

COMMISSIONERS' ORDINANCE NO. 0-12-20

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF COVINGTON CHANGING 1400 HIGHLAND AVENUE, AN AREA OF APPROXIMATELY 14.94 ACRES, LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST HENRY CLAY AVENUE WITH HIGHLAND AVENUE FROM RS-7.5 (SUBURBAN RESIDENTIAL ZONE INTENDED TO ACCOMMODATE LOW-TO-MODERATE-DENSITY) TO RU-2B (URBAN RESIDENTIAL ZONE INTENDED TO ACCOMMODATE MODERATE DENSITY) WHERE THE APPLICANT PROPOSES TO CONSTRUCT A 132-UNIT MULTI-FAMILY DEVELOPMENT.

* * * *

WHEREAS, PLK Communities submitted an application requesting the Kenton County Planning Commission (KCPC) to review and make recommendations on a map amendment to the City of Covington Zoning Ordinance changing an area of approximately 14.94 acres located on the southwest corner of the intersection of East Henry Clay Avenue with Highland Avenue from RS-7.5 to RU-2B

WHEREAS, a public hearing was held before the Kenton County Planning Commission on Thursday, March 5, 2020, regarding this matter and the Kenton County Planning Commission recommended approval of the map amendment; and

WHEREAS, the Board of Commissioners, reviewing KCPC 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 text 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 findings of fact referenced in the Kenton County Planning Commission'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 1400 Highland Avenue, approximately 14.94 acres, located on the southwest corner of the intersection of East Henry Clay Avenue with Highland Avenue be changed from RS-7.5 to RU-2B.

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All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, if any, hereby repealed.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


MAYOR

ATTEST:


CITY CLERK

Passed: 7-21-20 (Second Reading)
6-23-20 (First Reading)



Kenton County Planning Commission

MANY COMMUNITIES / ONE FUTURE

March 12, 2020

David Johnston
City of Covington
20 W Pike St
Covington, KY 41011

Dear Mr. Johnston:

NUMBER: PC2002-0002

Attached please find a copy of this Commission's action from its meeting on March 5, 2020 regarding a proposed map amendment to the Covington Zoning Ordinance. (The proposal was submitted by PLK Communities per Mark Morrison). 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". The signature is fluid and cursive, written over a light blue horizontal line.

Paul J. Darpel,
Chair

pb

attachment

cc: Mark Morrison, PLK Communities, Applicant
First Presbyterian Church Covington, Owner
Marc Gloyeske, Viox & Viox

1840 Simon Kenton Way, Ste. 3400 Covington, KY 41011-2999
P: 859.331.8980 info@kcpcy.org

KENTON COUNTY PLANNING COMMISSION
STATEMENT OF ACTION AND RECOMMENDATION

NUMBER: PC2002-0002

WHEREAS

PLK Communities per Mark Morrison, 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 1400 Highland Avenue, Covington; an area of approximately 14.94 acres located on the southwest corner of the intersection of East Henry Clay Avenue with Highland Avenue from RS-7.5 (a suburban residential zone intended to accommodate low- to moderate-density) to RU-2B (an urban residential zone intended to accommodate moderate-density); the applicant proposes to construct a 132-unit multi-family development consisting of five buildings and a clubhouse with a pool; AND

WHEREAS

A PUBLIC HEARING WAS HELD ON THIS APPLICATION ON THURSDAY, MARCH 5, 2020, 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 ORDINANCE:

Favorable recommendation on the map amendment subject to the applicant agreeing to construct sidewalks along the access drive to connect to Highland Pike.

COMPREHENSIVE PLAN DOCUMENTATION:

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

SUPPORTING INFORMATION/BASES FOR KCPC ACTION AND RECOMMENDATION:

1. The proposed map amendment is in agreement with relevant sections of *Direction 2030* regarding housing and environment. The proposed development will offer a type of product missing from this area and encourage housing in close proximity to employment centers. The proposed development will also preserve more of the hillside and vegetation on the site than if it were to be developed under the current single-family zoning. Most of the site would have to be cleared and graded to accommodate a single-family subdivision.
2. In order to better meet the recommendations of the Comprehensive Plan, sidewalk connections should be made from the internal sidewalk network to Highland Pike.

