

COMMISSIONERS' ORDINANCE NO. 0-31-19

AN ORDINANCE APPROVING A MAP AMENDMENT TO THE COVINGTON ZONING ORDINANCE REZONING THE PARCEL LOCATED AT 303 COURT STREET FROM CG-3P TO CDB-9P.

* * * *

WHEREAS, Al. Neyer LLC submitted an application requesting that the Kenton County Planning Commission (KCPC) review and make recommendations on a map amendment to the City of Covington Zoning Ordinance changing 303 Court Street, Covington, Kentucky 41011, PIDN: 054-14-06-001.00, an area of approximately 0.57 acres located as a standalone block, from CG-3P (a general commercial zone) to CBD-9P (a central business zone); and

WHEREAS, a public hearing was held before the Kenton County Planning Commission on Thursday, September 5, 2019, regarding this matter and the Kenton County Planning Commission recommended approval of the map amendment; and

WHEREAS, the Board of Commissioners, reviewing the Kenton County Planning Commission's Staff Comments, Findings, and Recommendations finds that the proposed changes are in compliance with the City's Comprehensive Plan, and agrees with the recommendation to amend the zoning map as indicated in the caption of this ordinance.

NOW THEREFORE,
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

City of Covington Board of Commissioners hereby adopts the findings set forth above and the recommendations and findings of fact referenced in the Kenton County Planning Commission's Statement of Action and Recommendations, which are attached hereto as Exhibit A and incorporated herein by reference.

Section 2

The Official Zoning Map of the City of Covington is amended as follows:

The zoning designation of the approximately 0.57 acres at 303 Court Street, Covington, Kentucky be rezoned from CG-3P to CDB-9P.

Section 3

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, if any, hereby repealed.

Section 4

This ordinance shall take effect and be in full force when passed, published and recorded according to law.

Joseph U Meyer
MAYOR

ATTEST:

Margaret M Lyhan
CITY CLERK

Passed: 10-15-19 (Second Reading)
10-1-19 (First Reading)

DATE	TIME	PLACE	BY
10-15-19	5:00 PM	CITY CLERK	MARGARET M LYHAN
10-1-19	5:00 PM	CITY CLERK	MARGARET M LYHAN
Witness Dsjs			

Meeting Date:					
ORD.: 1ST		2ND			
OR:					
	Bowman	2 Downing	Smith	1 Williams	Meyer
Yeas	✓	✓		✓	✓
Nays			✓		
Present, not Voting					

Exhibit A

Planning Commission Recommendation



Kenton County Planning Commission
MANY COMMUNITIES / ONE FUTURE

September 10, 2019

David Johnston – City Administrator
City of Covington
303 Court St.
Covington, KY 41011

Dear Mr. Johnston:

NUMBER: PC1908-0002

Attached please find a copy of this Commission's action from its meeting on September 5, 2019 regarding a proposed map amendment to the Covington Zoning Ordinance. (The proposal was submitted by Al. Neyer, LLC per David Okun). Copies of this action have been sent to those persons or agencies which may be affected by this matter.

Please notify Emi Randall, Director of Planning & Zoning, of the meeting time and date when this item is placed on your agenda. Once your legislative body acts on this map amendment, please provide our staff at PDS with a copy of your executed ordinance. For questions regarding our action or to request PDS staff representation at your meeting, please contact Emi Randall, AICP, RLA, Director of the Planning and Zoning Administration Department at PDS 859.331.8980 or erandall@pdskc.org.

Please note that per KRS 100, map amendments require action by the legislative body within 90 days of the Planning Commission's action. If no action is taken, the Planning Commission's recommendation shall become final and effective.

Thank you.

A handwritten signature in blue ink, appearing to read "Paul J. Darpel".

