

ORDINANCE 10 - 2018

AN ORDINANCE OF THE CITY OF PARK HILLS, IN KENTON COUNTY, KENTUCKY, APPROVING THE STAGE I DEVELOPMENT PLAN FOR CONDOVIEW, LLC, FOR AN AREA OF APPROXIMATELY 7.5 ACRES LOCATED WEST OF AND ADJACENT TO AREA B ON THE SOUTH SIDE OF AMSTERDAM ROAD AND AT THE TERMINUS OF HAMILTON ROAD AND OLD STATE ROAD, APPROXIMATELY 200 FEET EAST OF ARLINGTON ROAD IN PARK HILLS WHICH IS ZONED R-1EE (PUD)

WHEREAS, Paul Zeltwanger, on behalf of CondoView, LLC, submitted an application for review and approval of a Stage I Development Plan for an area of approximately 7.5 acres located west of and adjacent to Area B on the south side of Amsterdam Road and at the terminus of Hamilton Road and Old State Road, approximately 200 feet east of Arlington Road in Park Hills which is zoned R-1EE (PUD) (hereinafter referred to as the “Developed Area”); and

WHEREAS, Planning and Development Services of Kenton County reviewed the application and recommended approval to the Kenton County Planning Commission; and

WHEREAS, the Kenton County Planning Commission conducted a public hearing serving as a due process trial-type hearing; and

WHEREAS, the Kenton County Planning Commission by Statement of Action and Recommendation Number PC1802-0003 recommended approval of the Stage I Development Plan; and

WHEREAS, Section 11.0 of the Park Hills Zoning Ordinances requires that Stage I Development Plans receive the approval of the City of Park Hills; and

WHEREAS, the City of Park Hills reviewed the record of the Kenton County Planning Commission and takes final action based on that record alone; and

WHEREAS, the City of Park Hills passed a motion to approve the recommendation of the Kenton County Planning Commission, subject to certain conditions which Park Hills determined were reasonable and required based on the burden on public utilities, facilities, and infrastructure that will follow the development of the Developed Area.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, AS FOLLOWS:

SECTION I

That the Park Hills City Council decided to consider the Stage I Development Plan without a *de novo* hearing. Instead, Park Hills reviewed the record before the Kenton County Planning Commission and makes its decision based on that record alone.

SECTION II

That the Stage I Development Plan submitted by Paul Zeltwanger, on behalf of CondoView, LLC, is hereby approved, as set forth in the attached **Exhibit A** and incorporated herein by reference, subject to the following conditions, which Park Hills determined were reasonable and required based on the burden on public utilities, facilities, and infrastructure that will follow the development of the Developed Area:

1. That the City of Park Hills hereby incorporates and conditions its approval of the Stage I Development Plan on the conditions imposed by the Kenton County Planning Commission regarding the requested waiver from the requirements of Section 8.3-1 of the Kenton County Subdivision Regulations:

That the proposed retaining walls necessary for Dixie Highway access must be constructed and platted on private property completely outside of the right-of-way of the City of Park Hills. Additionally, the private owner of the property on which the retaining walls are constructed must maintain the full responsibility to maintain the private retaining walls. The plat shall specifically refer to the retaining walls as the responsibility of the private property owner on which the retaining walls are constructed.

2. That existing retaining walls within the Developed Area shall also be platted on private property completely outside of the right-of-way of the City of Park Hills. Additionally, the private owner of the property on which the existing retaining walls are built must maintain the full responsibility to maintain the existing retaining walls. The plat shall specifically refer to the existing retaining walls as the responsibility of the owner of the private property on which the retaining walls are built.

3. That prior to the inspection and final approval of Patton Drive pursuant to KRS §82.400(2), Patton Drive shall be rebuilt by CondoView, LLC. The rebuild of Patton Drive shall conform to the Kenton County Subdivision Regulations.

4. Upon completion of construction of the Developed Area and prior to the filing or recording of any plat regarding the Developed Area, CondoView, LLC, shall submit a letter to the City Engineer from a geotechnical engineer confirming that the development of all lots in the Developed Area will not result in any significant hillside slippage or soil erosion pursuant to Section 12.0 of the Park Hills Zoning Ordinance.

5. That by Ordinance 16, 2016, the City of Park Hills elected to erect a barrier across Old State Road at its eastern end at the western boundary of property located at 1030 Old State Road. That Ordinance remains in full force and effect. Notwithstanding the foregoing, the development of the Developed Area shall not otherwise prevent vehicular access from Old State Road into the Developed Area solely for emergency personnel, including EMS and the Fire Department, and the Park Hills Public Works Department.

