

# **COLD SPRING CITY COUNCIL**

## **MEETING AGENDA**

August 26, 2024

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**
  - Pups in the Park 9/20/24 6:00- 8:00 PM
  - Open gym is now every Wednesday from 4:00- 6:00 PM
- 6. APPROVAL OF MINUTES**
  - July 22, 2024 Council Meeting Minutes
- 7. RECOGNITION OF SCHEDULED GUESTS**
- 8. RECOGNITION OF UNSCHEDULED GUESTS**
- 9. OLD BUSINESS**
  - Resolution 24-04 - a resolution sponsoring a proposed zoning text amendment for medical marijuana use
- 10. NEW BUSINESS**
  - Municipal Order 24-06: appointing Gerald Schmidt to the Planning & Zoning Commission to fill a vacancy
  - Ordinance 24-1095: 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 2024-2025, pursuant to the Cambell 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.
  - Plaza Drive map amendment for council consideration
- 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

July 22, 2024

The July 22, 2024 council meeting was called to order by Mayor Penque at 7:30pm.

Prayer and pledge were led by the City Clerk

### *Roll Call & Exit Instructions:*

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

*Additions or Deletions to the Agenda:* None.

### *Items of Interest to the Community:*

- July 25, 2024 – Summer Concert Series: StrangeLove. The concert is from 7-9:30pm. Vendors will be present for food and beverages.
- July 28, 2024 – The Florence Community Band from 6pm-8pm. Concessions will be available for purchase.
- July 29, 2024 - Yoga in the Park at 10am. Yoga sessions have been extended; they are on Mondays at 10am through August 12.
- Sewing Club is held in room 102 of the community center on the first and third Thursday of the month at 9am
- Silver Sneakers is held Tuesday, Wednesday, and Thursday in the gym at the community center. Tuesdays and Thursdays it starts at 9:20am, Wednesdays it starts at 9:30am. The up-to-date schedule is on the calendar that is posted on the website.
- A representative from TANK will be at the community center August 5 at 10:00 to educate residents on the new TANK Plus service coming to Cold Spring early this fall. TANK Plus is a pilot launch of Microtransit (kind of like an Uber, but with a bus). Everyone is welcome to come learn about the new service and how to use it. No registration required.

### *Approval of Minutes:*

- June 24, 2024 council meeting minutes were reviewed by all. Adam Sandfoss made a motion to approve, second by Lisa Cavanaugh. Dave Guidugli requested clarification on Mark Stoeber's comments. All were in favor with the corrections. **Motion passed.**

### *Recognition of Scheduled Guests:*

- Chris Courtney, Associate Director of Local Government Services at the Northern Kentucky Area Development District provided a short presentation reviewing the services they provide; they provide technical assistance and support for local communities. Paul Kloeker asked how they are funded; Mr. Courtney said they are funded by state funding, grant fees, associations, and contracts. Lisa Cavanaugh said that they are a great organization and offer a lot of assistance.

### *Recognition of Unscheduled Guests:*

- Dr. Mark Schroer – Dr. Schroer stated that he is a doctor of internal medicine and offered himself as a resource while council decides how they are going to handle the legalization of medical marijuana. He feels that there will be tremendous consequences to this new law and more research is needed. Dr. Schroer shared his concerns, he feels that it will give patients false hope and that it will legitimize the recreational use of marijuana. Dr. Schroer

## Cold Spring Council Minutes

July 22, 2024

urged council to take their time and wait for the science to catch up to the politics. Adam Sandfoss clarified that medicinal marijuana has already passed in Kentucky, and will be legal regardless of what council decides; council is deciding whether medicinal marijuana businesses can operate within the city.

- Brian King (resident) shared his concerns with the traffic that will be increased by the development at the DAV property. Mr. King stated that more people need to come to these meetings if they want their concerns to be heard.
- Mike Schmitz (resident) said that the city wants something different than the residents do. He asks that council listen to the residents' concerns and take them into consideration

### *Old Business:*

- Ordinance 24-1094, 2<sup>nd</sup> reading of an ordinance amending the zoning map of the City of Cold Spring, County of Campbell, Kentucky for an approximate 27-acre area of land on the corner of Alexandra Pike (US 27) and Industrial Road in the City of Cold Spring from Industrial Park (IP) to Mixed Use Planned Development (MUPD) and Neighborhood Commercial (NC). Lisa Cavanaugh made a motion to approve, second by Chris Ampfer. Cindy Moore read from the letter submitted by Al. Neyer "If, in the future, our development plan involves residential product for the undeveloped portion of the property, we are willing to bring the proposed plan for such residential development before the City Council for its review and approval." Ms. Moore asked for confirmation that it will come back to council, in addition to Planning & Zoning; Mr. Voelker stated that is correct. There was discussion about the 20% common open space recreation area, Mr. Voelker read from the ordinance and that is a requirement. Condly Moore said her concern is that they will ask for a variance. There was discussion about parking stall size requirements, Ms. Moore asked the developer to make sure that they are the correct size. Ms. Moore shared her concerns with the traffic impact study, stating that roads mentioned in it do not even connect to US 27 and she thinks another study need to be done. In regards to density, Ms. Moore would like to see a text amendment to the MUPD zone so that they can control the amount of building on one acre. There was discussion about a possible extension if the developer and city agreed to that. Ryan Reardon with Al. Neyer addressed council, stating that he appreciates the concerns and it should be taken into consideration that they are working with other partners, he is not sure what impact an extension would have on those conversations. Mr. Reardon stated that the traffic study letter provided was just a summary and it was referencing a signal point at Wendy's. There was discussion about a text amendment to limit the density for the MUPD zone or keeping the 10-acres in the back of the development as IP Zone. Brandon Volker suggested that we add to the ordinance "Lastly, that the zone change is contingent upon compliance with the Cold Spring Zoning Ordinance's Common Open Space/Recreation area requirement of 20%"; the developer was in agreeance. Lisa Cavanaugh and Chris Ampfer made the motion and second, they agreed to that addition to the ordinance for their motion. Mr. Voelker advised council that Campbell County Planning & Zoning has already started reviewing the MUPD zone for amendment. Dave Guidugli called the question. Roll call vote shows 4 yeses and 2 noes – Guidugli and Moore. **Motion passed.**
- Medical marijuana discussion: Brandon Voelker explained what the current options are for the city; they can approve and decide where it will be allowed through zoning, they can put it on the ballot for citizens to vote, or they can do nothing and follow the county ban. Adam Sandfoss does not feel that it should be banned in the city, as it is not much different than a pharmacy dispersing prescribed narcotics, or a liquor store. Lisa Cavanaugh said most of the residents that she has talked to, do not want it in the city and she feels that this issue should be placed on the ballot for the residents to vote on. Ms. Cavanaugh said that there is more research to be done and Cold Spring should hold off on allowing it at this time. Mr. Guidugli stated that the few people he talked to, have no desire to put it on the ballot. The majority of council agreed that it should not be placed on the ballot. Paul Kloeker thinks it is a matter of policy that we do not discourage business and he is not against to having it within the city. Steve Taylor advised council that there are 5 categories to consider: cultivation, processors, producers, dispensaries, and safety compliance; you cannot pick and choose what to allow, it is all or



## Cold Spring Council Minutes

July 22, 2024

none. It was suggested to put this on the next caucus meeting agenda to allow for more research and to see what other cities are doing. There was discussion about various regulations from the state website. Brandon Voelker stated that council is not on a time crunch to decide if it is not desired to be placed on the ballot and suggests that zoning be reviewed by Campbell County Planning & Zoning.

### *New Business:*

- Brandon Voelker advised that this had been briefly discussed in the past; making it a requirement that before a developer submits a Stage 1 development plan, they must receive approval from the state in regard to the roadways. Paul Kloeker stated that sometimes plans change between the Stage 1 and Stage 2 plans, so he would like to see that it is a requirement to have a traffic study completed before the Stage 1 plan is brought to the planning and zoning commission. Dave Guidugli made a motion to approve council sponsoring a text amendment for study, to have planning and zoning conduct a public hearing adding a requirement that KDOT approvals be obtained prior to submission of a Stage 1 development plan, second by Paul Kloeker. Roll call vote shows 6 yeses and 0 noes. **Motion passed.**

### *Follow up Citizen Comments:*

- Brian King (resident) suggested that the developer at the DAV property work with Verizon to get a cut through for the Henry Court residents to use the light. Mr. King asked if someone from the city could ask Neyer to host a meeting to allow for more conversation with the residents. Steve Taylor said a cooperative agreement would be needed from PNC and Verizon.
- Lisa Rusch (resident) asked if the name of the development at the DAV is set in stone, Paul Kloeker stated that is a placeholder. Ms. Rusch feels that is not a fitting name and should be reconsidered.
- Mike Schmitz (resident) asked about the possibility of purchasing an area behind his house on Henry Court, he said he asked about this a few years ago and was curious if that is still an option. He grows trees as a hobby and would be willing to organize an arboretum as a buffer area. He is also requesting a visually impaired crosswalk at McDonalds and was told that the city needs to request that. If the intersection is going to be redone, he is requesting that be installed.
- Mindy Schmitz (resident) asked if the housing density requirements can be implemented before the development, she would rather see townhouses than apartments.
- Dick Harvey (resident) shared concerns with high density housing at the DAV site. Mr. Harvey said the daily lifestyle of the residents in this area will be affected by this, and hopes council knows what they are doing.
- Brian Markus (resident) asked for confirmation that the letter submitted by Neyer is a binding document; Mr. Voelker stated that it is written in the ordinance.
- Mark Stoeber (resident) said there was a large development years ago, where the developer came to the city to hold meetings to advise residents of the plans, and it proved to be helpful since they were open to feedback from the residents. Mr. Stoeber suggested that Neyer do this as they get closer to the Stage 2 plans, he hopes the city can take advantage of that opportunity as many residents would appreciate it. Mr. Stoeber added that this developer had a contest with the local schools to name this development. Mr. Voelker stated that they only submitted a concept plan, so a Stage 1 plan is still needed.
- Rick Steinmetz (resident) asked if it is set in stone that St. Elizabeth is a part of this development. Brandon Voelker stated that names cannot be disclosed at this time. Mr. Steinmetz suggested there are other companies that would be beneficial as an addition to this site. There was discussion about who owns the land and revenue bonds.

