

LEGAL NOTICE

The City of Cold Spring is convening a Special Meeting/Public Hearing of the Cold Spring Board of Adjustment at **6:00 PM** on August 12, 2020 at the **Campbell County Fiscal Court Chambers, 1098 Monmouth Street, Newport KY**. A Special Meeting/Public Hearing of the Cold Spring Planning Commission will immediately follow.

These meetings will address cases related to a proposed self-storage facility located between Salmon Pass and Neltner Drive in Cold Spring KY. Property owners are Leroy and Alice Neltner.

Board of Adjustments:

- Removal of Conditional Use Permit (CUP) for Self Storage Facility, Case: 186-17-S1P-01, Applicant Bryan Hill – This proposed plan was approved in January 2018 as a conditional use. There has been no action on the site in over 12 months. In addition, a new plan with a conditional use request which includes this property is pending before the Planning Commission.

Planning Commission:

- Continuation of Case: 231-20-SDP-01, Applicant Kingsmen LLC. This case related to setback variances, Conditional Use Permit and Stage I plan approval for a self-storage facility. On March 11, the applicant requested a delay in the hearing proceeding and has subsequently submitted a revised plan.

Information concerning these cases is also available for review at

Campbell County Planning & Zoning Office
1098 Monmouth Street, Suite 343
Newport, KY 41071

City of Cold Spring website: <https://coldspringky.gov/>

Campbell County: <https://campbellcountyky.gov/meetings/>

Comments regarding these cases are encouraged and will be taken by email, phone and in-person. The meeting format will include social distancing measures. Attendees are encouraged to wear masks.

Interested persons may submit their comments in advance by calling **859-292-3880** or emailing **pzadmin@campbellcountyky.gov** no later than noon (EST) on August 11, 2020.

For record keeping purposes, comments should also include the name and address of the person(s) commenting.

Cynthia Minter /s/
Cynthia Minter
Director of Planning & Zoning

Date: July 20, 2020
Published: July 30, 2020
Campbell County Recorder

NO AFFIDAVIT

Send bill to: Cynthia Minter
CC&MP&ZC
1098 Monmouth Street, Suite 343
Newport, KY 41071



NOTIFICATION OF PUBLIC HEARING / SPECIAL MEETING

July 21, 2020

Dear Property Owner:

Please be advised that the City of Cold Spring is convening a Public Hearing/Special Meeting of the Cold Spring Board of Adjustment at **6:00 PM** on August 12, 2020 at the **Campbell County Fiscal Court Chambers, 1098 Monmouth Street, Newport KY**. A Public Hearing/Special Meeting of the Planning Commission will immediately follow.

You are receiving this notification because your property is located near the referenced projects. Persons interested in these cases are invited to be present. This meetings will address the following items:

The meeting format will include social distancing measures. Attendees are encouraged to wear masks.

Board of Adjustments:

- Removal of Conditional Use Permit (CUP) Case: 186-17-S1P-01, Applicant Bryan Hill – This proposed plan, located between Salmon Pass and Neltner Drive in Cold Spring KY was approved in January 2018 as a conditional use. Property owners are Leroy and Alice Neltner. There has been no action on the site in over 12 months. In addition, a new plan was submitted in 2020 with a conditional use request includes this property is pending before the Planning Commission.

Planning Commission:

- Continuation of Case: 231-20-SDP-01, Applicant Kingsmen LLC – This case related to setback variances, Conditional Use Permit and Stage I plan approval for a self-storage facility located between Salmon Pass and Neltner Drive in Cold Spring KY. Property owners are Leroy and Alice Neltner. At the hearing on March 11, the applicant requested delay in the proceeding and has subsequently submitted a revised plan.

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For record keeping purposes, comments should also include the name and address of the person(s) commenting.



COLD SPRING BOARD OF ADJUSTMENTS

PUBLIC HEARING / SPECIAL MEETING AGENDA 1098 Monmouth Street Newport KY

August 12, 2020 6:00 PM

1. PLEDGE TO THE FLAG, ROLL CALL, AND SAFETY INSTRUCTIONS

Todd Weiner, Chair
Stuart Oehrle, Vice-Chairman
Tom Freppon, Secretary
Sherry Conner
Bill Farah

2. PUBLIC HEARING ON SCHEDULED ITEMS

Review of Case # 186-17-S1P-01 regarding in-active Conditional Use Permit.
Property Owner: Leroy and Alice Neltner.
Case Applicant: Bryan Hill.

3. ADJOURN COLD SPRING BOARD OF ADJUSTMENTS



July 8, 2020

Mr. Todd Weiner, Chair
Cold Spring Board of Adjustments
5694 East Alexandria Pike
Cold Spring, KY 41076

Mr. Weiner,

On January 10, 2018 the Cold Spring Planning and Zoning Commission held a public hearing for case # 186-17-S1P-01 for the purposes of reviewing and acting upon a Stage 1 Site Plan and Conditional Use Permit. Concurrent with Stage 1 Plan review, the Planning Commission assumed the powers and duties otherwise exercised by the Board of Adjustments pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251.

At the meeting, the Planning Commission approved the Stage 1 Site Plan and with a Conditional Use Permit subject to a number of conditions and variances.

We refer you to Cold Spring Zoning Ordinance ARTICLE IX SECTION 9.12 CONDITIONAL BUILDINGS AND USES, Section B, Subsection B, Paragraphs 3 and 4:

3. *In any case where a conditional use permit has not been exercised within the time limit set by the board, or within twelve (12) consecutive calendar months from date of issuance, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed.*
4. *The zoning administrator shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit.*

If the landowner is not complying with all of the conditions listed on the conditional use permit, the zoning administrator shall report the fact in writing to the chairman of the board of adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time it is furnished to the chairman of the board of adjustment.



Planning, Zoning and Building Inspection Dept.

The board shall hold a hearing on the report within a reasonable time, and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the board of adjustment finds that the facts alleged in the report of the zoning administrator are true and that the landowner has taken no steps to comply with time between the date of the report and the date of the hearing, the board of adjustment may authorize the zoning administrator to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

This letter is to inform the Board of Adjustments that over 12 months have lapsed since the date of the decision by the Planning Commission. We have failed to find evidence of the submission of Stage 2 Plans, an application for construction nor construction activity on the site. A new application was submitted for a larger site, which encompassed the original site, with Stage 1 Plan with a Conditional Use Permit. This case was heard on March 11, 2020 and subsequently held over at the applicant's request. The final decision is still pending.

