

Independence

INDEPENDENCE ZONING UPDATE COMMITTEE MEETING #19 SUMMARY

Date: Thursday, December 8, 2011
Time: 6:00 pm – 8:00 pm
Location: The Independence City Building

PRESENT

Committee

John Richardson, Chair
Bob Schroder
Mike Dominach
Alex Mattingly
Pat Dressman

Chris Reinersman
Rodney Crice
Dan Groth
Donna Yeager
Brian Davis

NKAPC Team Members

Andy Videkovich, AICP
Martin Scribner, AICP

DISCUSSION POINTS

The Steering Committee has time to review the public comments received from open house meeting. Based on those comments, the Steering Committee discussed changes to the drafts.

DI Zone

Most comments from the public open house were about the design details and list of permitted uses being too restrictive. The Steering Committee opted to not make any changes to the DI Zone.

CD-SF Zone

This proposed zone received the most comments at the public open house. The greatest concerns expressed at the public open house were that the Conservation Subdivision regulations should be optional and 50% open space is too high. Based on these comments, the Steering Committee decided on the following changes to the CD-SF Zone:

1. The CD-SF will be optional. A couple options were considered:
 - a. Conventional subdivisions could be made a conditional use within the CD-SF Zone. If a developer wanted to do a conventional subdivision, they would have to apply to the Board of Adjustment and show why a conventional subdivision would be better than a conservation subdivision.
 - b. The CD-SF could be added as an Overlay Zone to the area in question. The language in the CD-SF Zone would indicate that conservation subdivisions are only an option that a developer may choose instead of a traditional subdivision.

The Steering Committee decided to make the CD-SF an Overlay Zone. This will still require a zone change request to add it to the area being discussed. The language within the zone itself will be changed to reflect that the development regulations for conservation subdivisions are only optional.

2. The amount of required open space will be reduced and density bonuses will be provided if the minimum amount of open space is exceeded.

GMU Zone

Comments from the public open house focused mostly on the minimum development area, the design guidelines, and the physical boundary of the proposed GMU Zone. Based on these comments, the Steering Committee decided on the following changes:

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1. The minimum development area will be reduced to 5 acres.
2. The Steering Committee discussed changing the physical boundary of the proposed GMU Zone to include properties farther to the west down McCullum Pike. It was ultimately decided that since these areas were outside what was recommended for mixed use in the Small Area Study, the boundary should not be changed. This does not rule out a rezoning in the future, but per State Law it will be up to an applicant to show why the proposed zone is more appropriate than the current zone.

NEXT STEPS

Staff will work on making the changes discussed above. The recommendations from the Steering Committee are scheduled to be presented to the City Council starting in 2012. They are tentatively scheduled to be presented at a minimum of 3 separate meetings.

IMPLEMENTATION

If the City Council proceeds with the implementation of these regulations, an application(s) will be submitted to the Kenton County Planning Commission (KCPC). Notices for the KCPC meeting will be mailed to all of the affected and adjacent property owners at least a month in advance of the public hearing. The KCPC will hold a public hearing on these issues and make recommendations back to the City Council. The date of the KCPC hearing will be determined when an official application is received from the City.

PUBLIC COMMENTS

The following pages contain a chart with all the comments received from the open house and the disposition of those comments.

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INDEPENDENCE ZONING UPDATE PUBLIC OPEN HOUSE, NOVEMBER 14, 2011

The draft regulations were presented in an “open house” format to the residents and general public on November 14, 2011. Attendees were requested to submit comments on the regulations via comment cards and flip charts. The following chart lists the comments received by the planning team. The chart also mentions the ways the comments have been addressed or by mentioning “comment acknowledged”, for general comments, comments that are self-explanatory, or comments that were discussed by the Committee but did not result in any changes to the regulations. Additional comments regarding opinions on the regulations are on file at the offices of Northern Kentucky Area Planning Commission for future reference.