## Cold Spring Council Minutes

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- Lisa Rusch (resident) asked if there is a timeline for demolition; Mr. Voelker stated that is not known at this time, but it will be posted when the city is made aware. Ms. Rusch would like notice in advance as she has many concerns about the demolition.
- Don Seibert (resident) said that many people are enjoying the pickle ball courts but asked if the installation of wind screens can be considered to help mitigate the wind gust issues. Mayor Penque stated that this is being looked into by the Public Works Director, as well as some shelter at the courts.
- Brian Markus (resident) stated that lighting would be a nice addition to the pickle ball courts.

*Department Reports (in writing)*

*Council Comments:*

- Cindy Moore asked Steve Taylor how far behind Midland is on the excavation. Steve Taylor stated that he isn't sure, but the blasting plan was submitted a month ago and there has been no progress made on that. There was discussion about the massage parlor. Steve Collinsworth said that complaints have been filed and they are waiting on follow up from the state. Ms. Moore asked if there will be more raised flower beds installed at Orchard, Ron Hitch stated that they are behind on this due to the heat but there are plans in place. Cindy Moore wanted to point out that the developers left after the vote was taken.
- Dave Guidugli inquired about a stop sign at Starbucks; Mr. Voelker said that if it is private property, they are the ones who erected it not the city. Mr. Guidugli said that Crossroads looks terrible after the trees were removed due to construction. Mr. Voelker said it is still a work in progress. There was a discussion about the gas line work on Martha Layne Collins Boulevard.
- Paul Kloeker complimented the bicycle training program that the police department had; he hopes more people can participate at the last one.
- Adam Sandfoss thanked everyone for coming, he hopes residents continue to stay engaged.

*Attorney Comments:* None.

*Mayor Comments:*

- Mayor Penque thanked everyone for coming. He thanked council for doing a great job moving the city forward; it is appreciated.

*Adjournment:*

- Adam Sandfoss made a motion to adjourn the meeting at 9:35pm, second by Lisa Cavanaugh. All were 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/>

**RESOLUTION 24-04**  
**CITY OF COLD SPRING, CAMPBELL COUNTY, KENTUCKY**

**A RESOLUTION SPONSORING A PROPOSED ZONING  
TEXT AMENDMENTS FOR MEDICINAL MARIJUANA USED**

**Whereas**, KRS 100.211(3) provides that a proposal for a text amendment may originate with the legislative body; and

**Whereas**, the Kentucky General Assembly has recently passed legislation to allow medicinal marijuana and associated businesses within the Commonwealth of Kentucky; and

**Whereas**, it is the intent of the legislative body to sponsor and direct staff to study and Cold Spring Planning and Zoning Commission to conduct a public hearing on a proposed text amendments and make a recommendation concerning the application.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF COLD SPRING, COUNTY OF CAMPBELL, COMMONWEALTH OF KENTUCKY, THAT:**

The City's Mayor, as an agent of the City's legislative body, is authorized to apply and propose the following to be studied and set for public hearing pursuant to KRS 200.211:

Proposed text amendments to provide for uses, whether permitted, conditional, accessory and/or other, as well as any other zoning regulations to ensure compliance with Kentucky's medicinal marijuana laws, as well as to ensure integration within the Cold Spring Zoning Ordinance.

This the \_\_\_\_\_ day of August 2024.

**CITY OF COLD SPRING**

BY: \_\_\_\_\_  
David Angelo Penque  
Mayor

ATTEST: \_\_\_\_\_  
CLERK

## MUNICIPAL ORDER 24-06

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A MUNICIPAL ORDER REAPPOINTING A MEMBER TO THE PLANNING AND ZONING COMMISSION OF THE CITY OF COLD SPRING, KENTUCKY

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### SECTION ONE

That Gerald Schmidt be appointed to the Cold Spring Planning and Zoning Commission to fill a vacancy with term to expire 12/31/25 or until new appointments are made. He shall perform all of the duties and obligations consistent with Kentucky Revised Statutes and City Ordinances.

### SECTION TWO

That all ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SO, ORDERED THIS 26<sup>th</sup> DAY OF AUGUST, 2024

APPROVED:

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D. Angelo Penque  
Mayor

ATTEST:

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Robin Morency  
City Clerk

Gerald E. Schmidt  
133 Orchard Terrace  
Cold Spring, Kentucky 41076

Email: [gschmidt226@gmail.com](mailto:gschmidt226@gmail.com)  
Telephone: 859.609.7702

To: [Robin.m@coldspringky.gov](mailto:Robin.m@coldspringky.gov)

The following is a brief background for consideration of the City Administration with regards to becoming a member of the Cold Spring Planning and Zoning Board:

My wife, Susan, and I have been residents of Cold Spring at the above address since 1980. We raised our five children in Cold Spring, are currently "empty-nesters" but for our 2 dogs, Gracie & Charley, and have no plans of moving anytime soon.

Education:

Campbell County HS 1967  
University of Kentucky 1968 – 1971  
Associate in Claims – 1978  
Chartered Property & Casualty Underwriter – The Insurance Institute 1992  
Property Loss Bureau – Continuing Education

Career background:

1970- 1977 Independent property loss adjuster with Underwriters Adjusting Company Cincinnati Ohio  
1977- 1979 Supervisor Property Loss Division – Underwriters Adjusting Northeast Ohio – Boardman OH  
1980 -1981 General Adjuster- large loss division Underwriters Adjusting - Southeast United States  
1981 -1995 General Adjuster Large Loss – Liberty Mutual Agency Marketing -Eastern US  
1995 –2014 Executive General Adjuster – National Major Loss Group Boston MA  
2014- 2016 Retired from Liberty/ run off business: G E Schmidt & Associates Independent Adjusters  
2017- present - Retired

Professional Associations:

Honorable Order of Blue Goose (Independent Agents & Adjuster Professional Associates)  
Associate Insurance Claims: Insurance Institute Malvern PA  
CPCU – Chartered Property & Casualty Underwriter Designation – 1992 San Francisco CA  
National Society of Professional Insurance Investigators / Charter member 1984- President 1995-96  
Licensed in requiring 17 states (to 2016)



Northern Kentucky Area Development District  
 22 Spiral Drive / Florence, KY 41042  
 Phone (859) 283-1885 / Fax (859) 283-8178 / TDD (859) 282-2707  
[www.nkadd.org](http://www.nkadd.org)



Tara Johnson-Noem, Executive Director

[tara.noem@nkadd.org](mailto:tara.noem@nkadd.org)

August 15, 2024

D. Angelo Penque, Mayor  
VIA E-MAIL ([robin.m@coldspingky.gov](mailto:robin.m@coldspingky.gov))

**Re: City of Cold Spring 2024 Tax Rate Calculation**

In response to your request for assistance in calculating the tax rate for the City of Cold Spring, please find enclosed the following exhibits: (A) the 2024 Public Service Assessment Calculation; (B) the 2024 Tax Rate Calculation Data Sheet; (C) the 2024 Tax Rate Calculation Worksheet and Revenue Projections; (D) Tax Rate Calculation Regulations; (E) documentation supporting the calculation; and (F) the original submission from your jurisdiction.

Based on the information you have provided, the City of Cold Spring's 2024 tax rate calculations yield the following:

	<i>Real Property</i>	<i>Personal Property</i>
<b>Compensating Rate</b>	0.129	0.107
<b>Compensating Rate plus 4% (Allowable Rate)</b>	0.134	0.111

Please note that the calculations provided set forth the compensating and allowable rates. Ultimately, the City of Cold Spring is free to adopt any rate it deems appropriate. However, in considering adoption of a rate greater than the Compensating Rate, the City Council or Commission must strictly follow the regulations outlined in Chapter 132 of the Kentucky Revised Statutes and Section 157 of the Kentucky Constitution. Please review the enclosed regulations sheet and Chapter 132 of the Kentucky Revised Statutes prior to the adoption of the tax rate, and the table below from Section 157 of the Constitution.

- For cities with a population less than 10,000, the maximum rate is .750 per \$100.
- For cities with a population of 10,000 to 14,999, the maximum rate is 1.000 per \$100.
- For cities with a population of 15,000 or more, the maximum rate is 1.500 per \$100.
- Per KRS 75.040, the maximum rate for a fire district is .100 per \$100 without an Ambulance Service, .200 per \$100 with an Ambulance Service.

If you should have any questions, or require further assistance, please do not hesitate to call. Thank you.

Sincerely,

Chris Courtney  
 Associate Director

**Enclosure**

# Exhibit A

Public Service Assessment Calculation

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**2024 Public Service Assessment Calculation**  
**City of Cold Spring**

**RELEVANT CONSIDERATIONS:**

- 1) The tangible portion of the public service company assessment for Airlines, Air Freight Companies and Interstate Railroads is assessed at a multiplier percentage that is set annually by the Department of Revenue (ex. 52%). Thus, the portion of the tangible assessment attributable to these companies must be reduced by the corresponding amount (in this case 48%).
- 2) Intrastate Railroads are not subject to assessment for Real or Personal Property Taxes.
- 3) The real property attributable to Airlines, Air Freight Companies and Interstate Railroads is assessed at 100%.

**TERMS:**

- 1) The Revenue Cabinet designates Airlines and Air Freight Companies with the codes: A, AF, or AK (see data attached).
- 2) The Revenue Cabinet designates Interstate Railroads with the code: RR (see data attached).
- 3) The Revenue Cabinet designates Intrastate Railroads with the code: RRI (see data attached).

**ACKNOWLEDGEMENTS:**

The information regarding formulas and calculations was provided by the Commonwealth of Kentucky, Finance and Administration Cabinet, Division of Property Valuation, State Valuation Branch, Public Service Section, 501 High Street, 4th Floor, Station 32, Frankfort, KY 40620. Phone: (502) 564-8175. Fax: (502) 564-8368.

