

**COLD SPRING
PLANNING & ZONING AGENDA
August 14, 2024
6:30 PM**

1. PLEDGE TO THE FLAG, ROLL CALL, AND EXIT INSTRUCTIONS
2. APPROVAL OF MINUTES
 - June 12, 2024 P&Z Meeting
3. SUBDIVISION ITEMS
4. PUBLIC FACILITIES
5. PUBLIC HEARING ON SCHEDULED ITEMS
 - **FILE NUMBER: PZ-23-037**
 - APPLICANT: City of Cold Spring
 - REQUEST: Text Amendment for Mixed Use Planned Development (MUPD) Zone.
 - **FILE NUMBER: PZ-24-030**
 - APPLICANT: City of Cold Spring, KY
 - REQUEST: Consideration of text amendment to reduce the minimum size of new zones
6. UNFINISHED BUSINESS
7. CORRESPONDENCE
8. PLANNING AND STAFF ITEMS
9. COMMISSION ITEMS
10. COMMENTS / REQUESTS TO THE COMMISSION
11. ADJOURN

Planning & Zoning Minutes

June 12, 2024

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

Roll Call:

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

Minute Approval:

- May 8, 2024 meeting minutes were reviewed by all. Steve Popovich made a motion to deny approval of the minutes. The motion died for lack of a second. Mike Forge made a motion to approve. Greg Hizer seconded the motion. Steve Popovich suggested the minutes not be approved because when the meeting started a citizen suggested that the room was exceeding occupancy; Mr. Popovich felt that the meeting should have been moved to a larger space to allow for more citizen to be in attendance. The other reason he feels that the minutes should not be approved is because he feels that they did not accurately reflect the comments from the citizens. Mr. Popovich said there are a lot of citizens who feel that they were not heard. Mr. Popovich suggested that the comment made at the meeting about the occupancy in the room should be added to the minutes. There was discussion about the approval process of the minutes, the fire code for council chambers, and the role of the Planning & Zoning members for a zone change. Roll call vote shows 5 yeses and 0 noes - Popovich. **Motion passed.**

Subdivision Items: None

Public Facilities: None

Public Hearing:

- File Number: PZ-24-021
 - Applicant: Joseph Wittrock on behalf of Construct RX and Lifeline Pharmacy
 - Location: 136 Plaza Drive, Cold Spring, KY
 - Zone change of 0.94 acre from HC (Highway Commercial) Zone to NC (Neighborhood Commercial) ZoneKirk Hunter with Campbell County Planning & Zoning stated that the applicant is a pharmacy and they are seeking a zone change to move into the old bank building. NSC does allow the use of a pharmacy and this area adjoins the NSC zone. Legal notice was published in the May 28 edition of the Link reader and notices were mailed to adjoining property owners, as well as a sign placed at the property. Mr. Hunter gave an overview of the property and the surrounding area. There are no changes proposed to the existing plan/site, just a tenant finish; staff did not feel a site plan was necessary. It is not a new development, just a tenant change. Mr. Hunter reviewed the future land use map, design principles, permitted uses that will be allowed moving forward should the pharmacy, and the comprehensive plan. Mr. Hunter read the following staff comment from the packet:
 - 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.

Staff recommends 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. The basis for their recommendation is:

- 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.

Planning & Zoning Minutes

June 12, 2024

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

Joe Wittrock with Lifeline 24 Pharmacy addressed the board stating that he has another pharmacy located in Hamilton, Ohio where they mainly service nursing homes, assisted living facilities, developmentally disabled homes, and hospice. Mr. Wittrock grew up in Cold Spring and has been a Campbell County resident his whole life. He sees the need for this pharmacy in our area as multiple pharmacies have recently closed. This new location will be a combo shop meaning that they will service the public as well. Greg Hizer asked if there will be any exterior renovations, Mr. Wittrock said the only renovations will be interior except for the signage. The drive through will stay to be used for drop off/pick up. Steve Popovich made a motion to approve based on staff's recommendation, second by Mike Forge. Roll call vote shows 7 yeses and 0 noes. **Motion passed.**

Unfinished Business: None

Correspondence: None

Planning & Staff Items:

Commission Items:

Comments/Requests to the Commission: None

Adjournment:

- Greg Hizer made a motion to adjourn the meeting at 7:04pm. Steve Popovich seconded the meeting. All were in favor. **Motion passed.**

Approved:

Chairman:

City Clerk:

To view the meeting agenda, visit: <https://coldspringky.gov/departments/planning-and-zoning/planning-and-zoning-agendas/>

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



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.”²

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

- Cold Spring Crossing Shopping Center

¹ City of Cold Spring Official Zoning Ordinance, Article X, §10.15., A

² 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 District³ 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.