3. Based on testimony provided during the public hearing held on March 5, 2020.

Additional Information

1. If approved, additional information will need to be provided with future permits:
 - a. 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.
 - b. 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.
 - c. Section 7.12 states the following about access points:
 - i. For access points where vehicles turning to and from the arterial and collector streets will affect the roadway capacity, turn lanes must be constructed by the developer.
 - ii. Section 7.12.07 states that when situations develop 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.
 - iii. The submitted Stage I Development Plan indicates the reuse of the access point off of Highland Avenue, which is classified as a collector street. The Covington Zoning ordinance requires turning lanes to be constructed or requires a traffic impact study to ensure the access points will have no adverse effects on the roadway safety or capacity. Therefore, a turn lane must be provided on Highland Avenue, unless a traffic impact study is provided, which demonstrates that a turn lane is unnecessary to alleviate adverse effects. If the applicant elects to conduct a TIS, they should work with PDS staff, KYTC, and City representatives to define the scope of the study.
 - d. Section 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.
 - e. Section 9.07 states any proposed development requiring the construction of streets (including curb and gutters), sidewalks, sewers (sanitary and storm), water lines, or other improvements, which does not constitute a subdivision, as herein defined, must be designed and constructed in accordance with the applicable subchapters and sections of the subdivision regulations, unless specifically waived. Sidewalks will be required along Highland Avenue and East Henry Clay Avenue unless specifically waived by the Covington City Commission.
 - f. Section 9.09 sets forth Hillside Protection Regulations. These regulations require additional studies of areas identified as DSA or contain a slope of 20 percent or greater prior to any building, zoning, or grading permits being issued. Insufficient information has been submitted to determine compliance with this regulation.
 - g. Section 10.09, regulates signs within multi-family residential districts. Sufficient information will need to be submitted to determine the size, height, and setbacks of any proposed signs.

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2. The KCPC is also requesting that the applicant work closely with KYTC regarding any traffic issues.

ATTACHMENT PC2002-0002

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 request by PLK Communities per Mark Morrison for a proposed map amendment to the Covington Zoning Ordinance changing the described area from RS-7.5 (a suburban residential zone intended to accommodate low- to moderate-density) to RU-2B (an urban residential zone intended to accommodate moderate-density); the applicant proposes to construct a 132-unit multi-family development consisting of five buildings and a clubhouse with a pool.

PROPONENTS

The proponents to the issue addressed the Commission and gave background information on PLK Communities. He noted a typical project is not under 125 units so that is the minimum that they look for. He stated they control their management team and look to the long term with their properties. He then showed examples of recent town homes and apartments done recent in a power point presentation. He reiterated all of their projects are independently funded and they have no outside investors. He stated the price point is 1200 to 1800 per unit.

An additional proponent addressed the Commission and gave more details about the project itself. He gave some history on the site and stated they are asking for zone RU-2B which is the only zone that would allow them to build the number of units they are requesting. He stated they feel this plan will hold to the standards set forward. He noted the land use is identified as 4.1 to 7.0 units per acre. He then noted the goals and objectives of the plan. He stated they feel like this type of development is missing from area. He noted this development is only 3 miles from the Covington RiverCenter and downtown. It was further noted another objective is to enhance and expand the effectiveness of the transportation system in the area. He noted they would be interested in building a sidewalk down to Highland and are also interested in talking with TANK in that regard. He stated the site will provide connectivity to the Civil War Museum and park. He additionally stated a lot of the acreage is unusable and they do not intend to use all of the area. He stated they are going to work to protect the topography of the area and stated it is a beautiful asset to the area. He then highlighted the proposed development plan. He stated they would have to do a little bit of clearing in the pool and clubhouse area but they intend to minimize that. He stated traffic counts were done in 2018 and those numbers were analyzed in relation to this development. He noted in reviewing those it was determined that left turn lanes were not warranted. He additionally commented with regard to the storm water aspect and stated SD1 is collaborating with a company to monitor in real time the basins to make sure the basin has full capacity based on the weather.

Another proponent addressed the Commission and also commented about the storm water system. He stated he has met multiple times with SD1. He stated part of their proposal includes public improvement to the intersection and do not intend to make the storm system worse. He further stated they are going to improve what is there currently. He stated the additional parking is being included because they just want to provide for overflow parking and to have that available. He stated they are proposing a detention basin that meets SD1's criteria. He stated they are willing to give them the land to construct it but the project has not been specifically determined at this time. He stated SD1 would be installing a regulator with regard to when it would be closed and opened based on weather. He further stated from a long term standpoint they are still developing that with SD1.