Prepared by:  
NIKADD  
22 Spiral Drive  
Florence, KY 41042  
(859) 283-1885

Printed on:



**2024 Public Service Assessment Calculation  
City of Cold Spring**

**CALCULATIONS:**

1)	<u>Public Service Companies / Real Property Assessment</u>				
	Total Real Property Subject to assessment =	1,902,862.27			
	Total Intrastate Railroad Real Property =	0.00			
	Year 2024 Assessment = (Total Real Property subject to assessment - Total Intrastate Railroad Real Property) x 100%				
	<b>Year 2024 Assessment</b>	1,902,862.27	x	100%	
	<b>Year 2024 Assessment=</b>	<b>1,902,862.27</b>			
2)	<b>2024 4-R Rate set by Department of Revenue</b>			57%	
3)	<u>Public Service Companies / Personal Property Assessment</u>				
	Total Tangible Property subject to assessment =	22,445,640.00			\$ 22,445,640.00
	Total Interstate Railroad and Airline Tangibles =	0.00			\$ -
	Total Intrastate Railroad Tangibles =	0.00			\$ -
	Year 2024 Assessment = Total Tangible Property subject to assessment - (multiplier x Total Interstate Railroad and Airline Tangibles) - Total Intrastate Tangibles				
	Year 2024 Assessment =	22,445,640.00	-	0.00	0.00
	<b>Year 2024 Assessment =</b>	<b>22,445,640.00</b>			

Prepared by:  
NKADD  
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Printed on:

# Exhibit B

Tax Rate Calculation Data Sheet

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**2024 Tax Rate Calculation  
Data Sheet  
City of Cold Spring**

	<b>Prior Year 2023</b>	<b>Current Year 2024</b>
<b>Property Valuation Administration</b>		
Real Property Assessment	<u>\$980,180,291</u>	<u>\$987,300,497</u>
Less Exemptions	<u>\$51,633,900</u>	<u>\$52,560,900</u>
Less Other Adjustments	<u>\$124,257,580</u>	<u>\$125,077,580</u>
Total Real Property Subject to Taxation	<u>\$804,288,811</u>	<u>\$809,662,017</u>
 Personal Property Assessment	 <u>\$54,861,978</u>	 <u>\$51,573,831</u>
 Additions		 <u>\$303,700</u>
Deletions		<u>\$9,184,094</u>

**Public Service Companies**

Real Property Assessment	<u>\$15,676,877</u>	<u>\$1,902,862</u>
Personal Property Assessment	<u>\$10,139,340</u>	<u>\$22,445,640</u>

**Prior Years Adopted Tax Rates**

Real Property Rate (per \$100)	<u>0.127</u>
Personal Property Rate (per \$100)	<u>0.122</u>

<i>For NKADD Staff Use only</i>	
<b>Calculations:</b>	
2023 Total Taxable Real Property:	<u>\$819,965,688</u>
2023 Total Taxable Personal Property:	<u>\$65,001,318</u>
2024 Total Taxable Real Property:	<u>\$811,564,879</u>
2024 Total Taxable Personal Property:	<u>\$74,019,471</u>
2024 Total New Property:	<u>\$0</u>
<i>(Please note that if the amount of deletions exceed the amount of additions for calculation purposes, the total new property for the current year equals zero)</i>	

# Exhibit C

Tax Rate Calculation Worksheet and Revenue Projections

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## 2024 Tax Rate Calculation Worksheet City of Cold Spring

<b>01) 2023 Actual Tax Rate (per \$100) Real Property</b>	<b>0.1270</b>
<b>02) 2023 Actual Tax Rate (per \$100) Personal</b>	<b>0.1220</b>
<b>03) 2023 Total Property Subject to Rate</b>	<b>884,967,006</b>
<b>04) 2023 Real Property Subject to Rate</b>	<b>819,965,688</b>
<b>05) 2024 Total Property Subject to Rate</b>	<b>885,584,350</b>
<b>06) 2024 Real Property Subject to Rate</b>	<b>811,564,879</b>
<b>07) 2024 New Property (KRS 132.010)</b>	<b>0</b>
<b>08) 2023 Personal Property Subject to Rate</b>	<b>65,001,318</b>
<b>09) 2024 Personal Property Subject to Rate</b>	<b>74,019,471</b>

### REAL PROPERTY:

*R.P. RATE I: COMPENSATING RATE FOR 2024 - (Every City is guaranteed this rate).*

<u>819,965,688</u>	-- 100 x	<u>0.127</u>	=	<u>1,041,356</u>	
(4)		(1)		(A) 2023 R.P. Revenue	
<u>1,041,356</u>	--	<u>811,564,879</u>	x 100 =	0.1283146	<u>0.129</u>
(A)		(6 minus 7)			Rate I (round up)

(Analysis performed below to determine if compensating rate would generate comparable revenue to previous year)  
(If not, city can elect to use the substitute rate as calculated below.)

<u>885,584,350</u>	-- 100 x	<u>0.129</u>	=	<u>1,142,404</u>	
(5)		Rate I		2024 Revenue (Total)	
<u>819,965,688</u>	-- 100 x	<u>0.127</u>	=	<u>1,041,356</u>	
(4)		(1)		2023 Revenue (R.P.)	
<u>65,001,318</u>	-- 100 x	<u>0.122</u>	=	<u>79,302</u>	
(8)		(2)		2023 Revenue (P.P.)	
<u>1,041,356</u>	+	<u>79,302</u>	=	<u>1,120,658</u>	
2023 Revenue (R.P.)		2023 Revenue (P.P.)		2023 Revenue (Total)	
<u>0</u>	--	<u>0</u>	x 100 =	0.00000	<u>0.000</u>
2023 Revenue (Total)		(5)			Substitute Rate I (round up)

**R.P. RATE II: ALLOWS FOR A 4% INCREASE IN REVENUE FROM REAL PROPERTY**

<u>811,564,879</u>	-- 100 x	<u>0.129</u>	=	<u>1,046,919</u>	
6 minus 7		Rate I or Substitute		B	
<u>1,046,919</u>	x 1.04 --	<u>811,564,879</u>	x 100 =	0.134160	<u>0.134</u>
B		6 minus 7			Rate II (Round Down)

**NOTE: A Public Hearing is required for any rate that exceeds the Compensating Rate.**

**And**

**A rate set higher than the 4% Increase requires a Public Hearing and may be subject to a voter recall.**

Printed on:

**PERSONAL PROPERTY:**

***P.P. RATE I: TO BE USED IF RATE I (COMPENSATING) IS ADOPTED FOR REAL PROPERTY.***

<u>811,564,879</u>	-:- 100 X	<u>0.129</u>	=	<u>1,046,919</u>	
(6)		2024 Rate (R.P.)		2024 Revenue (R.P.)	
<u>819,965,688</u>	-:- 100 X	<u>0.127</u>	=	<u>1,041,356</u>	
(4)		(1)		2023 Revenue (R.P.)	
<u>1,046,919</u>	-	<u>1,041,356</u>	=	<u>5,562</u>	
2024 Revenue (R.P.)		2023 Revenue (R.P.)		Revenue Incr. (Decr.)	
<u>5,562</u>	-:-	<u>1,041,356</u>	=	<u>0.005</u>	
Revenue Incr. (Decr.)		2023 Revenue (R.P.)		(D) % Increase	
<u>65,001,318</u>	-:- 100 X	<u>0.122</u>	=	<u>79,302</u>	
(8)		(2)		2023 Revenue (P.P.)	
<u>79,302</u>	X	<u>1.005</u>	=	<u>79,698</u>	
2023 Revenue (P.P.)		(D) + 1.0		2024 \$ Minimum (P.P.)	
<u>79,698</u>	-:-	<u>74,019,471</u>	x 100 =	<u>0.10767</u>	<u>0.107</u>
2024 \$ Minimum (P.P.)		(9)			<b>2024 Personal Property Tax Rate</b>

***P.P. RATE II: TO BE USED IF RATE II (4% INCREASE RATE) IS ADOPTED FOR REAL PROPERTY***

<u>74,019,471</u>	-:- 100 X	<u>0.107</u>	=	<u>79,201</u>	
(9)		PP Rate I		2015 \$ Minimum (P.P.)	
<u>79,201</u>	X 1.04 -:-	<u>74,019,471</u>	x 100 =	<u>0.11128</u>	<u>0.111</u>
2015 \$ Minimum (P.P.)		(9)			<b>2024 P.P. Rate 4% increase in revenue</b>

The City may not levy a tax on personal property which will result in a percentage increase in revenue greater than rate of change in revenue derived from real property

**KRS 132.029.** Limits for city and urban-county government on personal property tax rate.

[Effective for tax years with assessment dates on or after January 1st 1991.]

(1) In the event that the tax rate applicable to real property levied by a city or urban government will produce a percentage increase in revenue from personal property less than the percentage increase in revenue from real property, the city or urban government may levy a tax rate applicable to personal property which will produce the same percentage increase in revenue from personal property as the percentage increase in revenue from real property.

