

**COLD SPRING
PLANNING & ZONING SPECIAL MEETING
AGENDA
October 16, 2024
6:30 PM**

1. PLEDGE TO THE FLAG, ROLL CALL, AND EXIT INSTRUCTIONS
2. APPROVAL OF MINUTES
 - September 11, 2024 P&Z Meeting
3. SUBDIVISION ITEMS
4. PUBLIC FACILITIES
5. PUBLIC HEARING ON SCHEDULED ITEMS
 - PZ-24-043
 - Applicant - McBride Dale Clarion as Zoning Consultant for Kroger Limited Partnership I & Vision ESP LLC
 - Location - Martha Layne Collins Blvd. and Salmon Pass
 - Request - Zone map amendment for approximately 10 acres from Residential Three (R-3) Zone to Neighborhood Shopping Center (NSC) Zone.
 - PZ-24-044
 - Applicant - McBride Dale Clarion as Zoning Consultant for Kroger Limited Partnership I & Vision ESP LLC
 - Location - Martha Layne Collins Blvd. and Salmon Pass
 - Request – Stage I and Stage II site development plan for a new Kroger Marketplace Store with a wine and spirit store and a fuel center and variances related to signage and setbacks.
6. UNFINISHED BUSINESS
7. CORRESPONDENCE
8. PLANNING AND STAFF ITEMS
9. COMMISSION ITEMS
10. COMMENTS / REQUESTS TO THE COMMISSION
11. ADJOURN



Planning & Zoning Minutes

September 11, 2024

The meeting of the Cold Spring Planning & Zoning Commission was called to order by Chairman Foulks at 6:30pm followed by a moment of silence in remembrance of September 11, 2001 then the Pledge of Allegiance.

Roll Call:

- Present: Sam Conner, Mike Forge, Mike Foulks, Greg Hizer, Mark King, Jerry Schmidt, Marg Trunick, City Clerk Robin Morency, City Attorney Brandon Voelker and Cindy Minter with Campbell County Planning & Zoning.

Minute Approval:

- The August 14, 2024 meeting minutes were reviewed by all. Mike Forge made a motion to approve, second by Greg Hizer. All were in favor. **Motion passed**

Subdivision Items: None

Public Facilities: None

Public Hearing:

- PZ-23-037 – Applicant: City of Cold Spring, KY – Request: Text Amendment for Mixed Use Planned Development (MUPD) Zone. This hearing was continued from the August 14th public hearing and notice was published in the Link Reader on August 28, 2024. Cindy Minter reviewed the PowerPoint with proposed changes (see attached).
 - Mark Stoeber (resident) expressed his gratitude to the P&Z Commission for their time and provided a brief history of the city. He explained the concept of overlay zones and the intended purpose of the MUPD zone. Mr. Stoeber voiced key concerns, particularly regarding the 20% green space requirement. He also addressed topics such as density and the potential for abutting parcels to change zoning if they meet the one-acre minimum. Mike Forge agreed, noting that the issue of abutting one-acre parcels is a significant concern.
 - Ken Perry highlighted the significant changes along US 27 and in the city's overall character over the past 40 years. He expressed his support for progressive zoning, noting that it provides opportunity. According to Mr. Perry, the MUPD encourages creativity and flexibility, driven by market demands and tailored to unique sites. He also raised concerns about unit size restrictions, urging the commission to exempt senior housing from these limits. Mr. Perry suggested that the city conduct a study to assess the need for different unit sizes within city limits, emphasizing that many factors lead individuals to choose apartments over single-family homes.
 - Donna Pickett (resident) read a letter on behalf of Dallas Bray, Earl Woeste, and Alan Woeste, which will be submitted for the record. The letter expresses concerns that proposed changes to the MUPD zone will adversely impact their plans for properties they own within the city. They are requesting that the following options be considered: maintaining multi-family housing as a permitted use, grandfathering their property, or changing their zoning designation to R-3
 - Dallas Bray says his property value will be destroyed if they make multi-family housing a conditional use.
 - Mike Forge sought to address points raised in Mark Stoeber's comments from the last meeting regarding edits to the MUPD zone. One key issue was the use of "shall" versus "may" in the text; he believes that "shall" should be retained. Additionally, he noted that the term "duly authorized representative" is too vague, as it is not clearly defined.

The commission reviewed the MUPD zone text section by section. There was a discussion regarding traffic study approvals, during which Brandon Voelker informed the group that a text amendment is forthcoming to require traffic study approval. The commission expressed strong interest in making the submission of a traffic study a mandatory part of the Stage 1 plan. Other topics discussed included duplicated language within the zoning ordinance, residential uses, the requirement for 20% green space to be included and submitted with plans, the number of units allowed per acre, open-air display areas, dining facilities, outdoor dining, pedestrian walkways, as well as amendments and expirations of plans. Ms. Minter expressed that she has received helpful guidance



Planning & Zoning Minutes

September 11, 2024

from the commission. She plans to revise the document and will present both a marked-up version and a clean version for further review. There was a discussion regarding when the document would be ready for review, as well as the upcoming hearings for the commission. Greg Hizer Made a motion to close this public hearing at 9:40pm, second by Marg Trunick. All in favor. **Motion passed.** The commission discussed the potential need for a special meeting.

Unfinished Business: None

Correspondence: None

Planning & Staff Items: None.

Commission Items: None.

Comments/Requests to the Commission: None

Adjournment:

- Mike Forge made a motion to adjourn the meeting at 9:44pm, second by Sam Conner. 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/>

October 4, 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 October 16, 2024 at 6:30 PM at 5694 East Alexandria Pike, Cold Spring, KY 41076. *(This meeting was rescheduled from October 9).*

FILE NUMBER: PZ-24-043
APPLICANT: MCBRIDE DALE CLARION as Zoning Consultant for KROGER LIMITED PARTNERSHIP I & VISION ESP LLC
LOCATION: MARTHA LAYNE COLLINS BOULEVARD and SALMON PASS, COLD SPRING
REQUESTS: ZONE MAP AMENDMENT for approximately 10 ACRES from RESIDENTIAL THREE (R-3) ZONE to NEIGHBORHOOD SHOPPING CENTER (NSC) ZONE

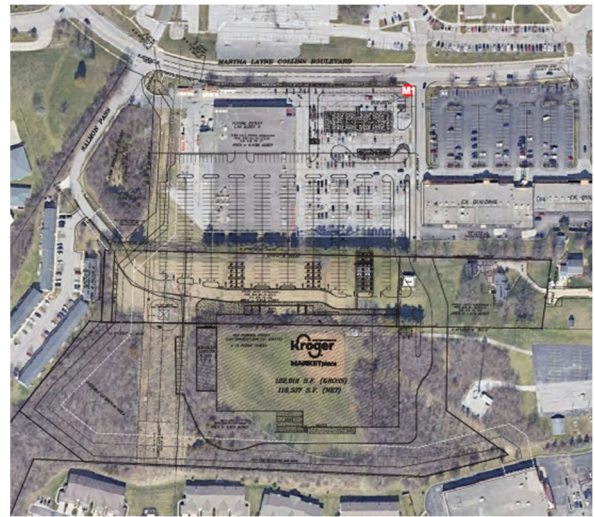
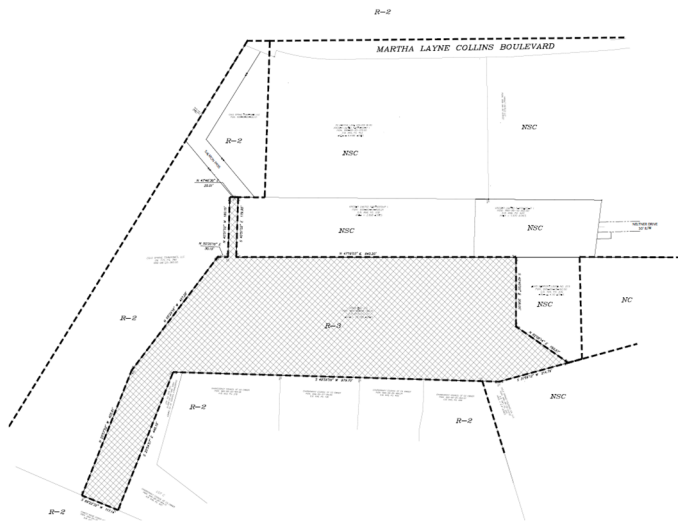
FILE NUMBER: PZ-24-044
APPLICANT: MCBRIDE DALE CLARION as Zoning Consultant for KROGER LIMITED PARTNERSHIP I & VISION ESP LLC
LOCATION: MARTHA LAYNE COLLINS BOULEVARD and SALMON PASS, COLD SPRING
REQUESTS: STAGE I and STAGE II SITE DEVELOPMENT PLAN for a new KROGER MARKETPLACE STORE with a wine and spirit store and a fuel center and VARIANCES related to signage and setbacks