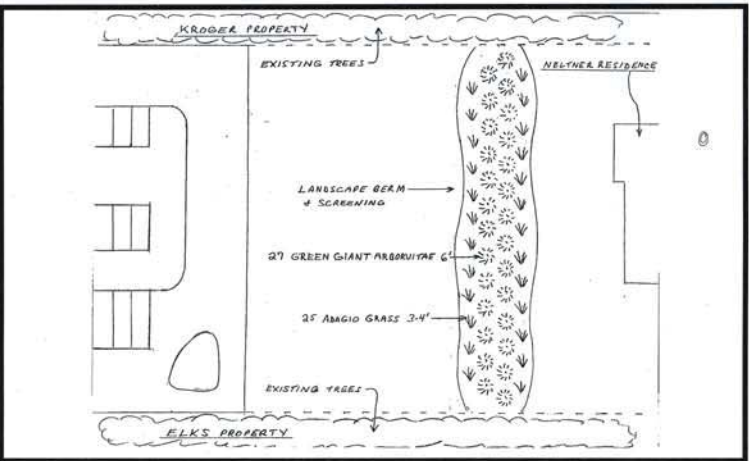
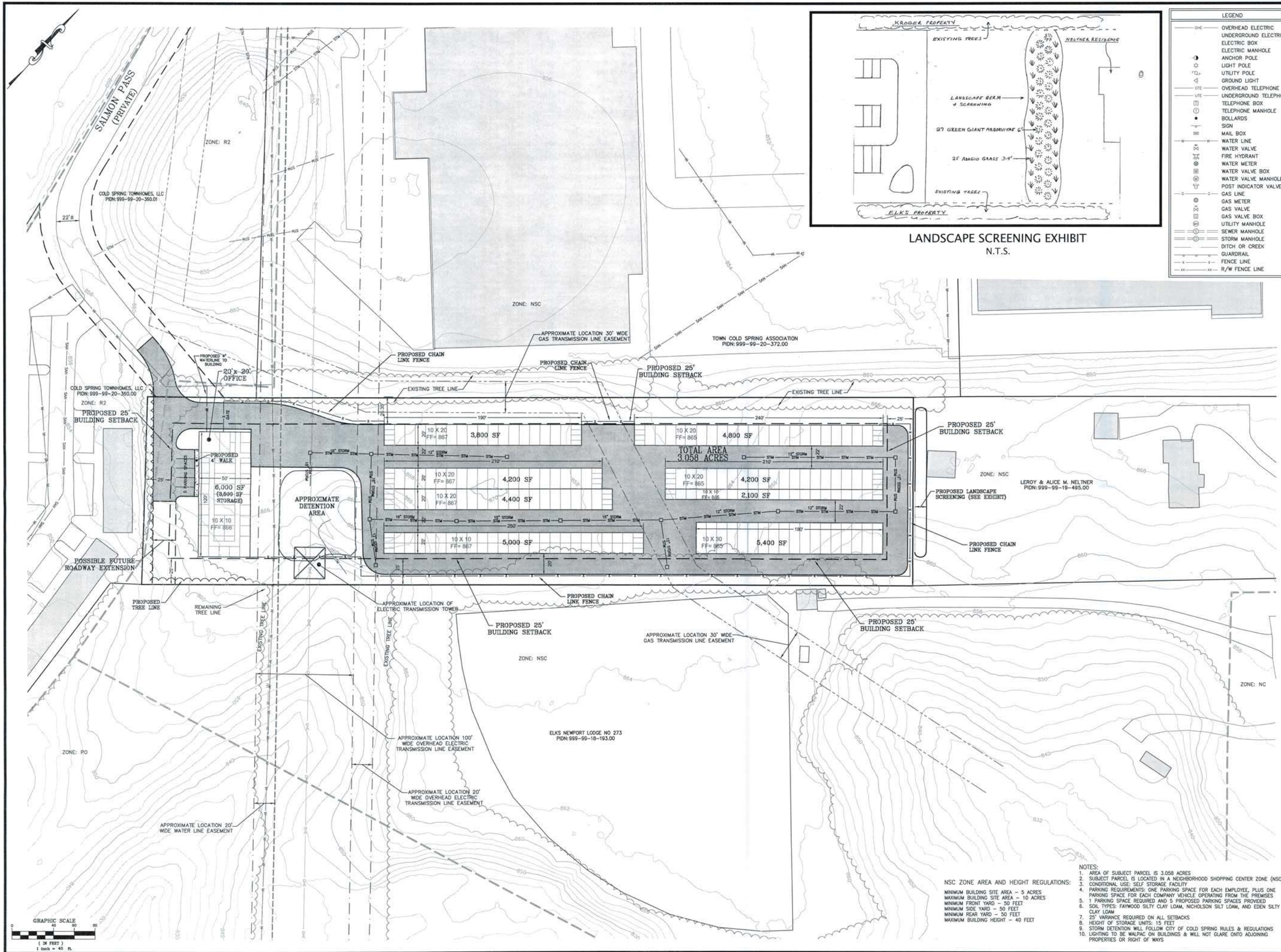
I recommend that the Board of Adjustment convene and remove the Conditional Use Permit Case # 186-17-S1P-01 due to a lack of action on the Plan (January 2018) submitted within 12 months and the fact that an alternate plan has been submitted for the same site.

Sincerely,

A handwritten signature in blue ink that reads 'Cynthia Minter'.

Cynthia Minter, AICP CFM
Planning & Zoning Director

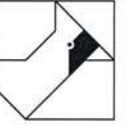
cc: City of Cold Spring Board of Adjustments
City of Cold Spring Planning & Zoning Commission
Steve Taylor, City of Cold Spring
Brandon Voelker, Legal Counsel
Leroy and Alice Neltner, Property Owner
Bryan Hill, Applicant
Joe Kramer, Cardinal Engineering



LANDSCAPE SCREENING EXHIBIT
N.T.S.

LEGEND	
—O—	OVERHEAD ELECTRIC
—●—	UNDERGROUND ELECTRIC
—□—	ELECTRIC BOX
—○—	ELECTRIC MANHOLE
—△—	ANCHOR POLE
—◇—	LIGHT POLE
—▽—	UTILITY POLE
—◇—	GROUND LIGHT
—O—	OVERHEAD TELEPHONE
—●—	UNDERGROUND TELEPHONE
—□—	TELEPHONE BOX
—○—	TELEPHONE MANHOLE
—△—	SIGN
—◇—	MAIL BOX
—▽—	WATER LINE
—○—	WATER VALVE
—◇—	FIRE HYDRANT
—▽—	WATER METER
—○—	WATER VALVE BOX
—◇—	WATER VALVE MANHOLE
—▽—	POST INDICATOR VALVE
—○—	GAS LINE
—◇—	GAS METER
—▽—	GAS VALVE
—○—	GAS VALVE BOX
—◇—	UTILITY MANHOLE
—▽—	SEWER MANHOLE
—○—	STORM MANHOLE
—◇—	DITCH OR CREEK
—▽—	GUARDRAIL
—X—	FENCE LINE
—XX—	R/W FENCE LINE

REVISIONS	
DATE	ITEM



CARDINAL
ENGINEERING
LAND SURVEYING
ONE MOOCK ROAD
WILDER, KENTUCKY 41071
PHONE: (859) 581-9600
FAX: (859) 581-9636

WEBSITE: <http://www.cardinalengineering.net>

PROJECT: STAGE 1 DEVELOPMENT PLAN
SELF STORAGE AT O NELTNER DRIVE
COLD SPRING, KY

CLIENT: HILLTOPPERS, LLC
5884 MURNAN ROAD
COLD SPRING, KY 41076

DRAWN BY: JKT
CHECKED BY: JGK
PROJECT MANAGER: JGK

SEAL

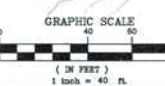
PROJECT NO. 17-148
SCALE 1" = 40'
DATE 11-27-2017

STAGE 1 DEVELOPMENT

SHEET
C-1.0

- NOTES:
1. AREA OF SUBJECT PARCEL IS 3.058 ACRES
 2. SUBJECT PARCEL IS LOCATED IN A NEIGHBORHOOD SHOPPING CENTER ZONE (NSC)
 3. CONDITIONAL USE: SELF STORAGE FACILITY
 4. PARKING REQUIREMENTS: ONE PARKING SPACE FOR EACH EMPLOYEE, PLUS ONE PARKING SPACE FOR EACH COMPANY VEHICLE OPERATING FROM THE PREMISES
 5. 1 PARKING SPACE REQUIRED AND 5 PROPOSED PARKING SPACES PROVIDED
 6. SOIL TYPES: FAYWOOD SILTY CLAY LOAM, NICHOLSON SILT LOAM, AND EDEN SILTY CLAY LOAM
 7. 25' VARIANCE REQUIRED ON ALL SETBACKS
 8. HEIGHT OF STORAGE UNITS: 15 FEET
 9. STORM DETENTION WILL FOLLOW CITY OF COLD SPRING RULES & REGULATIONS
 10. LIGHTING TO BE WALPAC ON BUILDINGS & WILL NOT GLARE ONTO ADJOINING PROPERTIES OR RIGHT OF WAYS

NSC ZONE AREA AND HEIGHT REGULATIONS:
MINIMUM BUILDING SITE AREA - 5 ACRES
MAXIMUM BUILDING SITE AREA - 10 ACRES
MINIMUM FRONT YARD - 50 FEET
MINIMUM SIDE YARD - 50 FEET
MINIMUM REAR YARD - 50 FEET
MAXIMUM BUILDING HEIGHT - 40 FEET





COLD SPRING PLANNING & ZONING

PUBLIC HEARING / SPECIAL MEETING AGENDA 1098 Monmouth Street Newport KY

August 12, 2020 6:00 PM
Following BOA Meeting

1. PLEDGE TO THE FLAG, ROLL CALL, AND SAFETY INSTRUCTIONS

Michael Foulks, Chair
Sam Conner
Robin Hahn
Glenn Kukla
Brenda Helton
Stephen Popovich
Ron Schumacher

2. PUBLIC HEARING ON SCHEDULED ITEMS

Continuation of Case: 231-20-SDP-01
Applicant: Kingsmen LLC
Location: Neltner Drive, Cold Spring.
Requests: Setback variances, Conditional Use Permit and Stage I plan approval for a self-storage facility.

3. ADJOURN COLD SPRING PLANNING & ZONING COMMISSION

Addendum to Staff Report

Cold Spring Planning and Zoning Commission

Wednesday, August 12, 2020

Campbell County Fiscal Court Chambers

1098 Monmouth Street

Newport, KY 41071

On March 11, 2020, the application for the aforementioned site development plan with accompanying conditional use permit and variance requests was brought before the Cold Spring Planning Commission. During the discussion of the application, the applicant requested the issue be tabled until the next hearing in order to amend the original proposal.