³ 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.



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:

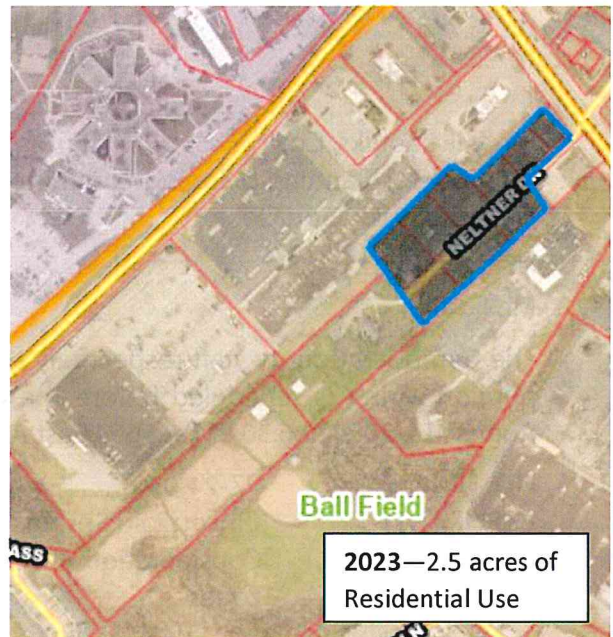
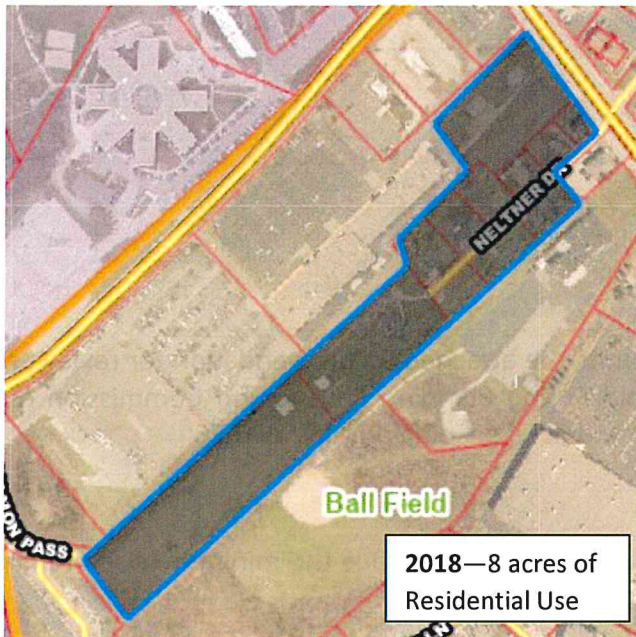
SECTION 17.0 AMENDMENT PROCEDURE:

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.

<p>City Zones</p> <p>A. Conservation Zones: CO Conservation Zone</p> <p>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</p> <p>C. Multifamily Residential Zones: R-2 Residential Two Zone R-3 Residential Three Zone</p> <p>D. Special Development Zones: MUPD Mixed Use Planned Development Zone PUD Planned Unit Development Overlay Zone RCD Residential Cluster Development Overlay Zone</p>
--

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 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.

APPENDIX A

SECTION 10.15 MUPD - MIXED USE PLANNED DEVELOPMENT ZONE

- A. PURPOSE: This zone is 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. Guided by an overall master plan, and the Stage I Development Plan, the ~~mixed use~~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.~~
- B. APPLICATION AND PROCESSING: Applications for development within a Mixed Use Planned Development (MUPD) Zone shall be processed as follows:
1. Applications for a map amendment to zone an area MUPD shall follow the procedure set forth in Article XVII of this ordinance. ~~In addition to the regulations set forth in Article XVII of this ordinance, the application shall~~ and be accompanied by a Stage I Development Plan, ~~as regulated by Subsection C., herein, for the entire area under single ownership or the control of a single entity. The Planning Commission may also request the scope of traffic study related to the proposed development and the ability of the existing street system to adequately handle said traffic and circulation as part of the Stage I Development Plan.~~
 2. When a site is proposed to be developed within an area which is currently zoned MUPD, a Stage I Development Plan ~~for the entire area under single ownership, as regulated by Subsection C., herein,~~ shall be submitted for review and action by the planning commission. ~~Development shall include: grading of any land; construction of any streets or other improvements; and the demolition, erection, physical expansion, or significant change of use of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure. Development shall also not include the change of use within an existing structure where the change of use is between similar land use types (i.e., residential to residential, real estate office to insurance office, etc.) and where the change of use does not require building additions or additions in required off-street parking areas.~~

