

CITY OF COLD SPRING, KENTUCKY
ORDINANCE NO. 94-668

AN ORDINANCE ANNEXING TO THE CITY OF COLD SPRING, CAMPBELL COUNTY, KENTUCKY, A FIFTH CLASS CITY, CERTAIN UNINCORPORATED TERRITORY LYING ADJACENT TO THE EXISTING CITY LIMITS OF THE CITY OF COLD SPRING.

RECEIVED & FILED
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* * * * *

WHEREAS, the City Council of the City of Cold Spring, by its Ordinance No. 94-658 as passed at first reading on May 17, 1994 and at second reading on June 7, 1994, did declare its intention to annex certain unincorporated territory lying adjacent to the existing city limits of the City of Cold Spring pursuant to KRS 81A.420; and

WHEREAS, said annexation is being conducted pursuant to the written consent of the property owners pursuant to KRS 81A.412; and

WHEREAS, pursuant to KRS 100.209, the City has elected to amend its comprehensive plan and official zoning map relative to establishing zoning and other land use regulations for the property prior to the adoption of the final ordinance of annexation and pursuant to such referred the matter to the Cold Spring Zoning Commission for review; and

WHEREAS, the Cold Spring Planning and Zoning Commission conducted a public hearing with appropriate notice on June 8, 1994 and after said hearing has submitted its findings and recommendations as to amending the City's comprehensive plan and as to the appropriate zoning and other land use regulations to be effective for the property upon its annexation; and

WHEREAS, the City Council has reviewed and discussed the findings and recommendations of the Cold Spring Planning and Zoning Commission and desires to follow said recommendations;

NOW, THEREFORE, the City Council of the City of Cold Spring does hereby ordain as follows:

SECTION ONE

That the City Council of the City of Cold Spring, Campbell County, Kentucky, an incorporated City of the Fifth Class, hereby annexes to the City of Cold Spring the below described unincorporated territory. The City Council hereby declares that it is desirable to annex said unincorporated territory to the City of Cold Spring and has found pursuant to

KRS 81A.410 that said unincorporated territory is adjacent to and contiguous to the City's boundaries at the time this annexation proceeding is being conducted and that by reason of the population density of the area, said area is urban in character and suitable for development for urban purposes without delay. Furthermore, no part of the area to be annexed is presently within the boundaries of any other incorporated city. Pursuant to KRS 100.209, the City hereby amends its comprehensive plan to designate the site in question for commercial land use. Furthermore, the land in question is hereby zoned Neighborhood Shopping Center (NSC) under the requirements of the Cold Spring Zoning Ordinance. The Council agrees with the findings and recommendations made by the Cold Spring Planning and Zoning Commission as contained in their minutes and written report which are made a part of this ordinance as if fully set out herein.

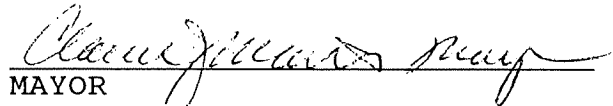
The boundaries of the unincorporated territory to be annexed by this Ordinance are as shown on the attached legal description and plat, which are attached hereto and made a part of this ordinance.

SECTION TWO

That this ordinance shall be read and adopted on two separate dates, signed by the Mayor, attested by the City Clerk, recorded and published according to law. Same shall be in effect at the earliest time provided by law.

PASSED AT FIRST READING on the 19th day of July,
1994.

PASSED AT SECOND READING on the 16th day of August,
1994.


MAYOR
CITY OF COLD SPRING, KENTUCKY

ATTEST:


CITY CLERK

PUBLISHED: CAMPBELL COUNTY RECORDER IN SUMMARY FORM ON THE
24th DAY OF August, 1994.

CITY\94-ANNEX.CS

CITY OF COLD SPRING, KENTUCKY

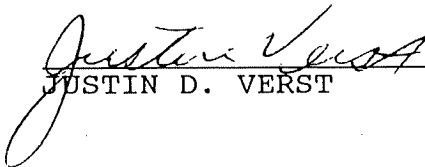
SUMMARY PUBLICATION OF ORDINANCE NO. 94-668

As authorized by KRS 83A.060(9), I hereby certify that the following is the title and a summary of Ordinance No. 94-668 of the City of Cold Spring, Kentucky as adopted on the 16th day of August, 1994.

