

**COMMONWEALTH OF KENTUCKY
COUNTY OF KENTON
CITY OF ERLANGER
ORDINANCE NO. 2587**

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF ERLANGER, COUNTY OF KENTON, AN AREA OF APPROXIMATELY 1.26 ACRES, LOCATED AT 3208 DIXIE HIGHWAY, NORTH OF DIXIE HIGHWAY AND SOUTH OF THE RAILROAD IN ERLANGER, FROM CC (COMMUNITY COMMERCIAL) ZONE TO GI (GENERAL INDUSTRIAL) ZONE

WHEREAS, a request for a map amendment was submitted to the Kenton County Planning Commission by Daniel Woodward on behalf of Jerome E. Henke to change the above-described areas from Community Commercial Zone (CC) to General Industrial (GI); and

WHEREAS, PDS staff reviewed the application and recommended that the proposed map amendment be approved; and

WHEREAS, the Kenton County Planning Commission, upon reviewing the staff recommendations and after holding a public hearing on July 8, 2025, voted to recommend the zone change; and

WHEREAS, the Erlanger City Council has reviewed the record, including the recommendation from the Kenton County Planning Commission and PDS Staff, as well as the public hearing.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ERLANGER, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY:

Section I

That the Erlanger City Council hereby approves said Zoning Map Amendment, changing the zoning for a proposed map amendment to the Erlanger Zoning Ordinance changing an area of changing the property at 3208 Dixie Highway from CC (Community Commercial) Zone to GI (General Industrial) Zone, subject to the applicant agreeing to the following conditions:

1. Existing nonconforming site features regarding off-street parking design, required landscaping and character standards are remedied to the maximum extent practicable.

The aforementioned map amendment was recommended by the staff report for the Kenton County Planning Commission and the Kenton County Planning Commission. The Erlanger City Council has reviewed the staff recommendation and the public hearing and adopts the zoning map amendment on the following bases:

1. The proposed map amendment, as conditioned, is generally in agreement with the adopted comprehensive plan. The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate. The original zoning classification in the previous zoning map was IP-1, an industrial zone, but was changed to CC, a commercial zone, with the adoption of the Z21 ordinance. The previous use and the current use are industrial and the recommended land use for the site is industrial.
2. The proposed map amendment will prevent potential difficulties associated with running a nonconforming business, such as restrictions on expansion and certain restrictions on structural alterations that result from the business being classified as a nonconforming use.

3. If a zone change is granted, all other nonconformities, such as site and design features must be remedied to the maximum extent practicable as a condition of approval. If approved, the following nonconformities should be remedied. Sufficient information should be submitted with permits to determine compliance with:

a. Section 10.17, B. of the Erlanger Zoning Ordinance states:

- i. All required off-street parking areas, drive aisles, and driveways shall be paved with asphalt, concrete, permeable pavement, or other approved materials as determined in Appendix 15.03, Specifications for Paving of Off-Street Parking and Loading Areas.
- ii. All drive aisles used to access dumpsters shall be paved with heavy duty asphalt or concrete consistent with the truck parking standards in Appendix 15.03.
- iii. Except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, all parking spaces shall be striped or otherwise designated to clearly mark each space.

Off-street parking areas need to be adequately surfaced and appropriately striped with parking spaces that meet dimensional requirements and design.

b. Table 7.1, D. of the Erlanger Zoning Ordinance lists character standards for services, utilities, and minor accessories including:

- i. All dumpster, trash, and recycling receptacle storage areas shall be located in the side or rear yard. Dumpsters shall be screened per Section 7.07, N.

c. Section 7.07, P. of the Erlanger Zoning Ordinance states:

- i. All dumpsters, trash pads, and ground-mounted heating and cooling units shall be screened from residential uses, residential zones, and all adjacent public roads. This equipment shall use a six-foot-high solid fence or wall (if the type and location is permitted by the fence regulations) along with three small or medium evergreen shrubs per 10 lineal feet. The existing dumpster shall be appropriately screened

3. Based on testimony provided during the public hearing held on July 8, 2025.

Section II

That should any section or part of any section or any provision of this Ordinance be declared invalid by a Court of competent jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

Section III

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

Adopted this 2nd day of September, 2025.