An additional proponent to the issue addressed the Commission and stated he is the elder of the Presbyterian Church. He stated according to the assessment before any map amendment is granted the Planning Commission must find one or the other criteria to apply. He stated he wanted to speak to that. He stated this has happened to their church. He noted there have been major changes of economic and physical nature to the area. He stated as such it has altered the character of their property. He then gave some background information on the Presbyterian Church and the combining of the two churches that now form the one. He stated they have owned the property since the 1960's. He stated unfortunately their church numbers about 80 members. He stated after a year- long study they decided there was no alternative but to put the property and the church up for sale. He stated this was sad but they decided to stay together and to go back to their roots in Covington. He stated if this zoning permit is not granted they would be forced to close their church and program within a year. He stated the building and the church would revert to the church in Cincinnati and they would have to make a determination with the property. The proponent then gave a brief history and background information on the property in question.

Another proponent to the issue addressed the Commission and stated she is an elder and trustee of the church. She stated one of the things that no one mentioned is that they are surrounded by RU-2B already. She stated right across the street and right down the hill is RU-2B zones. She stated on Farrell Drive is also RU-2B so the maps shown are very tight into their property. She wanted to give some context that what they are asking for is not that unusual for the area. She stated there is already large multi-unit housing in the area. She noted they have tried to be good stewards and are still trying to be, and have entertained offers. The proponent stated this was the best one they had that was in line with what they would like to see for the property. She stated they had tried to do a catch basin on the property at one point in time and worked with numerous people on the development of that. She stated no one at the city seemed to know what they were talking about. She stated she came to find out that all those they had spoken to on the issue had left their positions so they did not know what they were talking about. In light of this she stated she is very happy that they are putting one in the development.

An additional proponent addressed the Commission in favor of the application and stated they are kind of in a tough spot because on the one hand they would love to maintain the property as it is. She also noted on the other they are a small declining church population that can no longer care for the property as they have. She stated they must sell the property to someone as they can no longer maintain it. She further stated they went through a process of soliciting proposals and evaluated them and they felt that this was the one that met their needs and would fit with the property and the area the best. She stated they feel that this would be a way to move forward in a way that would benefit everyone to some degree.

The applicant addressed the Commission in rebuttal and stated they did look at a sidewalk wrapping all around the property which would be a significant cost. He also noted the topography is prohibitive and that is why there are not sidewalks there now. He stated they want to be respectful and want to find a way to tie it all together. The proponent stated with regard to traffic they are willing to work with everyone in terms of a possible deceleration lane so they are willing to do that. He stated in terms of the detention basin they do have the capacity to hold the water and have worked with SD1 on that. The proponent additionally stated a lot of their tenants do move into home ownership in the area. He stated their typical renter is an empty nester. Another proponent stated in rebuttal that every building is on a slope and unfortunately when you look at it from a birds eye view you don't really see the steep topography of it.

OPPONENTS/NEUTRAL PARTIES

An opponent to the issue addressed the Commission and stated she represented the Peaselburg Community. She stated they are very apathetic to the church and the needs of the church and noted they have many concerns with the development. She noted there is traffic and congestion on an already hilly and windy road. She stated the KYT study showed a lower amount of traffic and stated she would have to disagree because most people go 35 mph in that area. She additionally stated there were no sidewalks and for anyone walking it would make it dangerous. She noted she is not sure there is a need for additional apartments as there are many vacancies in the area. The opponent stated the development alone will bring additional water runoff, etc. to the area.

Another opponent addressed the Commission and stated he lives directly across the street. He stated the traffic is bad in the area. He additionally commented he has lived there for about a year and has seen three cars flip over in his yard. He stated the traffic is already a massive problem and this will increase that. He stated he cannot back out of his driveway or he will get hit. The opponent stated he completely disagrees with the statements about traffic. He stated if this development goes in he will have balconies looking right at his house.

Another opponent addressed the Commission against the issue and stated he represents Kentonvale and they cannot handle any more storm water run-off. He stated the proposal looks like the plans aren't certain so he wanted to say they cannot handle any more water. He stated there is only one way in and one way out and if the bridge goes they will have a mess. The opponent stated they would like to be made aware of any plans because they cannot handle any more water down the stream. It was then noted by a Commissioner that any water issues would be regulated by SD1 and the Commission does not have any say as to any water issues. He stated any water issues would be handled by SD1 and not the Kenton County Planning Commission.