AN ORDINANCE ANNEXING TO THE CITY OF COLD SPRING, CAMPBELL COUNTY, KENTUCKY, A FIFTH CLASS CITY, CERTAIN UNINCORPORATED TERRITORY LYING ADJACENT TO THE EXISTING CITY LIMITS OF THE CITY OF COLD SPRING. SAID ORDINANCE ALSO AMENDS THE CITY'S COMPREHENSIVE PLAN TO DESIGNATE THE PROPERTY FOR COMMERCIAL LAND USE AND REZONES THE PROPERTY AS NEIGHBORHOOD SHOPPING CENTER (NSC).

Said annexation is with the consent of the property owner and involves a 3.9 acre of property owned by Elmer and Fayella Weinell. Said property is located approximately five hundred seventy (570) feet east of Ripple Creek and one hundred fifty (150) feet south of the AA Highway as said real estate is recorded in Deed Book 130 at Page 552 of the Campbell County Clerk's Records at Alexandria, Kentucky.

I, Justin D. Verst, an attorney licensed to practice law in the Commonwealth of Kentucky, do hereby certify that this summary was prepared by me at the direction of the County for the City of Cold Spring and that this summary is a true and accurate summary of the contents of Ordinance No. 94-668.


JUSTIN D. VERST



DESCRIPTION OF
PART OF THE
ELMER AND FAYELLA WEINEL PROPERTY
U.S. ROUTE 27 AND A-A HIGHWAY
CAMPBELL COUNTY, KENTUCKY
CONTAINING 3.938 ACRES
AUGUST 9, 1994

Situate in the County of Campbell, Commonwealth of Kentucky, and being part of that tract of land conveyed to Elmer and Fayella Weinel as recorded in Deed Book 130, Page 552 (all references to deeds, microfiche, plats, surveys, etc. refer to the records of the Campbell County Recorders Office, unless noted otherwise) and being more particularly bounded and described as follows:

Commencing for reference at a concrete highway monument (found) in the southwesterly right-of-way line of U. S. Route 27 conveyed to the Commonwealth of Kentucky as recorded in Deed Book 75, Page 427 and Deed Book 141, Page 617 and at the northwest corner of a tract of land conveyed to Elizabeth Simon as recorded in Deed Book 188, Page 145 and in the corporation line for the City of Cold Spring;

thence departing said southwesterly right-of-way line and along the west line of said Simon land and along said corporation line, South thirteen degrees thirty-five minutes seven seconds West (S13°35'07"W) for five hundred twenty-one and 70/100 feet (521.70') to an iron pin (found) at the western most corner of a tract of land conveyed to SuperAmerica Group, Inc. as recorded in Deed Book 193, Page 205;

thence departing said corporation line and along the southwesterly line of said SuperAmerica Group, Inc. land, South twenty-three degrees fifty-four minutes thirty-four seconds East (S23°54'34"E) for three hundred thirty and 00/100 feet (330.00') to a 5/8 inch iron pin (set) at a northeast corner of a tract of land conveyed to William and Catherine Smith as recorded in Deed Book 84, Page 263 and in said corporation line;

thence along a north line of said Smith land and said corporation line, South seventy degrees twenty-one minutes twenty-nine seconds West (S70°21'29"W) for one thousand forty-six and 11/100 feet (1046.11') to a 5/8 inch iron pin (set) in the east line of said Weinel land and being the **TRUE POINT OF BEGINNING** of the herein described tract of land;

409 East Monument Avenue
Dayton, Ohio 45402-126
513.461.5660
fax: 513.461.0743



Description of
Parcel C
Proposed Meijer Site
U.S. Route 27 and A-A Highway
Campbell County, Kentucky