COMMENTS	DISPOSITION
GENERAL COMMENTS	
The rezoning does not provide likable provisions for those living in this area	Comment Acknowledged
This is the dumbest ideal I have ever heard and I am 100% against it	Comment Acknowledged
I do not think a developer and his attorney should have been on the committee	Comment Acknowledged
I will never be convinced that there is not an alternative reason behind this ideal. Somebody/bodies are going to reap monetary rewards for this.	Comment Acknowledged
I do not think it is constitutional to tell someone how they can use their land	In compliance with KRS 100, there is already zoning in place that regulates what one can or cannot do with their land
Interesting study I like the plans	Comment Acknowledged
I think this is very bad for Independence. It stinks.	Comment Acknowledged
This is not Marin County California. This is the Commonwealth of Kentucky.	Comment Acknowledged
This is no longer elected city council attacking private property rights of their neighbors.	Comment Acknowledged
I am totally against this. It goes against the downtown study. I think this is criminal.	Comment Acknowledged
Lets finish this it has been going on for far too long	Comment Acknowledged
Forget it. No.	Comment Acknowledged
I am totally against the proposed rezone and development	Comment Acknowledged
It is just another folly of our city government	Comment Acknowledged
The designs are specified. This may not be what market wants. The market will decide unless government money is used to support	Comment Acknowledged
Not everybody wants to walk	Comment Acknowledged

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Where is the mayor? How do comments get to elected officials?	Dan Groth, City Administrator, stated that copies of these comments were provided to the City Council
What is success rate of NKAPC small area studies?	Comment Acknowledged
This meeting was planned chaos	Comment Acknowledged
NKAPC does study. NKAPC promotes study. City approves. NKAPC implements - conflict of interest?	Comment Acknowledged
I think there needs to be a new survey done with the people that actually live up against the area being talked about. Neither we or anyone of my neighbors were ever sent or given a survey to complete about what we wanted for downtown Independence.	Section 3.3 of the <i>Independence Community Small Area Study</i> explains the survey and the results. It should be noted that the plan's recommendations were not based solely on this survey. The plan and its recommendations were guided by the existing reports and studies, by utilizing surveys, public presentations, workshops, stakeholder input and public open house
We may be in favor of what is being planned but it feels like it is being "sneaked" in. If more specifics of what would be done on the boundaries would be given that would be nice.	Comment Acknowledged
Enforce property owners to keep up maintenance on their structures and surrounding land. There are existing ordinances regarding this enforcement, right?	Specific concerns should be addressed to the City of Independence so they can look into them
It seems quite unconstitutional to rezone land already owned	KRS 100 governs what a local municipality can and cannot do regarding zoning
I am against this proposal. I do not want to pass this on to my family. I am eighty one years old	Comment Acknowledged
No experimenting with people properties with these ideas	Comment Acknowledged
You blew it when you did not encourage the property owners to share ideas with you.	Comment Acknowledged
DI ZONE	
Ran out of handouts at 7:17 - not trying to inform public. Boards have typos - unprofessional	Comment Acknowledged
Landscaping office/storage in subdistrict 1	Comment Acknowledged
No eminent domain planned by the city	Comment Acknowledged
Limitations on options. Vacant houses on McCullum	Comment Acknowledged

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How do you plan to revive downtown Independence when everything affecting downtown is already under development	Comment Acknowledged
If you were so worried about downtown, why would you not have built your new city building there?	Comment Acknowledged
Living in the 'donut' center section of McCullum, we are concerned with the added traffic proposed by the changes to the "courthouse" area	See Section 5.5 of the <i>Independence Community Small Area Study</i> entitled "Specific Transportation Recommendations and Roadway Hierarchy"
We already have greater difficulty backing out of our driveways. If we build up the downtown I question whether we will be able to back out at all. Will the speed limits remain the same on McCullum? Will we loose yard to sidewalks later?	See Section 5.5 of the <i>Independence Community Small Area Study</i> entitled "Specific Transportation Recommendations and Roadway Hierarchy"
Required entry features can be very costly and preventative for business owners	Comment Acknowledged
You should not limit the types of businesses. This puts a negative pressure on the ability for the city to grow	The current NC Zone has 48 permitted uses. The proposed DI Zone has 70+ permitted uses
Design details add costs and slow growth in the city as business owners will choose to locate elsewhere	Comment Acknowledged
Maintenance of character standards are expensive to commercial owners and can cause them to locate elsewhere	Comment Acknowledged
Drive-thru facilities are necessary to encourage many types of commercial activity. Doing away with these can impact current and future business activity	Drive-thru facilities are permitted in Subdistrict 2 for banks and pharmacies
This needs much more flexibility	Comment Acknowledged
My father had an old saying - if it ain't broke, don't fix it. The downtown area doesn't need more government restrictions	Comment Acknowledged
CD-SF ZONE	
Prefers Conservation development, due to green space	Comment Acknowledged
Who will maintain the increased green space?	The CD-SF Zone identifies 4 options for the ownership and maintenance of open space
More commercial needed	Comment Acknowledged
How can you "require" 50%, take property?	Comment Acknowledged

