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COMMISSIONERS' ORDINANCE NO. O-34-18

AN ORDINANCE AMENDING COVINGTON COMMISSIONERS' ORDINANCE NO. O-25-18, WHICH GRANTED CONDITIONAL APPROVAL OF CONDOVIEW LLC'S REQUEST FOR A MAP AMENDMENT FOR A PROPOSED DEVELOPMENT, MODIFYING ONE OF THE PREVIOUSLY IMPOSED CONDITIONS FOR THE DEVELOPMENT PROJECT.

* * * *

WHEREAS, Paul Zeltwanger, on behalf of CondoView, LLC, submitted an application for review and approval of (i) a map amendment changing the zoning of approximately an area known commonly as the "former Gateway site" from RU-2B (an urban residential zone) to RU-2B(PUD) (an urban residential zone with a planned unit development overlay), and (ii) a Stage I Development Plan for the former Gateway site;

WHEREAS, Planning and Development Services of Kenton County (PDS) reviewed the application and recommended approval to the Kenton County Planning Commission. The Kenton County Planning Commission conducted a public hearing serving as a due process trial-type hearing. The Kenton County Planning Commission by Statement of Action and Recommendation Number PC1802-0003 recommended approval of the proposed map amendment Stage I Development Plan;

WHEREAS, The Covington Zoning Ordinance allows the Board of Commissioners to accept the Kenton County Planning Commission's recommendation, override the recommendation, or impose different conditions than those recommended by the Planning Commission. The Covington Zoning Ordinance requires that Stage I Development Plans receive the approval of the City of Covington. Applicable Kentucky law and the Covington Zoning Ordinance allow the Board of Commissioners to conduct an additional public hearing to hear arguments and review additional evidence outside of the record of evidence considered by the Planning Commission;

WHEREAS, the City of Covington elected to proceed with an additional public hearing, which was properly noticed and took place on June 11, 2018. After hearing additional evidence, testimony, and arguments during the June 11th public hearing, the Board of Commissioners instructed City staff to prepare an Ordinance, which was ultimately passed (See O-25-18) approving the recommendation of the Kenton County Planning Commission, subject to certain conditions which Covington determined were reasonable and required based on the burden on public utilities, facilities, and infrastructure that will follow the development of the Developed Area and the project. One of the stated conditions was that, "...Park Hills shall re-open the closed portion of Old State Road so that all vehicles, emergency and non-emergency, may travel that route...";

WHEREAS, following the adoption of the Ordinance O-25-18, discussions ensued which resulted in a revised plan by the Developer to allow access to the Developed Area

via a single means along a re-aligned Patton Drive. It is further understood that the Developer and Park Hills are in agreement that Old State Road will be re-opened, but only for use by authorized official and/or emergency vehicles.

WHEREAS, based on agreements in principle discussed since the adoption of Ordinance O-25-18, staff believes it is appropriate to move forward with amending the Covington Ordinance O-25-18 to reflect Covington's approval of the use of Old State Road for emergency and official vehicles.

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

Section 1

The City of Covington Board of Commissioners hereby re-adopts the findings of fact and written report set forth in Sections 1 and 2 of Commissioners' Ordinance O-25-18 as if fully set forth herein.

Section 2

Section 3 of Commissioners' Ordinance O-25-18 is hereby amended to read as follows:

Having reviewed and considered the record and evidence presented at the Planning Commission hearing on April 5, 2018, having reviewed and considered the recommendations from the Planning Commission concerning this matter, all which is incorporated herein by reference, and having considered additional testimony and evidence at the June 11, 2018 public hearing, the Covington Board of Commissioners hereby approves the proposed amendments to the zoning map and Development Plan proposed by the applicant, subject to the following conditions, which the Board of Commissioners determined were reasonable and required based on the burden on infrastructure, neighboring properties, and Covington citizens that will follow the development of the Developed Area as evidence by the record before the Board and the findings noted herein:

1. That there shall be no access to the Developed Area via Dixie Highway;
2. That Park Hills shall re-open the closed portion of Old State Road so that [~~all vehicles,~~]emergency and **official vehicles** [~~non-emergency,~~] may travel that route; and
3. That CondoView, LLC shall take all necessary steps to reduce drainage and runoff issues affecting neighboring property owners and citizens of Covington and CondoView, LLC shall take all necessary steps to ensure all hillsides are adequately stabilized and protected. CondoView, LLC shall submit appropriate documentation to the City confirming its compliance

with this condition upon request by the City.

Section 3

The City of Covington Board of Commissioners hereby re-adopts Section 4 of Commissioners' Ordinance O-25-18 as if fully set forth herein.

Section 4

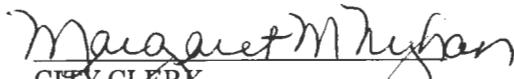
All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, if any, hereby repealed.

Section 5

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


MAYOR

ATTEST:


CITY CLERK

Passed: 10-23-18 (Second Reading)

10-9-18 (First Reading)