(2) The tax rate applicable to personal property levied by a city or urban government under the provisions (1) of this section shall not be subject to the public hearing or the recall provision of KRS 132.027(2) and (3)

**2024 Projected Revenue  
City of Cold Spring**

1) **Estimated Revenue From Real Property**

2024 Estimated Revenue = (2024 Real Property Subject to Rate / 100) x Rate

**A) *Estimated Revenue Produced By Compensating Rate***

2024 Real Property Subject to Rate = 811,564,879  
Compensating Rate = 0.129

2024 Estimated Revenue = \$1,046,918.69

**B) *Estimated Revenue Produced By Incremental Rate Increases***

1) 0.131  
Estimated Revenue = \$1,063,149.99

2) 0.133  
Estimated Revenue = \$1,079,381.29

3) 0.136  
Estimated Revenue = \$1,103,728.24

**C) *Estimated Revenue Produced by Allowable Rate***

Allowable Rate = 0.134

2024 Estimated Revenue = \$1,087,496.94

2) **Estimated Revenue From New Property**

**A) *Estimated Revenue Produced By Compensating Rate***

2024 New Property = 0  
Compensating Rate = 0.129

2024 Estimated Revenue = \$0.00

**B) *Estimated Revenue Produced By Incremental Rate Increases***

1) 0.131  
Estimated Revenue = \$0.00

2) 0.133  
Estimated Revenue = \$0.00

3) 0.136  
Estimated Revenue = \$0.00

**C) *Estimated Revenue Produced by Allowable Rate***

Allowable Rate = 0.134

2024 Estimated Revenue = \$0.00

**2024 Projected Revenue  
City of Cold Spring**

**3) Estimated Revenue From Personal Property**

2024 Estimated Revenue = (2024 Personal Property Subject to Rate / 100) x Rate

**A) *Estimated Revenue Produced By Compensating Rate***

2024 Personal Property Subject to Rate =	74,019,471
Compensating Rate =	0.107

2024 Estimated Revenue = \$79,200.83

**B) *Estimated Revenue Produced By Incremental Rate Increases***

1) 0.112	
Estimated Revenue =	\$82,901.81

2) 0.117	
Estimated Revenue =	\$86,602.78

3) 0.122	
Estimated Revenue =	\$90,303.75

**C) *Estimated Revenue Produced by Allowable Rate***

Allowable Rate =	0.111
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2024 Estimated Revenue = \$82,161.61



# Exhibit D

Tax Rate Calculation Regulations

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# Tax Rate Calculation Regulations

## Real Property:

- 1.) The bill allows a city to set a rate at or below the compensating rate without any additional requirements (in addition to the requirements of ordinance adoption).
- 2.) If the city proposes a tax rate in excess of the calculated compensating rate (by any amount), KRS 132.027 requires the city to publish a legal notice twice in two consecutive weeks and to hold a public hearing to hear comments from the
- 3.) If the proposed tax rate exceeds the calculated compensating tax rate by more and the amount of the rate that exceeds 4% is subject to voter recall. After adoption of the rate, the citizenry, as provided for in KRS 132.017, has up to 45 days to petition the city for a recall of the amount of the tax rate in excess of the 4%.

## Personal Property:

KRS 132.029 allows a city to adjust the tax rate levied against personal property so that the percentage increase in revenues generated from personal property matches the percentage increase in revenues generated from real property. Please note that the personal property tax rate levied in accord with this provision of KRS 132.029 is not subject to the public hearing or voter recall provisions of KRS 132.027.

## Time Limits:

KRS 132.0225 defines deadlines for establishing a final tax rate

- a. A taxing district that does not elect to attempt to set a rate that will produce more than four percent (4%) in additional revenue, exclusive of revenue from new property as defined in KRS 132.010, over the amount of revenue produced by the compensating tax rate as defined in KRS 132.010 shall establish a final tax rate within forty-five (45) days of the department's certification of the county's property tax roll. A city that does not elect to have city ad valorem taxes collected by the sheriff as provided in KRS 91A.070(1) shall be exempt from this deadline. Any nonexempt taxing district that fails to meet this deadline shall be required to use the compensating tax rate for that year's property tax bills.
- b. A taxing district that elects to attempt to set a rate that will produce more than four percent (4%) in additional revenue, exclusive of revenue from new property as defined in KRS 132.010, over the amount of revenue produced by the compensating tax rate as defined in KRS 132.010 shall follow the provisions of KRS 132.017

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<sup>1</sup> The rate in which will yield the city the same amount of revenue as attained the previous year excluding any new property.

# Exhibit E

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Documents obtained by the NKADD supporting the calculation:

PSC Information

Railroad Car Lines Local Tax distribution

Commercial Watercraft Local Tax Distribution



# Exhibit F

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Information submitted by the jurisdiction.

Data Sheet

Info Sheet (if submitted)

Supporting documents for data sheet

**TAX RATE CALCULATION  
INFORMATION SHEET**

Jurisdiction and Submitter Contact: Cold Spring - Robin Morency

Chief Executive Name and Title: D. Angelo Penque, Mayor

Telephone No.: 859-441-9604 Fax No.: n/a

E-mail Address: robin.m@coldspringky.gov

Mailing Address: 5694 E. Alexandria Pike  
Cold Spring, KY 41076

2023 Adopted Tax Rates:

Real Property: 1.27 per \$1000 Personal Property: \$1.22 per \$1000

Deadline for Calculation of **2024** Tax Rates: August 15, 2024  
(must be an exact date, please no ASAP)

Preferred Method for Receipt of Results (Choose One): E-mail\*

Do you require a public hearing notice? Yes

If yes, please indicate the address, date and time of the public hearing:

5694 E. Alexandria Pike  
Cold Spring, KY 41076  
8/26/24 7:30pm

<b><u>CHECKLIST</u></b>	<input checked="" type="checkbox"/>
Verified Real Property values received from PVA	<input checked="" type="checkbox"/>
Verified Personal Property (Tangible) values received from PVA	<input checked="" type="checkbox"/>
Tax Rate Calculation Data Sheet Completed	<input checked="" type="checkbox"/>
2023 Adopted Real and Personal Property Rates included	<input checked="" type="checkbox"/>
PVA Summary attached	<input checked="" type="checkbox"/>
Information sheet completed	<input checked="" type="checkbox"/>
All items above returned to NKADD, 22 Spiral Drive, Florence, KY 41042 to attention of Local Government Services, or e-mailed to <a href="mailto:LGS@nkadd.org">LGS@nkadd.org</a>	<input checked="" type="checkbox"/>

**All information in checklist must be provided in full before calculation will begin.**

\* If results are provided via e-mail supporting documentation will be included.

Tax Rate Calculation  
Data Sheet  
City of Cold Spring

	Prior Year (2023)	Current Year (2024)
<b>Property Valuation Administration</b>		
Real Property Assessment	<u>980,180,291</u>	<u>987,300,497</u>
Less Exemptions	<u>51,633,900</u>	<u>52,510,900</u>
Less Other Adjustments	<u>124,257,580</u>	<u>125,077,580</u>
Total Real Property Subject to Taxation	<u>804,288,811</u>	<u>809,712,017</u>
Personal Property Assessment	<u>54,861,978</u>	<u>51,573,831</u>
Additions		<u>3,037,000</u>
Deletions		<u>9,184,094</u>

**Public Service Companies**

Real Property Assessment \_\_\_\_\_  
Personal Property Assessment \_\_\_\_\_

Provided by NKADD
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**Prior Year's Adopted Tax Rates**

Real Property Rate (per \$100) .127  
Personal Property Rate (per \$100) .122



**Campbell County Property Valuation Administrator**  
*Daniel K. Braun*

To: City of Cold Spring  
From: Daniel K. Braun  
Re: 2024 Certified Assessments  
Date: July 23, 2024

Here are the certified assessment totals for tax year 2024 for the city of Cold Spring. I have also attached the detailed assessment roll printouts for the city. Please let me know if you have any questions or need more information.

Total 2024 Real Estate Assessment before Exemptions:	\$ 987,300,497
Total 2024 Homestead and Disability Exemptions:	\$ 52,560,900
Total 2024 Fully Exempted Property (FEX):	\$ 125,077,580
Total 2024 Taxable Real Estate Assessment after Exemption:	\$ 809,662,017
Total 2023 Taxable Real Estate Assessment after Exemption:	\$ 804,288,811
Total Taxable Real Estate Assessment Growth over 2023:	\$ 5,373,206
Additions for Tax Year 2024:	\$ 3,037,000
Deletions from Tax Year 2023 for Tax Year 2024:	\$ 9,184,094
Total 2024 Taxable Tangible Personal Property Assessment	\$ 51,573,831



## Notice of Public Hearing

Pursuant to KRS 132.027, the City of Cold Spring will hold its public hearing on the 26th day of August 2024 at 7:30PM The meeting will be held at 5694 E. Alexandria Pike (the City of Cold Spring Bldg.) for the purpose of hearing comments from the public regarding the institution of proposed tax rates for the 2024-2025 Fiscal Year.

	Tax Rate <small>(Per \$100 of Assessed Value)</small>	Revenue
Preceding Year's rate	0.127	\$ 1,041,356.42
& Revenue Generated	0.122	\$ 79,301.61
Tax Rate Proposed	_____	_____
& Revenue Expected		
Compensating Rate	0.129	\$ 1,046,918.69
& Revenue Expected	_____	_____
Expected Revenue Generated From New Property	0.129	_____
Expected Revenue Generated from Personal Property	_____	_____

The City of Cold Spring proposes to exceed the compensating tax rate by levying a real property tax rate of \_\_\_\_\_ (per \$100.00 of assessed value) and a personal property tax rate of 0.\_\_\_\_ (per \$100.00 of assessed value). The excess revenue generated will be utilized for the following purposes:

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THE KENTUCKY GENERAL ASSEMBLY HAS REQUIRED PUBLICATION OF THIS ADVERTISEMENT AND THE INFORMATION CONTAINED HEREIN.

D. Angelo Penque, Mayor  
City of Cold Spring

Publication Dates:

Date 1:

Date 2:

**COMMONWEALTH OF KENTUCKY  
CITY OF COLD SPRING  
ORDINANCE NO. 24-1095**

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 2024-2025, 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:

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 2024-2025 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 \$0.129 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 \$0.107 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 2024-2025 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 Fifty Four Dollars and Forty Cents (\$254.40), which includes curbside recycling.
2. For each residential structure accommodating more than one family, the said annual service charge shall be Two Hundred Fifty Four Dollars and Forty Cents (\$254.40), 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 Fifty Four Dollars and Forty Cents (\$254.40), 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 September, 2024.