The following amendments were submitted to staff:

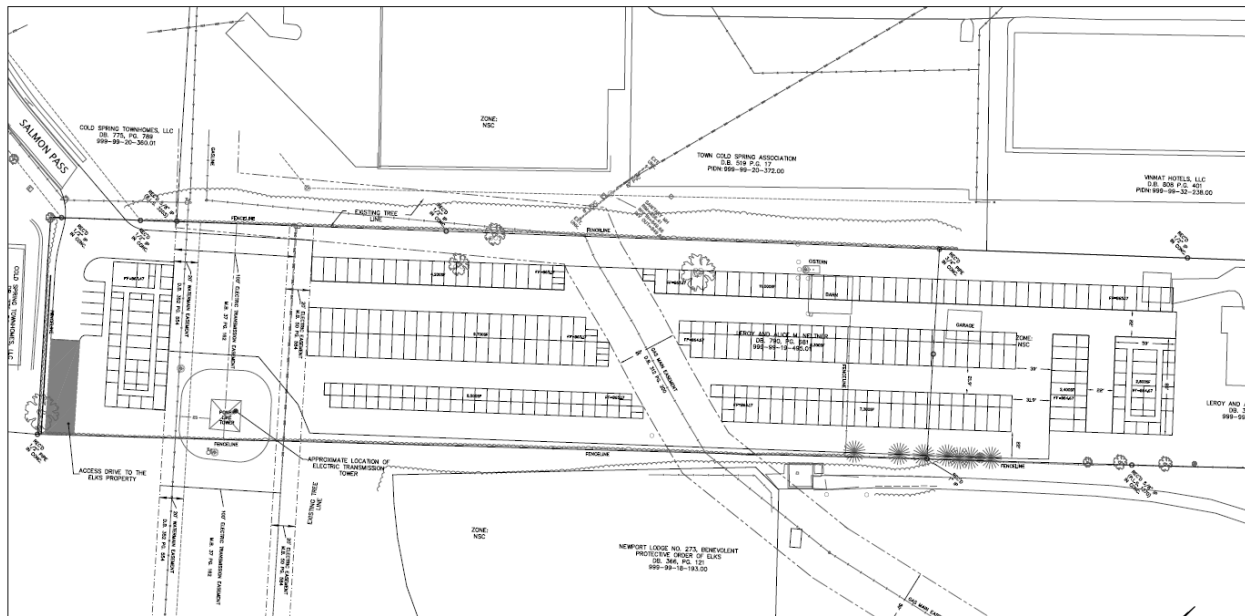


Figure 1: Revised Site Plan

When provided with the revised plan for comments, the City asked for clarification on several points. (Partially edited by staff, full transcript in appendix)

City: *Typically the city would require the developer to extend the road and stub it out on any new development done within the city*

Applicant: *I am not aware of a zoning requirement stating that a development must provide access to an adjoining development that already has access. The subdivision regulations do address this issue, however the applicant is not proposing a subdivision.*

City: *What is the width of the road / easement on the drawings? Does it match subdivision regulations?*

Applicant: *The access drive is 24' wide. The applicant did not intend for the private drive to be a public street. If the access drive was made public, then the applicant could not construct the building as shown due to the 50' right of way (the building would have a zero front yard setback) and would lose it's parking because it would be in the right of way. Also, the vertical requirements (K-value = 15 for vertical curves) makes difficult to continue the public street through the Neltner parcel. I have attached an exhibit to illustrate this.*

City: *Salmon pass is currently serviced by the city – how does the city maintain/plow/salt this easement?*

Applicant: *There is no intent for the City to maintain any portion of the access drive. The proposal is it for to be private to be maintained by the Neltner / Elks property owners.*

City: *What happens to the parking spaces shown on the drawing on the Salmon Pass side should the Elks property be developed and the road extension is being used?*

Applicant: *The applicant is proposing a 30' wide private access easement for the Elks property so that they do not lose their building or parking.*

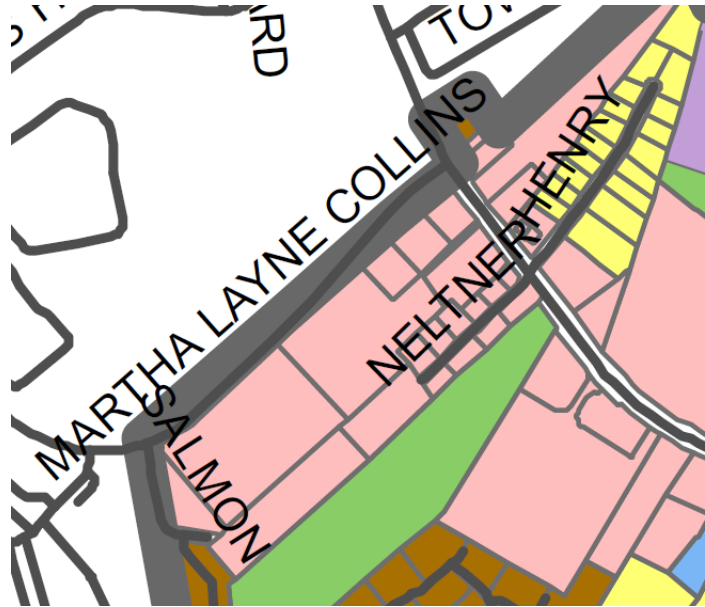
City: *Is Salmon Pass gated as it enters into the facility?*

Applicant: *Salmon Pass is not intended to be gated.*

City: *Does the development have access from Salmon Pass and Neltner Drive for the storage units?*

Applicant: *The applicant intends on accessing the storage business from Salmon Pass only. There will be a fence on the Neltner Drive side.*

In 2018, The City introduced a new Comprehensive Plan. The site is situated within an area designated as “Neighborhood Commercial” on the Future Land Use Map.



The 2018 Comprehensive Plan describes this future land use category as follows:

Neighborhood Commercial

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

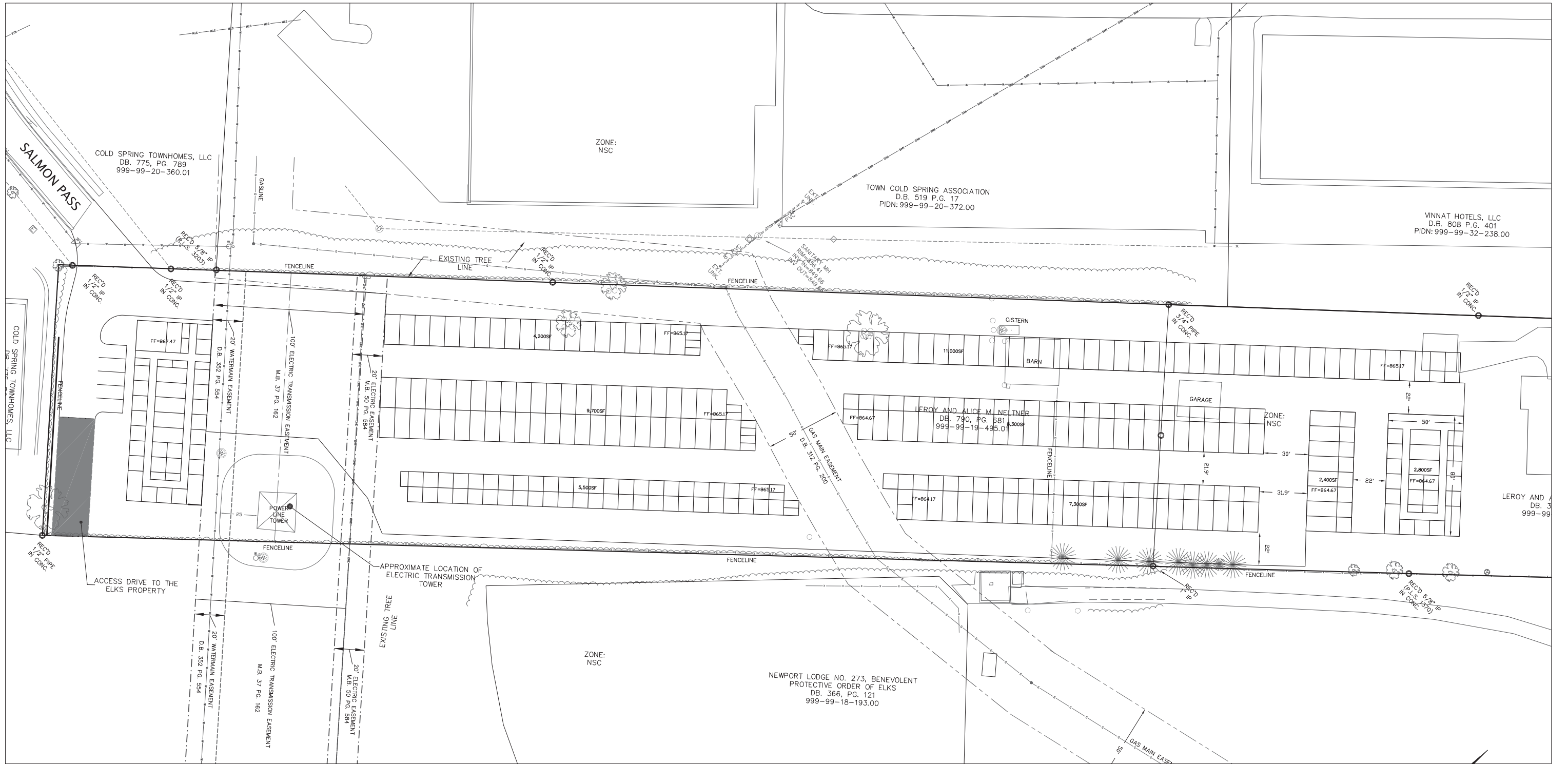
- ***Neighborhood Commercial Design Principles***
 1. New uses should be small-scale commercial retail, office, and service uses.
 2. Single-tenant buildings of less than 25,000 square feet is the desired scale of development along this corridor. Multi-tenant buildings are discouraged unless they are part of a vertical mixed-use building with multiple floors.