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Who will police green space?	Whoever owns the open space will set the rules for the use of it. Any trespassing/criminal activity needs to be reported to the police
Who sets rules for use of green space?	Whoever owns the open space
The Kenton County Conservancy manages existing conservation properties in Kenton County	Comment Acknowledged
Who pays for maintenance of green space?	Whoever owns the open space
Will city or county taxes increase for these desired changes?	The answer to this question is not known
The Kenton County Conservancy is a 501c(3) not for profit funded by private donations	Comment Acknowledged
Definitely opposed to the development on south side of McCullum Road connecting with Chateau in Hartland subdivision - lower property values, increased traffic	<p>Section 4.0, B., 2., of the Kenton County Subdivision Regulations states: “where adjoining areas are not subdivided and are appropriate for future subdivision, arrangement of streets in new subdivisions shall make provision for the proper projection of streets to those adjoining areas in a manner which shall provide for the practical development of the adjacent property”</p> <p>When Hartland Subdivision was developed, Chateau Court was provided to meet the above requirement. Whether the adjacent area develops as a traditional subdivision or as a conservation subdivision, Chateau Court is required to extend into the new development. The zoning regulations cannot override this requirement</p>

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Fears of development that is going to jeopardize property values. Privacy is a concern	Comment Acknowledged
If people wanted developers would build a product to sell	Comment Acknowledged
Conservation Subdivision should be optional, decided later upon buyer need	Changed - The conservation subdivision regulations will be optional
Already have a problem getting the grass mowed around the new 17. Fix the current problems	Maintenance issues within the right-of-way should be addressed to KYTC. Maintenance issues on private property should be addressed to the City
Love the idea of conservation subdivision - good work	Comment Acknowledged
We do not need this small area study - Independence has survived all these years without it. We don't want to be the 1% in this experiment.	The <i>Independence Community Small Area Study</i> was completed and adopted in 2007
Small area study should be optional, not mandatory	The <i>Independence Community Small Area Study</i> was completed and adopted in 2007
Don't need more commercial - develop well what we have	Comment Acknowledged
Concentration and studies should be done on Rt. 536	Comment Acknowledged
Downtown can't be revived with mom and pop stores. Yes, everyone smiles and says 'isn't that nice' and then drives on to Walmart	Comment Acknowledged
Developers won't purchase property with mandated conservation area	Comment Acknowledged
Sorry, I thought Kentucky was still part of the USA - where "owning" land means you have options. Rather to sell or buy land to use as green space (conservation) or traditional should be up to the landowner and not a "committee"	Comment Acknowledged
I want to know what the real hidden agenda is	Comment Acknowledged
I don't understand this interest on McCullum Road. There are lots of properties better for conservation areas	Comment Acknowledged
Treat us like the rest of residents of Independence	Comment Acknowledged
NKAPC and the update committee need to be tarred and feathered and run out of town	Comment Acknowledged
The expectations for our property has the potential to be diminished by government intrusion	Comment Acknowledged
Hell no to the conservation subdivisions. Lets not lower property values	Comment Acknowledged
I am against the conservation development	Comment Acknowledged

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Living in the 'donut' center section of McCullum, we are concerned with the added traffic proposed by the changes to Gateway Mixed-use Zone area	See Section 5.5 of the <i>Independence Community Small Area Study</i> entitled "Specific Transportation Recommendations and Roadway Hierarchy"
Maintenance and cost of maintenance for the 50% green space in the surrounding areas, is only roughly outlined with 4 very nebulous plans	The CD-SF Zone identifies specific information required in a detailed management plan
The ability to assign 50% green space is presumptuous	Changed - The minimum required amount of open space will be reduced to 35%, with density bonuses for providing additional open space
Hell no to the conservation subdivisions.	Comment Acknowledged
I do not want the conservation subdivision in Independence	Comment Acknowledged
I do not want the conservation subdivision in Independence	Comment Acknowledged
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I feel there is plenty of traffic flow through the DI Zone to fuel its development without rezoning the CD-SF zone. Not being in a subdivision or looking right at one is why we chose to moved onto McCullum. I feel we are not given many options in this situation.	Comment Acknowledged
The 'green space' that is currently there is more "green space" than the 50% mandates	Comment Acknowledged
I am totally against building on McCullum	Comment Acknowledged
We object to the open space preservation of 50%. If you sell 100 acres, 50 acres must stay green. And that does not include yards. Who would buy the land for development. We are against this proposal.	Changed - The minimum required amount of open space will be reduced to 35%, with density bonuses for providing additional open space
Conservation subdivision should allow multi-family buildings if market conditions desire	Comment Acknowledged
I am not in favor of conservation subdivision	Comment Acknowledged
I am not in favor of conservation subdivision	Comment Acknowledged
Give the citizens the option to buy a portion of the land to protect our lots	Comment Acknowledged

