 ALEXANDRIA PIKE, COLD SPRING, KY 41076

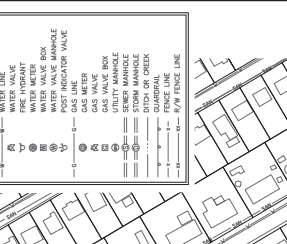
AL NEYER, LLC

NO.	DATE	DESCRIPTION	BY	CHECKED
1	03/08/24	ISSUE FOR PERMITS	J.M.P.	S.P.
2				
3				

REVISED: <http://www.usatshd.com>

CARDINAL
ENGINEERING AND
CONSTRUCTION, INC.
BOARD SURVEYING
CINCINNATI, OHIO
STATE LICENSE NO. 0001277
CINCINNATI, OHIO
CINCINNATI, OHIO

PROJECT:
AL NEYER, LLC
3725 ALEXANDRIA PIKE
COLD SPRING, KY 41076
CINCINNATI, OH 45202



PROJECT NO. 21-001-01
SCALE 1" = 100'
DATE 03/08/24
EXISTING CONDITIONS PLAN

1" = 100' (1" = 100' = 1" = 100')

REVISIONS

NO.	DATE	DESCRIPTION	BY	CHECKED
1	03/08/24	ISSUE FOR PERMITS	J.M.P.	S.P.
2				
3				

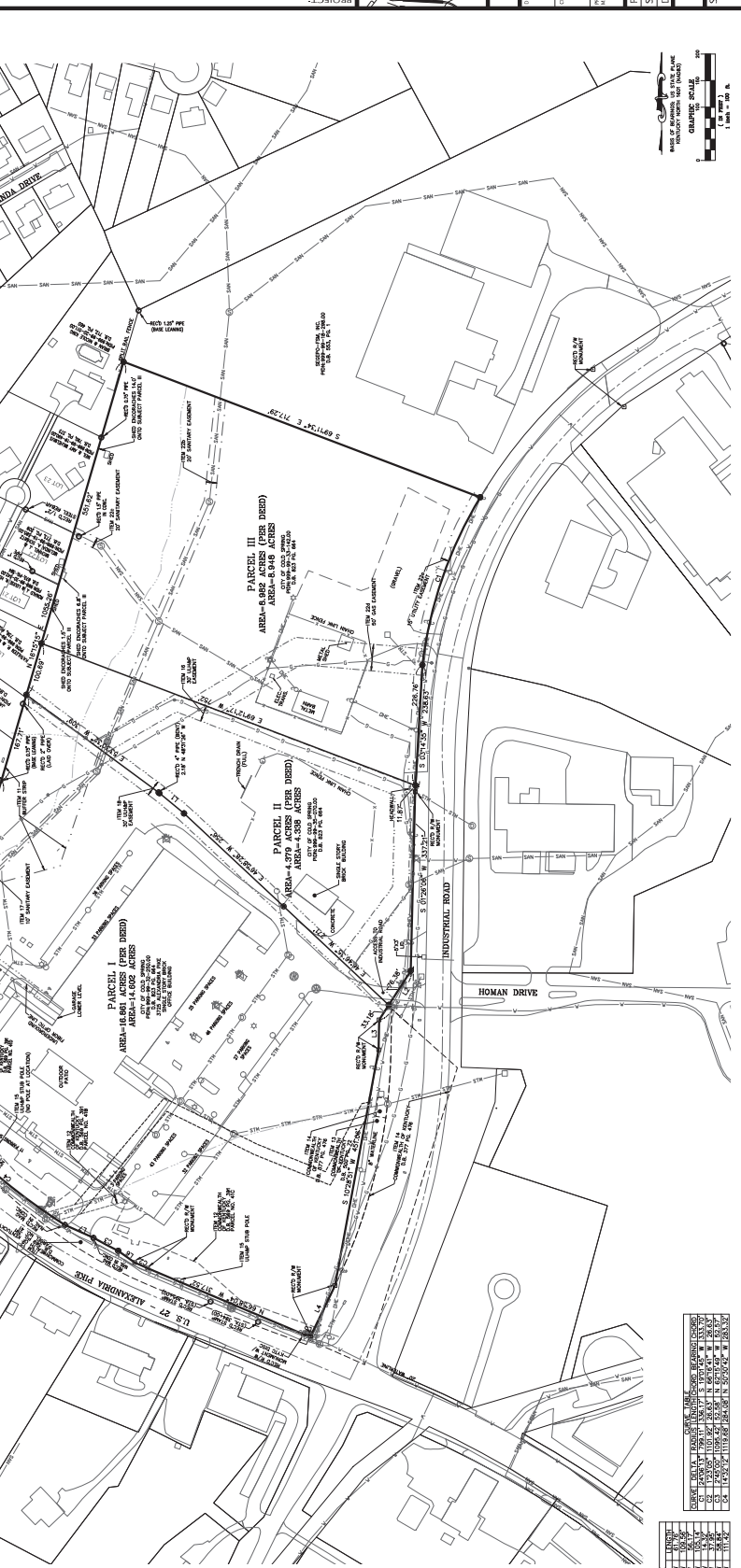
DATE 03/08/24

ITEM

NO.	DESCRIPTION
1	OVERHEAD ELECTRIC
2	UNDERGROUND ELECTRIC
3	ELECTRIC MANHOLE
4	ANCHOR POLE
5	UTILITY POLE
6	GROUND LIGHT
7	UNDERGROUND TELEPHONE
8	TELEPHONE BOX
9	BOLLARDS
10	MANHOLE
11	BASE BOX
12	WATER LINE
13	WATER VALVE
14	WATER METER
15	WATER MAINS MANHOLE
16	POST INDICATOR VALVE
17	GAS VALVE
18	UTILITY MANHOLE
19	STEERING MANHOLE
20	DITCH OR CREEK
21	FENCE LINE
22	R/W FENCE LINE



