

CITY OF HIGHLAND HEIGHTS, KENTUCKY

ORDINANCE NO. 13-2012

AN ORDINANCE AMENDING ORDINANCE NO. 16-83, THE CITY OF HIGHLAND HEIGHTS ZONING ORDINANCE BY CHANGING THE PREMISES KNOWN AS EXCESS FIFTH THIRD PROPERTY JUST NORTH OF 2700 ALEXANDRIA PIKE IN HIGHLAND HEIGHTS FROM RESIDENTIAL (R1E) (SINGLE FAMILY) TO ROD (REDEVELOPMENT OVERLAY DISTRICT ZONE)

WHEREAS, the Highland Heights Planning Commission held a public hearing on August 14, 2012 to consider amending the map of the City's zoning ordinance.

WHEREAS, said public hearing was held pursuant to KRS 100.207, 100.211, 100.212 and 100.213 with all conditions prerequisite thereto being met; and;

WHEREAS, the Highland Heights Planning Commission decided to recommend to the City Council to amend the map of the City's zoning ordinance.

WHEREAS, the Highland Heights City Council has considered the findings and recommendations of the Planning Commission as reflected in its minutes and staff reports from the aforementioned public hearing and incorporate them herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HIGHLAND HEIGHTS, KENTUCKY:

Section I

That the City of Highland Heights, Kentucky having considered the findings of the Planning Commission as reflected in its minutes and the reports adopted by the Planning Commission pursuant to those findings from the city staff and its actions and recommendations, as well as reviewing the minutes of said public hearing and the report from the city staff does hereby concur and adopt the reasons, recommendations and findings of the Planning Commission as set forth at its August 14, 2012 meeting, including, but not limited to the finding that the application for a zone change is in agreement with the city's current comprehensive plan. That the attached restricted use letter from developer Thompson Thrift is made a condition upon this zone change and that the following conditions will be met and adhered to by the developer.

1.) Lot consolidation: The developer will consolidate the individual lots into one lot of record as part of its Stage II submittals.

2.) Maintenance Agreement: The developer will enter into a maintenance agreement regarding the city owned parcel on the southern tip of the island to maintain landscaping on this parcel as well as any rights of way.

3.) Architecture: Building materials shall include a stone water table and brick veneer with EFS accents at the top of decorative columns and other recommendations from the City Planner.

4.) Use Restrictions: Thompson Thrift has agreed to certain use restrictions. See the attached letter from Thompson Thrift to Steve Crawford dated August 1, 2012.

5.) Utilities: All utilities to the site shall be underground. All utility issues shall be addressed to the City Engineer's satisfaction.

6.) Signage: As approved.

7.) Parking: Adequate parking for the site.

8.) Demolition: Development of this plan requires removal of several structures. Include a demolition plan with Stage II documentation. Work with the City Engineer to determine the depth subsurface structures are to be removed and to determine acceptable fill and compaction requirements.

9.) Storm water: Approvals from SD#1 should be forwarded to the City Engineer for the City's file as part of Stage II development plan review and approval process.

10.) Landscaping: Show plantings in the Old US 27 right-of-way on the excess 5/3 property. Provide detailed landscape/planting plans with Stage II plans.

11.) Retaining Walls: Proposed retaining walls shall match colors, materials and workmanship of existing walls constructed in the US 27 corridor consistent with the US 27 Streetscape Plan. Matching wall materials and design of 5/3 bank's wall is needed to maintain the integrity of the Island Property streetscape. Provide wall material sample for approval as part of a Phase II submittal.

12.) Cross Access: Cross access is shown with 5/3 meeting a condition of approval of both 5/3's approved plan and Thompson Thrift Stage I and II plan requirements.

13.) Pedestrian Easement: Add a note that Thompson Thrift will give the City a temporary construction easement to build a pedestrian bridge across US 27 onto the subject property.

14.) Dumpster Enclosure: Three 7 foot high dumpster enclosures are proposed made out of split face block with color to match the principal building. A galvanized fence with slats is proposed at the opening. See if the number of dumpsters can be reduced. More landscape screening may be required on detailed Stage II plans.