SECTION III

That the City of Park Hills hereby reserves the right to review and make recommendations regarding the final development plan pursuant to Section 11.0(F)(2)(L) of the Park Hills Zoning Ordinance.

SECTION IV

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION V

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION VI

That this ordinance shall become effective upon its passage and shall be published under KRS §83A.060(9) and other applicable law. The ordinance may be published by summary.

Passed by City Council on _____, 2018.

CITY OF PARK HILLS, KENTUCKY

By: _____
Matthew Mattone, Mayor

ATTEST:

Julie Alig, City Clerk

FIRST READING: _____

SECOND READING: _____

PUBLICATION: _____

KENTON COUNTY PLANNING COMMISSION STATEMENT OF ACTION AND RECOMMENDATION

NUMBER: PC1802-0003

WHEREAS

Condoview, LLC per Paul Zeltwanger, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: A Stage I Development Plan for an area of approximately 7.5 acres located west of and adjacent to Area B on the south side of Amsterdam Road and at the terminus of Hamilton Road and Old State Road, approximately 200 feet east of Arlington Road in Park Hills which is zoned R-1EE (PUD) (a single-family and two-family residential zone with a planned unit development overlay); AND

WHEREAS

A PUBLIC HEARING WAS HELD ON THIS APPLICATION ON THURSDAY, APRIL 5, 2018, 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:

KCPC RECOMMENDATION – PARK HILLS ZONING ORDINANCE:

Favorable recommendation on the Stage I Development Plan for an area of approximately 7.5 acres located west of and adjacent to Area B on the south side of Amsterdam Road and at the terminus of Hamilton Road and Old State Road, approximately 200 feet east of Arlington Road which is zoned R-1EE (PUD) (a single-family and two-family residential zone with a planned unit development overlay) within Park Hills, subject to the agreement of the applicant to the following conditions:

1. That the proposed map amendment for Area A and the Stage I Development Plan for Area B be approved by the City of Covington;
2. That all accessory structures meet the requirements of the underlying R-1EE Zone, aside from the proposed entry monuments on the submitted plan.

COMPREHENSIVE PLAN DOCUMENTATION:

- Date of Adoption by the Kenton County Planning Commission: September 4, 2014.

SUPPORTING INFORMATION/BASES FOR KCPC RECOMMENDATION:

1. The submitted development plan meets the stated purposes of the PUD Overlay Zone. The proposed development will provide a variety of housing styles, from single-story dwellings

to three story dwellings. The proposed development will also existing landscape features and provide for usable open spaces and recreation facilities.

2. The Stage I Development Plan is consistent with the Recommended Land Use map of *Direction 2030: Your Voice. Your Choice*, which identifies the site in question for Residential Development at a density ranging from 7.1 to 14.0 dwelling units per net acre. While the R-1EE (PUD) can permit residential densities up to 7.5 dwelling units per net acre, the site in question is a part of a development plan that indicates a maximum density of 3.5 dwelling units per net acre.
3. The Stage I Development Plan is consistent with the goals, objectives, and recommendations of *Direction 2030: Your Voice. Your Choice*, as stated above. The proposed map amendment will encourage a variety of housing types to meet the needs of different generations and income levels. Additionally, the PUD regulations allow for the provision for open space for active and passive recreational opportunities.
4. Based upon testimony presented at the April 5, 2018 public hearing.
5. The submitted Stage I Development Plan meets the minimum requirements of the Park Hills Zoning Ordinance, except for the following:
 - a. Section 11.0, E., 2., e., states that the development plan should identify the location of every proposed building on the subject property. The submitted development plan does not contain location, type, height, yard, and setback regulations for any customary accessory structures within the proposed development. Staff recommends that any customary accessory structure (pools, fences, signs, sheds, etc.) be permitted subject to the requirements of the underlying R-1EE Zone.