NO.	DATE	DESCRIPTION	BY	CHECKED
1	03/08/24	ISSUE FOR PERMITS	J.M.P.	S.P.
2				
3				



NO.	DATE	DESCRIPTION	BY	CHECKED
1	03/08/24	ISSUE FOR PERMITS	J.M.P.	S.P.
2				
3				

REVISIONS	DATE	ITEM



CARDINAL
ENGINEERING & SURVEYING
INCORPORATED
 3725 ALEXANDRIA PIKE
 CINCINNATI, OH 45224
 (513) 951-9820
www.cardinaleng.com

CLIENT:
 AL NEYER, LLC
 302 W. 3RD STREET, SUITE 800
 CINCINNATI, OH 45202

PROJECTS:
 STAGE I DEVELOPMENT PLAN
 FORMER DAY PROPERTY
 COLD SPRING, KY 41076

3725 ALEXANDRIA PIKE
 CINCINNATI, OH 45224
 (513) 951-9820
www.cardinaleng.com



DRAWN BY: SGL
CHECKED BY: SGL
DESIGNED BY: DEB
DATE: 03/08/24

PROJECT NO.: 21-001-01
SCALE: 1" = 60'
DATE: 03/08/24

SHEET C-500
GRADING PLAN

LEGEND:

- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- ANCHOR POLE
- ELECTRICAL MANSION
- UTILITY POLE
- UTILITY POLE
- GROUND LIGHT
- TELEPHONE BOX
- UNDERGROUND TELEPHONE
- BOLLARDS
- SINK BOX
- WATER LINE
- WATER METER
- FIRE HYDRANT
- WATER METER MANSION
- POST INDICATOR VALVE
- GAS VALVE
- GAS METER
- UTILITY MANSION
- STORM MANSION
- DITCH OR CREEK
- FENCE LINE
- M/W FENCE LINE