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<p>Conservation area should be optional depending on market conditions</p>	<p>Changed - The conservation subdivision regulations will be optional</p> <p>Chapter 2 "Urban Audit" of the Independence Community Small Area Study: "While it would be a break with the dominant form of housing being built in Independence today, more diverse housing products should be considered in the future. Higher density housing products for younger persons as well as senior citizens could have roles in Independence."</p>
<p>I live on Millcreek. I am against any and all development behind my residence</p>	<p>Any property in the City can be subdivided if it meets the Kenton County Subdivision Regulations and the Independence Zoning Ordinance</p>
<p>I live in Hartland Subdivision. I am against any changes to the zoning. I do not agree with Conservation development single-family zone</p>	<p>Comment Acknowledged</p>
<p>This should be optional to property owners, not some committee making it mandatory to do what they want you to do with your land.</p>	<p>Changed - The conservation subdivision regulations will be optional</p>
<p>As a homeowner in Hartland subdivision on Millcreek Circle I do not want a subdivision in my backyard</p>	<p>Any property in the City can be subdivided if it meets the Kenton County Subdivision Regulations and the Independence Zoning Ordinance</p>
<p>It is unconstitutional to rezone this area without a vote by land and property owners</p>	<p>KRS 100 governs the process for rezoning property</p>
<p>This should be optional to property owners, not some committee making it mandatory</p>	<p>Changed - The conservation subdivision regulations will be optional</p>
<p>This is criminal and unconstitutional</p>	<p>Comment Acknowledged</p>
<p>Leave the existing zoning alone</p>	<p>Comment Acknowledged</p>
<p>The common space HOA costs. Who pays?</p>	<p>Whoever is a member of the HOA</p>

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In our opinion the zoning should remain as is for McCullum. If a developer wants to approach the landowners with a purchase offer, then it should be optional whether the developer wants the conservation or traditional zoning for that area. We should not be locked into a plan for our land. There seems to be a hidden agenda here.	Comment Acknowledged
Conservation is a great idea, but it should not be required (or limited) of any (all?) voting property owners.	Changed - The conservation subdivision regulations will be optional
The conservation area should be optional not mandatory	Changed - The conservation subdivision regulations will be optional
Residential developers do not want to purchase land that would be restricted to 50% green space. Property owners should not have to search out a developer to purchase their property. This restriction will lower property value.	Changed - The conservation subdivision regulations will be optional
Some of the purposes are a social outcome and not a land use purpose. Cut out social engineering	Comment Acknowledged
50% total development declared as conservation is in effect a mandate for property to go undeveloped as doing so is a losing issue for the land owner. This equates to a taking of development rights.	Changed - The minimum required amount of open space will be reduced to 35%, with density bonuses for providing additional open space
Any HOA tasked with maintaining 50% open space is doomed for insolvency and will become a drain upon the city	The CD-SF Zone identifies specific information required in a detailed management plan, including the financial feasibility of the ownership program
Conservation developments should never be a mandate. As an option developers and the city can work out a reasonable outcome for all. As a mandate it becomes a taking of development rights	Changed - The conservation subdivision regulations will be optional
This needs much more flexibility	Comment Acknowledged
I am against any development that abuts or effects Hartland Subdivision. The value of our homes will go down considering the potential builder of row houses and patio homes. Any ingress and egress thru Hartland would lower property values for the owners of Hartland Subdivision	Any property in the City can be developed if it meets the Kenton County Subdivision Regulations and the Independence Zoning Ordinance
I am totally opposed to the conservation district being proposed for the land on McCullum	Comment Acknowledged