Paul J. Darpel,
Chair

pb

attachment

c: David Okun, Al Neyer LLC, Applicant

**KENTON COUNTY PLANNING COMMISSION
STATEMENT OF ACTION AND RECOMMENDATION**

NUMBER: PC1908-0002

WHEREAS

Al. Neyer, LLC per David Okun, LLC, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: A proposed map amendment to the Covington Zoning Ordinance changing 303 Court Street; an area of approximately 0.57 acres located as a standalone block bounded by Court Street, Park Place, East 3rd Street, and Scott Street, from CG-3P (a general commercial zone) to CBD-9P (a central business zone) including review and actions on variances as permitted by the Covington Zoning Ordinance; the applicant proposes to increase the height of an existing nonconforming structure with a setback of 11 feet along Court Street and 20 feet along Park Place and East 3rd Street, where a maximum of five feet is permitted; and, to redevelop the existing building for a maximum of 130 apartment dwelling units and ground floor retail sales; AND

WHEREAS

A PUBLIC HEARING WAS HELD ON THIS APPLICATION ON THURSDAY, SEPTEMBER 5, 2019 AT 6:15 P.M., IN THE PLANNING AND DEVELOPMENT SERVICES OF KENTON COUNTY'S FIRST FLOOR MEETING ROOM, 2332 ROYAL DRIVE, FORT MITCHELL, KY.; AND A RECORD OF THAT HEARING IS ON FILE AT THE OFFICES OF THE KENTON COUNTY PLANNING COMMISSION, 2332 ROYAL DRIVE, FORT MITCHELL, KENTUCKY.

NOW, THEREFORE,

THE KENTON COUNTY PLANNING COMMISSION SUBMITS THE FOLLOWING RECOMMENDATIONS, ALONG WITH SUPPORTING INFORMATION AND COMPREHENSIVE PLAN DOCUMENTATION:

KPCPC RECOMMENDATION/ACTION – COVINGTON ZONING ORDINANCE:

Recommendation on Map Amendment

Favorable recommendation on the proposed map amendment and changing the site in question from CG-3P to CBD-9P, subject to the applicant agreeing to the following conditions:

1. That the corresponding text amendments adding a new -9 intensity designation and allowing the new intensity designation within the CBD Zone (PC1907-0006) be adopted prior to or simultaneous with this map amendment.
2. That bicycle racks be provided at the main entrances to the building.

Action on Variances

Approval of the requested variances of the Covington Zoning Ordinance where the existing nonconforming structure is setback 11 feet along Court Street and 20 feet along Park Place and East 3rd Street, where a maximum of five feet is permitted.

COMPREHENSIVE PLAN DOCUMENTATION:

- Date of Adoption by the Kenton County Planning Commission: September 5, 2019.

SUPPORTING INFORMATION/BASES FOR KCPC RECOMMENDATION ON MAP AMENDMENT:

1. The KCPC finds that the proposed map amendment is consistent with the goals, objectives, and recommendations of *Direction 2030*, the *Roebing Point Small Area Study*, and the *Covington City Center Action Plan*.
2. The Mobility Element and the *Roebing Point Small Area Study* encourages multimodal connections by adding or improving bicycle facilities. Staff recommends that bicycle racks be installed by the main entrances to the building in order to better meet the recommendations of the *Roebing Point Small Area Study* and the Mobility elements of *Direction 2030*,
3. Based on testimony provided during the public hearing held on September 5, 2019.

SUPPORTING INFORMATION/BASES FOR KCPC ACTION ON VARIANCES:

1. The variance requests will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the zoning regulations. The nonconforming structure has been in existence for many years. Improvements to the site in question will not be out of character with the general vicinity, which is characterized by a dense urban fabric with a mixture of residential, institutional, office, and commercial uses.
2. Based on testimony provided during the public hearing held on September 5, 2019.