GRAPHIC SCALE

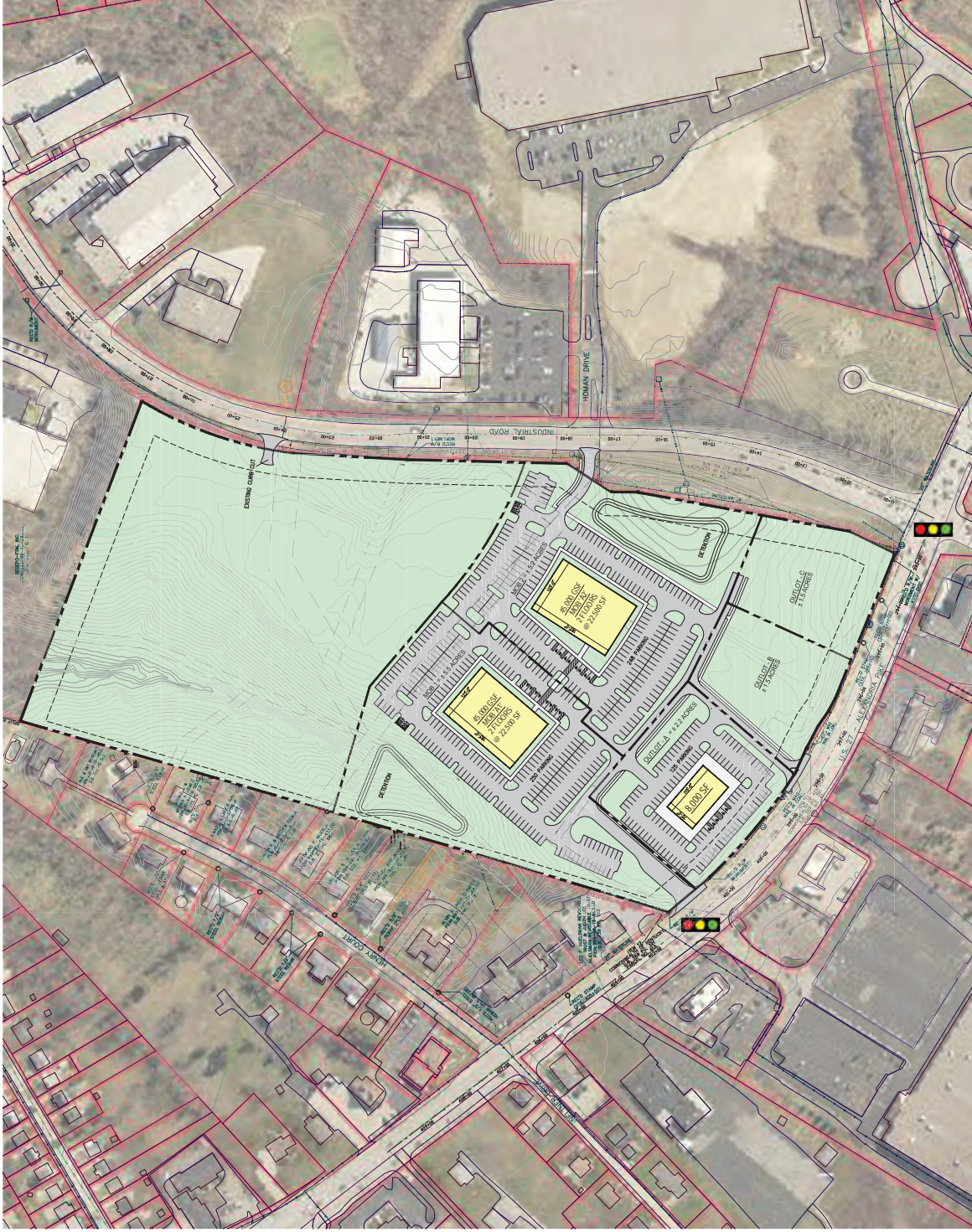
1" = 60'

1" = 120'

1" = 180'



DATE PLOTTED: 03/08/24
 PLOTTER: HPGL
 PLOT SIZE: 24x36
 PLOT DENSITY: 1200x1200
 PLOT ORIENTATION: Landscape
 PLOT MARGIN: 1/4"



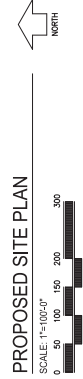
MASTER PLAN INFO:

27.9 ACRE SITE

MEDICAL OFFICE BUILDING 1:
 5.5 ACRE SITE
 45,000 S.F. BUILDING (22,500 S.F./FLOOR)
 250 PARKING SPACES (5.6/1,000 S.F.)

MEDICAL OFFICE BUILDING 2:
 5.2 ACRE SITE
 45,000 S.F. BUILDING (22,500 S.F./FLOOR)
 248 PARKING SPACES (5.5/1,000 S.F.)

RETAIL OUTLOTS:
 (A) ±2.2 ACRE SITE
 - 8,000 S.F. BUILDING
 125 PARKING SPACES (15.6/1,000 S.F.)
 (B) ±1.5 ACRE SITE
 - 1.2 ACRES USABLE WITHIN SETBACK
 (C) ±1.5 ACRE SITE
 - ±9 ACRES USABLE WITHIN SETBACK



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