COMMISSIONERS' ORDINANCE NO. 0-36-19

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP CHANGING 209 GREENUP STREET, AN AREA OF APPROXIMATELY 0.65 ACRES LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF GREENUP STREET AND EAST 3RD STREET IN COVINGTON, FROM RU-0.5 (AN URBAN RESIDENTIAL ZONE) TO CG-3P (A GENERAL COMMERCIAL ZONE) INCLUDING REVIEW AND ACTIONS ON VARIANCES PERMITTED BY THE COVINGTON ZONING ORDINANCE; THE APPLICANT PROPOSES TO CONSTRUCT A FOUR-STORY OFFICE BUILDING WITH A SETBACK OF 30 FEET FROM COURT STREET/ROEBLING WAY AND 5.91 FEET FROM GREENUP STREET WHERE A MAXIMUM OF FIVE FEET IS PERMITTED.

WHEREAS, the Catalytic Development Funding Corp. of Northern Kentucky submitted an application requesting that the Kenton County Planning Commission (KCPC) to review and make recommendations on a map amendment to the official Zoning Ordinance of the City of Covington, Kentucky changing an area of approximately 0.65 acres at 209 Greenup Street from RU-0.5 (an urban residential zone) to CG-3P (a general commercial zone) and variances of a 30 foot setback from Court Street/Roebling Way and 5.91 feet from Greenup Street where a maximum of five feet is permitted; and

WHEREAS, the Kenton County Planning Commission held a public hearing on this application on October 3, 2019, wherein a favorable recommendation of the proposed text amendments was entered; and

WHEREAS, the Board of Commissioners, reviewing KCPC Staff Comments, Findings, and Recommendations and the record provided to the Kenton County Planning Commission, finds that the proposed changes are in compliance with the City’s Comprehensive Plan, and agrees with the recommendation to amend the zoning text as indicated in the caption of this ordinance and that 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. Improvements to the site in question will not be out of character with the general vicinity, which is characterized by a dense urban fabric and a mix of uses.

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 and the findings of fact referenced in the KCPC’s Statement of 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 0.65 acres at 209 Greenup Street from RU-0.5 (an urban residential zone) to CG-3P (a general commercial zone)

Section 3

That any ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4

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

ATTEST:

MAYOR

Passed: 11-26-19 (Second Reading)

11-12-19 (First Reading)
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October 17, 2019

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

Dear Mr. Johnson:

Attached please find a copy of this Commission's action from its meeting on October 3, 2019 regarding a proposed map amendment to the Covington Zoning Ordinance. (The proposal was submitted by the Northern Kentucky Regional Alliance per Karen Finan on behalf of Champ Realty Investment Corporation) 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.

Paul J. Darpel,
Chair

pb

attachment

c: Karen Finan, Applicant
Champ Realty Investment Corp, Property Owner
WHEREAS
Northern Kentucky Regional Alliance per Karen Finan on behalf of Champ Realty Investment Group, 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 209 Greenup Street, an area of approximately 0.65 acres located on the northwest corner of the intersection of Greenup Street with East 3rd Street in Covington, from RU-0.5 (an urban residential zone) to CG-3P (a general commercial zone) including review and actions on variances permitted by the Covington Zoning Ordinance; the applicant proposes to construct a four-story office building with a setback of 30 feet from Court Street/Roebling Way and 5.91 feet from Greenup Street where a maximum of five feet is permitted.; AND

WHEREAS
A PUBLIC HEARING WAS HELD ON THIS APPLICATION ON THURSDAY, OCTOBER 3, 2019, AT 6:15 P.M., IN THE KENTON CHAMBERS, 1840 SIMON KENTON WAY, COVINGTON, KY; AND A RECORD OF THAT HEARING IS ON FILE AT THE OFFICES OF THE KENTON COUNTY PLANNING COMMISSION, 1840 SIMON KENTON WAY, COVINGTON, KENTUCKY.

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

KCPC RECOMMENDATION – COVINGTON ZONING ORDINANCE:

Recommendation on the Map Amendment
Favorable recommendation on the proposed map amendment changing the site in question from RU-0.5 to CG-3P.

Action on Variances
Approval of the requested variances of the Covington Zoning Ordinance allowing a maximum setback of 30 feet from Court Street/Roebling Way and 5.91 feet from Greenup 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 generally in agreement with the adopted comprehensive plan.