August 9, 1994
Page 2

thence departing said east line and said corporation line and over said Welnel land on a new division line, North thirty-seven degrees thirty-two minutes thirty-two seconds West ($N37^{\circ}32'32''W$) for seven hundred thirty-eight and 06/100 feet (738.06') to a 5/8 inch iron pin (set) in the south line of a tract of land conveyed to James Clifford Ware and Carol Jean Ware Dischar as recorded in Will Book 52, Page 203 and being part of that same tract of land conveyed to Edward Ware as recorded in Deed Book 55, Page 472 and being in said corporation line;

thence along said south line and said corporation line, North seventy degrees fifty-six minutes eighteen seconds East ($N70^{\circ}56'18''E$) for four hundred thirty-three and 81/100 feet (433.81') to a point in the centerline of an unimproved road and in the west line of another tract of land conveyed of said James Clifford Ware and Betty Jean Ware Dischar and being that same tract of land conveyed to Edward Ware as recorded in Deed Book 51, Page 184;

thence along said west line and said corporation line for the following five (5) described courses:

- 1) South twenty-one degrees thirty-two minutes thirty seconds East ($S21^{\circ}32'30''E$) for one hundred forty-eight and 50/100 feet (148.50');
- 2) South ten degrees seventeen minutes thirty seconds East ($S10^{\circ}17'30''E$) for ninety-nine and 00/100 feet (99.00');
- 3) South one degree twenty-seven minutes thirty seconds West ($S01^{\circ}27'30''W$) for ninety-nine and 00/100 feet (99.00');
- 4) South eleven degrees fifty-seven minutes thirty seconds West ($S11^{\circ}57'30''W$) for one hundred sixty-five and 00/100 feet (165.00');
- 5) South one degree two minutes thirty seconds East ($S01^{\circ}02'30''E$) for two hundred thirty-one and 00/100 feet (231.00') to the **TRUE POINT OF BEGINNING**, containing three and 938/1000 (3.938) acres, more or less.

This description was prepared from a field survey performed by Woolpert in February of 1994, with bearings based upon the bearing shown for U. S. Route 27 on the right-of-way plans for the A-A Highway Project No. SSP 019 0546 000 - 010.

Twehues & Verst
ATTORNEYS AT LAW
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Newport, Kentucky 41071

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LAURIE B. DOWELL*

(606) 491-5843
FAX 491-5932

August 29, 1994

*also admitted in Ohio

Commonwealth of Kentucky
Office of Secretary of State
State Capitol Building
Frankfort, Kentucky 40601,

and

Commonwealth of Kentucky
Department of Local Government
1024 Capital Center Drive
Frankfort, Kentucky 40601

and

Mr. Jack Snodgrass
Campbell County Clerk
4th & York Streets
Newport, Kentucky 41071

Re: City of Cold Spring, Campbell County, Kentucky
Annexation of Unincorporated Territory
Ordinance #94-668

Pursuant to the requirements of KRS 81A.470, attached is a certified copy of an Annexation Ordinance along with an accurate map of the annexed area with metes and bounds description as to the unincorporated territory recently annexed by the City of Cold Spring, Campbell County, Kentucky.

Pursuant to the requirements of KRS 81A.470, a certified copy of this Annexation Ordinance No. 94-668 has been recorded in the Office of the Campbell County Clerk.

Pursuant to the requirements of KRS 81A.475, the Campbell County Clerk, as part of the attached ordinance, is being provided with a map clearly delineating the boundaries of the area affected. Also attached for the Campbell County Clerk is a list of the names and addresses of those property owners and/or registered voters who reside in such area.

Sincerely,

JUSTIN D. VERST
Attorney for City of Cold Spring

JDV/gh

cc: City of Cold Spring



City of Cold Spring

Date: July 16, 1994

Memo to: Mayor
City Council Members
City Attorney

Memo from: Carole Huber

Re: Planning & Zoning action

The following action was taken at the Cold Spring Planning & Zoning meeting of June 8, 1994 and the minutes of that meeting have since been approved.

A motion was made by Kevin King to acknowledge that the proposed map amendment from R-RE to NSC on the Ware and Weinel properties is in agreement with the existing Comprehensive Plan. Bonnie Smith seconded the motion. Vote showed six yeses and one no-Lou Gerding. Motion carried.

