

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY KENTUCKY, AMENDING THE ZONING MAP OF THE ERLANGER ZONING ORDINANCE TO RE-CLASSIFY THE LIST FARM ON THAT MAP FROM THE R-1C ZONE TO THE R-1C(RCD) ZONE, WITH AN AGREED DEVELOPMENT PLAN.

WHEREAS, the List Farm in Erlanger, Kentucky consists of approximately 70.2 acres of land that is located at 3953 Narrows Road on the north side of Narrows Road between Mesa Drive to the west and Buckhill Drive to the east, approximately one quarter mile west of Buckhill Drive with PIDN 017-30-08-157.00 and is more particularly described in the document identified as “Exhibit A” attached hereto and incorporated herein by reference, and which shall hereinafter be identified and referred to simply as the “List Farm”; and

WHEREAS, the List Farm is now identified on the map of the Erlanger zoning ordinance as being within the R-1C zone, in which suburban density detached single family residential uses are permitted uses; but attached units are not; and

WHEREAS, in proceedings numbered PC1712-0006 of the Kenton County Planning Commission, The Drees Company and the owners of the List Farm have proposed a map amendment to the Erlanger zoning ordinance to change the R-1C zoning classification of the List Farm to R-1C(RCD), which is a residential cluster development zone in which both suburban density attached and detached single family residential uses are permitted, which shall hereinafter be identified and referred to as the “Drees Proposal”; and

WHEREAS, the Drees Proposal included a proposed concept/development plan within the meaning of KRS 100.111(8) dated 12-06-2017, a reduced copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, at its regular meeting on January 4, 2018 the Planning Commission considered the Drees Proposal according to the requirements of K.R.S. Chapter 100, and conducted a due process evidentiary hearing in regard to it; and voted to recommend to the Erlanger City Council their disapproval of the Drees Proposal, on the basis of a finding that the current R-1C zoning of the List Farm was consistent with the goals, objectives and recommendations of the adopted comprehensive plan and the proposed zoning of R-1C(RCD) was not so consistent; and

WHEREAS, that unfavorable recommendation of the Planning Commission was communicated to the Mayor and City Council of the City of Erlanger by letter dated January 16, 2018; and

WHEREAS, at a regular scheduled meeting of the committees of the Erlanger City Council on January 16, 2018, they considered arguments from the Drees Company and residents in the area of the List Farm for and against the Drees Proposal; and

WHEREAS, after the January 16, 2018 meeting, the Drees Company:

1. Supplemented the concept/ development plan dated 12-06-2017 in a List Property Stage 1 Concept Plan dated February 5, 2018, a reduced copy of which is attached hereto and incorporated herein by reference; and
2. Documented additional conditions and restrictions on their proposed development of the List Farm in a letter to the Erlanger City Administrator, Matthew Kremer, dated February 5, 2018, a copy of which is attached hereto and incorporated herein by reference; and
3. Agreed to comply with all of the conditions and recommendations of the staff of the Planning Commission included in their 12/27/2017 Staff Recommendations for the Public Hearing that is in the record of the Planning Commission; and

WHEREAS, at the regular scheduled meeting of the Erlanger City Council on February 6, 2018:

1. The Erlanger City Council again considered arguments from the Drees Company and residents in the area of the List Farm for and against the Drees Proposal as supplemented by Drees; and
2. The Erlanger City Council again considered the unfavorable recommendation of the Planning Commission, along with the evidence in the record of the Planning Commission in regard to the Drees Proposal; and
3. The Erlanger City Council tabled a Motion to override the unfavorable recommendation of the Planning Commission for the Drees Proposal on the basis of the City Council finding from the evidence in the record of the Planning Commission that the Drees Proposal was generally in agreement with the adopted comprehensive plan known as *Direction 2030*; and

WHEREAS, at a special meeting of the Erlanger City Council on February 20, 2018:

1. The Erlanger City Council again considered arguments from the Drees Company and residents in the area of the List Farm for and against the Drees Proposal as supplemented by Drees; and

2. The Erlanger City Council again considered the unfavorable recommendation of the Planning Commission, along with the evidence in the record of the Planning Commission in regard to the Drees Proposal; and

3. A majority of the entire Erlanger City Council passed a Motion to override the unfavorable recommendation of the Kenton County Planning Commission in regard to the Drees Proposal in their proceedings numbered PC1712-0006 on the basis of a finding by the City Council from the evidence presented at the hearing conducted by the Commission on January 4, 2018, including, without limitation, the oral testimony and written report of the staff of the Commission, that the proposed map amendment generally agrees with the adopted comprehensive plan known as Direction 2030 and is appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

Section 1.0 Override of Unfavorable Recommendation

The unfavorable recommendation of the Kenton County Planning Commission in regard to the Drees Proposal in their proceedings numbered PC1712-0006 is hereby overridden by a majority of the Erlanger City Council on the basis of a finding by them from the evidence presented at the hearing conducted by the Commission on January 4, 2018, including, without limitation, the oral testimony and written report of the staff of the Commission, that the proposed map amendment generally agrees with the adopted comprehensive plan known as *Direction 2030* and is appropriate.

Section 2.0 Zoning Map Amendment

The zoning map of the Erlanger zoning ordinance numbered 1850, as previously amended and re-enacted from time to time, is hereby again amended to change the zoning map thereof to re-classify the List Farm from R-1C to R-1C(RCD); but only with the development, improvement, construction and use of the List Farm limited and restricted to that described in the List Property Stage 1 Concept Plan dated February 5, 2018, provided by the Drees Company as amended and supplemented with:

- 2.1 The additional conditions and restrictions on their proposed development of the List Farm described in a letter from the Drees Company to the Erlanger City Administrator, Matthew Kremer, dated February 5, 2018; and
- 2.2 The conditions and other recommendations of the staff of the Planning Commission included in their 12/27/2017 Staff Recommendations for the Public Hearing that is in the record of the Planning Commission.

Section 3.0 Provisions Severable

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section 4.0 Conflicting Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5.0 Effective Date

This ordinance shall be effective as soon as possible according to law.

Section 6.0 Publication

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).

TYSON HERMES, MAYOR