Additional Information

1. While not required on the Stage I Development Plan, if approved, the applicant will have to provide the following additional information as part of the plans submitted for permits:
 - a. Section 3.05.02 provides standards for Ground-Floor Transparency. Building elevation plans will need to be submitted to determine compliance with this regulation.
 - b. Section 7.11.06., states that no lighting shall be permitted which glares from onto any right-of-way or into any adjacent property. A photometric plan will need to be submitted to determine compliance with this regulation.
 - c. Section 7.11.07., states that all new off-street parking areas shall be paved with asphalt concrete or Portland Cement concrete. Pavement cross sections are required to determine compliance with this regulation.
 - d. Section 7.12 states the following about access points:
 - i. Section 7.12.09 states that plans for all access points, including plans to use existing access points where a change of use for any tract of land would generate more traffic than the previous use, must be submitted to the Zoning Administrator and the Planning Commission staff.
 - ii. Section 7.12.05, A., states that unsignalized access point onto arterial streets must be spaced a minimum of 600 feet apart. Access may be located on an intersecting local street if it is spaced at least 100 feet from the arterial street. If

- a tract has no means of access that meets these requirements, then one temporary access point is permitted.
- iii. Section 7.12.07 states that when situations development that require special treatment, a traffic engineering report must be prepared by a qualified traffic engineer establishing that the special treatment will have no adverse effects on the roadway safety or capacity.

The submitted development plan indicates the reuse of two access points off of Scott Street which do not meet the spacing requirements. Because the proposal is to reuse an existing building, it is likely not possible to meet the spacing requirements of the Zoning Ordinance. While the proposed access points might represent the best access to the site, the Covington Zoning Ordinance still requires a traffic impact study to ensure the access points will have no adverse effects on the roadway safety or capacity. The applicant should work with PDS staff, KYTC, and City representatives to define the scope of the study.

- e. 8.02 of the Covington Zoning Ordinance sets forth landscaping requirements. While the submitted development plan does indicate proposed landscaping, detailed information on the type of plants being provided has not been submitted. A detailed landscape plan will need to be submitted to determine compliance with this regulation.
 - f. Section 8.02.02 sets forth screening and fencing requirements. If any fences or walls are proposed, sufficient information will need to be submitted to determine compliance with this regulation.
 - g. Section 10.12, regulates signs within the general business and commercial districts. Sufficient information will need to be submitted to determine the size, height, and setbacks of any proposed signs.
2. On August 28, 2019, PDS staff received an email from the applicant stating that they were in agreement with Staff's recommended conditions.

ATTACHMENT PC1908-0002

SUMMARY OF THE EVIDENCE AND TESTIMONY PRESENTED BY THE PROPONENTS/OPPONENTS OF THE PROPOSED MAP AMENDMENTS

(NOTE: This summary was compiled by the Commission's secretary in compliance with 100.211 (1). It is believed to be accurate, but has not been reviewed or approved by the Commission. A summary will be found in the officially approved minutes, which will be available following the next meeting of the Commission.)

ISSUE

A proposal by Al Neyer, LLC per David Okun for a proposed map amendment to the Covington Zoning Ordinance changing the described area from CG-3P (a general commercial zone) to CBD-9P (a central business zone) including review and actions on variances as permitted by the Covington Zoning Ordinance; the applicant proposes to increase the height of an existing nonconforming structure with a setback of 11 feet along Court Street and 20 feet along Park Place and East 3rd Street, where a maximum of five feet is permitted; and, to redevelop the existing building for a maximum of 130 apartment units and ground floor retail sales.

