

**COLD SPRING
PLANNING & ZONING AGENDA
June 12, 2024
6:30 PM**

1. PLEDGE TO THE FLAG, ROLL CALL, AND EXIT INSTRUCTIONS
2. APPROVAL OF MINUTES
 - May 8, 2024 P&Z Meeting
3. SUBDIVISION ITEMS
4. PUBLIC FACILITIES
5. PUBLIC HEARING ON SCHEDULED ITEMS
 - File Number: PZ-24-021
 - Applicant: Joseph Wittrock on behalf of Construct RX and Lifeline Pharmacy
 - Location: 136 Plaza Drive, Cold Spring, KY
 - Zone change of 0.94 acre from HC (Highway Commercial) Zone to NC (Neighborhood Commercial) Zone
6. UNFINISHED BUSINESS
7. CORRESPONDENCE
8. PLANNING AND STAFF ITEMS
9. COMMISSION ITEMS
10. COMMENTS / REQUESTS TO THE COMMISSION
11. ADJOURN

Planning & Zoning Minutes

May 8, 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.

Minute Approval:

- March 13, 2024 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:

- PZ-24-014 (Zone Map Amendment from Industrial Park (IP) to Mixed-Use Planned Development (MUPD) and Neighborhood Commercial (NC)); and PZ-24-015 (Stage I plan for development of a Mixed-Use Commercial Development; and Variances for parking and setbacks) were presented to the commission by Cindy Minter with Campbell County Planning & Zoning. Cindy Minter stated that the applicant is Al Neyer LLC and the location being discussed is 3725 Alexandria Pike. Mrs. Minter reviewed the staff report which outlined the zoning and plans for the 27-acre site, the comprehensive plan, explanation of a zone map amendment, and consideration of variances (see attached).
 - Steve Popovich asked Mrs. Minter to clarify why this does not align with the comprehensive plan from 2018. Mrs. Minter stated that the redevelopment of this site was not anticipated during the last comprehensive plan update.
 - Brian Yangyuen, Development Manager with Al Neyer, LLC gave a brief overview of what they do and who they are.
 - Don Stegman with Cardinal Engineering gave some more information about the entrances to the development, incorporation of stormwater development, and the acreage of each proposed zone. There was discussion about the need for the setback variances, topography, and possible plans of the second phase.
 - Mark Stoeber (resident) addressed the commission stating that this meeting is in violation of the city's zoning ordinance because the applicant is not the owner of the property. Mr. Voelker told Mr. Stoeber that the development agreement between the city and Al Neyer, LLC granted them the authority to apply. Cindy Minter added that the applicant did provide the development agreement with their application. Mr. Stoeber shared his concerns with the proposed zoning, he does not think MUPD is appropriate. He also expressed his concerns with the traffic and the lack of research of this project.
 - Paul Studer (resident) is concerned with the parking stall variance as there are many bigger vehicles in this area. Mr. Studer does not agree that the 25-foot setback variance is applicable here at this site. Mr. Studer's biggest concern is how this will impact zoning in the future as it will set a precedence.
 - Greg Popovich (resident) said he would not like to see apartments or condos in this development as it will bring in more traffic concerns.
 - Linda & Jennifer Stamper (residents) wants to make sure that the developer does something nice with the green space since her property abuts the site; they hope that the tree line will stay to provide sound protection from the development. Ms. Stamper is also concerned about the traffic and what this development will do to the community.
 - Lou Gerding (resident) also questioned why Al Neyer, LLC is the applicant since the city is the property owner. Mr. Gerding added that this development is not consistent with the 2018 comprehensive plan. There was discussion about whether the right-of-way is included in the acreage of the zone change.