Another opponent addressed the Commission and stated she is just across from Ivy Knoll. She stated one of the things she heard that is very positive is that the church can remain as a possibility as a part of their community. She stated she was also happy to hear that PLK is a local developer so knowing this is a local developer committed to their community is a good thing. She said in terms of sidewalks Highland is dangerous and so if there can be a requirement that there are sidewalks along the entirety of Highland that would be great for the community. She stated her concerns are the traffic downhill and noted it is often going 40 mph. She stated it is a windy steep hill and there are blind curves. She stated if there is not a left turn you will have people flying down the hill wanting to turn left and that is a very dangerous situation. She stated it's the downhill traffic that makes that a real danger for the road. The opponent noted in reference to the museum she was glad to hear they are dedicating parking for the museum.

She additionally commented about the festival on the grounds. She then stated her biggest concern is to the environment and asked if the Hillside Development has been contacted. The opponent stated she is glad they are going to have a detention pond but asked if it would be sufficient. The opponent commented if they are going to be a good neighbor the only way to do that is to have the sidewalk run along the whole length to Henry Clay because it would just create a dangerous situation. She stated the community could benefit from the sidewalk and would be an example of a way they could show their dedication to the community. She stated it has been needed for a long time.

Another opponent addressed the Commission and stated traffic is terrible along Henry Clay. The opponents further commented he is not seeing any guarantees that would lead to any land slide issues or addressing this. Another opponent stated she was devastated by the flood in 2019 so she is concerned about putting another development where the water is already a problem. She stated she feels like there is already a lot of available rentals in the areas and she would like to see more single family homes vs. apartments come to the area. Another opponent stated he would like to address the comments about the elders of the church and stated they have been good neighbors. He stated they are not here to deny their right to develop their property. He stated this is not the proper zoning and not the proper plan. The opponent then stated declining members is not new to the area. He stated financed hardship is not justification for a zone change. He stated he is here to support Staff's unfavorable recommendation of the zone change. He stated it does not comply with the land use plan. The opponent also stated the density is an increase over what is allowed today. He stated if this zone change goes through that is not going to prevent anyone from coming in with a much higher density in the future. The opponent additionally commented one idea is for the developer to come back with a lower density plan. He stated many have commented about traffic. He noted the traffic has increased phenomenally in the area and is a revenue generator for the city of Fort Wright. He stated they are coming up Henry Clay to avoid the congestion from Kyles Lane. The opponent also commented about the drainage in the area but noted there is only one retention basis planned for the development. He reiterated his suggestion would be for them to come back with a lesser density plan. An additional opponent addressed the Commission and stated he has taken the bus to this area and there is no bus stop that he has ever seen in front of the driveway. The opponent stated it is a very steep area to get down to the bus stop, and it is very curvy which creates an unsafe area is. He stated sidewalks would help but he anticipates safety concerns with kids coming down the hill on bikes and not being able to stop. The opponent further noted people that own their own property have a bigger stake in the community. He stated people in apartments don't have as much of a stake in a community as they may stay two years and then leave. He cited concerns with runoff as well and stated it is absorbing a lot of it now. The opponent commented with this development there isn't going to be that factor with the water being absorbed. He noted there is the potential that the run off items won't work. He stated one of the goals with Covington is to increase the green space. The opponent then commented there is a very large natural wildlife area and a lot of that will go away with this development. He stated the rodent and vermin population will increase with the increase in trash with the additional occupants.

