

ORDINANCE NO. 2024-O-06

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF INDEPENDENCE, COUNTY OF KENTON, KENTUCKY TO CHANGE THE DESCRIBED AREA LOCATED AT 5306 MADISON PIKE FROM PUD (PLANNED UNIT DEVELOPMENT), R-CVS (CONVENTIONAL SUBDIVISION), AND R-M (RESIDENTIAL MIXED) TO PUD (PLANNED UNIT DEVELOPMENT)

WHEREAS, Madison Pike Partners, LLC on behalf of ANR Logistics, LLC, Josh Deters, and Arlinghaus Builders, Inc, Property Owners, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: A proposed map amendment to change 5306 Madison Pike, 5298 Madison Pike, 5308 Chateau Court, 5306 Chateau Court, and approximately 0.5 acres at the terminus of Chateau Court; a total area of approximately 9.3 acres located on the east side of Madison Pike between Independence Road to the north and Locust Lane to the south, approximately 250 feet south of Independence Road, from PUD (Planned Unit Development), R-CVS (Conventional Subdivision), and R-M (Residential Mixed) to PUD (Planned Unit Development). The applicant is proposing to construct condominiums consisting of 12 buildings with a total of 110 units (approximately 13.43 units per net acre). This includes 45% open space, 72 driveway parking spaces, 72 garage parking spaces and 113 off-street parking spaces; and

WHEREAS the Kenton County Planning 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 on April 4, 2024, voted to approve the map amendment with conditions, 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 pursuant to the attached and included minutes and recommendation from the Kenton County Planning Commission, changing the zoning on the map amendment to the Independence Zoning Ordinance changing the described area from PUD (Planned Unit Development), R-CVS (Conventional Subdivision), and R-M (Residential Mixed) to PUD (Planned Unit Development). The applicant is proposing to construct condominiums consisting of 12 buildings with a total of 110 units (13.43 units per net acre). This includes 43.5% open space, 72 driveway parking spaces, 72 garage parking spaces and 113 off-street parking spaces, subject to the applicant agreeing to the following conditions:

1. That the proposed trails be constructed and surfaced with a material that is firm, stable, and slip resistant.

2. That the trail connecting with the north property line be completed prior to zoning permits being issued for the ninth building within the development (ninth building filed, not building number nine).
3. That an amenity be provided within the eastern open space that is readily accessible, available, and usable.
4. That all other conditions provided for in the Additional Information Section of the KCPC Recommendation are followed.

The following is the bases for the map amendment:

1. The proposed map amendment, as conditioned, is generally in agreement with the adopted comprehensive plan. The proposed plan will provide for a variety of new housing within close proximity to existing employment and services. Although the proposed density is above the recommended land use, it is within the scope of the Independence Small Area Study's recommendation that the area consist of higher density residential with designated open space.
2. In order to better comply with the Mobility Element of the comprehensive plan, and to be consistent with the open space requirements of the PUD regulations, it is essential that the trail connecting to the north property line be completed. The destination of this trail is on property that is not owned by the applicant, but by Kenton County. The applicant has received approval from Kenton County.

Also, the submitted development plan does not show any public amenity on the eastern open space. The purpose of the PUD regulations is to provide flexibility while preserving shared open spaces. While connecting a walkway to Chateau Court would be consistent with the Mobility Element, the City Council finds that providing this connection will not be useful given the steep slopes. However, in order to meet the requirements of the PUD regulations, an amenity must be provided within this open space.

3. The submitted Concept Development Plan, as conditioned, meets the minimum requirements of the Independence Zoning Ordinance, except for the following. If approved, sufficient information will be required on the Final Development Plan to show compliance:
 - a. Section 7.06 outlines the fence and wall requirements. The Concept and Final Development Plans must comply with all required improvements, construction standards, design standards and all other engineering standards contained within this Ordinance and other pertinent regulations, except where specifically exempted through the provisions of this Ordinance.
 - b. Section 7.07 outlines the landscaping, screening and buffer requirements for the PUD zone. This includes interior site landscaping, perimeter landscaping, parking lot landscaping, buffer yards, site element landscaping and street tree requirements which will need to be outlined within the Final Development Plan.
 - c. Section 10.18., C., establishes Kentucky Business 17 from the intersection of Kentucky 17 on the north to KY 536 on the south as a designated Congestion Mitigation Corridors. This designation requires an access management plan that may uncover additional coordination of access management and circulation design.

- d. Section 13.03., B., 3., states the Concept and Final Development Plans must comply with all required improvements, construction standards, design standards and all other engineering standards contained within this Ordinance and other pertinent regulations, except where specifically exempted through the provisions of this Ordinance. Sufficient information is required when the Final Development Plan is submitted to include dimensions, any improvements, construction standards and design standards.
- e. Section 13.03., E., 2., c., that firm, stable, and slip resistant surface paths shall be provided in the following locations:
 - i. Paths connecting sidewalks to active recreation areas, such as playgrounds or frisbee golf;
 - ii. Within prominent open space areas that, because of their location and size within the development, will be a primary amenity for the residents of the PUD;
 - iii. Connections between cul-de-sacs to form continuous pedestrian routes through the development.

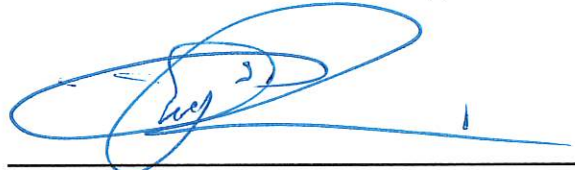
4. Based on testimony provided during the public hearing held on April 4, 2024.

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: May 6, 2024
 Second Reading: June 3, 2024
 Ayes: 5
 Nays: 1

Date of Publication: _____