Planning & Zoning Minutes

May 8, 2024

- Joe Heil (resident) expressed his concerns with the traffic on US27 and 1998/Industrial Road. Mr. Heil asked for consideration of the landscape screening and the placement of the mechanical equipment of the building.
- Michael Schmitz (resident) is concerned with safety for pedestrians and hopes the sidewalks will be further away from US27.
- Paul Popovich (resident) feels that there are safety and welfare issues related to this development as this area is already dangerously congested.
- There was more discussion about the setback variance. Mr. Yangyuen said that they asked for the setback variance to preserve flexibility for those out lots. There was also discussion about building height.
- Steve Popovich thanked the developer for the presentation and said that this decision needs a lot more consideration and study. Mr. Popovich made a motion that this be tabled to allow for more research. Motion died for lack of a second.
- Mike Forge made a motion 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. Greg Hizer seconded the motion. Roll call vote shows 6 yeses and 1 no – Popovich. **Motion passed.**
- Marg Trunick made a motion to approve the conceptual site development plan as recommended by Campbell County Planning & Zoning. Greg Hizer seconded the motion. Brandon Voelker clarified that this plan is not for the entire site, the other out lots would have to come back to this body with stage 1 plans for the individual developments. Roll call vote shows 6 yeses and 1 no – Popovich. **Motion passed.**
- Greg Hizer made a motion to approve for parking stall dimensional variance of two feet from the required 10' x 20' to 10' x 18' within the MUPD zone and a drive aisle of 24 feet. Sam Conner seconded the motion. Roll call vote shows 6 yeses and 1 no – Popovich. **Motion passed.**
- The setback variance was withdrawn by the applicant.

Unfinished Business:

None Correspondence:

None Planning & Staff

Items: Commission Items:

- Approval of continuing education hours for the following members:
 - 2.5 hours for Sam Conner, Steve Popovich, Marg Trunick, Mark King
 - 10.5 hours for Mike Forge
 - 3.5 hours for Mike Foulks
 - 8.75 hours for Greg Hizer

Steve Popovich made a motion to approve. Sam Conner seconded the motion. All were in favor. **Motion passed.**

Comments/Requests to the Commission: None

Adjournment:

- Steve Popovich made a motion to adjourn the meeting at 8:46pm. Sam Conner seconded the meeting. All were in favor. **Motion passed.**

Approved:

Planning & Zoning Minutes

May 8, 2024

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/>



Planning & Zoning Commission


Mike Foulks – Chair
 Greg Hizer – Vice Chair
 Sam Conner – Secretary
 Steve Popovich
 Marg Trunick
 Mike Forge
 Mark King




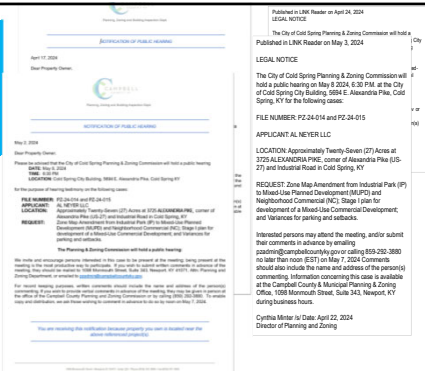
Cold Spring Planning & Zoning Commission

May 8, 2024

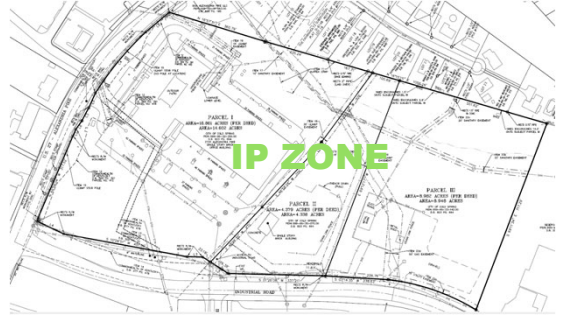
FILE NUMBER: PZ-24-014 and PZ-24-015
 APPLICANT: AL NEYER LLC
 LOCATION: Approximately Twenty-Seven (27) Acres at 3725 ALEXANDRIA PIKE, corner of Alexandria Pike (US-27) and Industrial Road in Cold Spring, KY
 REQUEST: Zone Map Amendment from Industrial Park (IP) to Mixed-Use Planned Development (MUPD) 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 April 24 and May 3 edition of the Link Reader.
- Notices were mailed to 34 adjoining and neighboring properties on April 17 and May 2.
- A signs advertising the Hearing was placed on site.