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

**NEW KROGER MARKETPLACE STORE, WINE
AND SPIRIT STORE, FUEL CENTER
FUTURE OUTLOT**



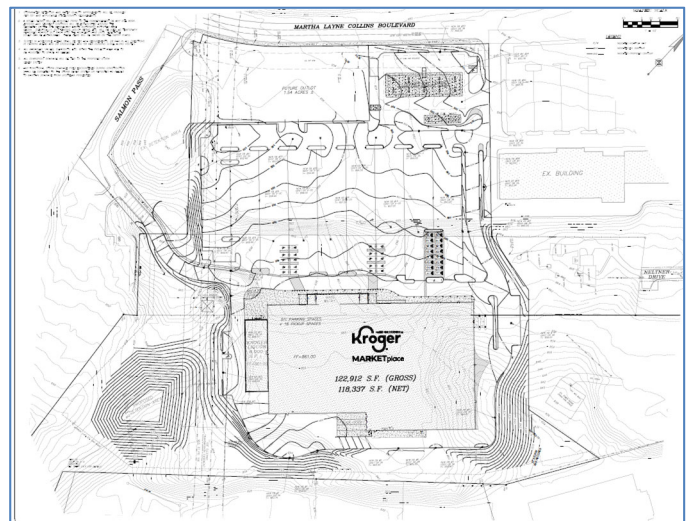
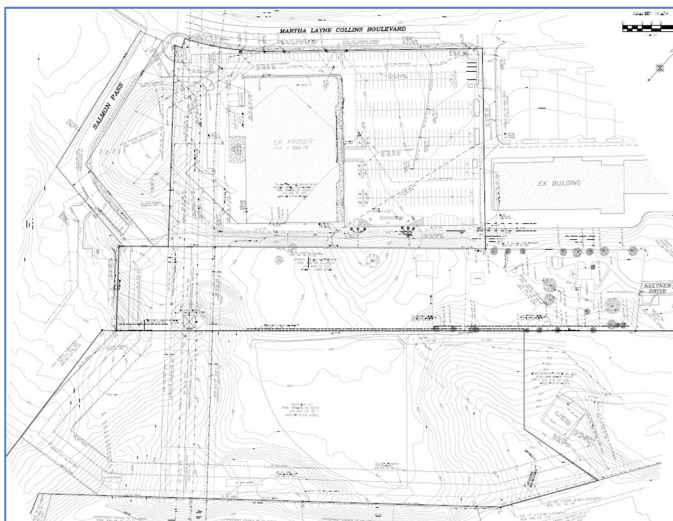
Kroger would like to develop a new Kroger Marketplace Store with a Wine & Spirits shop, and a fuel center in Cold Spring. The new Kroger, which will also include an outlot for future development, will be on the 19.7 acres that includes the current store location (70 Martha Lane Collins Boulevard) and additional acreages to the southeast. To allow the development to move forward, we are requesting a Zone Map Amendment from "R-3" to "NSC" for 10 acres (PIDN 999-99-18-193.01). Stage One and Stage Two Development Plan Review for the development is also requested, as is consideration of several variances.



PROJECT DESCRIPTION BY APPLICANT:

Kroger has purchased or has a purchase option to buy 19.7 acres of property which includes parcels 99-99-20-372.00, 999-99-19-495.01, 999- 99-1 8-193.01 and a portion of 999-99-19-495.00 in the City of Cold Spring. The parcels are currently zoned a mixture of "NSC" and "R-3" and have been developed with the existing Kroger store and ballfields formerly utilized by the Elks. Kroger is making a request to allow for the development of a 122,912 square foot Kroger Marketplace store, an 8,000 square foot wine and spirit store, a fuel center and an outlet for future development. The new development would feature 527 parking spaces, a pharmacy drive-through window, and 16 online shopping pickup spaces. Access to the development would be from Martha Layne Collins Boulevard and from Salmon Pass to the west.

To allow for the development to move forward, a zone map amendment is being requested from "R-3" to "NSC" for the 10 acres identified as PIDN:999-99-18-193.01. Stage One and Stage Two Development Plan approval is being requested along with consideration of several variances.



The existing 60,662 square-foot Kroger store was constructed in 1988 and does not offer the variety of goods and services that Kroger customers have come to expect. A fuel center is not part of the existing development nor is there a pharmacy drive-through window. Currently, prescriptions can be obtained by a kiosk in the parking lot or a walk-up window. The online shopping has customers leaving their vehicles and obtaining orders from lockers adjacent to the store. The availability of merchandise is limited due to the limited size of the store.

The new store will offer services such as a two-lane drive thru pharmacy window, and 16 online shopping pick up spaces which allow Kroger associates to bring online orders to the customers vehicle. Additionally, nine pump dispensers will be available at the Kroger fuel center allowing Kroger customers to utilize fuel points with their shopping trip. In store changes include expansion of all departments, including the creation of a Murray's Cheese section, apparel area, home good section, expanded pharmacy, the addition of fresh sushi and the inclusion of seasonal merchandise. With two pharmacy drive-through lanes and 16 online pick-up spaces, Kroger customers will be able to retrieve orders without ever leaving their vehicles. The inclusion of a Kroger fuel center at the north end of the city will be a convenience not just for Cold Spring residents, but those residing in Highland Heights or attending Northern Kentucky University. Recognizing that NKU students are an important part of the store's customer base, Kroger is proposing to continue a 5-foot-wide sidewalk on Salmon Pass into the development for students walking to the store. For those riding bikes, a total of 10 bicycle spaces will be located along the front of the building.

The proposed landscape plan meets the landscape requirements of the city, and care has been taken to create a landscape buffered to the south property line. A 109-foot setback is provided to the store, and a minimum 50-foot setback is provided as required to the edge of pavement from the south property line. The majority of the rear access drive is 65 to 80 feet from the rear property line. Additionally, it should be noted that there is an approximate 25-foot grade change from the development down to the adjacent property to the south.

The following plant material will be located in the rear buffer:

- 95 - Leather Leaf Viburnum shrubs
- 165 - Burning Bush shrubs
- 73 - Witch Hazel shrubs
- 3 - Red Bud Trees
- 8 - Crab Apple Trees
- 65 - Arborvitae shrubs
- 5 - Dogwood Trees

A tree inventory has been completed with all of the required replanting being indicated on the landscape plan.

Variations Requested and Justification by the Applicant

Given the size of the Kroger development, and the multiple uses that will occur on the 19.7 acres, several variations are requested to provide for adequate signage as follows:

Kroger Marketplace: The Kroger Marketplace store will include a multitude of services and goods. The following signage is needed to provide identification and direction to these services:

"Kroger Marketplace"	265.9 SF
"Starbucks"	25 SF
"Pharmacy Drive Thru"	63 .1 SF
"Pick Up"	<u>SF 45 SF</u>
<i>Total:</i>	399 SF

Based on the 455 linear feet of store frontage, the Kroger store is permitted 455 square feet of sign area. The proposed 399 square feet of sign area is below the amount of signage permitted by code. The zoning code, however, only allows one sign on the front elevation of the store. To adequately identify Starbucks, which is a tenant in the store, and provide customer direction to the locations of the pharmacy pickup window and the online shopping pickup spaces, along with identification of the Kroger Marketplace store, a total of four signs are needed.

Wine & Spirits Store: The 8,000 square foot Wine & Spirits store will be located to the west of the Kroger store. The Wine & Spirits store has 55 feet of linear frontage and per code is permitted 55 square feet of sign area. To allow proper identification to the required separate entrance to the Wine & Spirits store, Kroger is requesting consideration of a variance to allow the wall sign to be 88.6 square feet.

The proposed sign will occupy only 7% of the front elevation which is located 600 feet south of Martha Layne Collins Boulevard.

Fuel Center Ground Mounted Sign: Kroger is proposing only one new freestanding sign for the 19.7-acre development. This sign will be located on the west side of the entrance from Martha Layne Collins Boulevard into the development, to the east of the fuel center. The sign, which would be on a brick base, is proposed to be 7 feet in height as permitted. The sign would only include "Kroger" and LED fuel prices for unleaded and diesel fuel. To allow the fuel prices to be readable to the public on Martha Layne Collins Boulevard, the total sign size is proposed to contain 35 square feet where 25 square feet is permitted.