Another motion was made by Charles Gray to approve the map amendment from R-RE to NSC and to approve the Stage I Development Plan subject to the conditions 1-7, with the exception of 3 a and 3 b (NKAPC report dated June 3, 1994-copy attached). Another condition of this approval is that the applicant meet any and all sanitary sewer conditions of the City of Cold Spring. Bonnie Smith seconded the motion. Roll call vote showed five yeses and two noes-Lou Gerding and Kevin King. Motion carried.

Ed Rawe then made a motion to recommend, upon annexation of the 3.9 acre Weinel site in question, to amend the Comprehensive Plan Land Use Map designating the area for commercial use and to recommend to City Council that the site then be zoned NSC (Neighborhood Shopping Center), subject to the conditions stated previously. Bill Reder seconded the motion. Roll call vote showed six yeses and one no-Lou Gerding. Motion carried.

**Cold Spring Planning & Zoning
June 8, 1994**

The regular meeting of Cold Spring Planning & Zoning was called to order by Chairman Gordon Kiser. Pledge to the flag was recited. Roll call showed the following present-Lou Gerding, Charles Gray, Kevin King, Ed Rawe, Bill Reder and Bonnie Smith. The minutes of the May 23 special meeting were reviewed. Motion to approve these minutes was made by Bonnie Smith and was seconded by Bill Reder. All were in favor. Motion carried.

The first item on the agenda was review of the zone change request for the Ware and Weinel properties on behalf of Meijer Incorporated. John Huth, NKAPC staff, explained their review and recommendation. The site in question is 51.8 acres and they are requesting re-zoning from R-RE to NSC. He showed slides of the area and discussed the zones in question and the land use plan. He then discussed Stage I site plan for the proposed Meijer store, along with a convenient store with gas pumps at the front of the site.

A traffic study was submitted and discussed. A traffic light will be installed at the south entrance to the site. Signage is consistent with the Cold Spring zoning requirements. Keith Logsdon then explained the staff's revised recommendation. He stated that the proposed outdoor garden center should be addressed.

Anne McBride and Hank Hondorf were present to represent Meijer. Ms. McBride stated that the Ware property is in the City and is zoned R-RE and that Comprehensive Plan discussions have recommended this area for regional stores, which this is. She also asked that the City look at the existing sign requirements to accommodate this development and other businesses located along the AA Highway. Mr. Hondorf gave a brief history of the Meijer company.

Jack Pflume explained the traffic study and asked that both access points remain full access for safer entrances and better circulation. Lou Gerding questioned the possibility that traffic will be backed up during the signaling of the lights. Mr. Pflume agreed to reviewed this again.

Sam Smith, resident, asked who would pay for street lights. She was informed that the developer installs the lights and the City pays for continuing electric charges.

Diana Brabson, Licking Pike, asked about water run off from the new development onto her property and how it would be handled. Steve Nixon responded that the detention pond and the manner in which it will hold and slowly release the water.

Elizabeth Simon owns the property just south of this site and asked how close this would be to her driveway. The Meijer access road would be 200 feet from her property and 300 feet from her driveway.

Doug Collins, 5315 Alexandria Pike, owns the property across US 27 from this site and is concerned that the access to his property would be closed when this is developed. He was advised that there are no plans to do so.

Rick Bertsch questioned the sewer plans. Sewage will be routed down the hill to the existing Ripple Creek Road lift station, up the AA Highway to Sturbridge or along US 27 to another point. The location could allow for future expansion.

Diana Brabson asked for an explanation of a lift station and is concerned about any odors involved.

Mr. Bertsch then stated that he is representing Fayella Weinel regarding her 3.9 acre tract, which is part of this proposal. He questioned the status of the annexation process and added that Mrs. Weinel does not have an agreement with the Meijer people as yet and would not want to be annexed if this development is not approved.

Anne McBride stated that if no agreement could be reached, the Meijer people would withdraw their request and then modify their plans. Mr. Hondorf agreed with this statement.

Traffic, signage and lack of green spaces in the parking areas were then discussed. These items will all be addressed in the Stage II plan. The developer was also advised that outdoor storage is not allowed, according to the City's zoning ordinance.