1st Reading - August 5, 2025

2nd Reading - September 2, 2025

Vote: 9, Yes, 0, No

City of Erlanger
County of Kenton
Commonwealth of Kentucky



By: _____
Jessica Fette
Mayor

Attest:

Sherry Hoffman
Sherry Hoffman
Clerk



July 17, 2025

PETER GLENN – CITY ADMINISTRATOR
CITY OF ERLANGER
505 COMMONWEALTH AVE
ERLANGER, KY 41018

Dear Mr. Glenn:

CASE NUMBER: PC-25-0007-MA

Attached please find a copy of this Commission's action from its special meeting on July 08, 2025, regarding a proposed map amendment to the Erlanger's Zoning Ordinance. (The proposal was submitted by Daniel Woodward on behalf of Jerome E. Henke). Copies of this action have been sent to those persons or agencies which may be affected by this matter.

Please notify Andy Videkovich, Director of Planning, 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 Andy Videkovich, AICP, Director of Planning at PDS 859.331.8980 or avidekovich@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 black ink, appearing to read "Brian Dunham".

Brian Dunham
Chair
attachment

cc: Jerome Henke – Owner
Daniel Woodward – Applicant

1840 Simon Kenton Way, Suite 3400, Covington, KY 41011
859.331.8980 • info@kcpcky.org

**KENTON COUNTY PLANNING COMMISSION
STATEMENT OF ACTION AND RECOMMENDATION**

NUMBER: PC-25-0007-MA

WHEREAS

Daniel Woodward on behalf of Jerome E. Henke, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: A proposed map amendment to the Erlanger Zoning Ordinance changing an area of approximately 1.26 acres, located at 3208 Dixie Highway, north of Dixie Highway and south of the railroad in Erlanger, from CC (Community Commercial) Zone to GI (General Industrial) Zone; AND

WHEREAS

A PUBLIC HEARING WAS HELD ON THIS APPLICATION ON TUESDAY, JULY 8, 2025, AT 6:15 P.M., IN THE KENTON CHAMBERS LOCATED AT 1840 SIMON KENTON WAY, COVINGTON, KENTUCKY; 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 - ERLANGER ZONING ORDINANCE:

Favorable recommendation on a proposed map amendment to the Erlanger Zoning Ordinance changing the property at 3208 Dixie Highway from CC (Community Commercial) Zone to GI (General Industrial) Zone, subject to the applicant agreeing to the following conditions:

- 1. Existing nonconforming site features regarding off-street parking design, required landscaping and character standards are remedied to the maximum extent practicable.

COMPREHENSIVE PLAN DOCUMENTATION:

- Date of Adoption by the Kenton County Planning Commission: September 5, 2024.

SUPPORTING INFORMATION/BASES FOR KCPC RECOMMENDATION:

- 1. The proposed map amendment, as conditioned, is generally in agreement with the adopted comprehensive plan. The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate. The original zoning classification in the previous zoning map was IP-1, an industrial zone, but was changed to CC, a commercial zone, with the adoption of the Z21 ordinance. The previous use and the current use are industrial and the recommended land use for the site is industrial.
- 2. The proposed map amendment will prevent potential difficulties associated with running a nonconforming business, such as restrictions on expansion and certain restrictions on structural alterations that result from the business being classified as a nonconforming use.