1840 Simon Kenton Way – Suite 3400, Covington, Kentucky 41011-2999 Phone: 859.331.8980 Fax: 859.331.8980 Email: kcpc@pdskc.org Website: www.pdskc.org
2. Based on testimony provided during the public hearing held on October 3, 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. Improvements to the site in question will not be out of character with the general vicinity, which is characterized by a dense urban fabric and a mix of uses.

2. Based on testimony provided during the public hearing held on October 3, 2019.

Additional Information

1. While not required on the Stage I Development Plan, 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 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 7.12 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. There are no specific regulations for access points onto local streets. A plan which includes all information as required by this section must be submitted.

   d. Section 10.12 of the Covington Zoning Ordinance regulates signs. Sufficient information will need to be submitted to determine the size, height, and setbacks of any proposed signs.

2. The submitted development plans indicate proposed improvements within the public right-of-way. Any improvement within the public right-of-way is subject to approval by the City.
ATTACHMENT PC1909-0002

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

The application of Northern Kentucky Regional Alliance per Karen Finan on behalf of Champ Realty Investment Corporation for a proposed map amendment to the Covington Zoning Ordinance changing the described area from RU-0.5 (an urban residential zone) to CG-3P (a general commercial zone) including review and actions on variances permitted by the Covington Zoning Ordinance; the applicant proposes to construct a four-story office building with a setback of 30 feet from Court Street and 5.91 feet from Greenup street where a maximum of five feet is permitted.

PROONENTS

The proponents to the issue addressed the Commission and thanked the Commission for having them. He stated he is present on behalf of the Northern Kentucky Regional Alliance. He noted they appreciate and agree with Staff’s recommendations. He stated they hope the map amendment is also approved. The proponent noted they believe there are major changes to the area that have altered the area. He stated with regard to the variance they concur with Staff as to their recommendations. He noted they believe the requested variance is in line due to the configuration of the lot size. The proponent then introduced another proponent to speak on the issue.

Another proponent addressed the Commission and stated he was speaking on behalf of the applicant. He noted he is speaking about a truly community based project and is a member of the Northern Kentucky Regional Alliance. He noted one goal is to focus on unification and consolidation of all efforts and activities and financial contributions within the community. The proponent stated a lot of people have worked on the project. He additionally stated the building is for the sole purpose of housing five or six not for profit organizations. He then noted the organizations that would be occupying the new development. He stated their goals are pretty obvious, but in simple form it is to bring these organizations together to share and present a very united front to the community. The proponent then stated all of those involved have been working together for about a year. He stated to have something of a high quality nature at the front door of Covington was his hope. He stated they are finally in a position where that can happen. The proponent noted the project will mimic the Ascent but is significant because of the height and design as you come across the bridge. He commented the project in the end will be owned by the community so to speak. He stated they are seeking the Commission’s endorsement and support for the development.
Another proponent addressed the Commission and stated they think this is going to elevate Covington and showcase growth strategies. The proponent stated it will be a world class building that will house Northern Kentucky’s growth organizations in one place. She stated it has a central location and will enhance the area and downtown. The proponent then presented a power point presentation and graphics with renderings depicting the development. She highlighted what will be available within the development and what will be offered. She noted there will be a one stop shop for comprehensive services available. The proponent stated they will have a new and progressive community statement that will attract talent and retain talent in Northern Kentucky. The proponent commented this is consistent with the Center City Action Plan. She stated it strengthens the urban core vitality through infill development. She also stated it complements the Ascent architecture and yet is sensitive to the community character. The proponent stated there has been a world of development since 2010 to the area. The proponent additionally stated it also benefits the region and this is needed to draw attention to the area. She then thanked Staff for working with them through the process.

The proponent submitted two letters in support to be made a part of the records on the matter. He additionally added there would be 52 parking spaces within the development.

OPPONENTS/NEUTRAL PARTIES

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

Bases for Staff Recommendation: The PDS Staff Recommendation is on file at the PDS office.
1NKY

ZONING VARIANCE APPLICATION
VIEW FROM INTERSECTION OF
COURT STREET & GREENUP STREET
1NKY

ZONING VARIANCE APPLICATION
VIEW FROM ROEBLING WAY

Corporex

PHOENIXX

ARCHITECTURE