Current Site



Comprehensive Plan Existing and Future Land Use Maps

Existing Land Use

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

Future Land Use

- Single-Family Residential
- Multi-Family Residential
- Neighborhood Commercial
- Regional Commercial
- Office and Non-Retail Commercial
- Industrial
- Parks and Recreation
- Public and Institutional

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.

Phase 1 Site



The development site is approximately 27 acres

- Map amendment is requested for Mixed-Use Planned Development (MUPD) and Neighborhood Commercial (NC).
- The complete rezoning will include adjacent ROW.

Comprehensive Plan

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.

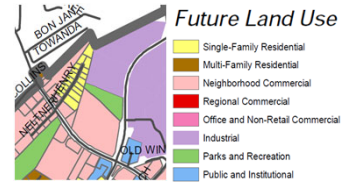
- **Neighborhood Commercial** - Alexandria Pike is a major commercial artery for Cold Spring that has continued to grow and redevelop with changing trends and markets. Unlike other areas of Cold Spring, many of the properties along Alexandria Pike are shallower than the larger lots around the AA Highway 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.

Comprehensive Plan

The redevelopment of this site was not anticipated during the 2018 plan update and referenced the area to be a blend of categories.

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 office 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.



FUTURE DEVELOPMENT

- **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.

Goals and Objectives

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.

Industrial Park (IP) Zone

- Manufacturing, compounding, processing, packaging, or assembling of
 - Candy and confectionery products, food and beverage products
 - Cigars and cigarettes
 - Cosmetics, pharmaceuticals, and toiletries
 - Commercial advertising structures
 - Household appliances
 - Electrical machinery, equipment and supplies
 - Fountain and beverage dispensing equipment
 - Furniture
 - Instruments of professional, scientific, photographic, and optical
 - Metal products and metal finishing
 - Musical instruments, toys, novelties, jewelry, rubber or metal stamps
 - Office equipment
 - Pottery and figurines
 - Products from previously prepared materials
 - Textile products
 - Bottling and canning works
 - Crating services
 - Fire stations
 - Industrial engineering consultant offices
 - Laboratories, offices, and other facilities for research
 - Machine shops
 - Police stations
 - Printing, engraving and related reproduction processes
 - Publishing and distribution printed material
 - School for industrial or business training
 - Warehousing or wholesaling
- CONDITIONAL USES:**
- Restaurants (sit-down only)

MIXED USE PLANNED DEVELOPMENT (MUPD)

- 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 1 Development Plan.
 - Office and Related Uses:** Professional Office, Research Training and other related uses shall be continued in designated areas as delineated on the Stage 1 Development Plan and may include the following uses:
 - Care centers for children and/or adults
 - Corporate headquarters, regional and administrative offices
 - Professional, medical, and dental offices
 - Regional and metropolitan offices
 - Sales and marketing offices
 - Data and communication centers, including information processing facilities
 - Sales and service offices related to electronic equipment, computers, and similar office equipment
 - Research and development facilities
 - Hotels and meeting facilities
 - Training, educational and conference facilities
 - Printing and publishing facilities
 - Athletic and recreational facilities
 - Financial institutions and services
 - Retail and retail services in conjunction with and located within an office building, hotel, conference center or athletic facility
 - Colleges, technical, and business schools
 - Libraries and museums
 - Commercial Uses:** Areas designated for commercial and service uses may be included on the Stage 1 Development Plan to include the following uses:
 - Antique stores
 - Apparel stores
 - Art supplies
 - Art gallery and framing services
 - Bakery and bakery goods store, provided the products are sold exclusively on the premises
 - Barber and beauty shops
 - Bicycle shop
 - Book, stationery or gift store
 - Bookstore
 - Camera and photographic supplies
 - Candy store, soda fountain, ice cream or yogurt store, including those with drive-in or drive-through facilities
 - Car and gift shop
 - Carpet and flooring store
 - Coffee/tea store
 - Communications and postal service center
 - Computer store
 - Dance studio
 - Delicatessen and coffee shops
 - Drug store
 - Dry cleaning store
 - Eating and drinking places, excluding those with drive-in or drive-through facilities
 - Fabric store
 - Florist shop
 - Travel agency
 - Glass or pottery shop
 - Grocery or food stores
 - Health and fitness facility
 - Hobby and craft store
 - Home furniture store
 - Home improvement and garden stores, including sales and service
 - Interior decorator services
 - Jewelry store
 - Leather goods and luggage store
 - Locksmith shop
 - Music store, including sale of instruments and recorded material
 - Office supply store
 - Opticians and optical goods
 - Paint and wallpaper store
 - Party supply and party goods store
 - Pet store and grooming, excluding boarding of animals
 - Pharmacy establishment
 - Radio, television and similar or related electronics and appliance sales and service
 - Shoe store and shoe repair
 - Sporting goods store
 - Tailor shop
 - Tanning salon
 - Toy store
 - Video tape and audio products sales and rental
 - Work floor store
- CONDITIONAL USES:**
- 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