- ~~a. The planning commission shall hold a public hearing on the proposed Stage I Development Plan in accordance with the requirements of KRS Chapter 424, and review said Stage I Development Plan with regard to its compliance with the stated purposes of the MUPD Zone, the required elements of the Stage I Development Plan, other applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Upon holding such hearing, the planning commission shall, within ninety (90) days after the completion of the public hearing, take action to approve, disapprove, or approve with conditions, the Stage I Development Plan.~~
3. Stage II - A Stage II Development Plan, for the area proposed to be developed, shall be developed in conformance with the approved Stage I Development Plan ~~and in accordance with the requirements of Subsection D., herein,~~ and submitted to the planning commission for its review and action. The traffic study as defined during the Stage I process shall address proposed changes in traffic volume, and the adequacy of the street system to provide for the efficient and safe movement of traffic within and adjacent to the site. Additional studies such as geotechnical, stormwater, landscaping and lighting are anticipated. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Subsection D., herein, shall be substituted therefore. These requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
- ~~a. The planning commission shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Subsection D., herein, its conformity with the approved Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Following review of the submitted Stage II Development Plan, the planning commission shall take action to approve, disapprove, or approve with conditions, the Stage II Development Plan.~~The planning commission, in approving the Stage II Development Plan, may authorize minor adjustments from the approved Stage I Development Plan, provided that the adjustments do not significantly change the approved Stage I Development Plan ~~with respect to the spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.~~
- ~~b. Upon planning commission approval of the Stage II Development Plan, a copy of said plan shall be forwarded to the zoning administrator, who shall~~

~~grant permits only in accordance with the approved Stage II Development Plan and other regulations, as may be required by this ordinance. The Planning Commission may delegate the review and approval of the Stage II Development Plan to its duly authorized representative.~~

~~C. STAGE I DEVELOPMENT PLAN REQUIREMENTS: The Stage I Development Plan shall identify and provide the following information, where applicable:~~

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

~~a. The total area in the project~~

~~b. The present zoning of the subject property and all adjacent properties~~

~~c. All public and private rights of way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned~~

~~d. Existing and proposed topography shown by contour with intervals not to exceed five (5) feet~~

~~e. All existing and proposed housing units on the subject property:~~

~~(1) Attached housing location, height, and arrangement of all buildings, number of units within each building and all lot lines with approximate dimensions where applicable~~

~~fe. Location, arrangement, height and identification of all existing and proposed nonresidential buildings and uses on the subject property~~

~~gf. The amount of area proposed for common open space, including the location and arrangement of recreational facilities, identification of unique natural features to be retained and a statement indicating the means of maintaining all common areas~~

~~hg. Location of proposed pedestrian walkways, identifying type of surfacing and approximate dimension~~

~~ih. Location of proposed streets identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades~~

- ~~jj. Location of off street parking, loading and/or unloading and driveway areas, identifying the number of off street parking spaces to be provided, type of surfacing and approximate dimensions~~
- ~~kj. Location of all existing and proposed water, sanitary sewer and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric and telephone service~~
- ~~lk. Certification from appropriate water and sewer agencies that services will be available~~
- ~~ml. Landscaping features including identification of planting areas and the location, type, and approximate height of fences and walls~~
- ~~nm. Location of signs, indicating their orientation and approximate size and height~~
- ~~on. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed method of handling said problems~~

~~o~~

~~p. p. A schedule of development, including the staging and phasing of:~~

- ~~(1) Residential areas, in order of priority, by type of dwelling unit~~
- ~~(2) Streets, utilities, and other public facility improvements, in order of priority~~
- ~~(3) Dedication of land to public use or set aside for common ownership~~
- ~~(4) Non-residential buildings and uses, in order of priority~~