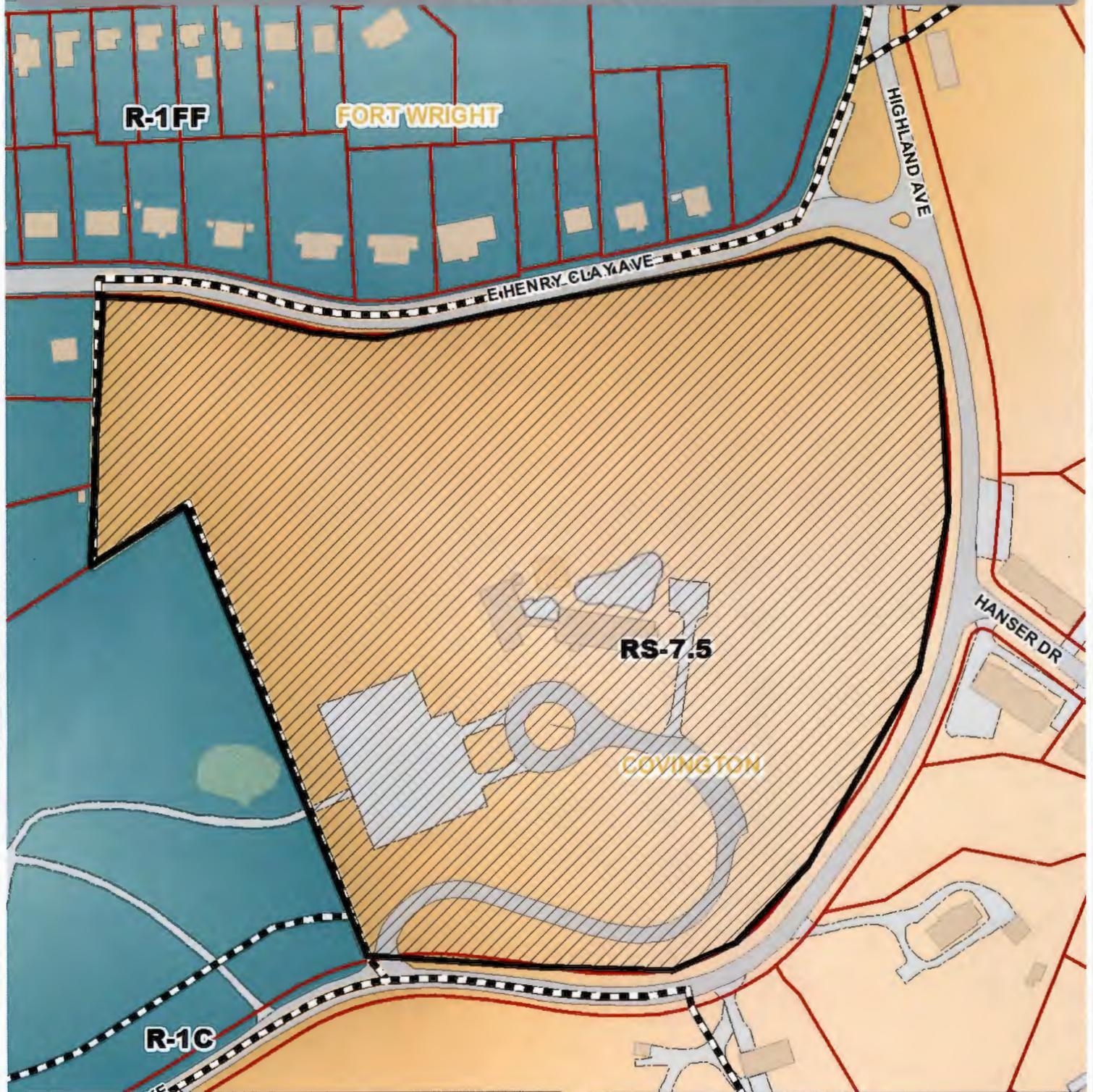
The neutral party registered to speak on the issue stated his concerns had been voiced.

Bases for Staff Recommendation:

The PDS Staff Recommendation is on file at the PDS office.



PC2002-0002



Building	Roads	Utilities	Topography
Building	Paved Road	Sewer	Index Contour
Pool	Unpaved Road	Sewer Structure	Intermediate Contour
Tank	Bridges	Water Pipe	Creek / Stream
Concrete Pad	Paved Parking	Water Hydrant	River / Lake
Recreation	Unpaved Parking		
Ball Fields	Railroad		
Playground/General Rec	Boundaries		
Tee/Green	Parcel		
	Zoning		



2332 Royal Drive
 Fort Mitchell, KY 41017
 859.331.8980
 Office hours M-F 8-5
www.linkgis.org

Parcel data provided by CCPVA,
 PCPVA and LINK-GIS.

Date: 2/10/2020

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 elements do not represent a legal survey of land. Use of these data for any purpose should be with an acknowledgement of their limitations, including the fact that they are dynamic in nature and in a constant state of maintenance. Field investigation may be necessary.