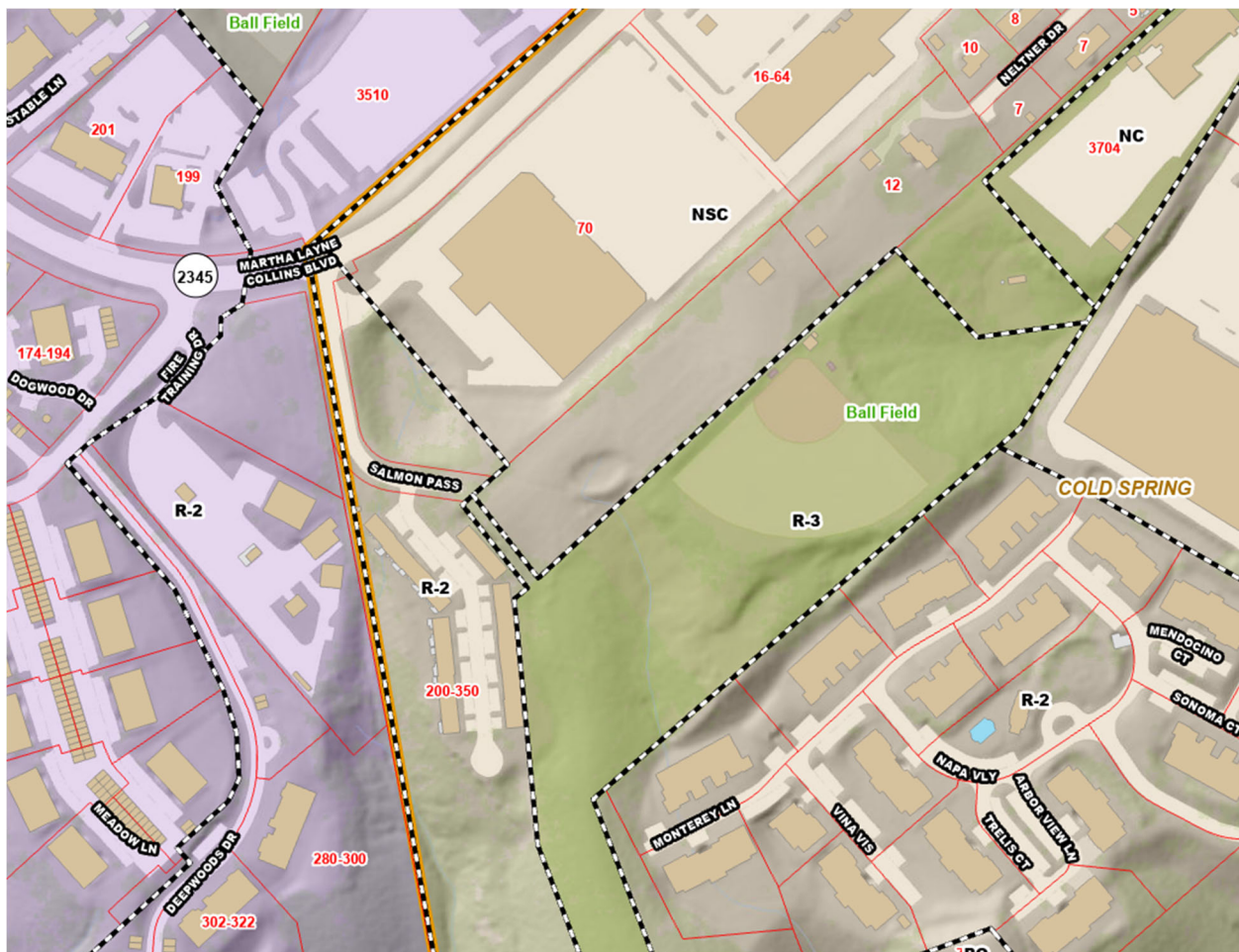
Fuel Canopy and Kiosk: To provide fuel identification and pricing information to customers, Kroger is requesting to include LED fuel price signs (16.67 square feet each), and "Kroger" (16.1 square feet each) signs on both the north and south canopy elevations. Per code, 160 square feet of sign area would be permitted on the north canopy elevation. A total of 65.54 square feet is proposed for the fuel canopy.

The need for these variations arises from the overall size of the development, its location from Martha Layne Collins Boulevard, the existing Duke easement, existing detention area, and

unusual shape of the property. Denial of the variances requested would create a hardship on Kroger and their customers trying to determine where store uses are located, how much fuel costs per gallon, and knowing what is located in the store. The requested variances will not allow unreasonable conditions of the zoning code and will not alter the character of the area. Should they be approved, the variances will not confer special privileges to the site given its size, shape, existing condition limitations and proposed uses than those of other properties with the "NSC" zone.

Kroger is excited to bring this 35-million-dollar investment to the City of Cold Spring and anticipates that 100 full- and part-time associates will be added. With the Kroger development, the proposed Marketplace store will bring new services and grocery options to the northern portion of Cold Spring and Highland Heights and to the students and faculty of NKU. Favorable consideration is requested for approving the application for the Zone Map Amendment, Stage 1 and Stage 2 Development Plans and the Variances as requested for signage.

Considerations of Zone Map Amendment:



The northern position of the site is zoned Neighborhood Shopping Center (NSC). Parcels 999-99-19-495.00 and 999-99-19-495.01 were previously granted a Conditional Use Permit (CUP) for storage units. This property has changed hands to Kroger. The approval of this site plan will void this CUP.



In 2023, the property to the south was rezoned Residential 3 for a multifamily complex. Stage II plans have not been submitted. The approval of this zone map amendment voids the proposed multi-family development. The area to be rezoned is approximately 10 acres.



The proposed site 19.7 acres is comprised of a 1.54-acre outlot, 7.2 acres of open space, approximately 2 acres of utility easements with the balance servicing as the building site with parking and drive aisles for the KROGER MARKETPLACE STORE with a wine and spirit store and a fuel center.

The NSC zone permits the following uses: *(Highlighted uses are the desired with this plan)*

- | | | |
|--|---|---|
| 1. Apparel shop | 15. Florist shop | 32. Offices |
| 2. Art supplies | 16. Food store and supermarket | 33. Off-street parking lots and/or garages |
| 3. Bakery and bakery goods store, provided the products are sold exclusively on the premises | 17. Furniture store | 34. Opticians and optical goods |
| 4. Banks and other financial institutions, including savings, loan and finance companies | 18. Garden supplies | 35. Package liquor and wine store |
| 5. Barber shops | 19. Glass, china, or pottery store | 36. Paint and wallpaper store |
| 6. Beauty shops | 20. Haberdashery | 37. Pet shop, excluding boarding and outside runs |
| 7. Book, stationery, or gift shop | 21. Hardware store | 38. Police and fire stations |
| 8. Camera and photographic supplies | 22. Health spas | 39. Post offices |
| 9. Candy store, soda fountain, ice cream store, excluding drive-ins | 23. Hobby shop | 40. Radio and television stores, including repair |
| 10. Child care centers | 24. Household and electrical appliance store, including incidental repair | 41. Shoe store and shoe repair |
| 11. Delicatessen | 25. Interior decorating studio | 42. Sporting goods |
| 12. Drug store | 26. Jewelry store, including repair | 43. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance |
| 13. Dry cleaning and laundry pick-up station | 27. Laundromats and self-service washing and drying | 44. Tailor shop |
| 14. Eating and drinking places, excluding drive-ins | 28. Leather goods and luggage store | 45. Toy store |
| | 29. Library | 46. Variety store, including notions and "Five and Ten" stores |
| | 30. Locksmith shop | |
| | 31. Music, musical instruments and records store, including incidental repair | |

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

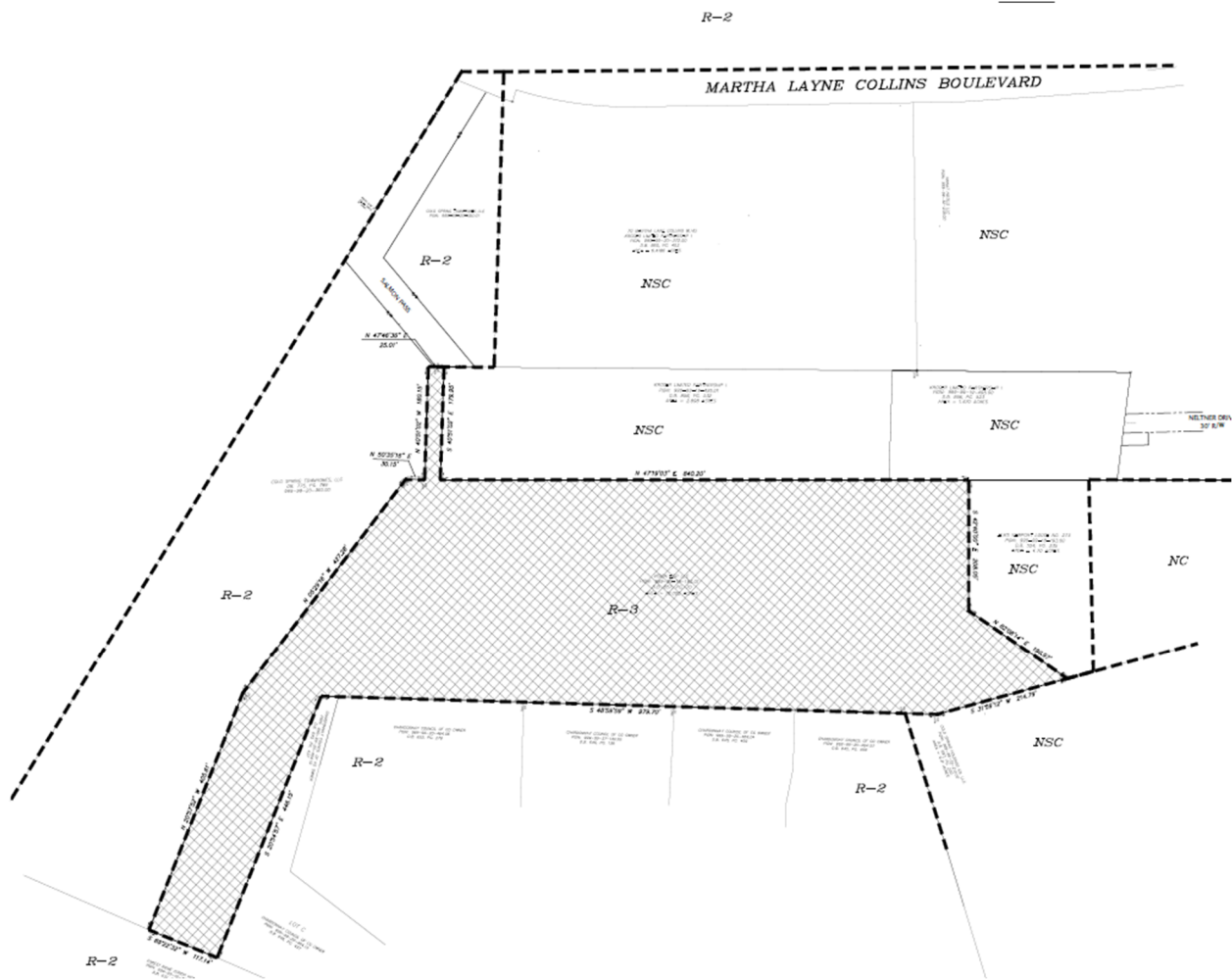
Land Use and Development - The city's business areas will include a diverse, high-quality mix of retail, service, professional (e.g., medical, general office, government, etc.), and industrial uses (e.g., manufacturing, research and development, etc.) that provide a job base and tax revenue for the community with a focus on encouraging the development of small-scale uses that meet the community's daily needs.