FIRST READING:

VOTES CAST \_\_ YES \_\_ NO

SECOND READING:

VOTES CAST \_\_ YES \_\_ NO

CITY OF COLD SPRING, KENTUCKY

BY \_\_\_\_\_  
D. ANGELO PENQUE, MAYOR

ATTEST:

\_\_\_\_\_  
ROBIN MORENCY, CITY CLERK



## **Planning & Zoning Commission**

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

1



## **Cold Spring Planning & Zoning Commission**

**June 12, 2024**


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

2



- Legal notice was published in the May 28 edition of the Link Reader.
- Notices were mailed to 6 adjoining and neighboring properties on May 23.
- A signs advertising the Hearing was placed on site.



  
 COLD SPRING  
 KENTUCKY  
 PLANNING AND ZONING DEPARTMENT

NOTIFICATION OF PUBLIC HEARING

May 23, 2024

Dear Property Owner,

Please be advised that the City of Cold Spring Planning & Zoning Commission will hold a public hearing

**DATE:** June 12, 2024  
**TIME:** 6:30 PM  
**LOCATION:** Cold Spring City Building, 5604 E. Alexandra Pike, Cold Spring KY

for the purpose of hearing testimony on the following cases:

**FILE NUMBER:** PZ-24-021  
**APPLICANT:** Joseph Wittrock on behalf of ConstructRx and Lifeline Pharmacy  
**LOCATION:** 136 Plaza Drive, Cold Spring, KY  
**REQUEST:** Zone change of .094 acre from HC (Highway Commercial) to Neighborhood Commercial (NC)

**The Planning & Zoning Commission will hold a public hearing:**

We invite and encourage persons interested in this case to be present at the meeting, being present at the meeting is the most productive way to participate. If you wish to submit written comments in advance of the meeting, they should be mailed to: 1038 Manmouth Street, Suite 343, Newport, KY 41071, Attn: Planning and Zoning Department, or emailed to [pzadmin@campbellcountyky.gov](mailto:pzadmin@campbellcountyky.gov)

For record keeping purposes, written comments should include the name and address of the person(s) commenting. If you wish to provide verbal comments in advance of the meeting, they may be given in person at the office of the Campbell County Planning and Zoning Commission or by calling (502) 292-3880. To enable copy and distribution, we ask those wishing to comment in advance to do so by noon on June 11, 2024.

You are receiving this notification because property you own is located near the above referenced project(s).

Published in Link Reader on May 28, 2024

**Location**  
Kentucky

**Notice Text**  
LEGAL NOTICE

The City of Cold Spring Planning & Zoning Commission will hold a public hearing on June 12, 2024, 6:30 P.M. at the City of Cold Spring City Building, 5604 E. Alexandra Pike, Cold Spring, Ky, for the purpose of hearing testimony for the following:

**FILE NUMBER:** PZ-24-021  
**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

Interested persons may attend the meeting, and/or submit their comments in advance by emailing [pzadmin@campbellcountyky.gov](mailto:pzadmin@campbellcountyky.gov) or calling 519-292-3880 no later than noon (EST) on June 11, 2024. For record keeping purposes, comments should also include the name and address of the person(s) commenting. Comments regarding this case will be taken by email, phone and in-person. Information concerning this case is available for public inspection at the Campbell County & Municipal Planning & Zoning Office, 1038 Manmouth Street, Suite 343, Newport, KY Monday-Friday during normal business hours.

3



4

**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.

5

**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.

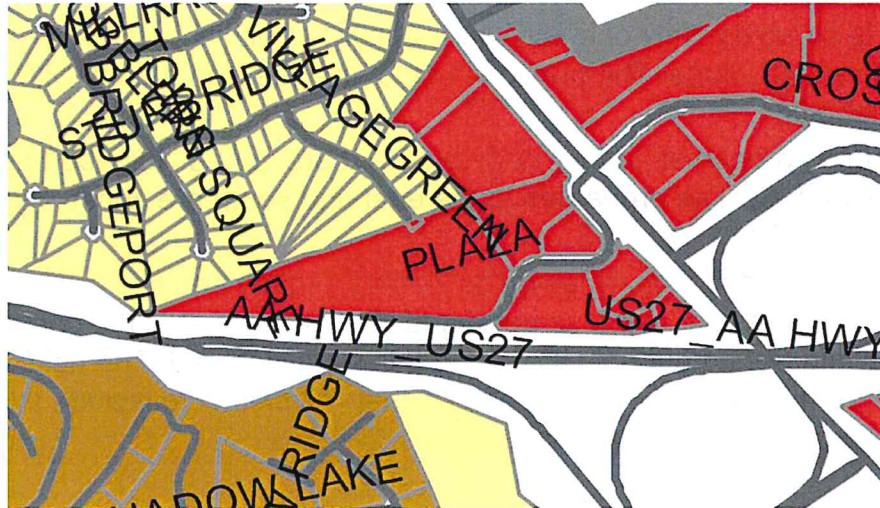
There is no new development associated with this zone map amendment. If the proposed use as a drug store was a permitted use in the current zone, only a staff-approved “change of use” permit would be required with no public hearing.

6



**Considerations of Zone Map Amendment**

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



7

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
- Larger-scale, auto-oriented commercial retail, office, and service uses are appropriate within this area
- 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.

8

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.

<b>Dimensional Requirements for Permitted Uses:</b>		
	<b>HC Zone</b>	<b>NC</b>
<b>Minimum Lot Area:</b>	10,000 square feet	10,000 square feet
<b>Minimum Lot Width at Building Setback Line:</b>	70 feet	70 feet
<b>Minimum Front Yard Depth:</b>	50 feet	50 feet
<b>Minimum Side Yard Width:</b>	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
<b>Minimum Rear Yard Depth:</b>	15 feet	50 feet
<b>Maximum Building Height:</b>	40 feet	40 feet
<b>Other:</b>	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

9

**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.

10



**The following land uses are permitted in the NC Zone:**

- |  |  |
|--|--|
| 1. Apparel shop  | 18. Hardware store   |
| 2. Art supplies  | 19. Hobby shop   |
| 3. Bakery and bakery goods store, provided the products are sold exclusively on the premises | 20. Interior decorating studio                                 |
| 4. Banks and other financial institutions, including savings, loan and finance companies     | 21. Jewelry store, including repair                            |
| 5. Barber and beauty shop  | 22. Library  |
| 6. Book, stationery, or gift shop  | 23. Locksmith shop   |
| 7. Camera and photographic supplies  | 24. Offices  |
| 8. Candy store, soda fountain, ice cream store, excluding drive-ins                          | 25. Off-street parking lots and/or garages                     |
| 9. Child care center   | 26. Opticians and optical goods                                |
| 10. Convenient food store, without gasoline pumps  | 27. Paint and wallpaper store                                  |
| 11. Delicatessen   | 28. Pet shop, excluding boarding and outside runs              |
| 12. Drug store   | 29. Photocopy establishment                                    |
| 13. Dry cleaning and laundry pick-up station   | 30. Radio and television store (including repair)              |
| 14. Eating and drinking places, excluding drive-ins  | 31. Shoe store and shoe repair                                 |
| 15. Florist shop   | 32. Sporting goods   |
| 16. Garden supplies  | 33. Tailor shop  |
| 17. Glass, china, or pottery store   | 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.

11

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.

12

**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.

13

**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.

14



June 18, 2024

Mr. Steve Taylor, City Administrator  
City of Cold Spring  
5694 East Alexandria Pike  
Cold Spring, KY 41076

The Campbell County staff submits this summary of the action taken by the Cold Spring Planning and Zoning Commission at public hearing held on June 12, 2024 for a Zone Map Amendment from Highway Commercial (HC) zone to Neighborhood Commercial (NC) zone at 136 Plaza Drive, Cold Spring, KY. This site was most recently used as a bank and is part of the Cold Spring Plaza Development.



**Action:**

Steve Popovich made a motion to approve a Zone Map Amendment from Highway Commercial (HC) zone to Neighborhood Commercial (NC) zone at 136 Plaza Drive, Cold Spring, KY. Mike Forge seconded the motion.

Roll call shows 6 yeases and 0 no. Motion passed.

*MR MIKE FOULKES, CHAIRPERSON  
COLD SPRING PLANNING AND ZONING COMMISSION  
DATE OF ACTION: June 12 2024*

If you have any questions or require additional documentation, please contact me at 859-292-3880 or [cminter@campbellcountyky.gov](mailto:cminter@campbellcountyky.gov).

Sincerely,

*Cindy Minter*  
Cindy Minter, AICP CFM  
Director of Planning & Zoning





May 28, 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 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, flowing style.

Kirk Hunter, AICP  
Principal Planner

**COLD SPRING POLICE DEPARTMENT**

**STATISTICAL DATA FOR JULY 2024**

**Total Calls: 901**

**Total Calls for Service: 199**

**Traffic Collisions: 26**

With Injuries: 3

**Traffic Stops: 94**

**Citation Violations: 82**

Traffic Violations: 53

Criminal Violations: 29

**Criminal Activity:**

Burglary 1<sup>st</sup> degree (handgun used)

Burglary 3<sup>rd</sup> degree

Assault 3<sup>rd</sup> on a police officer

Resisting arrest

Assault 4<sup>th</sup> domestic violence/Unlawful imprisonment 1<sup>st</sup> degree

Total number of arrests this month: 13



## Public Works Report

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### August Packet

- Continue to paint curb lines in city
- Ballfield maintenance
- Crosswalks/Stop Bars painted
- City vehicle oil changes
- Set up and worked events
- Replace street signs
- Attended Governor's Safety and Health Conference
- Mowed as needed
- Exit/emergency lighting
- Picked up trash throughout the city
- HVAC filters changed
- Water flowers and newer trees
- Spray for weeds in landscape beds