ADDITIONAL COMMENTS

1. While not required on the Stage I Development Plan, if approved, the following information will need to be provided on the Stage II Development Plan:
 - a. Section 9.7 sets for Excavation or Movement of Soil regulations. No entity shall strip, excavate, fill, or move soil without first insuring that all requirements of the Subdivision Regulations have been fulfilled. Insufficient information has been submitted to determine compliance with this regulation;
 - b. Section 11.0, F., 2., states that the location, size, height, and orientation of all fences, walls, and signs needs to be shown on the Stage II Development Plan. The submitted development plan indicates provision for entry monuments at the intersections of Amsterdam Road with Street B, Old State Road with Street A, and Old State Road with Dixie Highway. Additional information regarding the size, height, and setbacks needs to be submitted. Any fences and walls that are proposed as a part of the overall development will need to be shown as well.
 - c. Article XII Sets forth Hillside Development Controls. Sufficient information will need to be submitted to determine that any activity will not cause hillside slippage or erosion.
 - d. Section 13.1 states that two off-street parking spaces are required for each one-family dwelling. Insufficient information has been submitted to determine compliance with this regulation;

2. The submitted Stage I Development Plan meets the minimum requirements of the Kenton County Subdivision Regulations. The KCPC granted waivers from the following requirements:
 - a. Section 4.1-11 requires sidewalks along both sides of the proposed streets. The submitted development plan indicates sidewalks on only one side of Street D and a portion of Street B;
 - b. Section 4.2-8 prohibits lots from having double frontage along more than one street, except for corner lots. The submitted development plan indicates that Lots 25 through 39 and 57 through 60 are not corner lots and have frontage on more than one street;
 - c. Section 8.3-1 states that the minimum spacing requirements for unsignalized access points along an arterial street must be 600 feet. The submitted development plan indicates an access point on West Pike Street approximately 230 feet from an adjacent unsignalized access point in Park Hills.
3. The submitted development plan indicates that the proposed sidewalk along West Pike Street will be designed and funded through KYTC. If the sidewalk is not constructed by KYTC, the applicant will be responsible for providing this sidewalk.
4. A land disturbance permit from SD1 is required for this project.

PAUL J. DARPEL, CHAIR
KENTON COUNTY PLANNING COMMISSION

ATTACHMENT PC1802-0003

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

Condoview, LLC per Paul Zeltwanger for a proposed map amendment to **Area A:** the Covington Zoning Ordinance changing the described area from RU-2B (an urban residential zone) to RU-2B (PUD) (an urban residential zone with a planned unit development overlay). **Area B:** A Stage I Development Plan for the described area which is zoned RU-2B (PUD) (an urban residential zone with a planned unit development overlay) according to the Covington Zoning Ordinance. **Area C:** A Stage I Development Plan for the described area which is zoned R-1EE (PUD) (a single-family and two-family residential zone with a planned unit development overlay) according to the Park Hills Zoning Ordinance.

PROPONENTS

The proponents to the issue addressed the Commission and stated this has been a long process and he thanked all those involved in the process. The proponent stated he has tried to acquire the land for about ten years so he is very excited about the project. He stated anytime you can link the property into Devou Park it is a good thing and he thinks potential residents will love that too. The proponent noted they will always prioritize hillside protections. He further stated they are working with the urban forestry in Covington with regard to the development and he thinks they will have a good result there as well. The proponent stated they attended resident meetings and they listened to the traffic concerns of residents as well. He stated they looked at the market and what could fit into the area also. The proponent stated he would rather put something that fits and will work well for the area and that is how they came to the number of lots. He stated the one thing he wants to point out is with regard to street D they don't think the sidewalks make much sense due to the slope. The proponent stated they are basically saying if there is a front door they are going to put a sidewalk there. He further stated the sidewalk will be linked to the hiking trail. The proponent additionally stated they want to make this a unique development and they want to make it fit into the community. He then showed some examples of architectural designs of what the exterior of the residences may look like within the development. The proponent stated he met with some the residents of the area and they want to be a good neighbor. He noted they are talking with the Sanitation District and they feel they can solve any issues or concerns there may be. The proponent additionally stated they are really trying to beautify the area and they think it helps their project as well. He stated he thinks they are in step with the 2030 plan and the Devou Park plan. An additional proponent addressed the Commission and stated they have been looking at the property since 2015. The proponent stated in mid to late 2015 they started meeting with Staff and Covington elected officials and they came to the conclusion that a PUD overlay would benefit the site. The proponent further stated this has been a collaborative effort. He stated their worst fears were that a 449 unit development would be the development. The proponent additionally stated Park Hills main concern was the traffic brought to the area. He stated they feel this is consistent with the PUD overlay and they were pleased that the development was to consist of 85 units. The proponent additionally stated the proposed access of Dixie Highway was encouraged. He then noted they do not want the long term responsibility of a retaining wall so they are asking for conditions as to that. The proponent further stated the retaining walls must be built on private property out of the right of way. He further noted with regard to the Patton drive that this has never been a publicly dedicated street. He stated they do not have any objections to the waiver