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<p>This is an area of single-family homes with nice sized lots - not for townhouse style development. One of the members of the committee (Independence 20 members) said there will be a need for smaller homes for senior citizens. Do they really want to deal with stairs as the picture depicts?</p>	<p>Chapter 2 "Urban Audit" of the <i>Independence Community Small Area Study</i>: "While it would be a break with the dominant form of housing being built in Independence today, more diverse housing products should be considered in the future. Higher density housing products for younger persons as well as senior citizens could have roles in Independence."</p>
<p>I especially oppose the proposed connection of the conservancy with Chateau in Hartland subdivision. We don't need more traffic on Hartland. Also we want to maintain our property value</p>	<p>Comment Acknowledged</p>
<p>I am totally opposed to rezoning and redevelopment. This would cause too much traffic through the current subdivision</p>	<p>Any property in the City can be developed if it meets the Kenton County Subdivision Regulations and the Independence Zoning Ordinance</p> <p>The Kenton County Subdivision regulations require connections between existing developments and future developments</p>
<p>This is total disregard to home owners and land owners</p>	<p>Comment Acknowledged</p>
<p>Conservation subdivisions should be optional. With multi-family being considered around the gateway mixed use area, in the conservation subdivision single-family area.</p>	<p>Changed - The conservation subdivision regulations will be optional</p>
<p>No mandatory green space</p>	<p>Changed - The conservation subdivision regulations will be optional</p>
<p>No one in Kentucky has 50% mandatory conservation/not in Louisville - it is optional.</p>	<p>Comment Acknowledged</p>
<p>Unlike Arlinghaus Builders getting to have their four parcels represented by their attorney appointed on this committee, there was no one representing the property owners that are being forced into leaving 50% green space appointed to the update committee. That is not fair. We should have had someone representing us on that committee.</p>	<p>Comment Acknowledged</p>

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I am totally against the 50% mandatory green space. I think it is unconstitutional to only have a few property owners have these restrictions put on their properties.	Changed - The minimum required amount of open space will be reduced to 35%, with density bonuses for providing additional open space
Everything you have proposed stinks to high heaven regarding the CD-SF	Comment Acknowledged
GMU ZONE	
7.5 minimum is too large. Should be around 5 acres	Changed - The minimum development area will be reduced to 5 acres
Like the landscape buffer	Comment Acknowledged
5+ acres for minimum start if 35 acres is for both north and south side of McCullum then 15 acres may be maximum for one side of McCullum. Maybe multi-family buffer between mixed use and single-family conservation subdivision optional	Changed - The minimum development area will be reduced to 5 acres
Hartland resident - I love the open land next door, but eventually someone will buy pieces of these land parcels and I would much rather see it be a nice open space, then random building and business types like Florence. At least this creates consistency	Comment Acknowledged
Please include 109 McCullum in the mixed use commercial	Comment Acknowledged
Traffic implications on McCullum from the mixed use developments at McCullum/17	See Section 5.5 of the <i>Independence Community Small Area Study</i> entitled "Specific Transportation Recommendations and Roadway Hierarchy"
7.5 acre minimum for mixed use development is too large. There is only 1 land owner in the mixed use area that meets this. Again market conditions should decide 5 acres is probably a good starting point	Changed - The minimum development area will be reduced to 5 acres
The designs of the buildings should be uniform but not dictated in mixed use	Comment Acknowledged
Being on the end of Hartland Blvd. with 17 as our backyard, our property value has already taken a hit. This will lower it even more. We already cannot have a conversation on the back deck	Comment Acknowledged
Develop the commercial lots already vacant. This is a rural area by choice. That is why we moved from Ohio to here. The reason businesses are not interested is because the land around Krogers and further south near the library is vacant.	Comment Acknowledged
There is also vacant land on Turkeyfoot near UDF and Remke as well as Mt. Zion Road	Comment Acknowledged
This is not something that the people want in our backyard	Comment Acknowledged

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Limiting the types of commercial and retail activities can hurt the city and stop growth	The GMU Zone has 53 permitted uses. The current NC Zone has 48 permitted uses. The current NSC Zone has 46 permitted uses
Limiting the amount of drive-thru lanes may be prohibitive for business owners. Business study the amount of lanes they need and strike a balance between cost of constructing lanes and customer needs. They already design accordingly. Doing otherwise can cause businesses to locate to other areas to avoid this mandate	Comment Acknowledged
Gateway features can be expensive and prohibitive and as a result curb growth and businesses locating to this area. Water features, clock towers and things like this should only be an option and not mandatory	Comment Acknowledged
This needs much more flexibility	Comment Acknowledged
Development size minimum size 5+ acres max. 35 acres on both north and south sides	Changed - The minimum development area will be reduced to 5 acres
We don't need more traditional commercial property - even if it is going to be nice. (what a laugh). Have Arlinghaus support their own commercial venture by abiding by the Small Area Study that clearly shows both in black and white and color that the gateway zone was to be mixed use in front and high density residential in back. Your mission was to implement not rewrite the study	Comment Acknowledged
Everything you have proposed stinks to high heaven regarding the gateway	Comment Acknowledged