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

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

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

A zone map amendment that allows for the reinvestment and expansion of a Kroger Marketplace Store is consistent with these goals. The acquisition of adjacent land to expand this use will cater to both the residents of Cold Spring as well as the larger region. This area will integrate well with the existing shopping and services uses available to the community.



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

Staff recommends that the zoning designation be changed from Residential-3 (R-3) to Neighborhood Shopping Center (NSC) for approximately 10 acres, noting that the previous approved incomplete developments (storage units and apartments) will be void. There is no adjacent right-of-way (ROW) to be added to this zone change.

Considerations of Site Development Plan

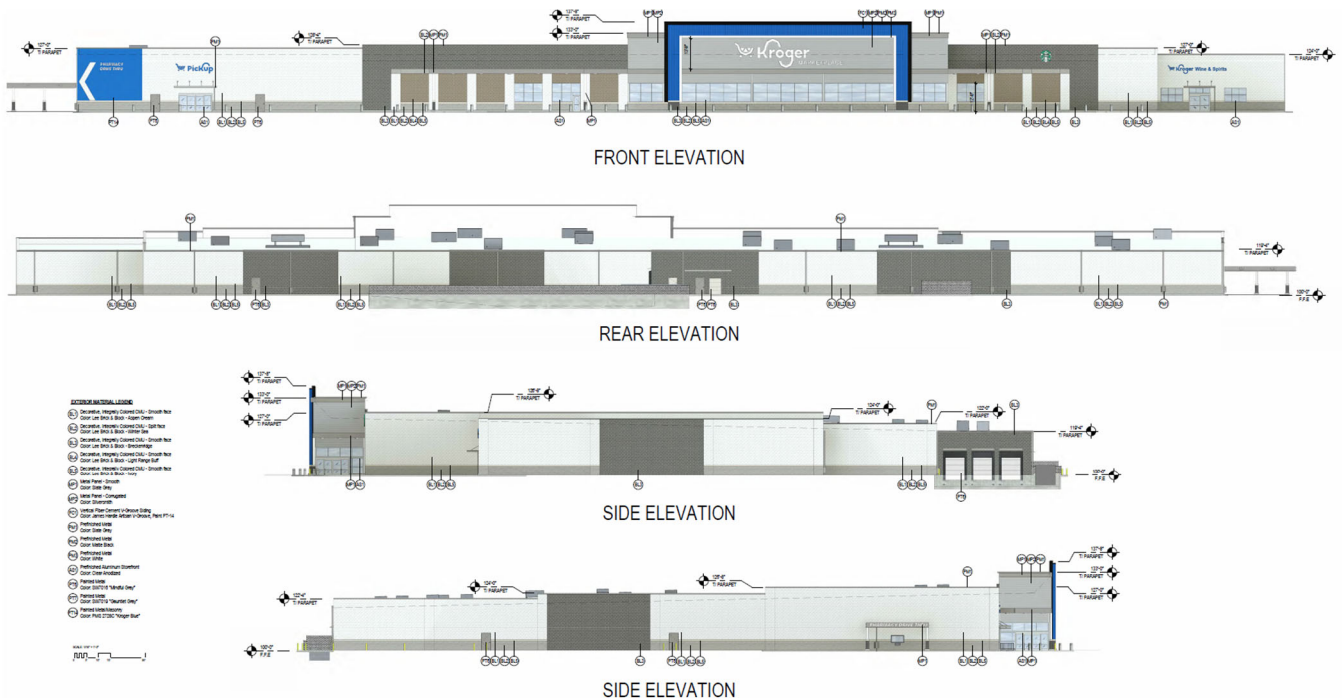
The Applicant is submitting a combined Stage I and Stage II Development Plan for within the Neighborhood Shopping Center Zone (NSC). The NSC zone is established to provide for convenience and comparative retail, service, and other uses, within a planned and coordinated development. Such a development should consist of at least three businesses.

The current store is considered to be part of the County Square Shopping Center.

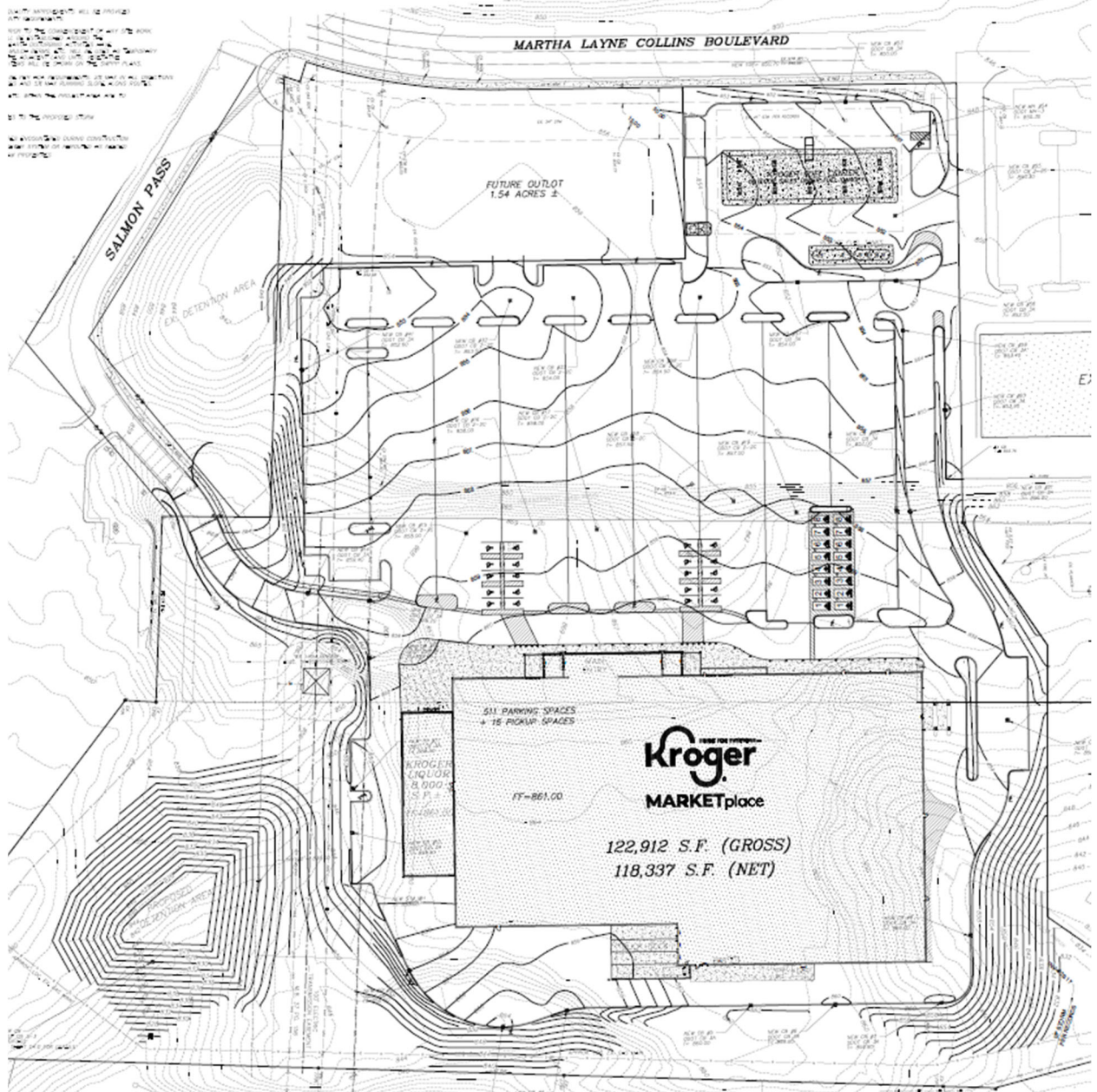
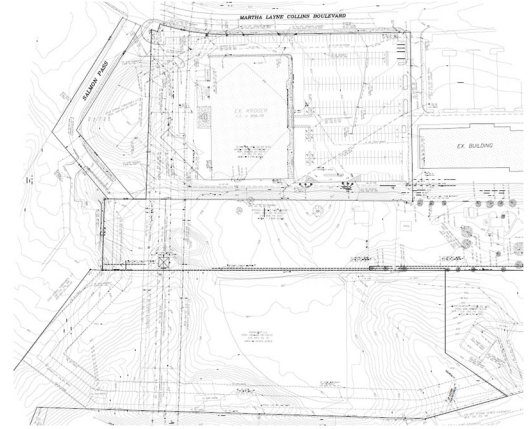


In conformance with Section 9.17 DEVELOPMENT PLAN REQUIREMENTS, Section 9.18 DEVELOPMENT PLAN REQUIREMENTS - STAGE I, II AND RECORD PLAT, and Section 10.11 NEIGHBORHOOD SHOPPING CENTER (NSC) ZONE B, the submitted Site Development Plan identifies and provides the following information:

- A. Plans were submitted electronically to allow for readability.
- B. Exterior Elevations were provided.