Campbell County / Cold Spring July 2024 Building Permit Report

MONTH	PDI	PERMIT NUMBER	PROJECT ADDRESS	PROPERTY OWNER	CONTRACTOR	DESCRIPTION	SUBMITTED	APPROVED	SQ.FT	VALUE OF CONSTRUCTION	TOTAL OF FEES	PROJECT DESCRIPTION	FLOODPLAIN
Jul-24	999-99-36-660.03	BP-24-007	PLAZA DR	COLD SPRING INVESTORS LLC 8160 CORPORATE PARK DR STE 220 CINCINNATI, OH 45242-0000	HOMEOWNER * , KY 00000	CONDITIONAL USE PERMIT	45393	45478		\$950.00	\$950.00	Outdoor Sealing	
Jul-24	999-99-19-629.00	BP-24-0549	21 MADONNA LN	GEERS WILLIAM F 21 MADONNA LN COLD SPRING, KY 41076	HOMEOWNER * , KY 00000	DECK	45471	45481	224	\$4,000.00	\$100.00	DECK	No
Jul-24	999-99-37-602.00	ELC-24-0291	5871 RIVERROCK WAY	ARLINGHAUS ERIN LYNN 1999 HALLECK WAY COLD SPRING, KY 41076	SHAHN KUNZ ELECTRIC 1999 HALLECK WAY UNION, KY 41091	ELECTRIC	45482	45482		\$8,000.00	\$30.00	ELECTRIC	No
Jul-24	999-99-19-033.00	ID-24-0050	3906 ALEXANDRIA PIKE	SUMMIT VENTURES LLC P O BOX 369 WINCHESTER, KY 40392		CONSOLIDATION	45470	45482		\$80.00	\$80.00	CONSOLIDATION	
Jul-24	999-99-18-754.00	BP-24-0651	5275 WINTERS LN	HAMILTON WILLIAM W 805 STEPHENS RD INDEPENDENCE, KY 41051		FENCE	45474	45484		\$12,000.00	\$50.00	FENCE	
Jul-24	999-99-20-261.00	HVAC-24-0285	13 MILLSTONE CT	REED DAVID 13 MILLSTONE CT COLD SPRING, KY 41076	WORKMAN HVAC & ELECTRIC 101 BANKLICK RD WILDER, KY 41076	HVAC RESIDENTIAL REPLACEMENT	45484	45484		\$9,170.00	\$105.00	HVAC REPLACEMENT	
Jul-24	999-99-20-009.09	VER-24-006	305-369 CROSSROADS BLVD	SBV/COLD SPRING LLC 100 N POND DR WILDER, KY 41076		VERIFICATION LETTER	45485	45485	1	\$640.00	\$640.00	ZVL-Multiple Parcels	
Jul-24	999-99-19-666.00	BP-24-0573	4135 ALEXANDRIA PIKE	KRZ DEVELOPMENT GROUP LLC 4135 ALEXANDRIA PIKE STE 108 COLD SPRING, KY 41076-0000	KHAN SIGNS 100 BANKLICK CT CINCINNATI, OH 45241	SIGN WINDOW / WALL / OTHER	45463	45488		\$100.00	\$100.00	SIGN	
Jul-24	999-99-19-280.02	ELC-24-0302	951 CORONA DR	FUTSCHER ANDREW S 951 CORONA COLD SPRING, KY 41076	PREMIERE ELECTRIC 6199 CABIN CREEK DR COLD SPRING, KY 41076	ELECTRIC	45489	45489		\$300.00	\$300.00	ELECTRICAL PERMIT	No
Jul-24	999-99-20-185.16	HVAC-24-0292	435 SPRINGMILL DR	SPRINGSIDE COUNCIL OF COOWNERS 100 WAYSIDE CT COLD SPRING, KY 41076-0000	ONE HOUR HEATING & AIR 756 OLD ST RT 74 CINCINNATI, OH 45245	HVAC RESIDENTIAL REPLACEMENT	45489	45489		\$15,000.00	\$105.00	HVAC REPLACEMENT	
Jul-24	999-99-18-419.05	ID-24-0043	WEAVER LN	VERST CONNIE A 557A WEAVER LN COLD SPRING, KY 41076		CONVEYANCE PLAT	45448	45489		\$500.00	\$500.00	CONVEYANCE PLAT	
Jul-24	999-99-20-286.00	BP-24-0688	16 ORCHARD TER	RECHANG TERRACE LLC 16 ORCHARD TERRACE COLD SPRING, KY 41076	PJ CONTRACTING LLC 16 ORCHARD TERRACE ALEXANDRIA, KY 41001	DECK	45488	45490	1240	\$8,300.00	\$125.00	DECK	No
Jul-24	999-99-19-048.00	ELC-24-0308	6697 MURNAN RD	APPEL DAVID C & GINA L 6697 MURNAN RD COLD SPRING, KY 41076-0000	HOMEOWNER * , KY 00000	ELECTRIC	45490	45490		\$500.00	\$30.00	ELECTRICAL PERMIT	No
Jul-24	999-99-19-260.11	HVAC-24-0286	555 IVY RIDGE DR	TOWNE DEVELOPMENT GROUP LTD 1055 ST PAUL PL CINCINNATI, OH 45202-0000	BRYANT HEATING & COOLING 4631 BISHOP LN LOUISVILLE, KY 40218	HVAC RESIDENTIAL REPLACEMENT	45484	45502		\$12,128.00	\$155.00	HVAC REPLACEMENT	
Jul-24	999-99-18-421.03	BP-24-0613	443 DARLAS DR	DILL MARK F 443 DARLAS DR COLD SPRING, KY 41076		SINGLE FAMILY ACCESSORY STRUCTURE UNDER 200 SQ FT	45498	45503	120	\$900.00	\$50.00	SHED UNDER 200 SQ FT	No
Jul-24	999-99-20-541.00	ELC-24-0320	111 VILLAGREEN DR	HINKEL GRACE 111 VILLAGREEN DR COLD SPRING, KY 41076	COLDSTREAM SOLAR LLC 111 VILLAGREEN DR WHITE 100 MILFORD, OH 45150	ELECTRIC	45497	45504		\$10,000.00		ELECTRIC	No
Jul-24	999-99-17-569.30	HVAC-24-0316	792 FLINT RDG	GRANITE SPRING COUNCIL OF CO-OWNERS INC P O BOX 75350 FT THOMAS, KY 41075	APOLLO HOME 4538 CAMBERWELL RD CINCINNATI, OH 45209	HVAC RESIDENTIAL REPLACEMENT	45503	45504		\$11,203.00	\$105.00	replacement of heat pump and air handler	
Jul-24	999-99-18-514.00	HVAC-24-0321	2301 UHL RD	DAVIDSON KELLY MAY SHANNON BERTZ 2301 UHL RD COLD SPRING, KY 41076-0000	ONE HOUR HEATING & AIR 756 OLD ST RT 74 CINCINNATI, OH 45245	HVAC RESIDENTIAL REPLACEMENT	45504	45504		\$15,000.00	\$105.00	HVAC REPLACEMENT	

\$107,201.00

\$3,160.00



August 7, 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 August 14, 2024 at 6:30 PM at 5694 East Alexandria Pike, Cold Spring, KY 41076.

FILE NUMBER: PZ-24-030  
APPLICANT: City of Cold Spring, KY  
REQUEST: Consideration of text amendment to reduce the minimum size of new zones

Legal notice was published in the NKY LINK Reader on July 27, 2024.

## OVERVIEW:

City Council has requested an evaluation of the minimum zone size as defined in Section 17 of the Cold Spring Zoning Ordinance. The specific text under consideration from the Cold Spring Zoning Ordinance is as follows:

### *SECTION 17.0 AMENDMENT PROCEDURE:*

*F. MINIMUM SIZE OF NEW ZONES: No amendment to this ordinance shall be adopted whereby the zoning classification of an area is changed unless the total area being applied for meets the following requirements as to minimum size: 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, except where such area is specifically referred to in the adopted comprehensive plan.*

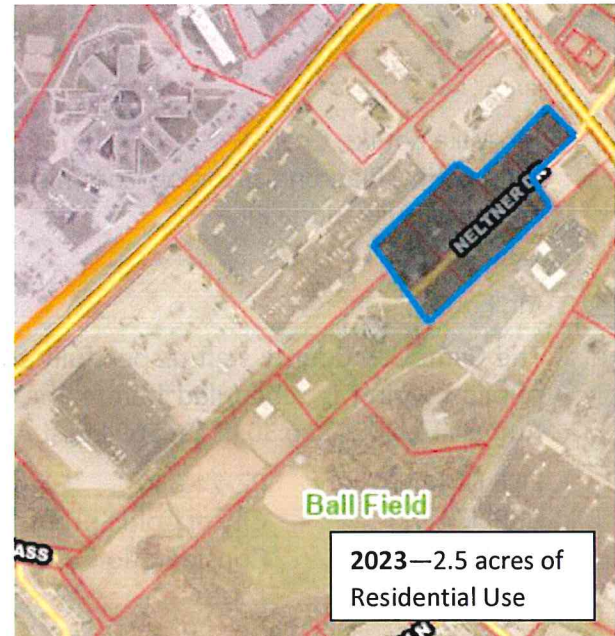
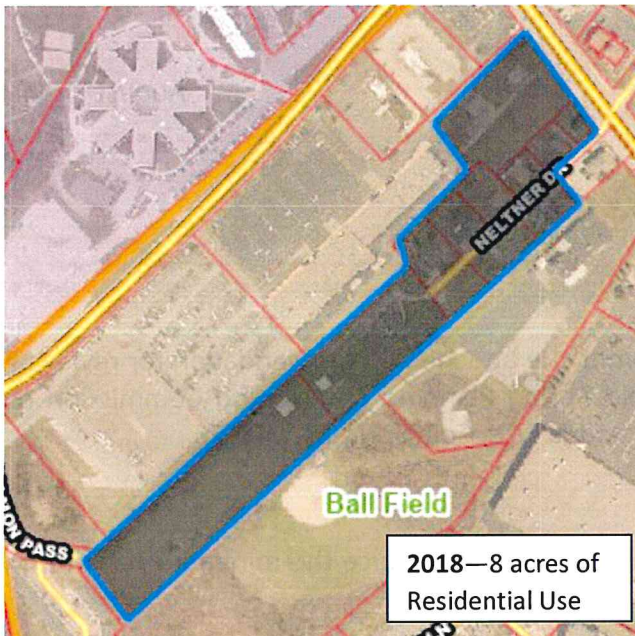
It is our understanding that this request has come to the City's attention because of a specific area along Neltner Drive that desired to be re-zoned as residential. During the 1980's a request was made to rezone the property along Neltner Drive to Neighborhood Shopping Center (NSC) by the property owners. When that zone change was made, the residential uses were grandfathered and classified as *legal non-conforming use*.

