

**THE CITY COUNCIL MEETING AGENDA
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REMOVAL UP TO MEETING TIME.**



CITY OF INDEPENDENCE
COUNCIL MEETING AGENDA
February 1, 2021
Independence Municipal Center
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

APPROVAL OF COUNCIL MINUTES: Regular Meeting of January 4, 2021 and Special Meeting of January 11, 2021

OLD BUSINESS

- **ORDINANCE NO. 2020-O-02** - Glenhurst Annexation – 2nd Reading

NEW BUSINESS

- **PROPOSED ORDINANCE** – Text Amendment for Alternative Surfacing – 1st Reading
- **RESOLUTION NO. 2020-R-06** – Meadow Glen Stage II

ATTORNEY'S REPORT – Jack Gatlin

CITY ADMINISTRATOR REPORT – Chris Moriconi

MAYOR'S REPORT – Christopher J. Reinersman

EXECUTIVE SESSION in accordance with K.R.S. 61.810(c)

ADJOURNMENT

ORDINANCE NO. 2021-O-02

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF INDEPENDENCE, COUNTY OF KENTON, KENTUCKY CHANGING AN AREA OF APPROXIMATELY 4.12 OF THE GLENHURST SUBDIVISION FROM A-1 (AN AGICULTURAL ZONE) TO R-1D (A RESIDENTIAL ZONE)

WHEREAS, a request for a map amendment was submitted to the Kenton County Planning and Zoning Commission by Greg Berling on behalf of Glenhurst Development, LLC, to change the described areas (Attached and incorporated herein) from A-1 (an agricultural zone) to R-1D (a single-family residential 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 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 approves said Zoning Map Amendment, changing the zoning of the described areas (Attached and incorporated herein) from A-1 (an agricultural zone) to R-1D (a single-family residential zone)

The aforementioned map amendment, as recommended by the Kenton County Planning and Zoning Commission, is adopted and amended upon the following bases:

- 1) While the proposed map amendment is not in agreement with the Recommended Land Use map designation, KCPC finds that it is generally in agreement with the adopted comprehensive plan. It will allow additional housing development in an area that is appropriate for new housing development based on the existing conditions of the area. The proposed map amendment is also under ½ a mile from the KY 536 and 1303 Community Service Area, which recommends moderate density residential in the area to support future mixed-use development.
- 2) Based on testimony provided during the public hearing held on December 3, 2020.

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.

ATTEST:

Christopher J. Reinersman, Mayor

Gina Gabbard, City Clerk

First Reading: January 4, 2021

Second Reading: February 1, 2021

Ayes: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2021-O-

AN ORDINANCE AMENDING THE INDEPENDENCE ZONING ORDINANCE BY ADDING REGULATIONS TO ALLOW ALTERNATIVE SURFACING FOR NEW OFF-STREET PARKING FOR PASSIVE RECREATION

WHEREAS, a request for a text amendment to the Independence Zoning Ordinance was submitted to the Kenton County Planning Commission by the City of Independence, for the consideration of a text amendment adding regulations to allow alternative surfacing for new off-street parking for passive recreation, and adding a definition for passive recreation”; and

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

WHEREAS, the Kenton County Planning Commission, upon reviewing the PDS staff recommendations and after holding a public hearing on January 7, 2021, voted to approve the text amendment on the basis that the text amendment is allowed to be included within the text of the zoning ordinance, as authorized by Kentucky Revised Statute (KRS) 100.203(1).

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 text amendment, attached hereto as Exhibit “A” incorporated by reference herein, adding regulations to allow alternative surfacing for new off-street parking for passive recreation, and adding a definition for passive recreation on the following bases:

1. The proposed text amendments are authorized to be included within the City’s zoning ordinance per Kentucky Revised Statutes (KRS) 100.203 (1) (see Attachment A).
2. The proposed text amendment is reasonable and appropriate. Alternative surfacing for passive recreation provides surfaces that allow the percolation of water into the underlying soil, which reduces the stormwater runoff from property. In addition, the Zoning Administrator and City officials may provide approval with or without conditions to ensure that pervious surfaces are as functional and durable as traditional materials like asphalt or concrete.
3. The proposed text amendments will not have an adverse effect on the public health, safety, or welfare and will not be injurious to the public residing in or moving through the area as alternative surfacing will be limited to one specific type of use. The proposed text requires a review by the Zoning Administrator and City officials who may approve with conditions if deemed necessary.
4. Based on testimony provided during the public hearing held on January 7, 2021.

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: February 1, 2021

Second Reading: _____

Ayes: _____

Nays: _____

Publication Date: _____

RESOLUTION NO. 2021-R-06

A RESOLUTION OF THE CITY OF INDEPENDENCE, KENTUCKY, CONDITIONALLY, AUTHORIZING AND APPROVING THE STAGE II DEVELOPMENT PLAN FOR AN APPROXIMATE 12.03-ACRE AREA LOCATED ALONG THE SOUTHWEST SIDE OF WEBSTER ROAD, (Meadow Glen Subdivision Phase VIII).

