



CITY OF INDEPENDENCE

COUNCIL MEETING AGENDA

October 2, 2023

Independence Municipal Center
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

APPROVAL OF COUNCIL MINUTES: Special Meeting of September 18, 2023

OLD BUSINESS

NEW BUSINESS

- **PROPOSED ORDINANCE** – Map Amendment – 17/Harris Pike– 1st Reading
- **RESOLUTION NO. 2023-R-12** – Trailer Regulations

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-

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: _____

Ayes: _____

Nays: _____

Publication Date: _____

RESOLUTION NO. 2023-R-12

A RESOLUTION OF THE CITY OF INDEPENDENCE, KENTUCKY SPONSORING A PROPOSED TEXT AMENDMENT TO ARTICLE 10.13 PARKING & LOADING STANDARDS AND ARTICLE 14 DEFINITIONS

WHEREAS, KRS 100.211(3) provides that a proposal for a text amendment may originate with the legislative body; and

WHEREAS, the City of Independence desired to have planning staff consider modernizing the Zone including text for parking of trailers and campers, and;

WHEREAS, it is the intent of the legislative body to sponsor and direct PDS to study the proposed text for KCPC to conduct a public hearing on a proposed text amendment and make a recommendation concerning the application.

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

The City Administrator, as an agent of the City's legislative body, may apply and propose the following to be studied and set for public hearing pursuant to KRS 200.211:

Proposed Text Amendments to Independence Zoning Ordinance
Words to be deleted are [lined through] – Words to be **added** are underlined

**ARTICLE 10
PARKING & LOADING STANDARDS**

10.13 Parking, Storage, or Use of Campers, Boats, Trailers, or Recreational Vehicles and Other Similar Equipment

A. Within residential and mixed-use zones

1. It shall be unlawful to park or to keep any truck with a gross vehicle weight in excess of 18,000 pounds, or any trailer, recreational vehicle, camper, boat, or similar type of equipment with a length in excess of thirty-nine (39) feet, at any place on property located in a residential district zone, except in a completely enclosed garage. It shall also be unlawful to park or keep any semi-tractor trailer, regardless of length, on property located in a residential district zone.
2. Only one such vehicle or piece of equipment may be stored or parked on a residential lot, except within an enclosed building.
3. No such vehicle or equipment shall be permanently stored in a front yard.
4. A flatbed utility trailer may be stored in the property owner's driveway at all times of the year provided that the trailer is kept empty and in good working order.

5. Vehicles or other similar equipment permanently stored in the side yard is a conditional use and subject to approval of the board of adjustment, as set forth in Section 13.08, and must be stored on an all-weather surface. Access must be provided entirely on the lot, or via an access agreement, but a paved driveway is not required.
6. Vehicles or other similar equipment permanently stored in the rear yard must be stored on an all-weather surface. Access must be provided entirely on the lot, or via an access agreement, but a paved driveway is not required.
7. A vehicle may be stored in a front yard or side yard for the purpose of unloading a vehicle, washing a vehicle or some other similar, temporary purpose. The vehicle, however, must be removed from the front yard or side yard once the purpose for temporarily parking the vehicle is accomplished. Temporary for this regulation shall mean less than 72 hours. Campers, boats and recreational vehicles may be stored in a driveway for up to 96 consecutive hours.
8. No such equipment shall be used for living, sleeping, or housekeeping purposes on any lot.

B. Within non-residential zones where permitted

1. Must be screened from public view by building facades or solid fence.
2. Shall be maintained with a paved surface or compacted gravel or crushed stone.

ARTICLE 14
DEFINITIONS

14.02 Definitions

Flatbed Utility Trailer – A mobile unit that is designed to be attached to and have its front end supported by a motor vehicle for the purpose of hauling materials. No such trailer shall be greater than twenty (20) feet in length, eight (8) feet in width, and five (5) feet tall.

Done this 2nd day of October 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