



CITY OF INDEPENDENCE
SPECIAL COUNCIL MEETING AGENDA

August 26, 2024
Independence Municipal Center
Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL OF MEMBERS

OLD BUSINESS

NEW BUSINESS

- **RESOLUTION NO. 2024-R-14** – Final Development Plan for Madison Pike Condos
- **PROPOSED ORDINANCE** - Tax Rates for 2024-2025 – 1st Reading
- **PROPOSED ORDINANCE** - Employee Pay Classification – 1st Reading

ATTORNEY'S REPORT – Jack Gatlin

CITY ADMINISTRATOR REPORT – Chris Moriconi

MAYOR'S REPORT – Christopher J. Reinersman

ADJOURNMENT

City of Independence, Ky.
RESOLUTION NO. 2024-R-14

A RESOLUTION OF THE CITY OF INDEPENDENCE, KENTUCKY APPROVING THE FINAL DEVELOPMENT PLAN AT 5306 MADISON PIKE, 5298 MADISON PIKE, 5308 CHATEAU COURT, 5306 CHATEAU COURT, AND APPROXIMATELY 0.5 ACRES AT THE TERMINUS OF CHATEAU COURT 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.

WHEREAS, In 2007, the Independence Small Area Study (P-07-08-02) was conducted which was a recommendation based off a Comprehensive Plan Update. The subject area was recommended for commercial and high-density residential conservation district. The study recommends bringing buildings closer to the street and providing accessibility to pedestrians and motorists. The subject area along with an open/green space to the south of McCullum Pike (the area of this map amendment within the current R-M zoning) is recommended to be conserved through the conservation development model, which provided that residential development should occur with higher density in the core residential area within Madison Pike (KY 17) and "New" KY 17 to help support commercial/retail developments within Downtown Independence (the current PUD zoning). Residential densities within these areas could be increased up to 30 percent above the density of an underlying residential zone if open space is designated to preserve the natural lands to become community-wide open space. This also enhances a pedestrian-friendly neighborhood and adds more opportunities for community-oriented activities which increases community pride and quality of life. In this design model, every effort should be made to connect each street with another, interconnect streets, and adjoin other adjacent developments; and

WHEREAS, In 2012, the portion of this map amendment area that falls within the current PUD zoning was re-zoned to Downtown Independence zone. This change was based off the small area study in 2007; and

WHEREAS, In 2021, the new Z21 zoning ordinance was adopted changing the DI zone to PUD, and the CD-SF zone to R-M, and the Hartland subdivision to R-CVS; and

WHEREAS, In 2024, there was a map amendment request for the subject area from PUD, R-M, and R-CVS to PUD (PC-24-0007-MA). KCPC provided an unfavorable recommendation. The request was withdrawn by the applicant prior to the City Council's public hearing.

WHEREAS, In April 2024, Madison Pike Partners, LLC on behalf of ANR Logistics, LLC, Josh Deters, and Arlinghaus Builders, Inc, Property Owners, applied for a map amendment to change 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 (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. This was approved on the following four (4) conditions:

- a) That the proposed trails be constructed and surfaced with a material that is firm, stable, and slip resistant.
- b) That the trail connecting with the north of the property line be completed prior to zoning permits being issued for the ninth building within the development (ninth building filed, not building number nine).
- c) That an amenity be provided within the eastern open space that is readily accessible, available, and usable.
- d) That all other conditions provided by the Additional Information Section of the KCPC Recommendation are followed.

WHEREAS, In July 2024, PDS staff received a request for a Stage II plan 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.

NOW, THEREFORE, be it resolved this the 26th day of August 2024, by the City of Independence, Kentucky, Kenton County, Kentucky, that the Independence City Council approves the Final Development Plan 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 on the basis that it is in substantial compliance with the Independence Zoning Ordinance, the approved Concept Development Plan, Ordinance 2024-O-06, and the Kenton County Subdivision Regulations with the following conditions:

1. Building and zoning permits are required prior to construction.
2. Section 6.09 A., 1., of the Independence Zoning Ordinance requires the Subdivision Regulations to be followed for all new streets and sidewalk provisions. Streets and sidewalks will be reviewed during a separate application as part of the subdivision process.
3. Section 4.3-2 of the Kenton County Subdivision Regulations state that all stormwater drainage systems shall comply with the Northern Kentucky Regional Storm Water Management Program Rules and Regulations of Sanitation District No. 1 (SD1-s Storm Water Regulations). A drainage map and drainage calculations have been submitted indicating compliance with SD1's regulations. Approval from SD1 will need to be provided with permit applications.
4. The declaration of covenants needs to be approved by the City prior to final plat and building permit approval and will include:

- a. Rentals are not permitted, except under extreme circumstances, and will not exceed one year and will need the homeowner's association board's approval.
- b. Multiple units will not be owned by the same individual or ownership entity.