PROPONENTS

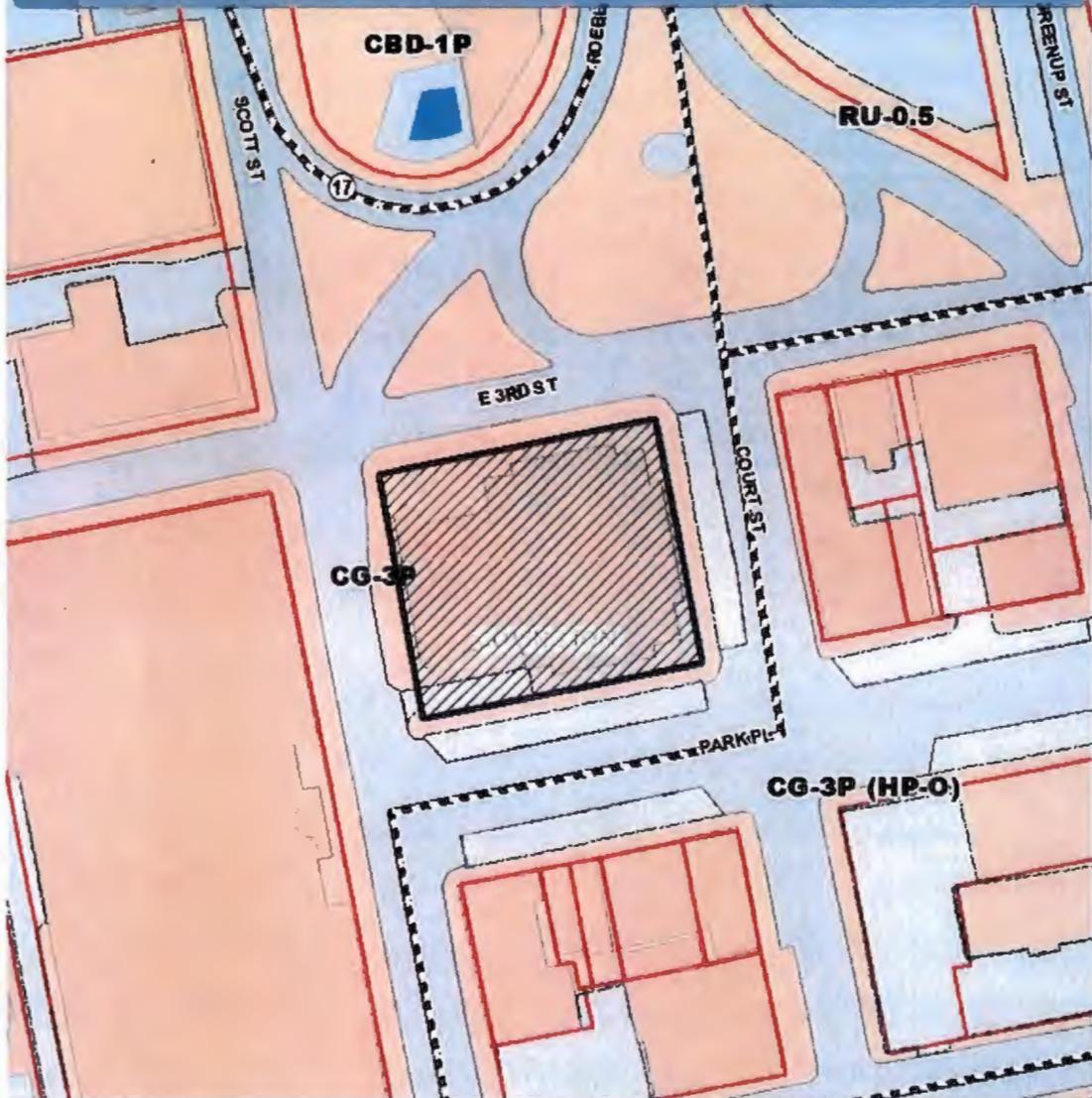
The applicant addressed the Commission in favor and stated they are very excited about the project and have already gotten a lot of positive feedback. An additional proponent addressed the Commission and stated this actually the second phase of the development. He stated Staff did a great job summarizing the site plan. He noted what he would add is the northern point is a limited access point for trucks going in and out to the dumpster. He noted the parking lot in front would be more for residents and Uber eats, etc. The proponent stated the building has been around for quite a while and is primed to be redeveloped. He noted one of the neat things about the structure is that the original construction will allow for balconies on almost every unit. The proponent additionally commented they would like to get up a little higher due to the IRS building and to maximize the views which will be stunning. He stated they are going to be able to introduce glass on the lower floors and lighten it up. The proponent stated they think the commercial property is going to be very nice too. He stated the building will light up at night and have a nice glow to it. He noted as an architectural rehab they are very excited about what this can be.