Doug Collins then questioned how much of the hill will be lowered in the area of the AA Highway. It will be lowered approximately 20 feet.

Henry Gospel, Century 21, stated that he is talking with clients about the Collins property and expressed some concerns about traffic light locations, etc. Keith Logsdon responded that these concerns will have to be addressed at the time application is made on that site.

Kevin King made a motion to acknowledge that the proposed amendment is in agreement with the Comprehensive Plan. Bonnie Smith seconded the motion. The vote showed six yeses and one no-Lou Gerding. Motion carried.

Charles Gray made a motion to approve the map amendment from RRE to NSC and to approve the Stage I Development Plan subject to the conditions 1 through 7, with the exception of 3 a and b. Another condition of this approval is that the applicant meet any and all sanitary sewer conditions of the City of Cold Spring. Bonnie Smith seconded the motion. Roll call vote showed five yeses and two noes-Lou Gerding and Kevin King. Motion carried.

Ed Rawe then made a motion to recommend, upon annexation of the 3.9 acre site in question, to amend the Comprehensive Plan Land Use Map designating the area for commercial use and to recommend to

Cold Spring Planning & Zoning
June 8, 1994

City Council that the site then be zoned NSC (Neighborhood Shopping Center), subject to the conditions stated previously. Bill Reder seconded the motion. Roll call vote showed six yeses and one no-Lou Gerding. Motion carried.

A letter from NKAPC staff recommends approval of the Baptist Church I.D. Plat. This will be signed by Chairman Kiser.

The next item on the agenda was the request for approval of the Preliminary Plan for an addition to Glenridge Subdivision. Jim Viox, Drees engineer, was present and explained some of the concerns expressed in the June 8 letter from Northern Kentucky Area Planning Commission. Discussion followed. Bonnie Smith made a motion to approve this Preliminary Plan for Glenridge addition with conditions 1 through 8, adjusting #5, on page 3 of the NKAPC letter. Charles Gray seconded the motion. Roll call vote showed seven yeses and no noes. Motion carried.

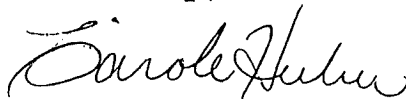
Sign requirements in the NC and NSC zones were discussed again. Keith Logsdon will proceed and submit some wording for next month's meeting.

Keith Logsdon then explained that a short time is still required to complete discussion for the Comprehensive Plan. He handed out information to be reviewed by the Board in preparation for the next meeting.

Lou Gerding reported that City Council has requested that a statement be included on every approved plan that the "City sewer requirements be complied with, subject to approval of the city engineer or city Council" and asked that Keith Logsdon and Justin Verst look into this request.