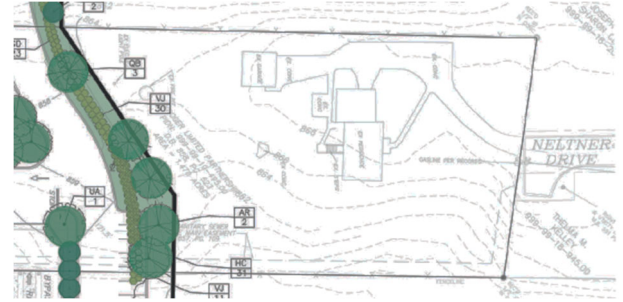


C. Topography is included on Sheet C0.0 at and C2.0 at two-foot intervals.

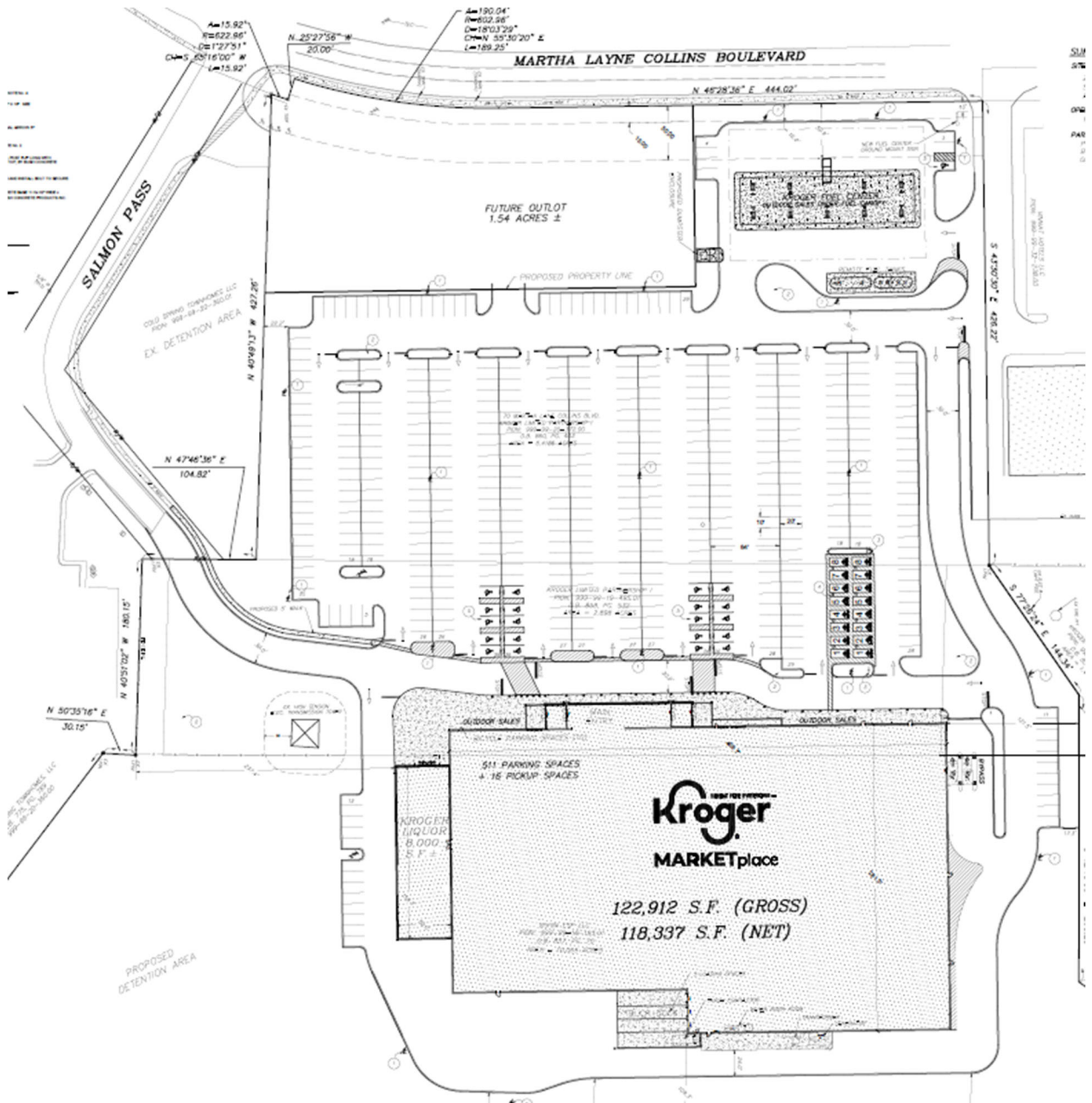


D. There are no new housing units proposed.

The plans did indicate increased landscaping to the south east. This serves as a buffer between the store complex and existing home located on Neltner Drive. There is no access planned from Neltner Drive to the shopping center.



E. The location, height, arrangement, and identification of the commercial structure are indicated on Sheet C1.0



F. Open space on this parcel is indicated.

SITE AREA

ZONE CHANGE AREA - 10.0 ACRES (R-3 TO NSC)
 SITE AREA - 19.70 ACRES (INCLUDING FUTURE OUTLOT)
 FUTURE OUTLOT - 1.54 ACRES

1' =

OPEN SPACE

PUD OPEN SPACE = 7.2 ACRES (40% OF SITE) (EXCLUDING OUTLOT)

G. Landscaping features are indicated and found to be in compliance with Section 9.15 LANDSCAPE REGULATIONS. (see Sheets LS2, LS3, and LS4)

An existing tree survey was completed (see sheet LS1).

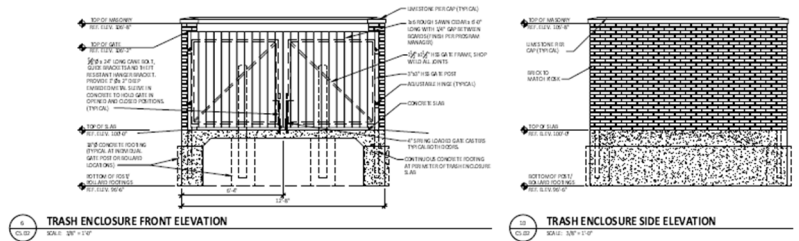
The opportunity for additional landscaping to the south and west of the parcel is hampered by major utilities include overhead transmission lines and underground gas lines.



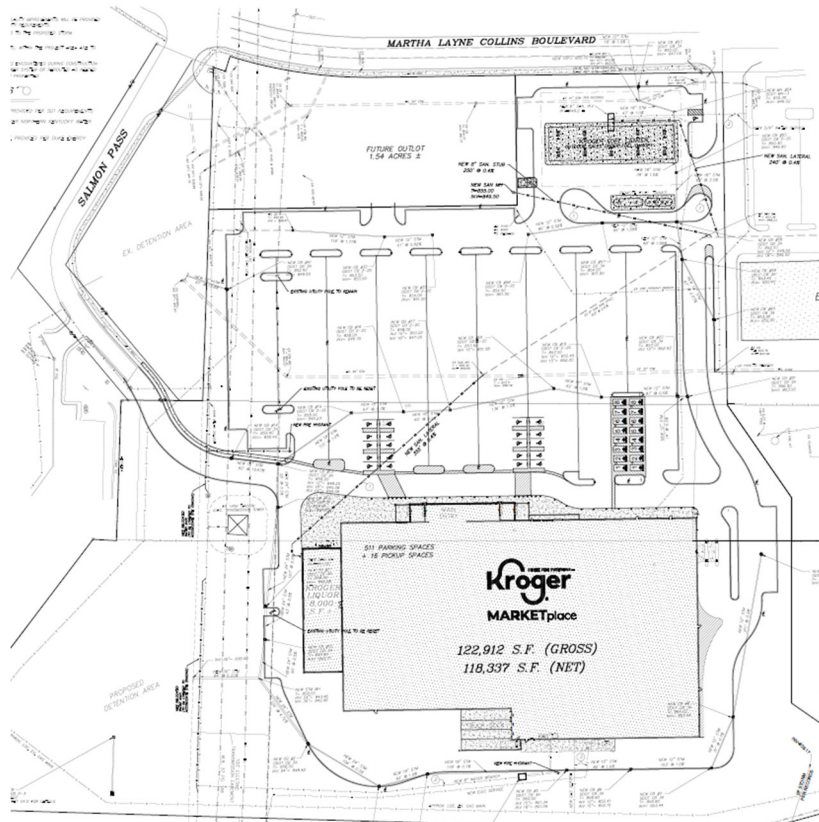
H. The location of signs indicating their orientation, size, and height are provided. VARIANCES are requested as follows:

- Kroger Marketplace Store – Variance to allow the permitted 455 square feet of sign area to be spread amongst multiple signs along the same linear frontage.
- Wine & Spirits Store – Variance to increase permitted 55 square feet of sign area to 88.6 square feet.
- Fuel Center Monument Sign – Variance to increase permitted 25 square feet of sign area to 35 square feet.
- Fuel Canopy and Kiosk – Variance to permit pricing/logo on the south side of the canopy, facing the marketplace store and to allow the square footage to be shared over multiple signs on the same façade.