- | | |
|---|--|
| 1. Apparel shop | 23. Locksmith shop |
| 2. Art supplies | 24. Offices |
| 3. Bakery and bakery goods store | 25. Off-street parking lots and/or garages |
| 4. Banks and other financial institutions | 26. Opticians and optical goods |
| 5. Barber and beauty shop | 27. Paint and wallpaper store |
| 6. Book, stationery, or gift shop | 28. Pet shop, excluding boarding and outside runs |
| 7. Camera and photographic supplies | 29. Photocopy establishment |
| 8. Candy store, soda fountain, ice cream store, excluding drive-ins | 30. Radio and television store (including repair) |
| 9. Child care center | 31. Shoe store and shoe repair |
| 10. Convenient food store, without gasoline pumps | 32. Sporting goods |
| 11. Delicatessen | 33. Tailor shop |
| 12. Drug store | 34. Toy store |
| 13. Dry cleaning and laundry pick-up station | 35. Variety store, including notions and "five and ten" stores |
| 14. Eating and drinking places, excluding drive-ins | 36. Video tape sales and rental |
| 15. Florist shop | |
| 16. Garden supplies | |
| 17. Glass, china, or pottery store | |
| 18. Hardware store | |
| 19. Hobby shop | |
| 20. Interior decorating studio | |
| 21. Jewelry store, including repair | |
| 22. Library | |
- CONDITIONAL USES:
1. Outdoor Dining, with an Eating Establishment as the primary use of the property

Zone Map Amendments

- ▶ Zone map amendments are drawn to the centerline of adjacent streets.
- ▶ 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

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.

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.

Site Development Plan with Variances

- ▶ Stage I Development Plan
- ▶ Variances
 - ▶ 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'
- ▶ 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.

Specific findings are detailed in the staff report.

Existing Site



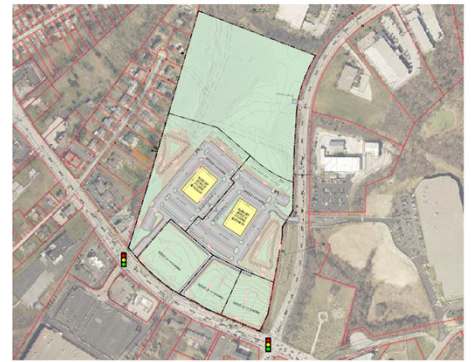
Preliminary Design

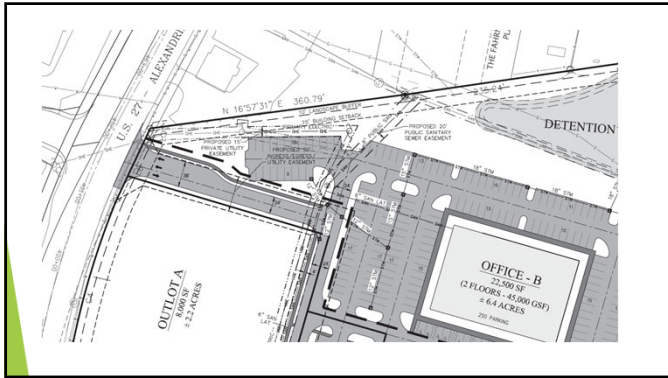
MASTER PLAN INFO:
27.6 ACRE SITE

OFFICE BUILDING A:
25.7 ACRE SITE
45,000 S.F. BUILDING (22,500 S.F./FLOOR)
248 PARKING SPACES (5,571,000 S.F.)
+ 60 FUTURE PARKING SPACES