#### **NONCONFORMING USE OR STRUCTURE:**

An activity or a structure, or a portion thereof, which lawfully existed before the adoption or amendment of this ordinance, but which does not conform to all of the regulations contained in this ordinance, or amendments thereto, which pertain to the zone in which it is located.

From a zoning perspective, a *legal non-conforming use* defaults to a conditional use. To rebuild or expand a *legal non-conforming use* requires action by the Board of Adjustments and is no longer permitted by right.





This area has evolved as it was intended in the 1980's. As recently as 2018, the residential acreage was over 8 acres in size and would have the minimum requirements of Section 17.0. But by 2023, the area of residential use was reduced to roughly 2.5 acres in size.

Today, the request, if made, for rezoning to a stand-alone residential zone would be denied based upon the current minimum size for a free-standing zone as defined in SECTION 17.0 AMENDMENT PROCEDURE (F). Furthermore, SECTION 18.6 and Kentucky Revised Statute (KRS) 100.247 prohibits a variance that contradicted zoning.

### MINIMUM ZONE SIZES:

The City has the authority to recommend changes to reduce the minimum zone size listed in Section 17.0 through a recommendation by the Planning Commission and adoption by City Council. This would avoid conflict with KRS 100.247.

However, to avoid the pitfall of arbitrary and capricious practices such as spot zoning, the text referencing the minimum zone size would need to be modified City-wide.

**Spot zoning** refers to when property has special zoning regulations, commonly size related, that applied to them that differ from the zoning laws surrounding them. The practice of spot zoning can be very controversial. Both the Kentucky Revised Statutes and the City's zoning ordinance seek to protect against this occurrence.

KRS 100.247 Variance cannot contradict zoning regulation. The board shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by the zoning regulation in the zone in question, or to alter density requirements in the zone in question.

ZONING ORDINANCE - SECTION 18.6 VARIANCES; CHANGE FROM ONE NONCONFORMING USE TO ANOTHER; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES: B. 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.

We note that over the years numerous proposals have been denied based upon the size as defined in SECTION 17.0 AMENDMENT PROCEDURE (F). A modification to reduce this size would be a notable change in policy and could trigger each of these previous denied requests to progress.

The possibility of zone changes for property ranging from 5 to 2 acres in size along US 27 is quite large. To help you understand the area under consideration of 2 acres, sample areas include:

- Cold Spring Library – 2.3 acres
- Panera Bread Complex – 2.0 acres
- Cracker Barrel – 2.2 acres
- Vacant lot at US 27 & Matinee – 2.4 acres

As an alternate we also looked at bundling categories of zones as listed in Article 8 to achieve the minimum zone size by category rather than just specific zones. Examples include:

- A. Maintain the minimum 5 acres for various zone categories as defined in Article 8 and define an alternate minimum zone size of 2 acres for Single-Family Residential Zones.
- B. Maintain the minimum 5 acres for a zone change zone but allow Single-Family and Multi-family Residential Zones to be bundled to obtain the minimum 5 acres. This would effectively allow a mix of residential uses with a single 5-acre area.

City Zones

- A. Conservation Zones:  
CO Conservation Zone
- B. Single-Family Residential Zones:  
R-RE Residential Rural Estate and Agricultural Zone  
R-1C Residential One-C Zone  
R-1D Residential One-D Zone  
R-1DD Residential One-DD Zone  
R-1F Residential One-F Zone
- C. Multifamily Residential Zones:  
R-2 Residential Two Zone  
R-3 Residential Three Zone
- D. Special Development Zones:  
MUPD Mixed Use Planned Development Zone  
PUD Planned Unit Development Overlay Zone  
RCD Residential Cluster Development Overlay Zone

Having reviewed all of the residentially zoned land in the city, a bundling provision did not provide any relief or flexibility for small isolated zones. It also has the potential for contradicting the current Comprehensive Plan which distinguishes between Single Family and Multi-family uses. Rather, the use of MUPD or PUD is more appropriate.

**FINDINGS FOR MAP AMENDMENT:**

In addition, we note that if a site meets the minimum size requirements for a proposed zone map amendment, it must also meet the conditions of the amendment procedure as defined in the City 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.*

In reviewing the original site-specific concerns of legal non-conforming residential uses along Neltner Drive, it should be noted that a modification of the Comprehensive Plan would also likely be required.

As recent as 10 years ago, the legal non-conforming residential uses covered over 8 acres. The area of non-conforming use has been reduced to less than 3 acres which is representative of the desired transition as defined by the City's Comprehensive Plan.

## **PROVISION FOR CONTINUATION OF NON-CONFORMING USE:**

We note a possible remedy that the zoning ordinances as written does allow. A provision for the Board of Adjustments to permit the continuation of a non-conforming use is available under Section 9.10.

*ARTICLE IX GENERAL REGULATIONS SECTION 9.10 NONCONFORMING LOTS, NONCONFORMING USES, NONCONFORMING STRUCTURES, REPAIRS AND MAINTENANCE, AND NONCONFORMING SIGNS:*

### *B. NONCONFORMING USES:*

- 1. CONTINUANCE: Except as herein provided, the lawful use of any structure or land existing at the time of the adoption of this ordinance may be continued although such use does not conform to the provisions of this ordinance. However, no nonconforming use may be enlarged or extended beyond its area of use at the time it becomes a nonconforming use, unless: (1) such enlargement or extension is needed to meet any federal, state, or local health and/or safety rule, regulation, or guideline; or (2) until the use is brought into conformance with all provisions of this ordinance.*
- 3. TERMINATION: In all cases, the board of adjustment shall hold a public hearing in accordance with the applicable requirements of Section 18.2 of this ordinance. Following that hearing, the board may terminate the right to operate a nonconforming use based on any of the following conditions, and if the decision is to do so, the board shall state its bases, in writing, for such determination.*
  - a. Nonoperative, nonused, or abandoned for a period of six (6) consecutive months, providing that the board of adjustment may allow the continuation of such nonconforming use if it is determined that reasons for such nonuse were beyond the owners'/operators' control.*



- b. *Whenever the structure, in which the nonconforming use is operated, is damaged or destroyed in any manner whatsoever and the cost of repairing such damage exceeds fifty (50) percent of the market value of such structure in which the nonconforming use is operated.*
  - c. *Whenever the structure, in which the nonconforming use is operated, becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds fifty (50) percent of the market value of such structure as of the date of the official order under the applicable ordinance.*
  - d. *Whenever said nonconforming use is determined to be detrimental or injurious to the public safety, health or welfare.*
4. *ZONE CHANGE: The foregoing provisions shall apply to uses which become nonconforming due to zone changes which take place thereafter.*

Although the Board of Adjustments cannot render a pre-mature determination before the stipulations of Section 9.10 (B) (3) (c) are met, many lenders and appraisers readily accept this provision as an acceptable assurance that a property has sufficient value to cover a loss. However, some lenders are more conservative.

Zoning is related to the use of land and is not designed to address financing conditions of a of buyer, seller or lender.

### **Staff Recommendation:**

That the Planning Commission recommend no changes to the Zoning Ordinance to reduce the minimum zone size as defined by Article 17.0, noting that a remedy does exist under Article 9.10 for legal non-conforming uses.

Bases for Staff Recommendation:

1. Per Kentucky Revised Statutes, the City of Cold Spring has the authority to enact zoning regulations within its jurisdiction.
2. Pursuant to the Cold Spring Zoning Ordinance, the Planning and Zoning Commission has the authority to take action on amendments to the zoning text 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.

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



August 7, 2024

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

Mr. Foulks,

The Campbell County Planning staff respectfully submits the attached recommendation for review. A public hearing is scheduled before the Cold Spring Planning and Zoning Commission on August 14, 2024 at 6:30 PM at 5694 East Alexandria Pike, Cold Spring, KY 41076.

FILE NUMBER: PZ-23-037  
APPLICANT: City of Cold Spring  
REQUEST: Text Amendment for Mixed Use Planned Development (MUPD) Zone.

The City of Cold Spring has requested a zone text amendment to modify the MUPD zone for administrative clarifications and adjusting residential uses in the Mixed Use Planned Development (MUPD) zone.

Legal notice was published in the NKY LINK Reader on July 27, 2024.

The Mixed Use Planned Development (MUPD) zone was established to *“provide for the development of a variety of office, commercial, residential and related uses which are planned and designed as a total and comprehensive development to create a quality, successful planned environment”*

A Planned Development zone does not function in the same way as a traditional zone. In traditional zones, there is a list of permitted and accessory uses that are allowed *by right*. Traditional zones often have “conditional uses” as well, that require review and approval by the Board of Adjustments because of their unique impact on the surrounding area. By its nature, a Planned Development zone requires a master plan to develop as a whole. The uses are proposed and approved at the site development plan stage.

*“Guided by an overall master plan, the Stage I Development Plan, the mixed-use development should include integrated design elements including building materials and design, landscaping, open space, signage, lighting and circulation. These design elements should unify the various uses within the development into a single community. Where appropriate, uses shall take advantage of high-tech telecommunication infrastructure.”<sup>2</sup>*

The City of Cold Spring Currently has several MUPD zoning districts near the US27/AA Highway Interchange including:

- Cold Spring Crossing Shopping Center

<sup>1</sup> City of Cold Spring Official Zoning Ordinance, Article X, §10.15., A

<sup>2</sup> City of Cold Spring Official Zoning Ordinance, Article X, §10.15., A

- Cold Spring Pointe (under construction)
- North of AA Highway in the vicinity of Rockyview (undeveloped)
- Between AA Highway and US 27, south of Cold Spring Pointe (undeveloped)

The City also recently adopted a MUPD zone for the Cold Spring Town Center at Industrial Road and US 27.