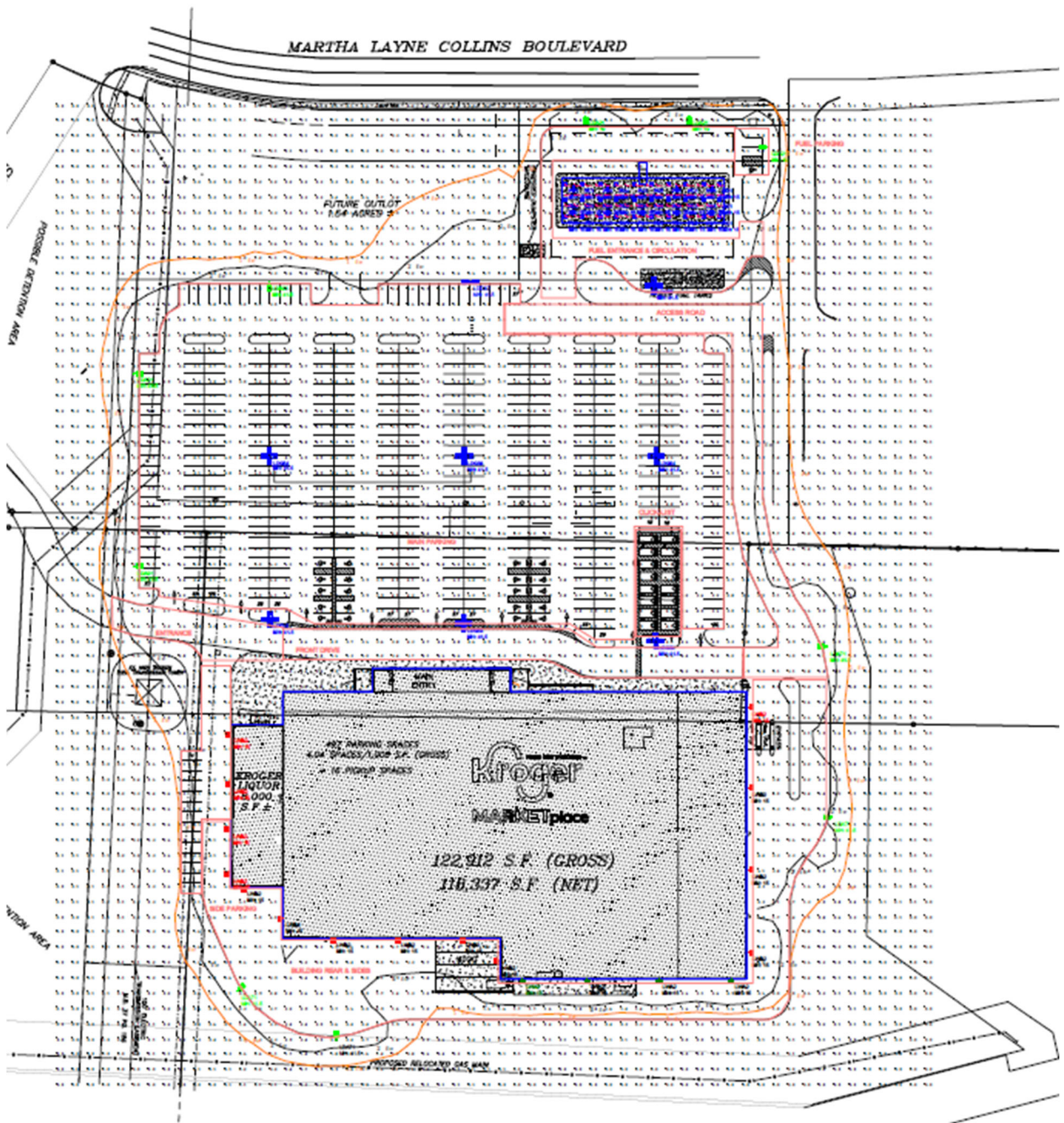
I. Details on the Trash encloses were provided on Sheet C5.02



J. Utility lines and easements are indicated on Sheet C3.0.



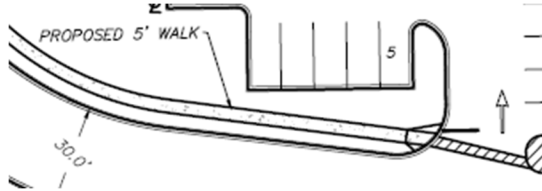
K. A lighting Plan was provided.



L. The location of all off-street parking, loading and/or unloading, and driveway areas were provided on Sheet C1.0.

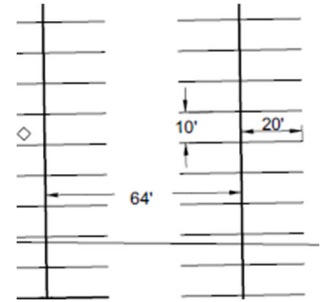
Parking stalls were indicated at 10 by 20. Drive aisles are indicated at 24 feet within the parking area.

Pedestrian walkway and crosswalks are indicated around the perimeter and within the site.



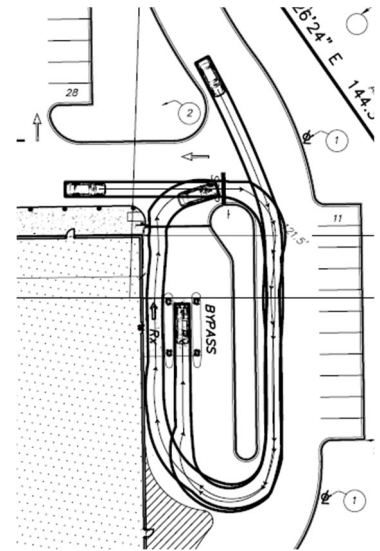
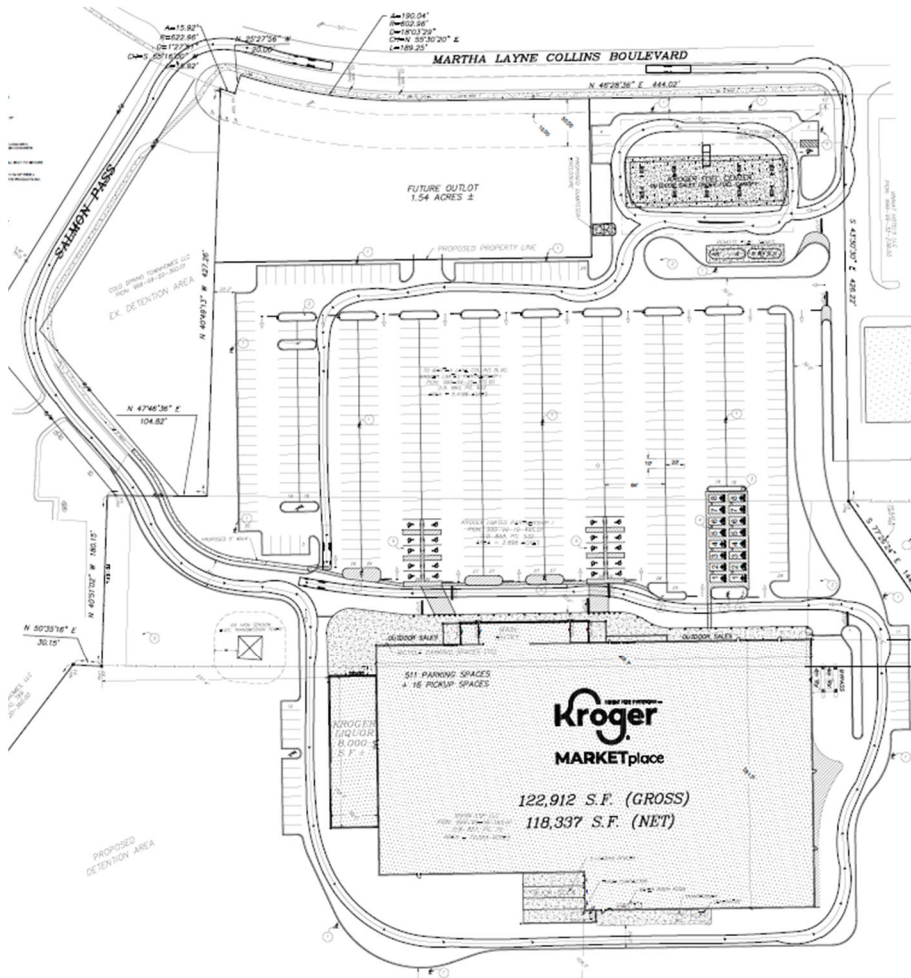
PARKING INFORMATION

PARKING SPACES = 511
 BICYCLE SPACES = 10
 GROCERY PICKUP = 16



Supplemental plans were provided showing the circulation system are key areas including the pharmacy and fire lanes.

There are no new streets or extensions of streets proposed to be dedicated.



- M. A traffic analysis was request by KYTC to confirm patterns along Martha Layne Collins Boulevard. Traffic counts are ongoing. An update will be provided at the meeting.
- N. Stormwater managed provisions are indicated on the plan. Detailed stormwater calculations were submitted to the City engineer.
- O. Kroger would likely start in the fall of 2025 and it would take approximately 14-16 months to construct.