Done this 26th day of August 2024 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

ORDINANCE NO. 2024-O-

AN ORDINANCE OF THE CITY OF INDEPENDENCE, IN KENTON COUNTY, KENTUCKY, PROVIDING FOR THE ANNUAL ASSESSMENT OF ALL REAL ESTATE AND PERSONAL PROPERTY WITHIN THE CITY OF INDEPENDENCE, WHICH IS SUBJECT TO TAXATION THEREBY, FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2024, AND ENDING ON JUNE 30, 2025, AND PROVIDING FOR THE PAYMENT AND COLLECTION OF SUCH TAXES AND THE PENALTIES AND INTEREST THEREON; AND DESCRIBING THE PURPOSE FOR WHICH THE TAXES SO COLLECTED SHALL BE APPROPRIATED AND USED.

BE IT ORDAINED BY THE CITY OF INDEPENDENCE, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

The City of Independence hereby provides for the assessment of all real and personal property within the City of Independence, which is subject to taxation thereby, for the fiscal year which begins on July 1, 2024 and ends June 30, 2025 by the use of the last annual assessment thereof, by the Property Valuation Administrator of Kenton County, Kentucky.

SECTION II

The following ad valorem taxes for the fiscal year beginning on July 1, 2024 and ending on June 30, 2025 are hereby levied, assessed and imposed by and for the City of Independence, upon the following described property which is subject to taxation within the City of Independence, and the owners thereof, jointly and severally:

- A. An ad valorem tax on **real property**, at the rate of **\$0.22 Dollars for each One Hundred Dollars (\$100.00)** of the value thereof, as assessed pursuant to the provisions hereof; and
- B. An ad valorem tax on all **personal property** other than motor vehicles at the rate of **\$0.534 Dollars for each One Hundred Dollars (\$100.00)** of the value thereof, as assessed pursuant to the terms and provisions hereof; and

SECTION III

The taxes levied pursuant to the terms hereof shall be due and payable on or before December 31, 2024 at the Office of the City Clerk, and shall be subject to a discount of 2% if paid before the end of the business day on November 1, 2024. If said taxes due hereunder are not paid by midnight on the evening of December 31, 2024 a **penalty of 15 % thereof, plus interest thereon at the rate of 6% per annum** will be attached effective January 1, 2025 until paid, plus the cost of collection, including without limitation, court costs and attorney's fees.

SECTION IV

In order to secure the payment of the ad valorem taxes hereby levied and assessed, and all penalties, interest, fees, commissions, charges and other expenses, including court costs and attorney's fees, incurred by reason of any delinquency in the payment thereof or the process of collection, the City of Independence has a lien therefore upon the property upon which such taxes are hereby levied and assessed; and such lien has priority over all other obligations or liabilities for which the property is liable, except state and county taxes, with which it has equal priority.

SECTION V

The provisions of this ordinance are severable, and the invalidity of a provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

SECTION VI

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Christopher J. Reinersman, Mayor

ATTEST:

Gina Rawe, City Clerk

First Reading: August 26, 2024

Second Reading: _____

Ayes: _____

Nays: _____

Publication Date: _____

ORDINANCE NO. 2024-O-

**AN ORDINANCE OF THE CITY OF INDEPENDENCE IN KENTON COUNTY, KENTUCKY,
AMENDING ORDINANCE NO. 2024-O-09 WHICH ENACTS A PERSONNEL AND PAY
CLASSIFICATION PLAN PURSUANT TO KRS 83A.070(3).**

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF INDEPENDENCE IN
KENTON COUNTY, KENTUCKY AS FOLLOWS:**

WHEREAS, the City of Independence maintains job descriptions and a pay scale for its employees in accordance with its annual budget, and

WHEREAS, KRS 83A.070 requires the legislative body of each city to adopt by ordinance personnel and pay classification plan, it is hereby ordained as follows:

SECTION I

That the amended Personnel and Pay Classification Plan attached hereto and marked as Exhibit "A", sets forth the job title and pay scale for each employment position of the City of Independence, which have been developed and authorized in accordance with the City's annual budget previously adopted by ordinance.

SECTION II

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

SECTION III

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IV

This ordinance shall be effective as soon as possible according to law.

SECTION V

This ordinance shall be published in summary pursuant to KRS 83A.060(9)

Christopher J. Reinersman, Mayor

ATTEST:

Gina Rawe, City Clerk

First Reading August 26, 2024

Second Reading: _____

Ayes: _____

Nays: _____

PUBLICATION DATE: _____