WHEREAS, On September 13, 2004 Independence City Council adopted Ordinance 2004-O-15, changing the zoning of the area from R-1C to R-1C (PUD), subject to the following conditions.

- i. That the area of the proposed Wolsing Park be dedicated to a public and/or private entity for operation and maintenance and remain publicly accessible as part of the “park-link” system identified in the Area-Wide Comprehensive Plan Update.
- ii. That the height of structures not exceed thirty-five (35) feet.
- iii. That pedestrian access to the area of the proposed Homeowner’s Association and connection to Wolsing Park be provided to the northwest and southwest area of the site.
- iv. That the additional access point to the Arlinghaus property fronting on Webster Road be provided as identified in the colored version of the submitted development plan.
- v. That each dwelling unit be provided with a minimum of two (2) off-street parking spaces.
- vi. That the location, height, and type of all fences, walls, and signs be in general conformity with the underlying R-1C Zone.
- vii. That no lots in the development will be less than sixty (60) feet in width at the building setback line.
- viii. That the lots in the section of the development located adjacent to the western boundary line of the development will not be less than eighty (80) feet in width at the building setback line.
- ix. That the total number of lots not exceed 385.
- x. At such time as one-half (1/2) of the lots in the development are developed, Webster Road be widened and paved to a width of twenty-two feet from Independence Station Road back only to a point of intersection of the access street for the development with Webster Road.
- xi. That all lots within the development face the internal area of the development and not outward toward perimeter streets and that no curb cuts be permitted from Webster Road to lots abutting Webster Road.
- xii. That the minimum rear yard setback line of those lots only whose rear lot line abuts along the western right-of-way line of Webster Road be increased from twenty-five feet to fifty feet including the greenbelt area.

xiii. That there be a greenbelt restriction along the most easterly rear fifteen (15) feet of those lots only abutting along the western right-of-way line of Webster Road establishing such area as a natural greenbelt area, which shall prohibit the removal of trees and shrubbery from within the greenbelt area.

xiv. That there be a Homeowner's Association which shall provide for assessments to assure maintenance of common areas and further provide that in the event of a default the Homeowner's Association, title to common areas shall revert to the developer, its successors or assigns.

xv. That the applicant plant pine or evergreen trees at least four (4) to six (6) feet in height within the Webster greenbelt area not currently heavily wooded and vegetated, within six (6) months of commencement of grading on the Wolsing property.

xvi. That Wolsing Woods Park property be subject to a perpetual Declaration of restrictive covenants restricting the use of said park to green space and a natural preservation area.

WHEREAS, in 2020, The City of Independence adopted an ordinance (2020-O-09) to amend the ordinance from 2004. This amended ordinance altered the original condition regarding required improvements to Webster Road. The amended condition now requires the following:

a. At such time as there are only 50 lots remaining to be developed in the subdivision, Webster Road be widened and paved to a width of 17 feet from Independence Station Road back only to the point of intersection of the access street for the development with Webster Road in accordance with drawings submitted to the City by Fischer Homes and Cardinal Engineering.

b. Construction drawings including the last 50 lots, Webster Road improvements and the second water main connection along Webster Road will be prepared and submitted for review and approval to the appropriate governmental agencies following adoption of this Ordinance. Regarding the last 50 lots, no lots shall be platted nor will building permits be issued until such time that the Webster Road improvements and associated second water main connection as required by the agreement dated August 14, 2020 between the Northern Kentucky Water District and the developer are constructed. Furthermore, if the Webster Road improvements and associated second water main connection are not constructed by December 31, 2021, the required width of Webster Road reverts back to 22 feet and the second water main connection will be constructed as referenced in the agreement between the Northern Kentucky Water District and the Developer.

WHEREAS the R1-C (PUD) Zone specifically requires the City of Independence Council to approve all Stage II Development Plans to make sure the intent and spirit of the Zone is being maintained.

NOW, THEREFORE, be it resolved this the 1st day of February 2020, by the City of Independence, Kentucky, Kenton County, Kentucky.

The submitted Stage II Development Plan, by Grand Communities LTD per Dave Stroup, for an approximate 12.03-acre parcel of land along the southwest side of Webster Rd., be approved with the following conditions:

- 1) That the applicant plant pine or evergreen trees at least 4 to 6 feet in height within the Webster greenbelt area not currently heavily wooded and vegetated, within 6 months of commencement of grading on the Wolsing property.
- 2) All additional conditions considered on the January 22, 2001 Staff Report.

PASSED, ADOPTED AND APPROVED by Council on February 1, 2021.

Members present voting in favor: _____

Members present voting against: _____

Christopher J. Reinersman, Mayor

ATTEST:

Gina Gabbard, City Clerk