OFFICE BUILDING B:
26.4 ACRE SITE
45,000 S.F. BUILDING (22,500 S.F./FLOOR)
250 PARKING SPACES (5,671,000 S.F.)
+ 60 FUTURE PARKING SPACES

RETAIL OUTLOTS:
(A) 27.2 ACRE SITE
= 8 ACRES USABLE WITHIN SETBACK
(B) 21.6 ACRE SITE
= 3 ACRES USABLE WITHIN SETBACK
(C) 21.6 ACRE SITE
= 8 ACRES USABLE WITHIN SETBACK





Plan Notes

1. AREA OF SUBJECT PARCEL IS 27.888 ACRES
2. AREA OF CONSIDERATION IS 17,287 ACRES +/- (NC: 2,894; 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)
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)
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.

Soil and Topography

TRAFFIC & UTILITY

- ▶ Will-Serve letters from
 - ▶ NKWD - 20' Main on US 27 and 8' Industrial Road
 - ▶ SD1 capacity Reserved for 72,000 GPD
 - ▶ Duke Electric
 - ▶ Duke Gas
- ▶ KYTC Traffic Study
 - ▶ Study Scope approved and ongoing
 - ▶ Counts completed in April 2024
 - ▶ Results of Study and KYTC recommendations will be presented with STAGE II Plans

Considerations of Variances

- ▶ Before any variance is granted, 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:
 - ▶ The requested variance arises from special circumstances 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.
- ▶ 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.

Parking Variance

- ▶ The applicant has planned for 5.5 parking spaces 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.

A general circulation system including pedestrian walkways and drive aisles was provided. Sidewalks along US 27 and Industrial Road will be required.

Applicant Statement on Parking Variance

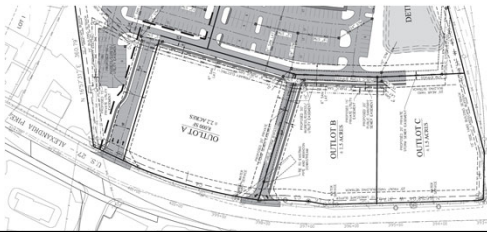
- ▶ The development plan proposes a reduction in parking stall depth from 20 feet to 18 feet for all parcels within the MUPD portion of the project. The parking stalls would maintain the required 10' width. The aisles will be 24' wide to comply with Section 11.1.B.1.a; if the variance is granted, the 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:
 - ▶ Support redevelopment at this site that produces valuable and desirable services to the community along with contributing to its general well-being.
 - ▶ 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.
 - ▶ Be a use that complies with regulations in the Zoning Ordinance and Subdivision Regulations
 - ▶ 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.
 - ▶ 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.
 - ▶ 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.
 - ▶ Not allow unreasonable circumvention of the requirements of the zoning regulations, and will not alter the essential character of the neighborhood.
 - ▶ 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 Comment

- ▶ 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.

Setback Variance

- ▶ 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'



Applicant Statement on Setback Variance for Retail Outlet Setbacks (B & C)

- ▶ The second variance request pertains to the front and rear yard setbacks for retail outlets 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:
 - ▶ Support redevelopment at this site that produces valuable and desirable services to the community along with contributing to its general well-being.
 - ▶ 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.
 - ▶ Be a use that will comply with regulations in the Zoning Ordinance and Subdivision Regulations
 - ▶ 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.
 - ▶ 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.
 - ▶ 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.
 - ▶ Not allow unreasonable circumvention of the requirements of the zoning regulations and will not alter the essential character of the neighborhood.
 - ▶ 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 Comment

- ▶ 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:

- ▶ Zone Change
- ▶ 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 Recommendation

1. 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.
2. 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.
3. Proper notice has been given in accordance with Article XVII Amendment Procedure of the Cold Spring Zoning Ordinance.
4. The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate.
5. 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.