requirements. The proponent commented with regard to the waiver request to the access to Dixie Highway they also did not have any opposition at this point. He noted the developer listened to their concerns about access and provide a second site. He stated the city has no objection to the waiver but he believes the ultimate grantor of the waiver would be the state. He stated they realize it is an extensive project to build that road but they do realize the value of that. The proponent addressed the Commission in rebuttal and stated he appreciates all the input and it is part of the process and he respects that. He stated the hillside protections were not in place at the time the Joshua One project went in and they are in favor of being sensitive to that. The proponent stated they are in favor of replacing some the trees that have been removed and are working on solutions for the area. The proponent additionally stated he is excited about it and thinks it will beautify the area. The proponent stated they are in agreement with the amending of the property lines issue raised. The proponent stated they want to be sensitive to the residents in the area and they are in favor of that. The proponent stated their biggest concern is the slope with regard to the retaining wall. He stated they are looking at all of that to make sure that works. He noted their biggest issue slope stability. With regard to the clearing of the Miranda area they worked with the city and they have actually increased the slope stability with clearing some of that and making that more stable. The proponent commented their geotech engineer stated there was a lot of junk top soil up there and it was in danger of sliding so they actually made it more stable.

OPPONENTS/NEUTRAL PARTIES

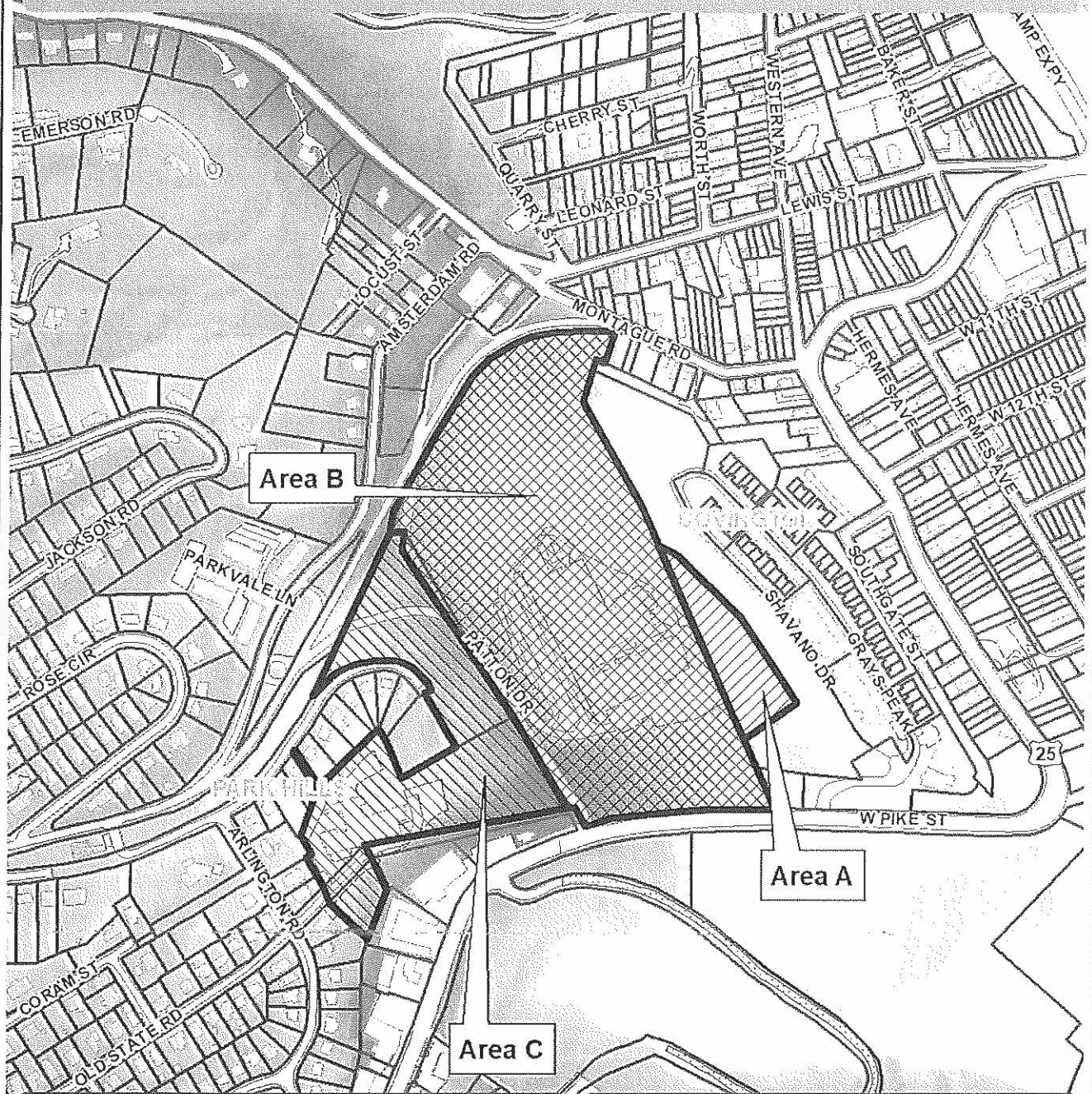
An opponent/neutral party to the issue addressed the Commission and stated he is still wanting Old State Road closed and is not proposing opening that up at this time. He also stated he does realize this would help accessibility for the development but he would like it to remain closed if the access on Dixie is denied. Another neutral party addressed the Commission and stated he would echo the comments made. He stated this has been an interesting collaborative process. He stated he is in support of the map amendments and the Stage I conceptual plan with the understanding that it is conceptual at this point. He additionally noted with regard to the waivers he is glad to hear the developer is in favor of putting sidewalks where there are front doors. He additionally stated with regard to the connection on Dixie Highway they would like to see what the transportation cabinet has to say with regard to that. He noted it might be a good idea to hold off on that waiver until there is more information from the state transportation cabinet. Another neutral party addressed the Commission and stated she wants to support the waivers. She stated the one on Dixie Highway they have pretty much supported all the way. She additionally stated to not have to reopen the Old State Road is beneficial and access off of Dixie alleviates that issue. She stated after hearing everything tonight she is for the waivers on all points. An additional neutral party addressed the Commission and stated there were some issues with the property lines as they were drawn on the plan submitted. She stated they had conversations with regard to this and the developer has agreed to adjust the property lines and the setbacks with regard to that. She stated she does have those changes and can submit those. She stated she also supports the waiver with regard to the access on Dixie Highway. A neutral party addressed the Commission and thanked the developers and stated it sounds like a wonderful development. She stated she still believes Old State Road should remain closed. She also stated the number of units was reduced so she was happy to hear that. She stated Park Hills is a wonderful place and she thinks Old State Road should remain closed because it's a straight shot and she fears speeders will come down there. She stated this is going to be a lot of cars coming down Old State and thanked the developers for narrowing it down to 82 lots. An additional neutral party addressed the Commission and stated she really supports the whole development. She stated she wanted to address the access to Dixie. She noted she feels they should consider the access from Amsterdam. She stated she supports the opening of the entire Old State with the number of units planned for the development. She stated when it was over four hundred units she did not support that. She additionally stated she thinks it will benefit the city by having it open.

