

ORDINANCE NO. 2019-O-08

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF INDEPENDENCE, COUNTY OF KENTON, KENTUCKY CHANGING AN AREA APROXIMATELY 5 ACRES LOCATED ON THE NORTHEAST AND SOUTHEAST CORNERS OF THE INTERSECTION OF INDEPENDENCE STATION ROAD WITH TURKEYFOOT ROAD, FROM R-1D (A SUBURBAN SINGLE-FAMILY ZONE) TO NC (A NEIGHBORHOOD COMMERCIAL ZONE)

WHEREAS, a request for a map amendment was submitted to the Kenton County Planning Commission a request for a map amendment was submitted to the Kenton County Planning Commission by Patricia Quast, on behalf of Quast Real Estate Development, to change an area of approximately 5 acres located on the Northeast and Southeast corners of the intersection of Independence Station Road with Turkeyfoot Road, from R-1D (A Suburban Single-Family Zone) to NC (A Neighborhood Commercial Zone); and

WHEREAS, the Kenton County Planning and Zoning Staff reviewed the application and recommended that the proposed map amendment be approved; and

WHEREAS, the Kenton County Planning & Zoning Commission, upon reviewing the staff recommendations and after holding a public hearing, voted to not approve the map amendment.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF INDEPENDENCE, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY:

SECTION I

That the Independence City Council hereby overturns the recommendation of the Kenton County Planning Commission and approves said Zoning Map Amendment, changing the zoning for an area of approximately 5 acres located on the Northeast and Southeast corners of the intersection of Independence Station Road with Turkeyfoot Road, from R-1D (A Suburban Single-Family Zone) to NC (A Neighborhood Commercial Zone).

The map amendment of the Kenton County Planning Commission, is overturned and conditionally approved as follows:

- 1) Property 2, as identified in the attached Plat (PIDN 017-20-00-264.07 and 4110 Richardson Rd.) shall be zoned NC (A Neighborhood Commercial Zone), and the submitted Stage I Development, along with the use restrictions outlined in Paragraph 8, is approved.
- 2) Property 1, as identified in the attached Plat (PIDN 017-20-00-202.00 4102 Richardson Rd., and; PIDN 017-20-00-201.00 4100-A Richards Rd., and; PIDN 017-20-00-203 898 Independence Station Rd., and; PIDN 017-20-00-200.00 4092 Richardson Rd.) shall be conditionally approved to NC Zone, along with the revised Stage I Development Plan 3 ("Attached"), under the following conditions:

- a) Prior to any development, the Independence City Council shall review and decide the Stage I Development Plan (Application) after the Kenton County Planning Commission holds a public hearing on the proposed Application in accordance with the requirements of KRS 424, and review of said Application is made with regard to conformity with the Independence Zoning Ordinance and *Direction 2030: Your Voice. Your Choice.*

Development that does not require a Stage I Development Plan includes:

- i. Converting an existing single-family home to a use allowed in the NC Zone, including adding signs in conformance with the NC Zone;
 - ii. Adding less than 5 off-street parking spaces or 1,500 square feet of paved area (cumulative from what is currently existing);
 - iii. An addition of less than 10% of the footprint of an existing structure (cumulative from what is currently existing);
 - iv. The addition of an accessory structure (except off-street parking) that serves the principal building or use, subject to all the requirements of the NC Zone;
 - v. Adding or replacing signs at the existing gas station that are in conformance with the NC Zone requirements;
 - vi. Routine repairs and maintenance that are needed.
- b) All Applications shall be reviewed and decided by the Independence City Council within 90 days of the Kenton County Planning Commission's recommendation on the application.
 - c) Subject to the Use Restrictions outlined in Paragraph 8.
- 3) The office conversions off Old Richardson Road and the existing bank building on the south side of Independence Station Road contain nonconforming front yard building setbacks within the NC Zone. These structures can remain, but any expansions need to be in conformance with the NC Zone requirements
 - 4) Adopt the attached Plan 3 which includes a reduction in square footage from 31,000 square feet to 18,000 square feet;
 - 5) Reduce the size of the North Tract to keep a residential lot adjoining the Powers residence and fronting across the street from the Scheben driveway on Independence Station Road.
 - 6) The Applicant shall meet all existing buffer requirements as in the City of Independence Zoning Ordinance.
 - 7) The Applicant shall meet all standards applicable to lighting as required by the Zoning Ordinance; and
 - 8) The approval is conditioned on the following uses being eliminated as permitted uses within the NC Zone for BOTH parcels
 - a) Indoor Batting Cage;
 - b) Laundromats;
 - c) Self-Service Car Washing and Drying;

- d) Off Street Parking lots and/or garages;
- e) Package Liquor and Wine Stores;
- f) Post Offices;
- g) Automotive Parts and Accessories;
- h) Drive-Thru Restaurants;
- i) Sports Bars which shall be any establishment that in any month gross sales for alcohol are more than 40 percent of the entire gross sales;
- j) Service Stations that Provide Auto Repairs, and;
- k) Billiard/Pool Halls.

These approvals and overturning of the Kenton County Planning Commission's Recommendations are based on the summary of evidence and testimony from the October 3, 2019 Kenton County Planning Commission public hearing, and that:


1. The proposed map amendment is consistent with the Recommended Land Use Map of *Direction 2030: Your Voice. Your Choice.* which recommends the site in question for commercial uses.
2. The proposed map amendment is consistent with the goals and objectives and recommendations of *Direction 2030 Your Voice. Your Choice:* including being consistent with the Suburban Sub Area Element because it is part of a larger commercial area with easy access to major roadways.

SECTION II

That should any section or part of any section or any provision of this Ordinance be declared invalid by a Court of competent jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

SECTION III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to the law.



 Christopher J. Reinersman, Mayor

ATTEST:


 Gina Gabbard, City Clerk

First Reading: December 2, 2019
 Second Reading: December 16, 2019
 Ayes: 4
 Nays: 0

Publication Date: _____