Staff Recommendation #2

To approve the conceptual Site Development Plan with variances for

- 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 Recommendation

1. Proper notice has been given in accordance with the Cold Spring Zoning Ordinance.
2. The conceptual site plan is within general conformity of the Cold Spring Zoning Ordinance and Subdivision Regulations.
3. 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.
4. 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.

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 June 12, 2024 at 6:30 PM at 5694 East Alexandria Pike, Cold Spring, KY 41076.

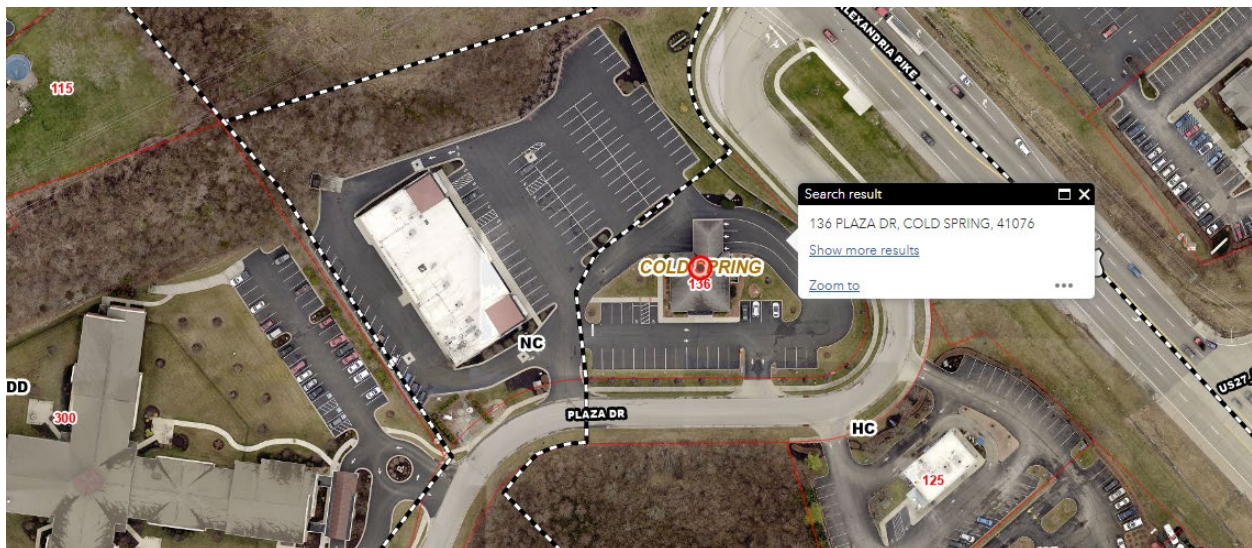
FILE NUMBER: PZ-24-021
LOCATION: 136 Plaza Drive, Cold Spring, KY
APPLICANT: Joseph Wittrock on behalf of ConstructRx and Lifeline Pharmacy
REQUEST: Zone change of 0.94 acre from HC Zone to NC Zone at 136 Plaza Drive, Cold Spring, KY

Legal notice was published in the NKY LINK Reader on May 28, 2024. Notices were mailed to adjoining and neighboring properties.

Overview:

The site is located on Plaza Drive just west of US27 and north of AA Highway. The site is approximately one acre and is situated within a Highway Commercial (HC) zone. The previous use of the site was a bank with drive-through lanes.

The adjoining properties to the north and west are zoned Neighborhood Commercial (NC). The properties to the east and south are zoned Highway Commercial (HC).



The proposed use is a pharmacy. The Zoning Ordinance uses the term “drug store”. Drug stores are listed as permitted uses in several of the commercial zones in Cold Spring but not HC, where this site is located. The neighboring NC zone permits drug stores. Expanding that NC district to include this lot will allow a drug store to go in at this location.

Site plan as Condition of Zone Map Amendment

Article XVII, Section 17.0 Amendment Procedure requires Submission of Development Plan as Condition to any Commercial, Multi-Family Residential, or Industrial Zoning Map Amendment. This includes an application for a zoning map amendment *and* a Development Plan indicating the applicable requirements of Section 9.18, A. of the ordinance.

The applicant intends to use the existing site as it is with no changes to the layout of the lot. Staff opines that the applicant is not required to submit a new site plan for an existing and previously-approved lot arrangement.