3. If a zone change is granted, all other nonconformities, such as site and design features must be remedied to the maximum extent practicable as a condition of approval. If approved, the following nonconformities should be remedied. Sufficient information should be submitted with permits to determine compliance with:
- a. Section 10.17, B. of the Erlanger Zoning Ordinance states:
 - i. All required off-street parking areas, drive aisles, and driveways shall be paved with asphalt, concrete, permeable pavement, or other approved materials as determined in Appendix 15.03, Specifications for Paving of Off-Street Parking and Loading Areas.
 - ii. All drive aisles used to access dumpsters shall be paved with heavy duty asphalt or concrete consistent with the truck parking standards in Appendix 15.03.
 - iii. Except for single-family, duplex, triplex, fourplex, mobile home, and manufactured home residential uses, all parking spaces shall be striped or otherwise designated to clearly mark each space.
Off-street parking areas need to be adequately surfaced and appropriately striped with parking spaces that meet dimensional requirements and design.
 - b. Table 7.1, D. of the Erlanger Zoning Ordinance lists character standards for services, utilities, and minor accessories including:
 - i. All dumpster, trash, and recycling receptacle storage areas shall be located in the side or rear yard. Dumpsters shall be screened per Section 7.07, N.
 - c. Section 7.07, P. of the Erlanger Zoning Ordinance states:
 - i. All dumpsters, trash pads, and ground-mounted heating and cooling units shall be screened from residential uses, residential zones, and all adjacent public roads. This equipment shall use a six-foot-high solid fence or wall (if the type and location is permitted by the fence regulations) along with three small or medium evergreen shrubs per 10 lineal feet.
The existing dumpster shall be appropriately screened
3. Based on testimony provided during the public hearing held on July 8, 2025.

ADDITIONAL INFORMATION

1. Table 7.3 in the Erlanger Zoning Ordinance states the allowable fence types, heights, and location in the GI Zone. The applicant has not provided details on the proposed fence, but it will need to follow the permitted fence type and the allowed height in the front, side, and rear yard or will require a Board of Adjustment hearing.
2. Medical Cannabis facilities are regulated and licensed by the state. The following is a portion of state law governing these uses which is in the purview of the state licensing authorities.
 - a. KRS 218B
 - i. Defines Cultivator as an entity licensed as such under KRS 218B.080, 218B.085 and 218B.090
 - ii. Provides requirements for such businesses, including:
 1. Shall not be located within 1,000 feet of an existing elementary or secondary school or a daycare center. The cultivation of medicinal cannabis for cannabis businesses licensed in this state shall only be done by cultivators and producers licensed under this chapter and shall only take place in an enclosed, locked facility which can only be accessed by cultivator agents working on behalf of the cultivator or producer at the physical

address or global positioning system coordinates provided

A handwritten signature in black ink, appearing to read "B. Dunham".

BRIAN DUNHAM, CHAIR
KENTON COUNTY PLANNING COMMISSION

ATTACHMENT PC-25-0007-MA**SUMMARY OF THE EVIDENCE AND TESTIMONY PRESENTED BY THE PROPONENTS/OPPONENTS OF THE PROPOSED MAP AMENDMENT**

(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

Daniel Woodward, on behalf of Jerome E. Henke, is proposing a map amendment to the Erlanger Zoning Ordinance. This amendment seeks to change the property located at 3208 Dixie Highway, Erlanger, from the CC (Community Commercial) zone to the GI (General Industrial) zone. The property currently has an existing legal nonconforming use for Medical Cannabis Cultivation. This proposed map amendment aims to align the site with the permitted uses in the GI zone.

PROPONENTS

A proponent addressed the Commission and clarified that the dumpster mentioned by staff belongs to the neighboring Amco facility. He noted that he has been working closely with the city and the property throughout this process and confirmed his agreement with the conditions proposed by staff. Additionally, he stated that they have not yet started their business or moved forward with construction.

Another proponent stated that the dumpster mentioned in the staff's report is located on the Amco property; however, the truck that empties it uses the applicant's driveway for access. He mentioned that they have been in contact with the owner to discuss the situation and expressed their willingness to be as accommodating as possible. He also noted that security gates or rolling fences will be installed, and Amco will need to determine a way for the dumpster to be accessed from their property. He confirmed his agreement with the conditions proposed by staff.

An additional proponent stated that the city has clearly communicated to both the property owner and the tenant that they expect the property to be brought up to standard, which has been addressed proactively. He added that these improvements will benefit the property and generate revenue for the city.