## CONSIDERATIONS:

Article X, section 10.15 of the Zoning Ordinance regulates the Mixed-Use Planned Development (MUPD) Zones. The Chapter describes the purpose, the application process, the plan requirements, and the types of uses permitted. The permitted uses are divided into three categories: 1. Office and related uses, 2. Commercial uses, 3. Residential uses, 4. Accessory uses, and 5. Conditional uses. See appendix for full text of §10.15.

No use is permitted “by right” in the MUPD zone unless it was part of the original site development plan. While the discussion of mixed-use development is absent from the latest (2018) comprehensive plan. The future land use map in that plan shows current MUPD areas as “Regional Commercial” and “Office and Non-Retail Commercial”. Modifications to the MUPD Zone are desired to assist developers with integrating high quality residential uses within an integrated planned development, that blends a variety of uses into a cohesive plan.

A recent housing data analysis by the Northern Kentucky Area Development District<sup>3</sup> was completed for Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Owen and Pendleton Counties, and CVG Airport. The analysis points to an increased demand for housing.

Some key takeaways specific to Campbell, Kenton and Boone Counties:

- *Workforce job creation is out-pacing workforce housing:*  
The logistics industry is central to job growth in the region, generating demand for high-growth but lower wage “workforce” jobs. Today, there are 2.68 workforce jobs for each housing unit they could afford.
- *Monoculture of single-family homes is not aligned with household income and size:*  
The supply of single-family, 3-4 bedroom homes outpaces the demand. Targeting ‘missing middle’ homes would better account for the diversity of incomes and smaller household sizes.
- *‘Missing middle’ houses and affordability strategies are required to continue economic growth:*  
Economic growth creates a strong labor demand. A lack of housing affordable for jobs being created will make it harder and more expensive for employers to find and recruit labor at prevailing market wages.

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<sup>3</sup> NKADD. (2023). (rep.). *Northern Kentucky Housing Data Analysis*. Florence, KY.



The proposed modifications can enable smart residential development within the MUPD Zone to assist with the housing demands while balancing the overall community needs for a blended development. Additional text changes to the MUPD zone are proposed to avoid repetitive and/or conflicting language within the Zoning Ordinance, and to add information commonly requested by the Planning Commission.

Staff recommends amendments to Article X, Section 10.15 as listed in Appendix A to this report.

Specific changes are noted in Appendix A.

**Recommendation:**

To adopt the revised text changes related the Mixed-Use Planned Development Zone in the City of Cold Spring Zoning Ordinance and to forward the recommended text revisions to the City for consideration.

**Bases for Staff Recommendation:**

1. Per Kentucky Revised Statutes KRS 100.207 and KRS 100.211, the Planning Commission has the authority to recommend the adoption of text changes to the City.
2. Pursuant to the Cold Spring Zoning Ordinance Article XVII: Amendment Procedure, the Planning and Zoning Commission has the authority to amend the zoning ordinance.
3. Proper notice of the public hearing has been given in accordance with KRS 424 and Article XVII Amendment Procedure.
4. The proposed text changes are consistent with the Comprehensive Plan Update.

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

# ODE GRAPHS

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Select View

Case Number	Case Date	Parcel	Property Address	Owner	Description	Occupants Name	Prior Violations	Status	Edit/View
<input type="checkbox"/> 352	08/20/2024		45 Springhouse Dr	BUCHERT JUDITH A	Neighbors dog excrement in yard	Judith Buchert	No	Open	
<input type="checkbox"/> 350	08/16/2024	999-99-18-080.00	1187 INDUSTRIAL RD	CCL LABEL INC	Request for directional sign	CC Labels, Inc	No	Pending	
<input type="checkbox"/> 349	08/13/2024	999-99-19-029.62	705SPIRERIDGECT	ROZIER JOHNATHAN	Overgrown landscaping		No	Open	
<input type="checkbox"/> 348	08/13/2024	999-99-19-029.35	6025SIGNALPOINTECT	BISHOP PAUL D & PATRICIA S	Tall grass/weeds	Paul Bishop	No	Pending	
<input type="checkbox"/> 347	08/12/2024	999-99-19-091.00	103VILLAGEGREENDR	BRAMMER KATHLEEN D	Parked car on street has sever oil leak	Kathleen Brammer	No	Open	
<input type="checkbox"/> 346	08/08/2024	PIN: 499-99-20-011.59	240 Misty Cove Way	Brockell, Richard	Dogs running loose.		No	Closed	
<input type="checkbox"/> 345	08/08/2024				Abandoned vehicle in parking pad	Chardonnay	No	Closed	
<input type="checkbox"/> 344	07/31/2024	999-99-18-470.00	5625DODSWORTHLN	TONER PATRICK M	Vehicle parked in grass of front yard	Patrick Toner	No	Closed	
<input type="checkbox"/> 343	07/30/2024				Illegal temp signs posted	Various	Yes	Closed	
<input type="checkbox"/> 342	07/26/2024	999-99-20-293.00	13FRANCESDR	COLVIN JOSHUA	Property line issue with tree LIMBS		No	Open	
<input type="checkbox"/> 341	07/26/2024	999-99-18-158.40	17GLENRIDGEDR	BOONE JOHN H KELLY-BOONE EUGENIA A	Camper parked in driveway	John Boone	No	Open	
<input type="checkbox"/> 340	07/24/2024	999-99-19-075.00	35TURBRIDGEDR	PERRY JOHN	Dual issues	Perry (owner)	Yes	Open	
<input type="checkbox"/> 339	07/19/2024	999-99-20-133.01	245ABREDR	PAGE DAVID	Weeds in the landscaping	David Page		Closed	
<input type="checkbox"/> 338	07/10/2024	999-99-19-712.00	4041ALEXANDRIAPIKE	KIRKWOOD FAMILY PRESERVATION TRUST KIRKWOOD ROBERT J TRUSTEE	Landscaping unattended	Kirkwood	Yes	Closed	
<input type="checkbox"/> 337	07/08/2024	999-99-18-112.00	11MADONNALS	GEE LINDA TRUST GEE LINDA TRUSTEE	Privacy Fence	Linda Gee Trust	No	Closed	



## Event Coordinator Report

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July 2024

- Open gym:
  - 7/2/24- 10 attendees
  - 7/9/24- 7 attendees
  - 7/11/24- 3 attendees
  - 7/16/24- 7 attendee
  - 7/18/24- 4 attendees
  - 7/23/24- 6 attendees
  - 7/25/24- 5 attendees
  - 7/30/24- 5 attendees
- We had rentals 13/31 days in June
- Sewing Club 7/18/24- everyone is welcome!
- Silver Sneakers- Tues, Weds & Thurs each week
- The Vinyl Countdown performed 7/11/24
  - BG's food truck, Barleycorns and Candy's Nuts attended
  - Roughly 120 people attended
- The first annual Cold Spring Band Festival 7/20/24
  - Rachel & the 859, Howl'n Maxx & Not Johnny performed
  - Mac's, Harley Dogs, and Dreamy Whip attended
  - 14 craft vendors
  - Inflatable slide and face painting/glitter tattoo artist
  - There was a great crowd and a successful event!
- Strange Love performed 7/25/24
  - Barleycorns and Candy's Nuts attended
  - Roughly 100 people attended
- Yoga in the Park every Mondy- We've had great turnouts each week!
- The Florence Community Band concert was cancelled due to the weather. We are working together to reschedule the event.

## Robin Morency

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**From:** Krummen, Lisa <lkrummen@campbellcountyky.gov>  
**Sent:** Thursday, August 1, 2024 11:54 AM  
**To:** Robin Morency; Steve Taylor  
**Subject:** July Animal Control Reports  
**Attachments:** Animal Control Activity Report July 2024.xlsx; Animal Control Case Report July 2024.xlsx

I've attached our Animal Control Activity and Case reports for June.

Shelterluv produces 2 different reports. The Activity report shows basic responses into your City such as lost and found reports, TNR trapping, etc.... The activities become cases when they require multiple responses to the same address or enforcement. The case report is where you'll find responses to bites, welfare checks, cruelty/neglect investigation, abandonment, etc.... Let me know if you have any questions about the reports or a specific activity or case.



Lisa Krummen  
Director  
Campbell County Animal Services  
O: 859-635-2819  
<http://www.campbellcountyky.gov>

<https://checkout.shelterluv.com/donate/CAMP>

Activity ID	Activity Name	Activity Type	Incident Date	Created On	Opened On	Status	Location	Jurisdiction
537	LOST Obese Black Cat	Community Services - Lost & Found	7/3/24 12:05 PM	7/3/24 12:05 PM	7/3/24 12:11 PM	Open	Ridgepointe Drive, Ridgepointe Dr, City of Cold Spring	City of Cold Spring
552	Missing Orange tabby from Cold Spring	Community Services - Lost & Found	7/11/24 2:06 PM	7/11/24 2:06 PM	7/11/24 2:09 PM	Open	6110 Cabin Creek E Dr, Newport, KY	City of Cold Spring
553	Reggie- Missing White/Grey Pit Mix in Cold Spring	Community Services - Lost & Found	7/12/24 1:18 PM	7/12/24 1:18 PM	7/12/24 1:18 PM	Open	486 Pooles Creek Rd, Newport, KY	City of Cold Spring



Case ID	Case Name	Case Type	Case Subtype	Incident Date	Completed On	Resolution	Assigned To	Status	Location	Jurisdiction
560	Turkey with broken leg	Welfare Check	Vet Care	7/17/24 11:29 AM	7/24/24 10:51 AM	Compliance	Kendra Cross	Completed	4373 Winters Ln, Co	City of Cold Spring
561	2 pits not getting to go outside	Cruelty/Neglect	Cruelty/Abuse/Torture	7/17/24 11:57 AM	7/17/24 2:10 PM	No violation observed	Kendra Cross	Completed	3601 Alexandria Plk	City of Cold Spring