There is no new development associated with this zone map amendment. If the proposed use as a drug store was a permitted use in the current zone, only a staff-approved “change of use” permit would be required with no public hearing.

Considerations of Zone Map Amendment

The 2018 Comprehensive Plan future land use map designates this area as “Regional Commercial”.



From the 2018 Comprehensive Plan Recommendations – Future Land Use Categories:

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

Dimensional Requirements for Permitted Uses:

	HC Zone	NC
Minimum Lot Area:	10,000 square feet	10,000 square feet
Minimum Lot Width at Building Setback Line:	70 feet	70 feet
Minimum Front Yard Depth:	50 feet	50 feet
Minimum Side Yard Width:	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.	No restrictions except when adjacent to a 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. In the event a side yard is provided, it shall never be less than fifteen (15) feet
Minimum Rear Yard Depth:	15 feet	50 feet
Maximum Building Height:	40 feet	40 feet
Other:	In the case of this zone, more than one principal structure, as herein defined, may be constructed on one lot	In the case of this zone, more than one principal structure, as herein defined, may be constructed on one lot

The dimensional requirements of each zone are mostly similar. The change to NC would increase the rear yard setback requirement from 15 to 50 feet and decrease the side yard requirement to 15 feet in specific contexts.

The following land uses are permitted in the HC Zone:

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 through facilities
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. Hotels and motels
9. Mobile home and trailer sales, rental and service (new and used)
10. Off-street parking lots and garages
11. Police and fire stations
12. Skating rinks, golf driving ranges, miniature and par-3 golf courses

There are no conditional uses in the HC zone.

The following land uses are permitted in the NC Zone:

1. Apparel shop
2. Art supplies
3. Bakery and bakery goods store, provided the products are sold exclusively on the premises
4. Banks and other financial institutions, including savings, loan and finance companies
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
21. Jewelry store, including repair
22. Library
23. Locksmith shop
24. Offices
25. Off-street parking lots and/or garages
26. Opticians and optical goods
27. Paint and wallpaper store
28. Pet shop, excluding boarding and outside runs
29. Photocopy establishment
30. Radio and television store (including repair)
31. Shoe store and shoe repair
32. Sporting goods
33. Tailor shop
34. Toy store
35. Variety store, including notions and "five and ten" stores
36. Video tape sales and rental

The only conditional use in the NC zone is outdoor dining.

As per Article XVII - Section 17.0 Amendment Procedure, F. Minimum Size of New Zones:

“the zoning map shall not be amended, changed, or modified in such a manner as to create a free-standing zone of less than five (5) acres. . .”

The adjoining NC district is approximately 5.3 acres. Adding this parcel to that district will increase its size to approximately 6.3 acres. **The zone change of this parcel would not create a freestanding zone of less than five (5) acres.**

As per City of Cold Spring Zoning Ordinance Section 17.0 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 zone map amendment is *in agreement with the adopted Comprehensive Plan.*

Additionally; the existing zoning classification given to the property is inappropriate for the proposed use. The former use as a bank was permitted in both the HC and NC zone. The bank is no longer open. The HC zoning designation is inappropriate for a drug store.

Staff recommends that the zoning designation be changed from HC to NC.

*

Request:

The applicant is requesting:

1. Zone Map Amendment from Highway Commercial (HC) zone to Neighborhood Commercial (NC) zone.

Staff Recommendation:

That the Planning Commission recommend approval of the proposed Zone Map Amendment subject to the following conditions:

- That the zone map amendment be forwarded to the City of Cold Spring City Council for adoption.

Bases for Staff Recommendation – Zone Map Amendment:

1. 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.
2. 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.
3. Proper notice has been given in accordance with Article XVII Amendment Procedure of the Cold Spring Zoning Ordinance.
4. The zone map amendment will not create a freestanding zone of less than five (5) acres.
5. The zone map amendment is in agreement with the adopted Comprehensive Plan.

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

Sincerely,

A handwritten signature in blue ink that reads "Kirk Hunter". The signature is written in a cursive style with a horizontal line underlining the name.

Kirk Hunter, AICP
Principal Planner