



COUNCIL MEETING AGENDA

November 13, 2023

Independence Municipal Center
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

APPROVAL OF COUNCIL MINUTES: Regular Meeting of October 2, 2023

POLICE - SWEARING IN

PRESENTATION OF AUDIT - VonLehman

OLD BUSINESS

- **ORDINANCE NO. 2023-O-16** – Map Amendment – 17/Harris Pike– 2nd Reading

NEW BUSINESS

- **PROPOSED ORDINANCE** – Text Amendment to SI Zone – 1st Reading
- **PROPOSED ORDINANCE** – Map Amendment to SI Zone – 1st Reading
- **RESOLUTION NO. 2023-R-13** – NKY Police Academy

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. 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 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, 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. 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: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2023-O-

AN ORDINANCE AMENDING THE TEXT OF THE INDEPENDENCE ZONING CODE CREATING A NEW ZONE, THE SUBURBAN INDUSTRIAL (SI) ZONE, INCLUDING ADDING THE ZONE TO THE USE TABLE, DEVELOPMENT STANDARDS (CHARACTER STANDARDS, LIGHTING, FENCING, AND LANDSCAPING), AND SIGNAGE

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 proposing a new Industrial Zone, the Suburban Industrial (SI) Zone. This includes adding the zone to the use table, development standards (character standards, lighting, fencing, and landscaping), and signage; 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 October 5, 2023, voted to approve the text amendment, 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, creating a new Industrial Zone, the Suburban Industrial (SI) Zone, including adding the zone to the use table, development standards (character standards, lighting, fencing, and landscaping), and signage for the following reasons:

1. The proposed text amendments are authorized to be included within the text of the Independence Zoning Ordinance per KRS 100.203 (1) (See Attachment A).
2. The proposed text amendments, as conditioned, are appropriate. While one of the goals of updating the Independence Zoning Ordinance was to reduce the number of zoning districts, other goals include:

- a. Protecting the unique character of the City; and
- b. Avoiding legal pitfalls.

These goals sometimes conflict with each other, and the City has to decide what goal is more important from a policy perspective. In this case, to allow an existing self-storage business to conform while limiting the proliferation of new self-storage businesses outweighs creating additional zoning districts.

3. The stated purpose of the new SI Zone is to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the community, and may include uses that have extensive outdoor storage/service areas. Staff finds that "Manufacturing, heavy" and "Mining, quarrying and crude petroleum and natural gas production" are not consistent with the purpose of the new zone.

4. Based on testimony provided during the public hearing held on October 5, 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: _____ November 13, 2023

Second Reading: _____

Ayes: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2023-O-

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF INDEPENDENCE, COUNTY OF KENTON, KENTUCKY FROM GI (GENERAL INDUSTRIAL) TO SI (SUBURBAN INDUSTRIAL) FOR 4290 RICHARDSON ROAD; AN AREA OF APPROXIMATELY 9.3 ACRES LOCATED ON THE SOUTH SIDE OF RICHARDSON ROAD BETWEEN CATALPA DRIVE TO THE EAST AND DIXIE HIGHWAY TO THE WEST, APPROXIMATELY 800 FEET WEST OF CATALPA DRIVE

WHEREAS, a request for a map amendment was submitted by the City of Independence on behalf of the property owner, to change 4290 Richardson Road; an area of approximately 9.3 acres located on the south side of Richardson Road between Catalpa Drive to the east and Dixie Highway to the west, approximately 800 feet west of Catalpa Drive in Independence, from GI (General Industrial) to SI (Suburban Industrial);

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

WHEREAS, the Kenton Co, 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 pursuant to 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 SI Zone will permit industrial uses in a strategic area of the county identified for industrial uses.
2. Based on testimony provided during the public hearing held on October 5, 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: November 13, 2023

Second Reading: _____

Ayes: _____

Nays: _____

Publication Date: _____

RESOLUTION NO. 2023-R-13

A RESOLUTION OF THE CITY OF INDEPENDENCE, KENTUCKY, SUPPORTING THE CREATION OF A NORTHERN KENTUCKY BRANCH OF THE DEPARTMENT OF CRIMINAL JUSTICE TRAINING POLICE ACADEMY

WHEREAS, Kentucky law established the Department of Criminal Justice Training (DOCJT), a branch of the Justice and Public Safety Cabinet, to certify and train all Kentucky Police Officers; and

WHEREAS, the current training facility for Basic Training of new police recruits is located in Richmond, Kentucky and is the only option available to the majority of Kentucky police departments to train new recruit officers; and

WHEREAS, the current wait time for agencies across Kentucky to get newly hired recruits into the required Basic Training program at DOCJT is approximately six (6) months after the completion of the hiring process; and

WHEREAS, the combination of the hiring process for police officers required under Kentucky law, the wait time to start basic training, and the length of the required training routinely leaves agencies across the state without a trained officer for a period of at least one year;

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

That the City of Independence strongly supports the creation of a new DOCJT training facility in Northern Kentucky to aid in alleviating the time required to get newly hired police officers trained and in service to the communities throughout the Commonwealth.

Done this 13th day of November 2023 on a Motion made by Council Member _____ and seconded by Council Member _____.

Members present voting in favor: _____

Members present voting against: _____

BY: _____
Christopher J. Reinersman, Mayor

ATTEST:

Gina Rawe, City Clerk