~~The information required in items a through pp, may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.~~

~~D. STAGE II DEVELOPMENT PLAN REQUIREMENTS: The Stage II Development Plan shall identify and provide the following information, where applicable:~~

- ~~1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
 - ~~a. The existing proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the Planning Commission~~
 - ~~b. All housing units on the subject property:
 - ~~(1) Attached housing—Location, height, and arrangement of all buildings indicating the number of units in each building, and, where applicable, location and arrangement of all lots with exact lot dimensions~~~~
 - ~~c. Location, height, arrangement and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with exact lot dimensions~~
 - ~~d. All design elements, including building materials and design~~
 - ~~e. All common open space areas, including identification of planting areas and the location and arrangement of all recreational facilities~~
 - ~~f. Landscaping features, including identification of planting areas and the location, type and height of walls and fences~~
 - ~~g. Location of signs indicating their orientation and size and height~~
 - ~~h. All utility lines and easements:
 - ~~(1) Water distribution system, including pipe sizes, width of easements, types of pipe, location of hydrants and valves, and other appurtenances~~
 - ~~(2) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location,~~~~~~

~~type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances~~

- ~~(3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet) the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property~~
- ~~(4) Other utilities (e.g., electric, telephone, etc.) including the type of service and width of easements~~
- ~~i. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces~~
- ~~j. Circulation System:
 - ~~(1) pedestrian walkways, including alignment, grades, type of surfacing and width~~
 - ~~(2) streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections~~~~
- ~~k. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction
The schedule of development staging and phasing in accordance with the requirement in Subsection B., 3., and as approved in the Stage I approved Development Plan~~

~~The information required in items a. through k., may be combined in any suitable and convenient manner so long as the data required is clearly~~

~~indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.~~

E. PERMITTED USES:

1. Residential Uses: ~~Only attached single family and multi family residential uses are permitted in the MUPD Zone, and shall be grouped in areas as delineated on the Stage I Development Plan. Residential units may be located above a permitted use as listed in item E.2. or E.3. Residential units not located with office, commercial or related uses on the primary floor, may be considered as a conditional use under item G.2 and must demonstrate the cohesiveness of the MUPD..~~
2. Office and Related Uses: Professional Office, Research Training and other related uses ~~shall be contained in designated areas as delineated on the Stage I Development Plan and~~ may include the following uses:
 - a. Care centers for children and/or adults
 - b. Corporate headquarters, regional and administrative offices
 - c. Professional, medical, and dental offices
 - d. Regional and metropolitan offices
 - e. Sales and marketing offices
 - f. Data and communication centers, including information processing facilities
 - g. Sales and service offices related to electronic equipment, computers, and similar office equipment
 - h. Research and development facilities
 - i. Hotels and meeting facilities
 - j. Training, educational and conference facilities
 - k. Printing and publishing facilities
 - l. Athletic and recreational facilities
 - m. Financial institutions and services
 - n. Retail and retail services in conjunction with and located within an office building, hotel, conference center, or athletic facility
 - o. Colleges, technical, **medical,** and business schools
 - p. Libraries and museums
3. Commercial Uses: ~~Areas designated for commercial and service uses may be included on the Stage I Development~~

~~Plan~~ Commercial and Service uses may—to include the following uses:

- a. Antique stores
- b. Apparel stores
- c. Art supplies stores
- d. Art gallery and framing services
- e. Bakery and bakery goods store, **provided the products are sold exclusively on the premises**
- f. Barber and beauty shops
- g. Bicycle shop
- h. Book, stationery, or gift store
- i. Butcher shops
- j. Camera and photographic supplies
- k. Candy store, soda fountain, ice cream or yogurt store, excluding those with drive-in or drive-through facilities
- l. Card and gift shop
- m. Carpet and flooring store
- n. Collectables store
- o. Communications and postal service center
- p. Computer store
- q. Dance studio
- r. Delicatessen and coffee shops
- s. Drug store
- t. Dry cleaning store
- u. Eating and drinking places, excluding those with drive-in or drive-through facilities
- v. Fabric store
- w. Florist shop
- x. Travel agency
- y. Glass or pottery shop
- z. Grocery or food stores
- aa. Health and fitness facility
- bb. Hobby and craft store
- cc. Home furniture store
- dd. Home improvement and garden stores, including sales and service
- ee. Interior decorator services
- ff. Jewelry store
- gg. Leather goods and luggage store
- hh. Locksmith shop
- ii. Music store, including sale of instruments and recorded material