With the exceptions of the variances, staff found the site development plan to be consistent with the City ordinances and regulations.

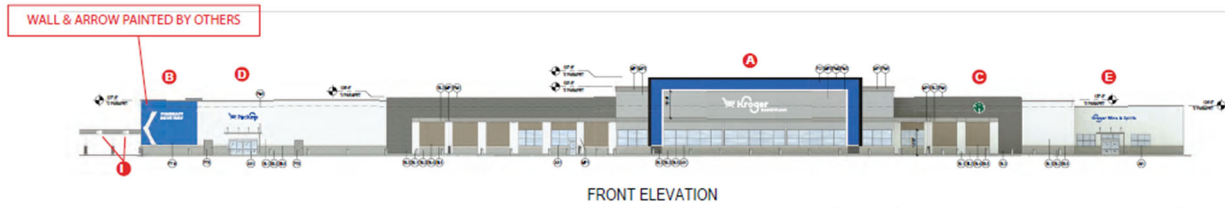
Considerations of Variances:

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

1. The Board of Adjustment¹ shall make findings that the requirements of this section of this ordinance have been met by the applicant for a variance.
2. The board of adjustment shall further make a finding that reasons set forth in the application justify the granting of a variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
3. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 16.9 of this ordinance.
 - a. Before any variance is granted, the board of adjustment must find that the granting of the variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - i. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - ii. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 - iii. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
 - b. The board shall deny any request for a variance arising from circumstances that are the result of willful violations of this ordinance by the applicant subsequent to the adoption of this ordinance from which relief is sought.
4. **VARIANCE CANNOT CONTRADICT ZONING REGULATION:** The board of adjustment shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by this ordinance in the zone in question, or to alter the density of dwelling unit requirements in the zone in question.
5. **VARIANCE RUNS WITH LAND:** A variance applies to the property for which it is granted and not to the individual who applied for it. A variance runs with the land and is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

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

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

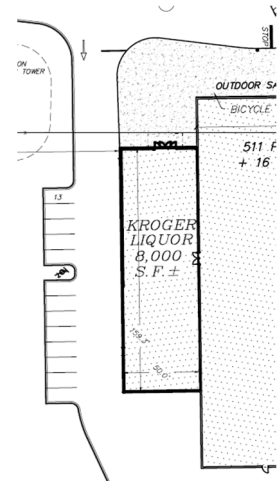
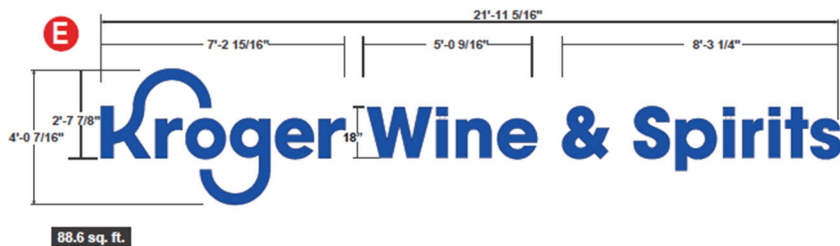


- Kroger Marketplace Store Signage – Variance to allow the permitted 455 square feet of sign area to be spread amongst multiple signs along the same linear frontage.

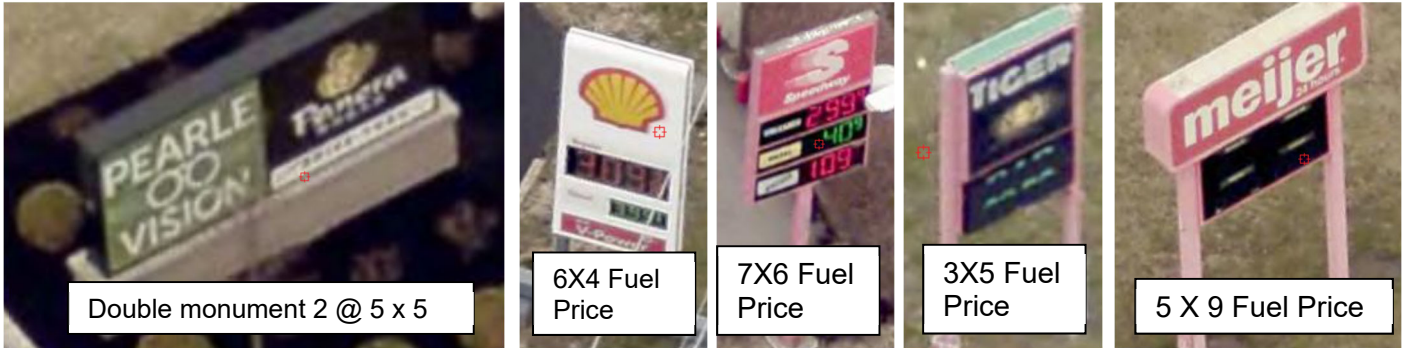
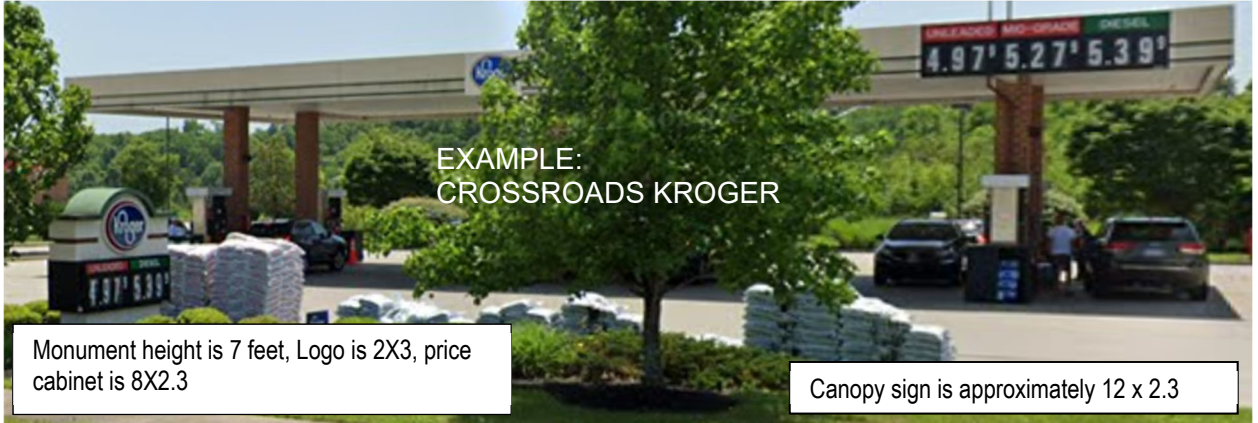
Staff recommends that the applicant be permitted multiple signs provided that the total does not exceed the allowance based upon the linear square footage the primary facade. Other examples within the City are shown below.



- Wine and Spirt Store - The 8,000 square foot Wine & Spirits store will be located to the west of the Kroger store. A separate entrance is required by the state. Based upon the width of the Wine & Spirits store is permitted 50 square feet of sign area. The request is for a 38.6-foot variance to allow the wall sign to be 88.6 square feet.

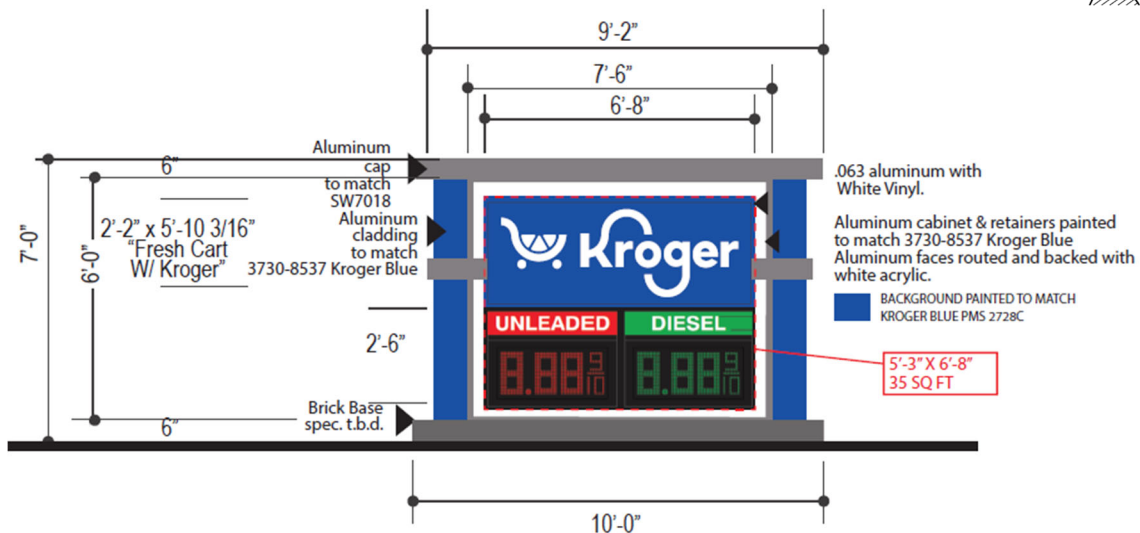
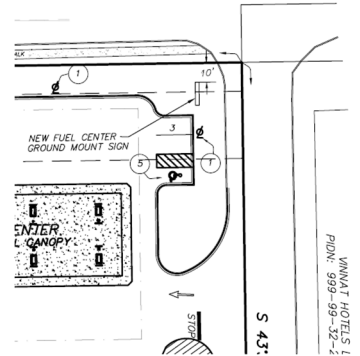


Staff identifies an alternative to the variance. Consideration that the linear square footage for the Kroger Marketplace Store and the Kroger Wine and Spirt Store be combined as they share a common frontage, are abutting and share a common ownership. In this instance the combined square footage of signage would not exceed 485 square feet (455+30) permitted spread across multiple signs.