An opponent addressed the Commission and stated he drives Dixie Highway on a daily basis and utilized Amsterdam and Montague on a weekly basis. He stated he does have some concerns with the





development. The opponent then presented a brief history of the area with old photos in a slide presentation. He then addressed the hillside issues and gave a brief history of changes to the zoning code over the years. He commented the hillside runoff has increased dramatically since the Joshua One development. The opponent stated the intersection of Amsterdam Road and Montague is pretty dangerous as a result. He stated another area of concern he has is with access of emergency services. He noted he is not an expert in management and fire but he has concerns with having one ingress and egress into the site. The opponent stated one of his major concerns is an apparent disregard of regulations that are in place. He noted no tree inventory was performed when the Miranda project was done and it was a significant impact on the area. He stated the beauty of the hillside is extremely unique. The opponent noted there are very few instances where you can find nice wooded hillsides that you have in Covington. The opponent stated it is the view of the hillside afforded by the community and all members of the area.

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

PC1802-0003



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	Boundaries		
Ball Fields	Parcel		
Playground/General Rec	Zoning		
Turf/Green			

2332 Royal Drive
Fort Mitchell, KY 41017
559.331.8880
Office hours M-F 8-5
www.linkgis.org

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

Date: 2/5/2018

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.

Path: \\valet\PCAL\PC Planning\Commission\1\PC\LINK\Map\Staff\6\coms\2\2018\8\Staff\880m\PC1802-0003\025 Amsterdam Rd Park Hills Map Stage (LinkGIS)\Location Map for Work\Location.mxd