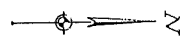
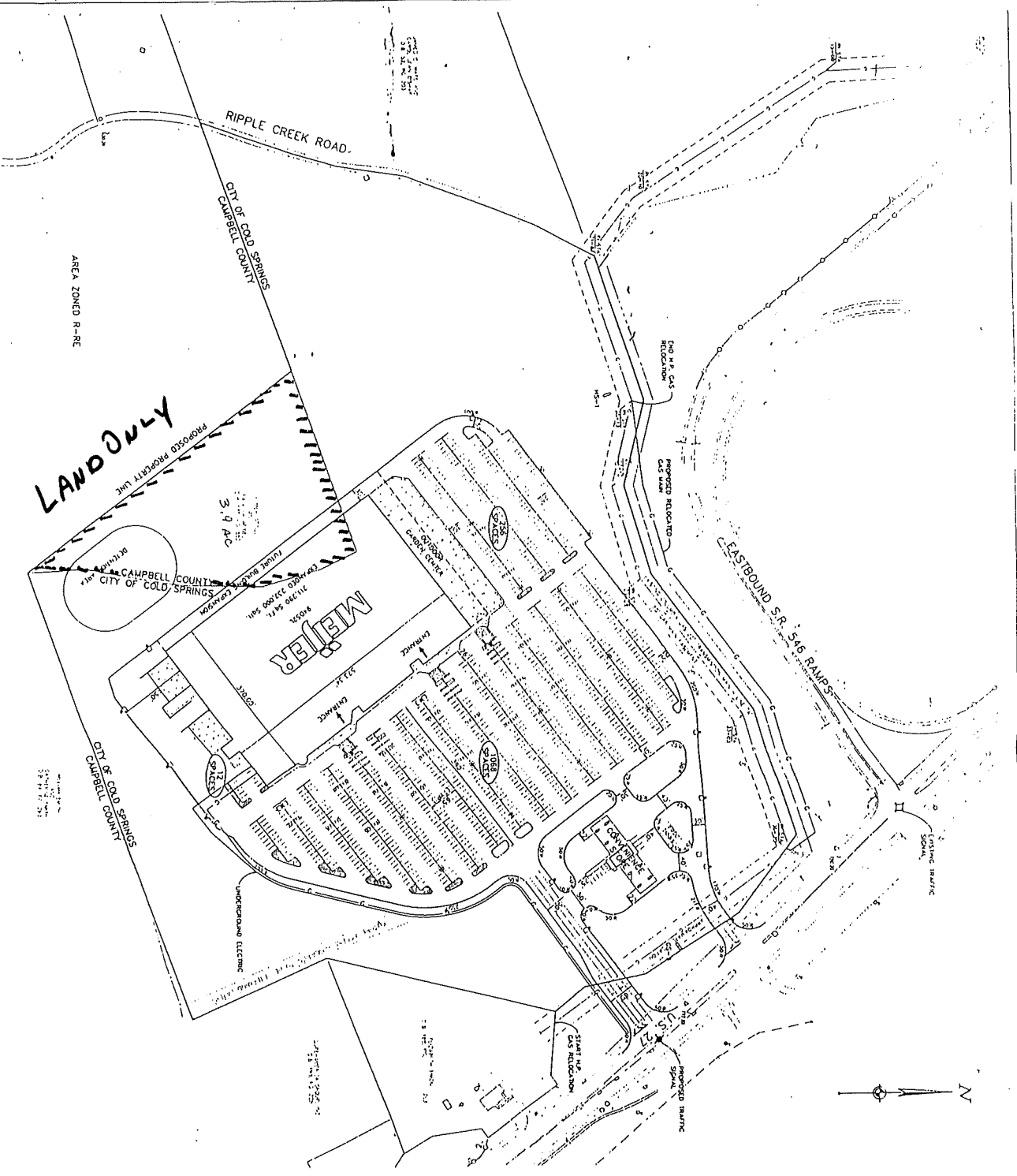
Kevin King made a motion to adjourn. Lou Gerding seconded the motion. All were in favor. Motion carried.

Sincerely,

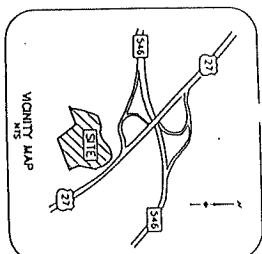
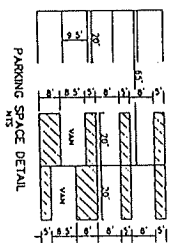



Carole Huber
Secretary

N E X T M E E T I N G --- J U L Y 1 3 1



PARKING DATA
 13% REQUIRED SITE SPACES
 100% MINIMUM PARKING SPACES
 20 CURB AREAS - NOT INCLUDED IN
 PARKING COUNT ABOVE (SEE
 TOTAL NUMBER PARKING SPACES
 SITE AREA) = 434 SPACES



SHEET NO DP-1	FILE NO (CJA)	MEIJER DESIGN 2929 WALKER AVE., N.W. GRAND RAPIDS, MI. 49504 (616) 453-0711	 409 East Monument Avenue Dayton, Ohio 45402-1261 513.461.5660 FAX: 513.461.0743	CONTRACT No. 10-18037-04 DATE MARCH 31, 1983 SCALE 1"=100' DES. HBD DR. DAW CKD. RJN	NO. DATE REVISIONS 1 4/28/83 ISSUED TO MEIJER FOR REVIEW 2 5/17/84 RECEIVED SUBMISSION
					U.S. 27 COLD SPRINGS, KENTUCKY DEVELOPMENT PLAN