

ORDINANCE NO. 2023-O-16

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF INDEPENDENCE, COUNTY OF KENTON, APPROXIMATELY 19.93 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF MADISON PIKE {KY 17} AND HARRIS PIKE {KY 536} IN INDEPENDENCE FROM NC (NEIGHBORHOOD COMMERCIAL) AND R-RE {RESIDENTIAL RURAL ESTATE} TO CC {COMMUNITY COMMERCIAL} AND APPROVING THE SUBMITTED DEVELOPMENT PLAN WITH CONDITIONS

WHEREAS, a request for a map amendment was submitted by Bayer Becker on behalf of Toebben, Ltd., Gary Mark Smock and Angela Smock, and White Castle Kentucky Inc. has submitted an application requesting the Kenton County Planning Commission to review and make recommendations on: a proposed map amendment to the Independence Zoning Ordinance changing an area of approximately 19.93 acres located at the northeast intersection of Madison Pike (KY 17) and Harris Pike (KY 536) in Independence from NC (Neighborhood Commercial) and R-RE (Residential Rural Estate) to CC (Community Commercial); The concept development plan proposes an approximately 48,387 square foot grocery store with an attached 3,200 square foot liquor store, retail space totaling approximately 12,600 square feet, an approximately 2,584 square foot restaurant with drive-thru, a new public street with access off Madison Pike, an access off Harris Pike, and associated off-street parking;

WHEREAS, the PDS staff reviewed the application and recommended that the proposed map amendment be approved; and

WHEREAS, the Kenton County Planning Commission, upon reviewing the staff recommendations and after holding a public hearing, voted to approve the map amendment, and;

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

SECTION I

That the Independence City Council hereby approves said Zoning Map Amendment to the Independence Zoning Ordinance changing the described area from NC (Neighborhood Commercial) and R-RE (Residential Rural Estate) to CC (Community Commercial) based on the attached and included minutes and recommendation from the Kentucky County Planning Commission, changing the zoning of the described areas on the following bases:

1. The proposed map amendment is generally in agreement with the adopted comprehensive plan. The proposed development will provide new employment opportunities and retail services for the existing residents and will provide cross access to adjacent developments. Although the 2007 study does identify the subject area as part of a mixed-use area that is to serve as a transition area between the more intense commercial and the existing single-family areas, the plan does clearly provide that this area is also part of an area identified for commercial activity and envisions additional retail and businesses expanding within this area.

There is also additional areas to the north and east of the subject area which are still within this mixed-use area that can serve as the transition.

2. The submitted Concept Development Plan meets the minimum requirements of the Independence Zoning Ordinance, except for the following. If approved, these will need to be noted on the Final Development Plan:

Table 7.8 Buffer Yard Requirements provides that a type "2" buffer yard is required where commercial is developing adjacent to single-family residential. The proposed development is indicating a 10-foot perimeter landscape buffer along Harris Pike (KY 536) where the minimum buffer is required to be 15 feet. If approved, all required buffer yards will be required to be shown on the landscape plan as part of the required Final Development Plan.

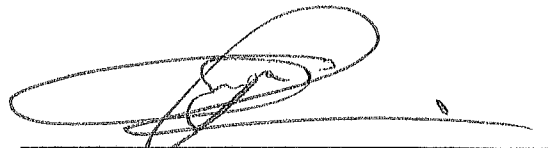
3. Based on testimony provided during the public hearing held on September 7, 2023.

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.

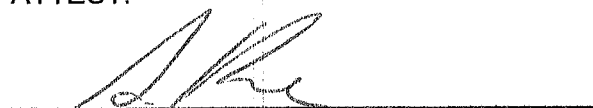
SECTION III

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 Rawe, City Clerk

First Reading: October 2, 2023

Second Reading: November 13, 2023

Ayes: 5

Nays: 1

Publication Date: 11/22/2023