3. Drive-through facilities should be strongly discouraged unless located on large lots (2 acres minimum) with adequate maneuverability and where the drive-through can be located away from residential neighborhoods. Furthermore, the lots with drive-through facilities need to include increased landscaping and screening to buffer the view of the drive-through from adjacent neighborhoods and Alexandria Pike.
4. Pedestrian connections to surrounding neighborhoods are important but otherwise, uses should be screened from adjacent neighborhoods with vegetation and decorative fences.

Appendix A
Full Transcript of City Questions and Applicant Responses

A couple of points/questions regarding the Neltner development – (Applicant responses in *red*.)

1. Typically the city would require the developer to extend the road and stub it out on any new development done within the city – *I am not aware of a zoning requirement stating that a development must provide access to an adjoining development that already has access. The subdivision regulations do address this issue, however the applicant is not proposing a subdivision.*
 - a. I cannot tell from the drawing what the width of the road / easement on the drawings – does it match subdivision regs.? *The access drive is 24' wide. The applicant did not intend for the private drive to be a public street. If the access drive was made public, then the applicant could not construct the building as shown due to the 50' right of way (the building would have a zero front yard setback) and would lose it's parking because it would be in the right of way. Also, the vertical requirements (K-value = 15 for vertical curves) makes difficult to continue the public street through the Neltner parcel. I have attached an exhibit to illustrate this.*
 - b. Salmon pass is currently serviced by the city – how does the city maintain/plow/salt this easement? *There is no intent for the City to maintain any portion of the access drive. The proposal is it for to be private to be maintained by the Neltner / Elks property owners.*
2. What happens to the parking spaces shown on the drawing on the Salmon Pass side should the Elks property be developed and the road extension is being used? *The applicant is proposing a 30' wide private access easement for the Elks property so that they do not lose their building or parking.*
3. I cannot tell from the drawing – is Salmon Pass gated as it enters into the facility? If so please see point B above bullet point. *Salmon Pass is not intended to be gated.*
4. I cannot tell from the drawing – I see no fence on the Neltner side of the development – does this mean that the development has access from Salmon Pass and Neltner Drive for the storage units? *The applicant intends on accessing the storage business from Salmon Pass only. There will be a fence on the Neltner Drive side.*



1. JOHN A. LEECH, JR. ATTORNEY-IN-FACT OF COLD SPRING SINGLE FAMILY HOMES, LTD., DO HEREBY ADOPT THIS PLAT OF COLD SPRING APARTMENTS AND DEDICATE THE RIGHT OF WAY AND IMPROVEMENTS AND STORM STRUCTURE AND DRAINAGE EASEMENT SHOWN TO PUBLIC USE BEING PART OF THE PROPERTY CONVEYED TO COLD SPRING SINGLE FAMILY HOMES, LTD., BY DEED BOOK 654, PAGE 615 OF THE CAMPBELL COUNTY RECORDS AT NEWPORT.

OWNER: COLD SPRING SINGLE FAMILY HOMES, LTD.

SIGNATURE: Joseph A. Leves, Jr
PRINTED NAME: JOSEPH A. LEVES, JR
Attorney-in-Fact
Miscellaneous Book 485, page 38
(Newport)

STATE OF Kentucky
Kenton COUNTY, S.S.

BE IT REMEMBERED THAT ON THIS 19th DAY OF August, 2007, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY CAME THE COLD SPRING SINGLE FAMILY HOMES, L.T.D., BY: ~~JOHN A. LUCAS JR.~~ JOHN A. LUCAS JR., in fact WHO ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE FOREGOING PLAT for its benefit

IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE AFORESAID.

113-2005
MY COMMISSION EXPIRES

FOR VALUABLE CONSIDERATION, WE, THE UNDERSIGNED PERMANENTLY GRANT UNTO CENERGY AND SUBSIDIARIES, CINCINNATI BELL TELEPHONE COMPANY, AND INTERMEDIA (CATV), THEIR SUCCESSORS AND ASSIGNS; FOREVER, NON-EXCLUSIVE EASEMENTS, AS SHOWN ON THE WITHIN PLAN AND DESIGNATED AND "UTILITY EASEMENT" FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, OR REPLACEMENT OF ANY AND ALL NECESSARY FIXTURES FOR THE OVERHEAD OR UNDERGROUND DISTRIBUTION OF GAS, ELECTRIC, TELEPHONE OR TELECOMMUNICATION, OR UTILITIES, SAID UTILITY COMPANIES SHALL HAVE THE RIGHT OF INGRESS AND EGRESS AND ALSO THE RIGHT TO CUT, TRIM OR REMOVE ANY TREES, UNDERGROWTH OR OVERHANGING BRANCHES WITHIN SAID EASEMENT OR IMMEDIATELY ADJACENT THERETO, NO BUILDINGS OR OTHER STRUCTURES MAY BE BUILT WITHIN SAID EASEMENTS, NOR MAY THE EASEMENT AREA BE PHYSICALLY ALTERED SO AS TO (1) REDUCE CLEARANCES OF EITHER OVERHEAD OR UNDERGROUND FACILITIES; (2) IMPAIR THE LAND SUPPORT OF SAID FACILITIES; (3) IMPAIR ABILITY TO MAINTAIN THE FACILITIES OR (4) CREATE A HAZARD, TO HAVE AND TO HOLD THE SAID EASEMENTS FOREVER. WE ACKNOWLEDGE HAVING FULL POWER TO CONVEY THIS EASEMENT AND WILL DEFEND THE SAME AGAINST ALL CLAIMS.

SIGNATURE: Joseph A. Cuevas DATE: 8/19/03
PRINTED NAME: JOSEPH A. CUEVAS, JR. Attorney-in-fact for COLD SPRINGS SINGER FAMILY

THE UTILITY EASEMENTS SHOWN AND DESCRIBED ON THIS PLAT ARE DEDICATED TO THE USE AND BENEFIT OF THE NAMED UTILITY. THE RESPECTIVE RIGHTS, DUTIES AND OBLIGATIONS OF THE INDIVIDUAL LOT OWNER AND THE RESPECTIVE UTILITY ARE SET FORTH IN A SEPARATE RECORD IN THE CAMPBELL COUNTY CLERK'S OFFICE. TERMS AND CONDITIONS OF THE DOCUMENT LISTED BELOW ARE INCORPORATED BY REFERENCE.

THE WATER MAIN EASEMENT AS SHOWN ON THIS PLAT ARE SUBJECT TO THE DECLARATION OF MASTER WATER FACILITY EASEMENT AGREEMENT AS SET FORTH IN EASEMENT BOOK 129, PAGE 145 OF THE CAMPBELL COUNTY CLERK'S RECORDS AT ALEXANDRIA, KENTUCKY.

CABINET E - 352 B
SLEEVE _____
GROUP 41382/Y2

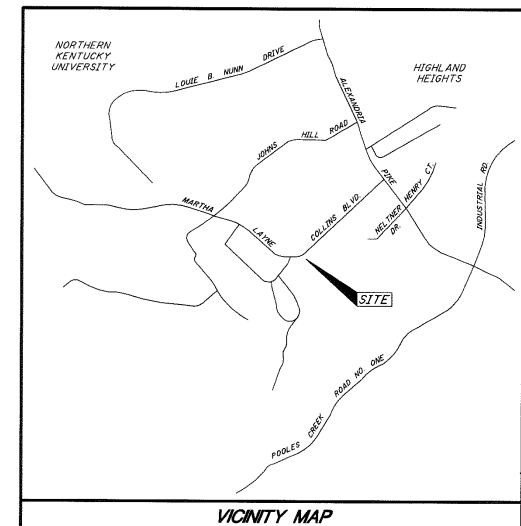
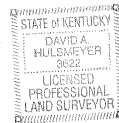
THIS PLAT HAS BEEN FOUND TO BE IN COMPLIANCE WITH THE COLD SPRING PLANNING AND ZONING AND SUBDIVISION REGULATIONS AND HAS BEEN APPROVED FOR THE RECORDING IN THE OFFICE OF THE COUNTY CLERK.

SIGNATURE: Lam Ruth Smith DATE: 11/18/03
CHAIRMAN COLD SPRING PLANNING & ZONING COMMISSION

I, JACK SNODGRASS, CLERK OF CAMPBELL COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS THIS DAY PRESENTED TO ME IN MY OFFICE BY _____ AND ACKNOWLEDGED BY THEM TO BE THEIR ACT AND DEED WAS THIS DAY LEFT FOR RECORD WHERE UPON SAME HAS BEEN RECORDED THIS 2nd DAY OF Dec 1893

I HEREBY CERTIFY THAT THIS PLAT DEPICTS A SURVEY MADE UNDER MY DIRECTION BY THE METHOD OF RANDOM TRAVERSE, THE NORTH POINT AND BEARINGS SHOWN HEREON ARE BASED ON MAGNETIC NORTH, THE BEARINGS AND DISTANCES SHOWN HEREON HAVE NOT BEEN ADJUSTED FOR CLOSURE; THE UNADJUSTED ERROR OF CLOSURE MEETS OR EXCEEDS 1:10,000' (CLASS A) LINEAR ERROR OF CLOSURE RATIO; THIS SURVEY AND PLAT MEETS THE MINIMUM STANDARD REQUIREMENTS OF LOCAL AUTHORITIES; AND THAT THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT AS SHOWN.