OPPONENTS/NEUTRAL PARTIES

There were no opponents or neutral parties registered to speak on the issue.

Bases for Staff Recommendation: The PDS Staff Recommendation is on file at the PDS office.

PC1908-0002



Buildings	Roads	Utilities	Topography
Building	Paved Road	Street	100m Contour
Pool	Unpaved Road	Water Structure	Intermediate Contour
Tank	Bridge	Water Pipe	Creek / Stream
Concrete Pad	Paved	Water Hydrant	Road / L&L
Drainage	Parking		
Ball Field	Unpaved		
Playground	Asphalt		
Gravel/Rock			
Tree/Green			
	Area Indicators		
	Parcel		
	Zone		






2312 Boyd Drive
 Fort Mill, SC 29507
 803.531.8980
 Office hours M-F 8-5
www.linkbis.org

Parcel data provided by CCPA
 PCFVA and LIS-GIS

Date: 8/15/2019

These GIS data are deemed reliable and every effort has been made to ensure their accuracy. They are, however, provided "as is" without warranty of correctness, timeliness, reliability, or completeness. Map showings do not represent a legal survey of land. Use of these data for any purpose should be with an acknowledgment of their limitations including the fact that they are dynamic in nature and in a constant state of maintenance. Field investigation may be necessary.

Map: L&L Planning Services, Inc. 2019-08-15 10:00:00 AM. Project: PC1908-0002. City: Fort Mill, SC. Date: 8/15/2019. 10:00:00 AM. User: jason@linkbis.com

COMMISSIONERS' RESOLUTION NO. R-11-19

A RESOLUTION RECOGNIZING THE KENTUCKY SYMPHONY ORCHESTRA'S CONTRIBUTIONS TO THE CITY'S CULTURAL LIFE FOR THE PAST 27 YEARS.

* * * *

WHEREAS, one sign of a City's legitimacy and vitality is the strength of its cultural life; and

WHEREAS, for 27 years the Kentucky Symphony Orchestra has contributed to Covington's cultural life by making classical music attractive, accessible, and affordable to our residents and the wider community in Greater Cincinnati; and

WHEREAS, for 25 of those years, the KSO has helped fulfill its mission through a series of concerts in Covington called the "Summer Series in Devou Park," which runs from July through September; and

WHEREAS, the Summer Series in Devou Park annually attracts and captivates thousands of people, who find themselves gifted with a sophisticated and entertaining concert experience in an informal, outdoors environment.

WHEREAS, the musicians, conductors, and administrators who have brought the KSO's music to the Covington public are known for their dedication, skill, and high performance standards that have never been lowered or cheapened by the KSO's reputation for making its music accessible and its events compelling, fun, and sometimes surprising; and

WHEREAS, the City of Covington has been proud to partner with the KSO on the Summer Series with financial and staff support, believing a City can separate itself by its dedication to enriching the lives of its residents; and

WHEREAS, the City of Covington's partnership with the Kentucky Symphony Orchestra is a model for public-private collaboration.

NOW, THEREFORE,
BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

That the Board of Commissioners hereby expresses their appreciation for the City's partnership with the Kentucky Symphony Orchestra and for the KSO's contributions to Covington's partnership with the Kentucky Symphony Orchestra and for the KSO's

contributions to the Covington's cultural richness and urge all residents of Covington to do likewise.

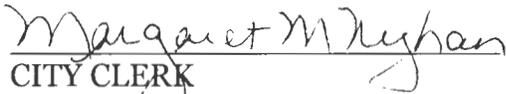
Section 2

That this resolution shall take effect and be in full force when passed and recorded according to law.



MAYOR

ATTEST:



CITY CLERK

Passed: 10-15-19