- jj. Office supply store
- kk. Opticians and optical goods
- ll. Paint and wallpaper store
- mm. Party supply and paper goods store
- nn. Pet store and grooming, excluding boarding of animals
- oo. Photocopy establishment
- pp. Radio, television and similar or related electronics and appliance sales and service
- qq. Shoe store and shoe repair
- rr. Sporting goods store
- ss. Tailor shop
- tt. ~~Tanning salon~~
- uu. Toy store
- vv. ~~Video tape and audio products sales and rental~~
- ww. Wine liquor store

F. ACCESSORY USES:

1. Customary accessory structures and uses.
2. Fences and/or walls, as regulated by Article XIII of this ordinance.
3. Signs, as regulated by Article XIV of this ordinance.

G. CONDITIONAL USES: No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustment as set forth in Sections 9.12 and 18.7 of this ordinance.

1. Fuel dispensing facilities when incidental to and operated as a part of and located within 1,000 feet of a grocery store containing at least 40,000 gross square feet and when such facilities are not directly adjacent to or fronting on US 27/Alexandria Pike.
2. An integrated residential community of attached single-family and/or multi-family units. The residential community shall be designed to have:
 - full pedestrian and vehicle access to the MUPD development and to the City of Cold Spring
 - dedicated greenspace and recreational amenities such as a clubhouse, pool, and dog walking areas

- controlled access to residential areas
- designated package delivery area

Each residential unit shall have:

- up to two bedrooms
- a minimum of 600 square feet per studio / one-bedroom unit and 900 square feet for two-bedroom unit
- washer-/ dryer hookups for each unit or laundry rooms in each building

Shared parking with other MUPD uses is permitted but must comply with parking ratios as defined in this ordinance.

3. Research and testing laboratories.
4. Hospitals when adjacent to an arterial street.
5. Urgent medical care facilities.

H. AREA REQUIREMENTS:

1. No MUPD Zone shall be permitted on less than ten (10) acres of land. However, an area of less than ten (10) acres may be zoned MUPD provided it is adjacent to an area with an existing approved Stage I Development Plan and is currently zoned MUPD.
2. The minimum area for submission of a Stage II Development Plan shall not be less than one (1) acre.

I. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Requirements shall be as approved on the Stage I Development Plan.

~~J. OFF STREET PARKING AND LOADING AND/OR UNLOADING AREAS: Off street parking and, when applicable, loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.~~

~~K. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved in the Stage I Development Plan.~~

~~L. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.6 of this ordinance.~~

M. COMMON OPEN SPACE/RECREATION AREA: At least twenty (20) percent of the total acreage of the proposed MUPD shall be retained as common open space and/or recreation area, and dedicated to a public and/or private entity for operation and maintenance. Common open space and recreation areas shall be that part of the total project exclusive of buildings, streets, parking areas, residential lots, commercial areas, access drives, and incidental green/lawn strips along drives and parking lots.

~~N. SCREENING: Shall be as approved in the Stage I Development Plan.~~

O. OTHER DEVELOPMENT CONTROLS:

~~1. Development shall be consistent with the Vision 2000 Initiative and any conceptual development plan/study which has been adopted/approved by the legislative body.~~

~~2. Off street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.~~

31. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers. Such area shall be screened from view.

42. No lighting shall be permitted which would unreasonably glare from any use located within this zone onto any street or into any adjacent property.

53. All business activities permitted within this zone shall be conducted within a completely enclosed building, except for the following:

a. Off-street parking and loading and/or unloading areas

b. Outside ~~play areas as part of child day care centers, churches, and schools~~recreational areas

c. Accessory seating area for eating establishments

d. Open air display areas that are, subject to the following requirements:

~~(1) shall be located on the same lot as the primary permitted use~~

~~(2) no sales transactions shall be permitted~~

~~(3) such area shall be clearly identified on the development plan as “outside display area”~~

~~(4) shall be enclosed, screened, and/or surrounded by a building or group of buildings, be screened by a masonry wall or other screening material such as a fence, landscaping, or dense live plant material, or be completely located under a roof overhang. In all cases, a sufficient pedestrian walkway width shall be maintained~~