DAVID A. HULSMEYER
PROFESSIONAL LAND SURVEYOR No. 3622
IN THE COMMONWEALTH OF KENTUCKY



DEC 30 2003

SCALE	1" = 100'
DATE	MARCH 2003
REVISION	
FILE	GG-4

CDS
engineers
architects
planners
surveyors

CDS Associates, Inc.
www.cds-assoc.com

1120 Kenwood Road
Cincinnati, Ohio 45242-1818
513.7911700
513.7911936 FAX

7000 Dixie Highway
Florence, Kentucky 41042
859.525.0544
859.525.0561 FAX

© 2003 CDS ASSOCIATES, INC.	JOB	2002843
	DRAWN BY	SFRA
	REVIEWED BY	DHUL
	SHEET	1 of 2

Cabinet - E-353A
41382/Y2

COLD SPRING APARTMENTS

SITUATED IN:
CITY OF COLD SPRING
CAMPBELL COUNTY
COMMONWEALTH OF KENTUCKY

ACREAGE TABLE

LOT 1 = 1.0409 AC.
LOT 2 = 6.1095 AC.
R/W = 0.6054 AC.
TOTAL = 7.7558 AC.

SURVEYOR'S NOTES

ALL MONUMENTATION FOUND IN GOOD CONDITION UNLESS OTHERWISE NOTED.

EVIDENCE OF OCCUPATION AS NOTED.

DATA SOURCES INCLUDE DOCUMENTS CITED.

EASEMENTS SHOWN HERE ON ARE AS PROVIDED IN THE TITLE COMMITMENT REPORT PERFORMED BY STEWART TITLE GUARANTY COMPANY, DATED OCTOBER 25, 2002, FOR LOAN PURPOSES ONLY.

ACCESS & UTILITY EASEMENT RECORDED IN D.B. 136, PG. 30 FOR THE BENEFIT OF LEROY F. NELTNER & ALICE MARY NELTNER IS VACATED BY THIS PLAT.

LOT 1 CONTAINS AN EXISTING DETENTION FACILITY AND IS SUBJECT TO A DETENTION FACILITY EASEMENT BETWEEN THE KROGER COMPANY AND COUNTY SQUARE LIMITED PARTNERSHIP (M.B. 134, PG. 126).

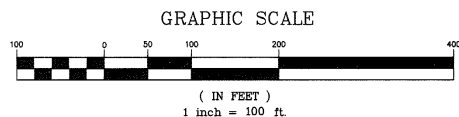
PROPERTY SUBJECT TO A DRIVEWAY & UTILITY EASEMENT AS RECORDED IN M.B. 127, PG. 577 & M.B. 129, PG. 197.

SURVEYOR'S LEGEND

- IRON PIN FOUND
- IRON PIN w/ CAP FOUND
- IRON PIPE FOUND (SIZE NOTED)
- STONE FOUND
- 5/8" x 30" IRON PIN w/CAP SET

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	79.41	622.96	N 69°48'05" E	79.36
C2	93.88	75.00	N 46°37'29" W	87.87
C3	28.89	622.96	N 67°28'42" E	28.89
C4	156.46	125.00	N 46°37'29" W	146.44
C5	50.52	622.96	N 71°07'49" E	50.50

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 59°44'04" E	60.59
L2	S 48°49'09" E	28.19
L3	S 05°41'05" E	53.48
L4	S 45°23'22" W	23.31
L5	N 79°49'48" W	22.23
L6	N 46°24'10" W	24.31
L7	N 31°39'46" W	43.37
L8	S 84°43'56" W	15.30



NORTH AND BEARING SYSTEM
ON DEED BOOK 654, PAGE 615
AS RECORDED IN CAMPBELL
COUNTY COURTHOUSE

999-99-18-790
HOMES BY CALKINS, INC.
D.B. 631, PG. 54

SCALE
1" = 100'
DATE
MARCH 2003
REVISION
FILE
66-4

CDS
engineers
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CDS Associates, Inc.
www.cds-associates.com
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513.791.1700
513.791.1936 FAX
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Florence, Kentucky 41042
859.525.0544
859.525.0561 FAX

JOB
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DRAWN BY
SFRA
REVIEWED BY
DHUL
SHEET
2 of 2



February 27, 2020

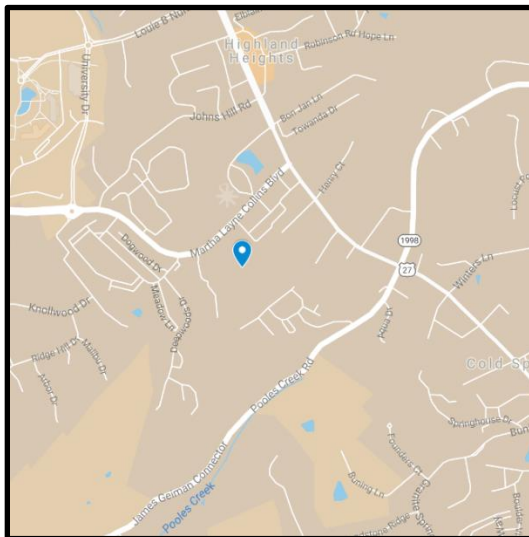
Mr. Mike Foulks, Chair
Cold Spring Planning & Zoning Commission
5694 East Alexandria Pike
Cold Spring, KY 41076

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 March 11, 2020 at 7:30 PM at 5694 East Alexandria Pike, Cold Spring, KY 41076.

Case: 231-20-SDP-01
Applicant: Kingsmen LLC
Location: Neltner Drive, Cold Spring.
Requests: Setback variances, Conditional Use Permit and Stage I plan approval for a self-storage facility.

Overview



The proposed site encompasses four and a half (4-½) acres and is zoned Neighborhood Shopping Center (NSC). The site is located between Neltner Drive and Salmon Pass, behind the County Square shopping complex. It is comprised of two parcels. The rear parcel is three (3) acres and is currently undeveloped. The front parcel is one and a half (1-1/2) acres and currently a single-family residence. In addition to access at Neltner Drive, there is a rear access point for the site at Salmon Pass via Martha Layne Collins Boulevard. The single-family residence is an existing non-conforming use.

The proposed use is for a self-storage facility and office. An office is a permitted use in the NSC zone. The Cold Spring Zoning Ordinance, Article X Section 10.11 Item D, identifies “self-storage facilities, including the outside storage of boats, recreational vehicles, and similar type equipment” as a conditional use within the zone.

Considerations

In January 2018, a site plan, conditional use permit and variances were approved for the three-acre rear section of this site (*Case #186-17-S1P-01*). The applicant is reapplying with a modified and enlarged site plan.

Several Kentucky Revised Statutes (KRS) of note include:

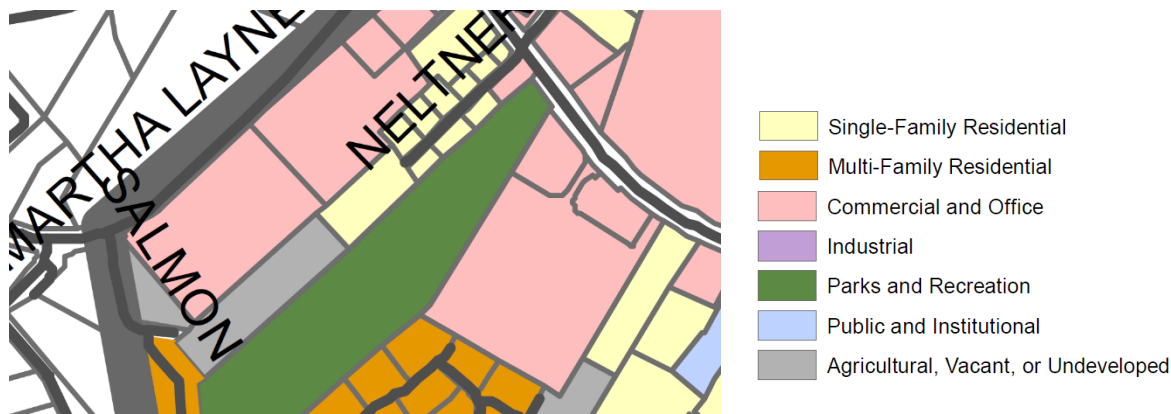
- KRS 100.237, Conditional Use, provides that the Board of Adjustments has the power to hear and decide applications for conditional use permits.
- KRS 100.281 provides that the Planning Commission shall assume all powers and duties otherwise exercised by the Board of Adjustment during approval of a development plan.
- KRS 100.241 provides that the Board shall have the power to hear and decide on applications for variances. The Board may impose any reasonable conditions or restrictions on any variance it decides to grant.
- KRS 100.243 states that before any variance is granted, the Board must find that the granting of the variance
 1. will not adversely affect the public health, safety or welfare;
 2. will not alter the essential character of the general vicinity;
 3. will not cause a hazard or a nuisance to the public, and;
 4. will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Area and Height Regulations for the NSC Zone:

1. Minimum building site area - Five (5) acres
2. Maximum building site area - Ten (10) acres
3. Minimum lot area within minimum building site - One (1) acre
4. Minimum yard requirements - Fifty (50) feet for each front, side, and rear yards, except where the building site abuts an arterial street, as identified in the adopted Comprehensive Plan, then there shall be a minimum yard requirement of one hundred (100) feet

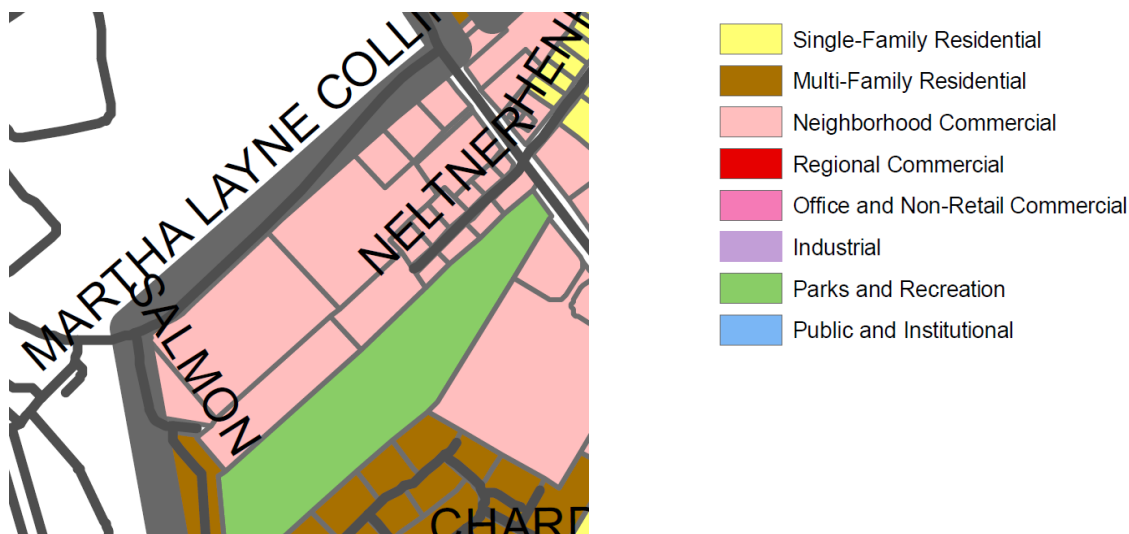
5. Maximum building height - Forty (40) feet
6. In the case of this zone more than one principal structure, as defined herein, may be constructed within the minimum building site area

Existing Land Use



The 2018 Cold Spring Comprehensive Plan Existing Land Use Map identifies the site location as *Single-Family Residential* and *Undeveloped*. The surrounding areas are a mix of recreational, commercial and multi-family.

Future Land Use



The 2018 Cold Spring Comprehensive Plan Future Land Use Map has removed the single-family designation from the area. The site area is identified as *Neighborhood Commercial*.

The surrounding multifamily, commercial and recreational remain unchanged in the updated Comprehensive Plan.

Considerations of Conditional Use Permit

1. The applicant is requesting approval of a Conditional Use from Section 10.11, D., 1. Self-storage facility. Self-storage facilities are a conditional use in the Neighborhood Shopping Center (NSC) zone.
2. The site is currently comprised of one parcel containing a single-family residence with accessory buildings and a second undeveloped parcel.
3. A review of the public records indicates Planning Commission approval of:
 - a. Site plan approval for a self-storage facility on the rear three acres of the development site;
 - b. A conditional uses permit for a self-storage facility on the rear three acres of the development site and;
 - c. Setback variances for the buildings on the development site
4. Kentucky Revised Statute (KRS) 100.111 provides for the following definitions:

"Conditional use" means: a use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.

"Conditional use permit" means legal authorization to undertake a conditional use, issued by the administrative official pursuant to authorization by the Board of Adjustment, consisting of two parts:

 - a. A statement of the factual determination by the Board of Adjustment which justifies the issuance of the permit; and
 - b. A statement of the specific conditions which must be met in order for the use to be permitted;

Per City of Cold Spring Zoning Ordinance Section 9.12, A. DETERMINATION: Subject to the requirements of Section 18.7, the Board of Adjustments may authorize a conditional use to be located within any zone in which such conditional use is permitted, if the evidence presented by the applicant is such as to establish beyond any reasonable doubt:

- a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community.
- b. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or

improvements in the vicinity.

From the applicant:

“Self-storage is necessary for this area of Cold Spring & Highland Heights due to the large amount of apartments, condominiums and dormitories in the area. Residents of the area need a convenient space to store their items. This site has good central access to Cold Spring & Highland Heights’ residents as well as students from Northern Kentucky University.

This proposed use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. Self-storage facilities do not generate significant noise, traffic or odors. They do not impose a large visual impact since they are single story buildings less in height than any single or multi-family residence.

The use will comply with the regulations and conditions within the Cold Spring zoning ordinance and as noted on the site plan with the exception of the building setbacks. A variance is being requested to reduce the 50 foot building setback to 25 feet."

Considerations of Stage I Plan:

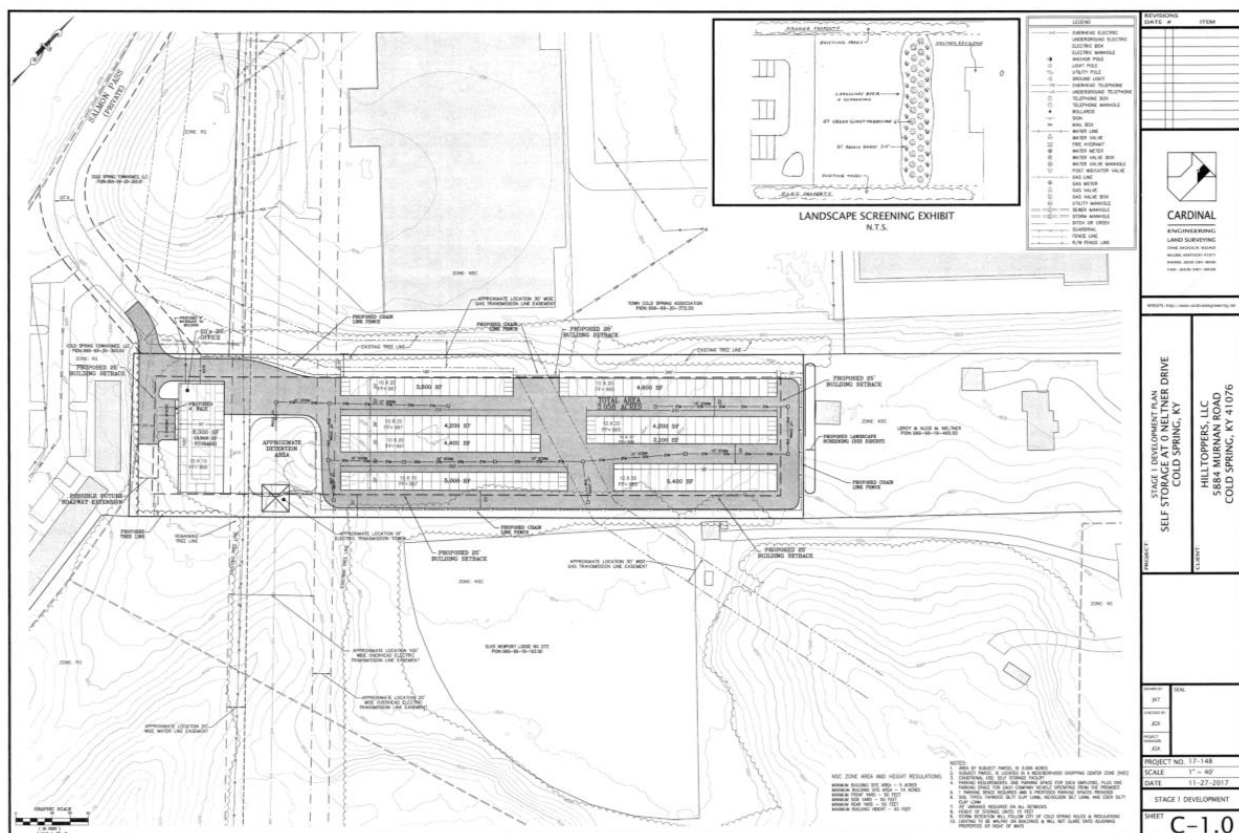


Figure 1: 2018 Plan as approved by P&Z

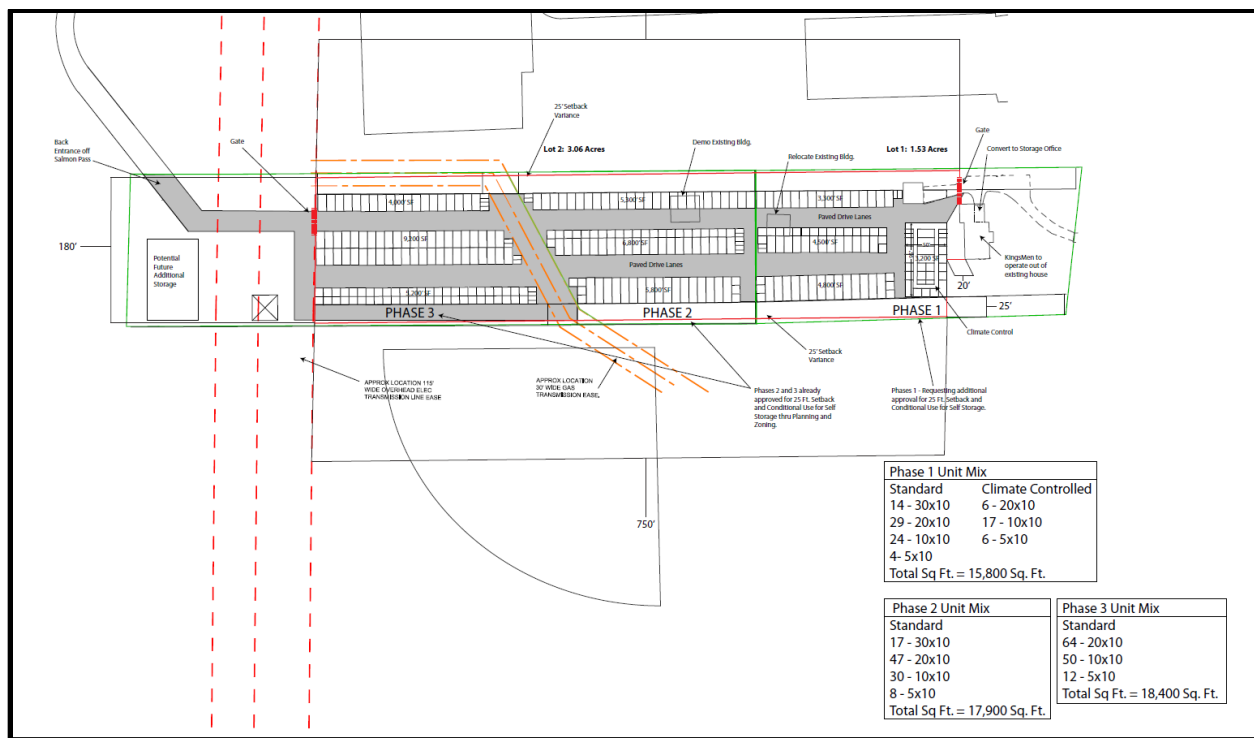


Figure 2: Updated 2020 plan showing expansion

STAGE I DEVELOPMENT PLAN REQUIREMENTS: Review of the site plans in accord with the Comprehensive Plan, Zoning Ordinance and Subdivision Regulations shows:

1. Plan of the subject property, drawn to a scale of one (1) inch equals forty (40) feet, that identifies and provides the following information:
 - a. The total area in the project indicated on the plan is 4.59 Acres;
 - b. The present zoning of the subject property is Neighborhood Shopping Center (NSC). Adjacent properties are indicated on the plan as NSC to the North, East and South, and Residential-2 (R-2) to the west;
 - c. Location of overhead electric and underground gas line easements are shown;
 - d. Existing topography and approximate delineation of any topographical changes shown by contour with intervals of two (2) feet;
 - e. No residential uses are proposed;
 - f. Ten (10) self-storage buildings of various sizes are shown with their respective floor area. The footprint of a potential eleventh building is indicated on the updated site plan. Notes provided indicate that all buildings will be fifteen (15) feet in height;

- g. The site plan indicates the demolition of one of the outbuildings and the relocation of a second.
 - h. The site plan preserves the existing house to be converted to office use
 - i. The walkway and parking area on the original site plan has been removed from the updated plan.
 - j. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes;
 - k. Certification from appropriate water and sewer agencies indicating that services are available is not shown on the Stage I plan;
 - l. Soil types are listed as faywood silty clay loam, nicholson silt loam, and eden silty clay loam;
 - m. The schedule of development is shown in three phases
 - n. Signage is not included in this proposal.
2. Additional notes and/or illustrations on plan:
- a. Proposed detention area;
 - b. Existing and proposed landscaping features including identification of planting areas;
 - c. Proposed fencing;
 - d. Conditional use: self-storage facility;
 - e. Parking requirements: one parking space for each employee, plus one parking space for each company vehicle operating from the premises;
 - f. 25' variance required on all setbacks;
 - g. Storm detention will follow City Of Cold Spring rules & regulations;
 - h. Lighting to be Walpac on building's & will not glare onto adjoining properties or right-of-ways;

Consideration of Variation Request

The applicant is requesting a twenty-five-foot dimensional variance to reduce the setback distance from fifty feet to twenty-five feet for the construction of a self-storage facility

Site considerations:

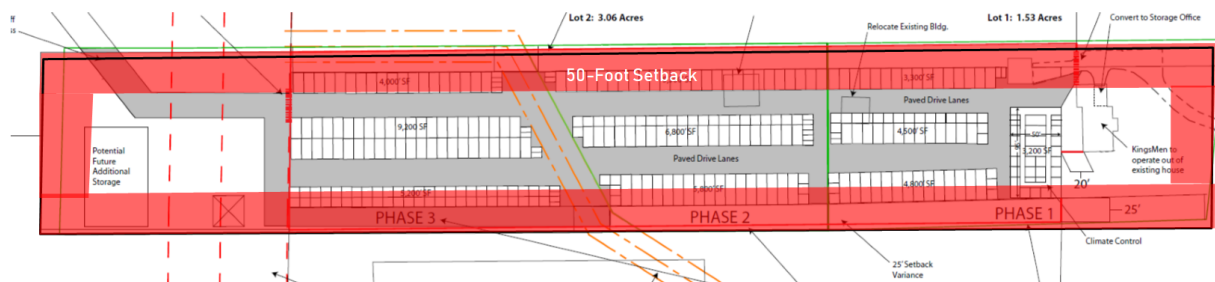


Figure 3: Site Plan Showing 50-Foot Setback

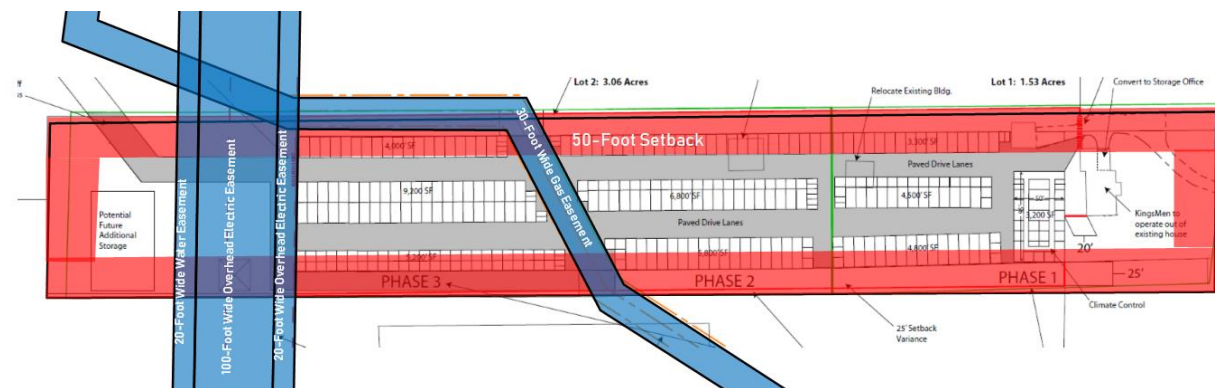


Figure 4: Site Plan Showing Limitations Imposed by Setback Requirements and Utility Easements

Cold Spring Zoning Ordinance: Neighborhood Shopping Center (NSC) Zone

		Request
Minimum Yard Requirements	Fifty (50) feet for each front, side, and rear yard*	Twenty-Five (25) feet

**Except where the building site abuts an arterial street, as identified in the adopted Comprehensive Plan, then there shall be a minimum yard requirement of one hundred (100) feet.*

From the applicant:

“The site is located in the City of Cold Spring, just south of Kroger’s in the Cold Spring County Square. Due to the building setbacks and existing utility easements that exist onsite, the site is very challenging to develop.

The site is zoned Neighborhood Shopping Center and self-storage facilities are a conditional use within this zone. The minimum building setback for all yards is fifty feet.

The site is encumbered by an existing 100' electric easement, a 20' electric easement, a 20' water easement and a 30' wide gas easement. . .”