OPPONENTS/NEUTRAL PARTIES

There were none.

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





PC-25-0007-MA



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			
Tree/Green			
Boundaries			
Parcel			
Zoning			

1:2,250

0 45 90 135 Feet

1840 Simon Kenton Way, Suite 3400
Covington, KY 41011 2999
859.331.8980
Office hours M F 8-5
www.linkgis.org

Parcel data provided by CCPVA,
KCPVA and LINK GIS.

Date: 6/13/2025

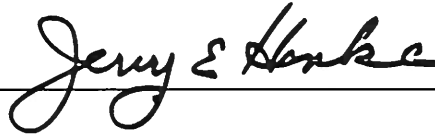
These GIS data are deemed reliable and every effort has been made to ensure their accuracy. They are, however, provided "as is" without warranty of correctness, timeliness, reliability, or completeness. Map elements do not represent a legal survey of land. Use of these data for any purposes should be 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.

Landlord Authorization Letter

April 18, 2025

I, Jerome E Henke, owner of property located at 3208 Dixie Hwy. Erlanger KY 41018 give authorization to Flower Power 5390, LLC to apply on my behalf for zoning changes, use changes and or map amendments to allow for their cannabis cultivation usage at the above address.

Jerome E. Henke

A handwritten signature in black ink that reads "Jerome E. Henke". The signature is written in a cursive style and is positioned above a horizontal line that extends to the right.

PROJECT DATA

SITE LOCATION: 3208 DIXIE HIGHWAY, ERLANGER, KENTUCKY 38669

PIDN: 018-20-26-010.00

LOT AREA: 1.26 ACRES

ZONING: COMMUNITY COMMERCIAL (CC)

LAND USE: MANUFACTURING/ASSEMBLY 20,000 SF OR LESS

OCCUPANCY CLASS (SECTION 331): F-1

CONSTRUCTION CLASS (SECTION 602): TYPE B-B

BUILDING DATA (SECTION 604): GROSS FLOOR AREA +/- 19,100 SF

NUMBER OF STORIES: ONE + MEZZANINE

PARKING DATA

TOTAL PARKING COUNT:

PROPOSED STAFF SPACES: 22

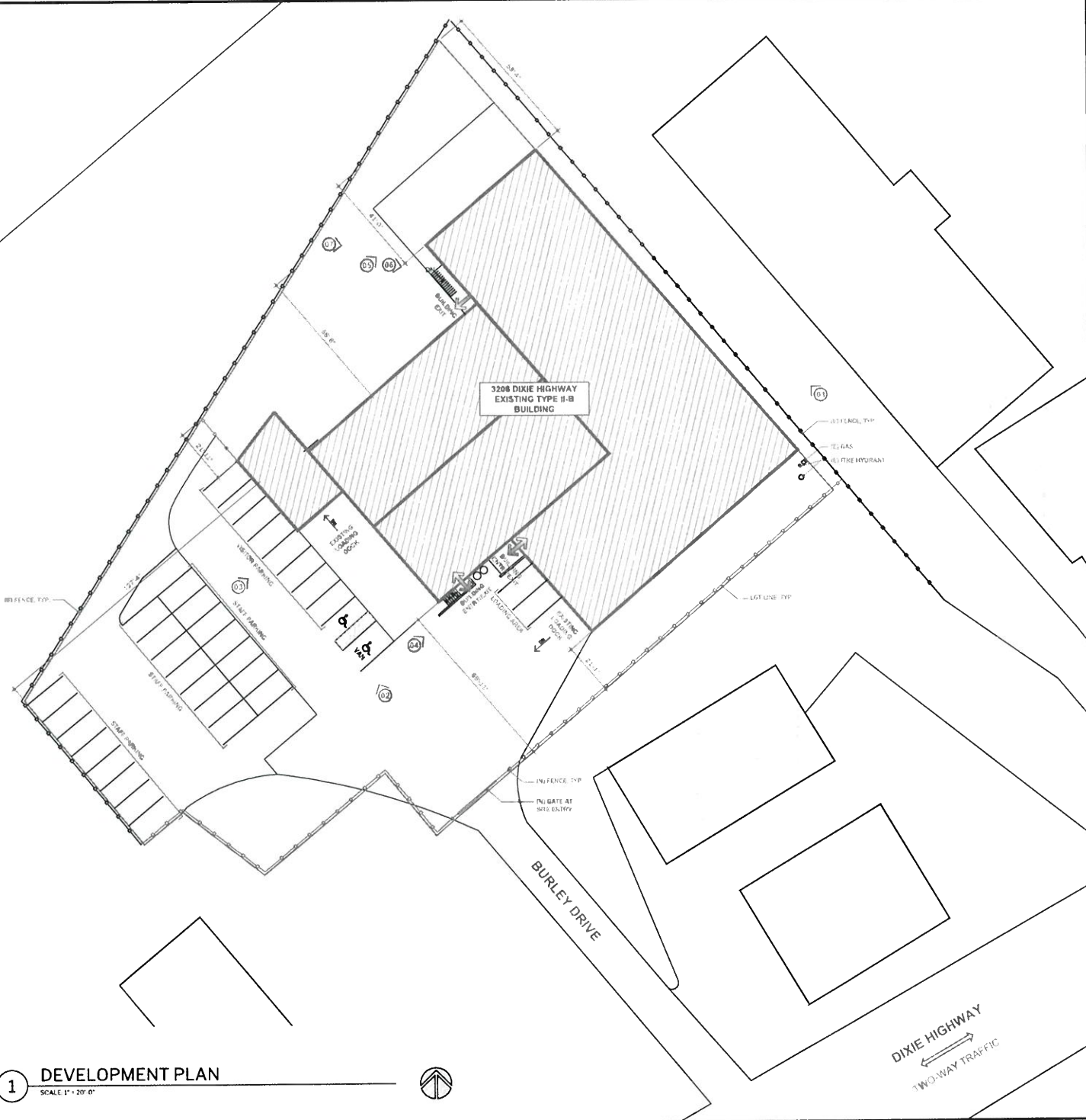
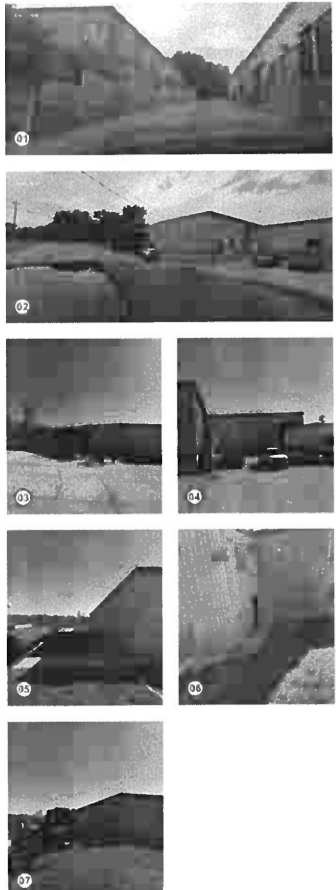
PROPOSED VISITOR SPACES: 8

PROPOSED LOADING SPACES: 2

PROPOSED ADA SPACES (INCLUDING 1 VAN SPACE): 2

TOTAL PARKING SPACES ON SITE: 34

SITE PHOTOS



1 DEVELOPMENT PLAN
SCALE 1" = 20' 0"



NOT FOR CONSTRUCTION

Architect of Record
 Larry R. Vail, NCARB
 227 Newark Ave., 3rd
 Jersey City, NJ 07310
 www.lrvail.com
 (201) 217-8228

Owner
 King Media
 jreg@kingmedia.com
 (973) 512-1308

Lender
 Flann Power/FNB LLC
 AmericanLifeFinancial.com
 (800) 486-8888

Design Professional Seal
 Larry R. Vail, NCARB
 NY License No. 8385

Drawing Record
 Development Plan | 06/10/25

Sheet No. 1 OF 1
Development Plan
A-010.00
 Plot Date: 4/5/25