~~6. Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.~~

74. Mechanical equipment, whether ground or roof mounted, shall be screened from the street view.

85. No use producing unreasonable objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.

~~9. Sidewalks shall be required when any new development occurs.~~

~~106. All Utilities must shall be underground, in a new subdivision or development when transmission lines have to be extended or altered.~~

~~P. CRITERIA: Evaluation of the proposed MUPD Zone and/or development plan shall be based upon the following criteria:~~

~~1. Design~~

~~a. Agreement with the various elements of the Cold Spring Comprehensive Plan, the Vision 2000 Initiative, and where applicable, any other adopted plan.~~

~~b. Extent to which the proposed development plan is consistent with the purpose of the MUPD Zone.~~

~~c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).~~

- ~~d. Nature and extent of the proposed uses in relation to the unique characteristics of the site.~~
- ~~e. Extent to which the design of the proposed development responds to the natural and man-made features of the site.~~
- ~~f. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off-street parking areas.~~
- ~~g. Extent to which the scale of each building relates to the natural environment and adjacent buildings.~~
- ~~h. The primary activity area of a building should be oriented toward a natural site amenity.~~
- ~~i. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.~~
- ~~j. Heights of structures should be compatible with the overall character and scale of the development and, where applicable, should provide for a compatible height transition with directly adjacent uses.~~
- ~~k. The orientation of buildings to provide access through rear entrances is encouraged.~~
- ~~l. The relationship of width to height of new structures shall be consistent with the relationship of the adjacent structures within the development.~~

~~2. Circulation~~

- ~~a. Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.~~
- ~~b. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.~~
- ~~c. The circulation system should follow the natural terrain of the site.~~

- ~~d. The circulation system should provide for the continuation of existing streets and provide for the connection of proposed streets to adjoining properties.~~
- ~~e. Extent to which the complete separation of pedestrian and vehicular circulation systems is achieved.~~
- ~~f. Pedestrian street crossings should provide for safe crossings where there is good sight distance along the street or at a grade separated crossing.~~
- ~~g. Extent to which off-street parking areas are screened from view at street level.~~

~~3. Open Space~~

- ~~a. Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.~~
- ~~b. Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.~~
- ~~c. Landscaping should be an integral part in the design of off-street parking areas to soften the impact of hard surfaced areas on adjacent areas.~~
- ~~d. Open spaces should not be isolated from one another by unrelated physical obstructions, but rather, should be linked together by open space corridors having a reasonable width.~~
- ~~e. Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.~~

~~4. Utilities~~

- ~~a. Extent to which all necessary public utilities and facilities are available to service the proposed development, including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.~~

~~5. Signage~~

- ~~a. Signage should be designed to protect and enhance the visual amenities of the site.~~
- ~~b. A sign package should be developed for the entire development that forms an integral part of the total design of the site.~~
- ~~c. All signs should be of a complimentary scale and proportion in design and in visual relationship to the site and buildings.~~
- ~~d. Extent to which signs define and enhance the architectural elements of a building or site.~~
- ~~e. Extent to which signage is consolidated and coordinated with the overall site design.~~

QP. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.

~~R. UTILITIES: All utilities in a MUPD Zone shall be underground.~~

SR. EXPIRATION: Conditional Use permits shall be subject to the time constraints as defined through KRS 100.237. Development plans within the MUPD Zone ~~shall~~ may be subject to the time constraints, as noted below. Upon expiration of said time constraints, and any extensions thereto, the legislative body or planning commission may initiate a request for a public hearing by the planning commission, ~~in accordance with the requirements of KRS Chapter 400,~~ for the purpose of determining: (1) whether the MUPD Zone should revert to its original zoning designation; ~~or~~ (2) that the approved development plan should be voided; or (3) that the plan may continue with an amended schedule. ~~The~~A public hearing may be initiated if either of the following conditions apply.

1. Stage II Development Plan has not been approved by the planning commission within a period of twenty-four (24) consecutive months from the date of approval of the Stage I Development Plan, provided that an extension may be permitted upon approval of the planning commission or its dully authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the approved Stage I Development Plan obsolete.
2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan ~~by the planning commission,~~ provided that an extension

may be permitted upon approval of the planning commission or its dully authorized representative if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Stage II Development Plan obsolete. ~~Substantial construction shall be as identified on the Stage II.~~