- 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:
1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 2. 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
 3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

The applicant states:

1. *“Granting this variance will not adversely affect the public health, safety, or welfare and will not alter the essential character of the general vicinity. This property is tucked behind the County Square shopping center and is not visible from the public right of way. The property to the north is an existing shopping center anchored by Kroger, the property to the south is the Elks ballfield (also zoned NSC), to the east is a single family residential property (zoned NSC)*

owned by the seller of the subject property and to the west are existing townhomes (rental units). The existing tree line between the rental town homes will be saved and the seller's residence to the east will be screened with landscaping. Self-storage facilities do not generate significant noise, traffic or odors. They do not impose a large visual impact since they are single story buildings less in height than any single or multi-family residence."

2. *"Granting this variance will not cause a hazard or a nuisance to the public. The site has access to Martha Lane Collins Boulevard via Salmon Pass, (an ingress/ egress easement) which currently serves one multifamily residential community. The operation of this site will not cause any hazards to the public."*
3. *"Granting this variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The proposed use is within the conditional uses of the NSC zone and granting this variance will allow the property to be developed in a manner that will permit the project to be successful. Building a self-storage facility with less units is not practical to manage or maintain."*

B. In addition, the Planning Commission 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.

C. Per Section 18 Notice of public hearing was ordered for placement in the Cincinnati Enquirer and Campbell County Recorder. Additional notice was mailed to seventeen (17) property owners on Neltner Drive and adjacent to the site.

Summary of Applicants Request:

The applicant is requesting:

1. A conditional use permit in the NSC Neighborhood Shopping Center Zone for the construction of a self-storage facility;
2. Stage I plan approval; and
3. Dimensional variance

Staff Recommendation: Conditional Use Permit

To approve the Conditional Use Permit

❖ *Note to applicant:*

No activities related to the conditional use shall be conducted until the applicant complies with all zoning, stormwater and building permit requirements; and receives a certificate of occupancy for that permit.

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. In accordance with Section 18.2 of the Zoning Ordinance, proper notice of public hearing was given.
3. Under KRS 100.237, the Board of Adjustment has the power to hear and decide applications for Conditional Use Permits. The board may impose any reasonable conditions or restrictions on any variance it decides to grant. Evidence was presented to and heard by the Board regarding the Conditional Use permit.
4. The planning commission may hear and finally decide applications for conditional use permits with a proposed development assuming all powers and duties otherwise exercised by the board of adjustments pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251.

Staff Recommendation: Stage I Plan

To approve the revised proposed Stage I Development Plan.

Bases for Staff Recommendation:

1. The submitted Stage I Development Plan identifies the proposed use of the site as a self-storage facility and office, which are listed as a conditional and permitted use respectively in the NSC zone.
2. The submitted request is appropriate for this site since it is in compliance with the City of Cold Spring Comprehensive Plan.

Staff Recommendation: Variance

A dimensional variance, not to exceed twenty-five (25) feet on all sides of the property with the following condition:

1. The two parcels be combined

Bases for Staff Recommendation:

1. Notice of public hearing was given in accordance with Section 18 of the Cold Spring Zoning Ordinance;
2. In accordance with KRS 100.241 Variances, the board shall have the power to hear and decide on applications for variances. The board may impose any reasonable conditions or restrictions on any variance it decides to grant.
3. The evidence presented by the applicant and staff is such as to make a finding that:

- a. The requirements for a variance have been met by the applicant for a variance and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - b. The variance requested will not adversely affect the public health, safety, or welfare, will not adversely alter the essential character of the general vicinity, and will not cause a hazard or nuisance to the public and will not allow an unreasonable circumvention of the requirements of the zoning regulations.
4. The proposed development is consistent with the recommendations of the 2018 update of the Cold Spring Comprehensive Plan, Subdivision Regulations and Zoning Ordinance.
 5. The proposed development is consistent with Cold Spring Zoning Ordinance, Article X, Section 10.11, NSC Neighborhood Shopping Center Zone.
 6. The planning commission may hear and finally decide applications for variances with a proposed development assuming all powers and duties otherwise exercised by the board of adjustments pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251.

Additional Information to the Applicant:

1. Granting of a variance does not exempt the applicant from complying with all of the requirements of this ordinance, the building code and other regulations for the property. The applicant must receive approval from the building department for the construction of the facility.
2. A stormwater plan must be submitted to and approved by the City of Cold Spring
3. Refer to section 14.6 of the City of Cold Spring Zoning Ordinance for information regarding permitted sign classes in the NSC Zone.

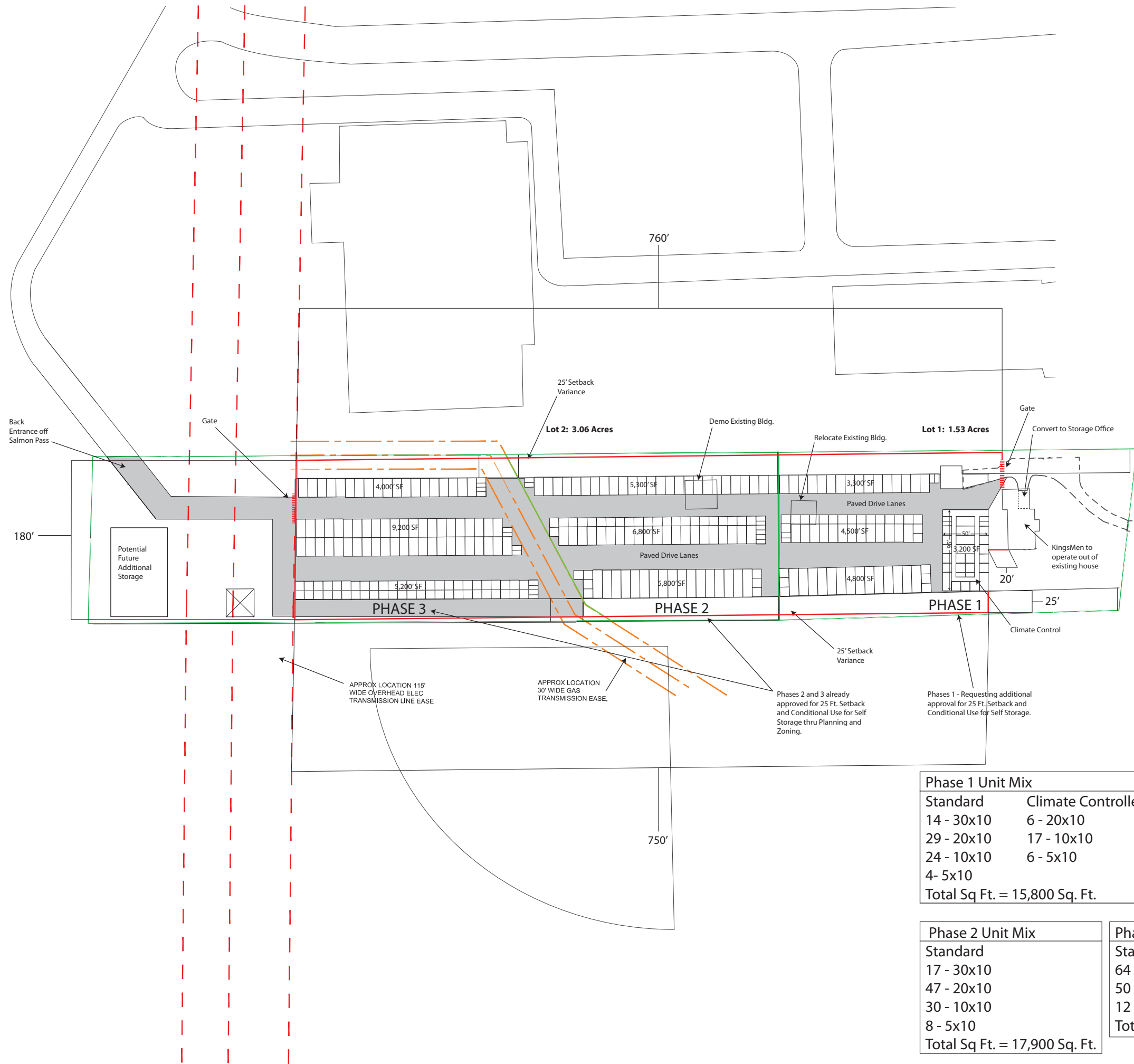
If you need additional information or clarification prior the meeting, you may contact us at 859-292-3880.

Sincerely,



Kirk Hunter, AICP
Principal Planner

cc: City of Cold Spring Planning & Zoning Commissioners
Steve Taylor, City of Cold Spring
Brandon Voelker, Legal Counsel



Phase 1 Unit Mix	
Standard	Climate Controlled
14 - 30x10	6 - 20x10
29 - 20x10	17 - 10x10
24 - 10x10	6 - 5x10
4- 5x10	
Total Sq Ft. = 15,800 Sq. Ft.	

Phase 2 Unit Mix
Standard
17 - 30x10
47 - 20x10
30 - 10x10
8 - 5x10
Total Sq Ft. = 17,900 Sq. Ft.

Phase 3 Unit Mix
Standard
64 - 20x10
50 - 10x10
12 - 5x10
Total Sq Ft. = 18,400 Sq. Ft.