- Fuel Center Ground Mounted Sign – The applicant is proposing a combined identification sign with the LED identification of fuel prices along Martha Lane Collins Boulevard. This sign is within the 7-foot height restriction for a monument sign. The sign area permitted is 25 square footage for each roadway frontage.

Kroger would be permitted a monument sign on Salmon Pass, Martha Layne Collins Boulevard, and possibly along the common drive aisle which function as a roadway within the County Square Shopping Center.



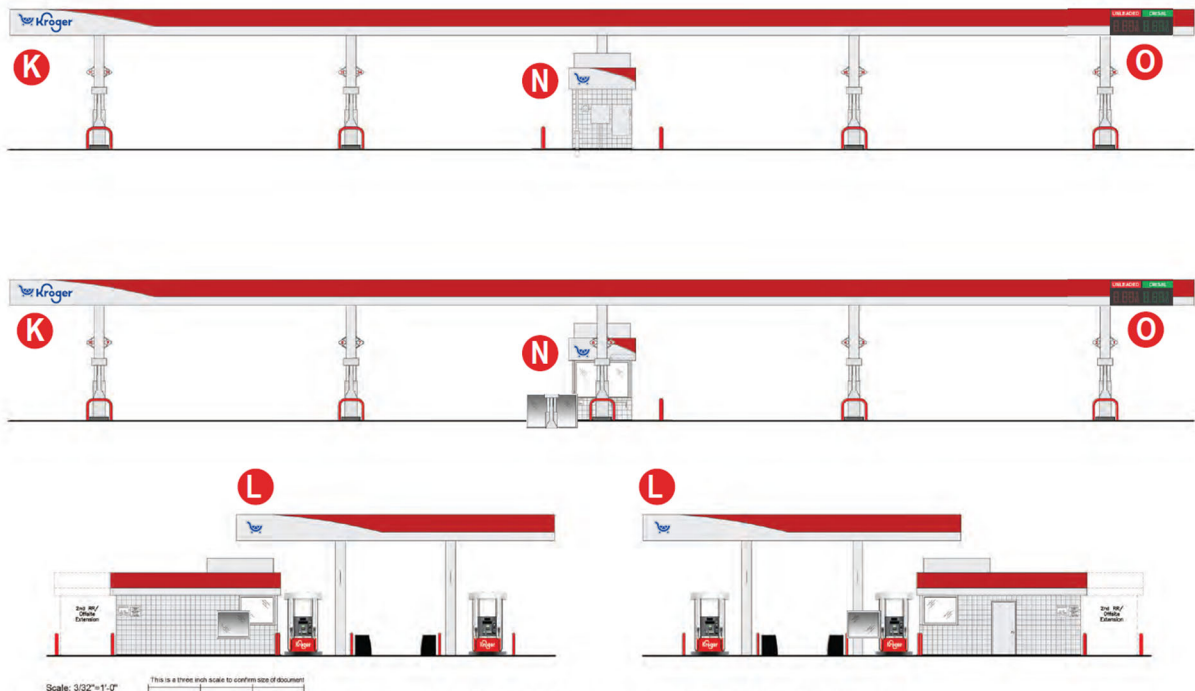
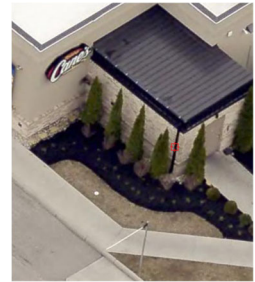
The applicant is requesting a variance of 10 feet to allow for both the name and the LED identification of fuel prices signs. The LED portion of the sign is less than 17 square-feet. The applicant would waive the ability to put any additional monument signs on Salmon Pass, or the along the common drive aisle. (Note: the outlot would retain its right for a monument sign).

Staff finds this combined sign aligns with scale of signage for the general area. Consideration should be given that the proposed sign is at the intersection of a public road way and a primary drive aisle to the County Square shopping center. The site would also be eligible to a monument sign along Salmon Pass.

Therefore, Staff recommends that consideration be given to combine these possible signs into one with the total square footage of the signage not to exceed 35 square feet as proposed.

- Fuel Canopy and Kiosk – The fuel canopy is 160 feet in length, allowing 160 square feet of sign area. The request has two parts a) allow the available square footage to be spread amongst multi signs, and b) allow signage be on both the north and south side of the canopy. A total of 65.54 square feet is proposed for the fuel canopy.

The proposed LED fuel price signs (16.67 square feet each), and “Kroger” (16.1 square feet each) signs on both the north and south canopy elevations. The south fuel canopy signs would be visible within the overall development. This request would reduce the amount of internal traffic to locate the related fuel center. (This request is similar to the variance granted for a store at the opposite side of the shopping center, needed connectivity and identification within the overall complex).



The applicant has stated:

The need for these variances arises from the overall size of the development, its location from Martha Layne Collins Boulevard, the existing Duke easement, existing detention area, and unusual shape of the property. Denial of the variances requested would create a hardship on Kroger and their customers trying to determine where store uses are located, how much fuel costs per gallon, and knowing what is located in the store. The requested variances will not allow unreasonable conditions of the zoning code and will not alter the character of the area. Should they be approved, the variances will not confer special privileges to the site given its size, shape, existing condition limitations and proposed uses than those of other properties with the "NSC" zone.

Staff finds that the following variances:

- *Kroger Marketplace Store and Wine & Spirits Store – Variance to allow the permitted 485 square feet of sign area to be spread amongst multiple signs along the same linear frontage.*
- *Fuel Center Monument Sign – Variance to increase permitted 25 square feet of sign area to 35 square feet, while release rights for a second sign.*
- *Fuel Canopy and Kiosk – Variance to allow the square footage to be shared over multiple signs on the same façade. Variance to allow an additional sign on the south side of the canopy, facing the marketplace store will improve visibility and reduce unnecessary circulation.*

The variances will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The requested variance will aid in the overall identification and location of the combined uses with the Marketplace complex.

The strict application of the provisions of the regulation would create a hardship on the customers trying to determine where store uses are located, how much fuel costs, and knowing what is located in the store.

Summary of Applicants Request:

The applicant is requesting:

1. Zone change for 10 acres of land
2. Site development plan approval with variances for signage

Staff Recommendation:

FILE NUMBER: PZ-24-043
APPLICANT: MCBRIDE DALE CLARION as Zoning Consultant for KROGER LIMITED

PARTNERSHIP I & VISION ESP LLC

LOCATION: MARTHA LAYNE COLLINS BOULEVARD and SALMON PASS, COLD SPRING

1. The zoning designation for approximately 10 acres of land referred to as Parcel PIDN: 999-99-18-193.01 and located to the south of the existing Kroger Store be changed from Residential-3 (R-3) to Neighborhood Shopping Center (NSC) be approved and the action be forwarded to City of Cold Spring City Council for adoption.
2. That previously approved incomplete developments for self-storage units on PIDNs 999-99-19-945.01 / 999-99-19-945.00 and apartments on PIDN: 999-99-18-193.01 be void.

Bases for Staff Recommendation:

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

FILE NUMBER: PZ-24-044

APPLICANT: MCBRIDE DALE CLARION as Zoning Consultant for KROGER LIMITED PARTNERSHIP I & VISION ESP LLC

LOCATION: MARTHA LAYNE COLLINS BOULEVARD and SALMON PASS, COLD SPRING

1. To approve the Stage II Site Development Plan with the following variances:
 - Variance to allow the permitted 485 square feet of wall a signage to be spread amongst multiple signs along the same linear frontage on the primary structure.
 - Variance to increase permitted 25 square feet of sign area to 35 square feet for a monument sign, while release rights for a second sign.
 - Variance to allow the square footage of sign area to be spread amongst multiple signs on the along the same linear frontage of the fuel canopy and variance to allow matching signage on the south side of the fuel canopy, provided that the signage on either side does not exceed 35 square feet per side.

Bases for Staff Recommendation:

- a. Proper notice has been given in accordance with the Cold Spring Zoning Ordinance.

- b. The site plan is in conformity of the Cold Spring Zoning Ordinance and Subdivision Regulations.
- c. The Planning Commission is assuming the powers of the Board of Adjustments in this case pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251. In accordance with KRS 100.241 Variances, the board shall have the power to hear and decide on applications for variances.
- d. The evidence presented by the applicant and staff is such as to make a finding that:
 1. The requirements for a variance have been met by the applicant for a variance and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 2. The variance requested will not adversely affect the public health, safety, or welfare, will not adversely alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board considered whether:
 - i. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - ii. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and
 - iii. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
 - iv. The variances will not allow unreasonable circumstance of the requirements of the zoning regulations and will not alter the essential character of the neighborhood.
 - v. The variances requested will not confer on the applicant any special privilege that is not conferred by this ordinance to other lands, structures or buildings in the same zone.

If you have any questions concerning this report, please feel free to contact Campbell County Planning and Zoning at 859-292-3880. Thank you.

Respectfully submitted,



Cindy Minter, AICP CFM
Director