Section II

That the official zoning map of Highland Heights, Kentucky is hereby amended as it pertains to the property described below, from Residential 1 (R1E) (Single Family) to ROD (Redevelopment Overlay District) zone. The property so affected is described as follows:

Situated in the City of Highland Heights, Campbell County, Kentucky and being all of lots 14-17 and part of lots 28-31 of the Highland Baby Farms Subdivision, Section 9, June 1914, Plat Book 56,, Page 252, inclusive of the Campbell Counties Recorders Office and being more particularly described as follows:

Commencing at a right-of-way monument at the easterly right-of-way of US 27 and the northerly right-of-way of Myrtle Avenue and being at Station 425+91.11,44.00 feet right of the centerline of US 27 per Kentucky Department of Transportation (KDOT) right-of-way plans dated November 12, 1993, a found steel pin with cap (J.E. Hoh Jr. KY 2567), being located N. 34°27'21" E, 1.82 feet, from the point;

Thence along the new right-of-way of US 27 N 23°48'44" W, a distance of 120.89 feet to a KDOT right-of-way monument, being at station 427+12.00, 44.00 right of the centerline of US 27;

Thence continuing along said right-of-way N 20°29'00" W, a distance of 36.68 feet to the TRUE POINT OF BEGINNING for this description;

Thence continuing along said right-of-way N. 20°29'00" W, a distance of 78.69 feet to a point being Station 428+26.70, 51.65 feet right, a found steel pin with cap (J.E. Hoh Jr. KY 2567), being located S 11° 47'09" W, 0.76 feet, from the point;

Thence continuing along said right-of-way N 21°00'19" W, a distance of 64.90 feet to a KDOT right-of-way monument, being at station 428+92.00,56.00 feet right of the centerline of US 27;

Thence continuing along said right-of-way N. 21°50'50" W, a distance of 14.83 feet to a set still pin with cap (Foltz KY 3322);

Thence leaving said right-of-way, N. 70° 11'17" E, a distance of 68.15 feet to a found iron pin, being at Station 429+00.99, 123.94 right of the centerline of US 27 also being the northeast corner of lot 28 and the northwest corner of lot 17 of Highland Baby Farms Subdivision;

Thence N. 70°55'36" E, a distance of 125.60 feet to a found steel pin with cap (J.E. Hoh Jr. KY 2567), said point being at the westerly right-of-way of Old US 27 (aka Alexandria Pike) and also the northeast corner of lot 17 of Highland Baby Farms Subdivision;

Thence continuing along said right-of-way of Old US 27, S. 24°44'24" E. a distance of 160.00 feet to a found steel pin with cap (J.E. Hoh Jr KY 2567), also being the southeast corner of lot 14 of Highland Baby Farms Subdivision, passing a found steel pin with cap (J.E. Hoh Jr. KY 2567), at 80.00 feet, 0.20 west of the property line;

Thence leaving the right-of-way of Old US 27, S. 70°55'36" W, a distance of 204.70 feet to the POINT OF BEGINNING, containing 0.7265 acres more or less. Subject to easements and restrictions of record.

Section III

That the map referred to in Section II herein is hereby made a part of this Ordinance and same shall remain on file and be retained by the City Clerk/Treasurer at the Highland Heights City building for a record and inspection by the public.

Section IV

That the development plan submitted for this project as part of this map amendment and as amended by the applicant at the August 14, 2012 Planning Commission is made part of this Ordinance and is hereby approved so long as it complies with any amendments or conditions imposed or approved by the Planning Commission at any public hearings or planning commission meetings, including but not limited to the developers agreement to exclude certain uses in this development in the attached letter from the developer.

Section V

That all ordinances or parts of ordinances in conflict herewith are to the extent of such conflict, hereby repealed.

Section VI


That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer and recorded. Same shall be in effect at the earliest time provided by law.

First reading this 21st day of August, 2012.

Passed on second reading this 4th day of September 2012.


MAYOR GREGORY V. MEYERS

ATTEST:


JEAN A. RAUF
CITY CLERK/TREASURER

Ord12.13

PUBLISH : CCR

SEPT 13 2012