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TO: Kenton County Planning Commission Members

FROM: Emi Randall, AICP, RLA 
Director of Planning and Zoning

RE: Staff Recommendations for the Public Hearing

DATE: January 3, 2019

PDS submits the attached report and recommendation for your review prior to the scheduled January 10, 2019 public hearing. This information relates to the following agenda item:

FILE: PC1812-0002
APPLICANT: City of Crestview Hills per Tim Williams, City Administrator
REQUEST: Proposed text amendments to the Crestview Hills Zoning Ordinance: (1) adding inpatient and outpatient substance abuse treatment facilities to the list of permitted uses within the PO-1 (Low Rise Office Park) Zone; and, (2) adding a definition for substance abuse treatment facilities to the list of definitions.

Staff will be prepared to address your comments and/or questions regarding the project during the public hearing. If you need additional information or clarification prior to that time, don't hesitate to contact me.

cc: Tim Williams, City Administrator





Text Amendment

Case No: PC1812-0002
Jurisdiction: City of Crestview Hills
Applicant: Tim Williams, City Administrator
Project Manager: Emi Randall, Director of Planning and Zoning Administration.

GENERAL CASE INFORMATION

1. **Request:** Proposed text amendments to the Crestview Hills Zoning Ordinance: (1) adding inpatient and outpatient substance abuse treatment facilities to the list of permitted uses within the PO-1 (Low Rise Office Park) Zone; and, (2) adding a definition for substance abuse treatment facilities to the list of definitions.

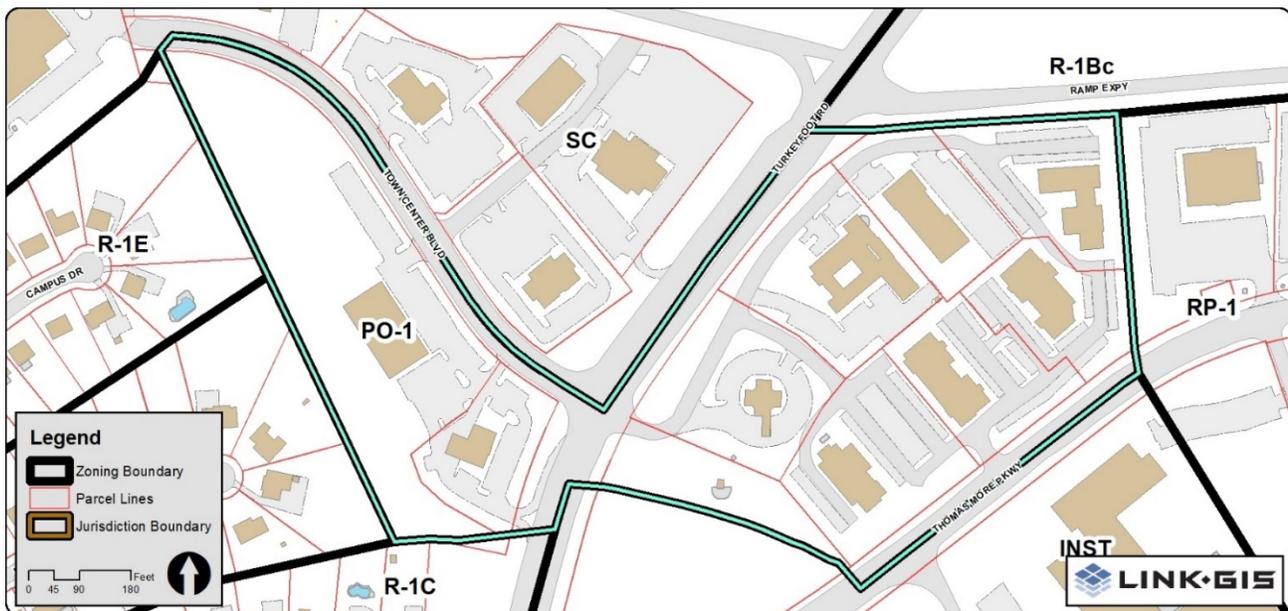
HISTORY & BACKGROUND

1. Currently, the City of Covington permits addiction treatment facilities as conditional uses within the CC and CBD zones.
 - a. Addiction treatment facility, within the Covington Zoning Ordinance is defined as “Any building, structure, or space whose principal or primary function is the reception, housing, and/or care of chemically dependent adults and/or their minor children, and by which distribution of synthetic narcotics or any other method attempts to control, suppress, and/or eliminate a person’s mental or physical dependence on any illegal or harmful substance. Any permitted or accessory uses allowed in any zone will not be interpreted to include addiction treatment facilities unless such use is specifically stated to include addiction treatment facilities. No general use descriptions set out elsewhere may be deemed or construed to include such use.”
 - b. Within the Covington Zoning Ordinance, addiction treatment facilities are subject to the following regulations in addition to any imposed by the Board of Adjustment in approving a particular operation:
 - i. No more than one addiction treatment facility may be permitted per each 25,000 persons residing in the city.
 - ii. The facility must provide for staff offices, sleeping space, meeting rooms, bathrooms, and kitchen and dining facilities.
 - iii. Twenty-four hour, on-site staff supervision must be provided.
 - iv. Facilities must comply with all building codes and other applicable codes and ordinances.
 - v. Adults or adults with minor children may not reside at the facility for more than 18 consecutive months.
 - vi. Licensure for the program operated at the facility must be obtained in accordance with Non-Medical Alcohol Treatment and Education Center regulations, 908 KAR 1:230 and 240.
 - vii. Facilities are appropriate only when the above criteria can be met, unless clear and convincing evidence is presented that deleterious impacts involving noise, traffic, safety, or property values will result from the establishment of a facility at a particular location.

ANALYSIS

1. Petition Review:

- a. The PO-1 (Low Rise Office Park) Zone within Crestview Hills is intended to create an area that will accommodate a wide variety of office uses (administrative, business, professional) in a campus setting that is relatively open in character. This area should be compatible with the Thomas More College campus and should provide land area for certain offices related to the St. Elizabeth Medical Center and/or to Thomas More College, or for certain offices requiring good general accessibility to the region.
- b. The PO-1 Zone currently permits a variety of offices, financial institutions, laboratories, libraries, museums, and medical and dental clinics.
- c. The proposed text amendment will add inpatient and outpatient substance abuse treatment facilities as permitted uses within the PO-1 Zone.
- d. The proposed text amendment will add two definitions to Article VII.
 - i. Substance abuse treatment facility, inpatient: A facility for the treatment of alcohol or other drug abuse where one or more patients are provided with meals and/or lodging for overnights stays and care.
 - ii. Substance abuse treatment facility, outpatient: A facility uses for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided, and overnight stays do not occur.
- e. There is one area within the City of Crestview Hills currently zoned PO-1. The area is approximately 18.8 acres and includes areas south of Town Center Boulevard, and north of Thomas More Parkway on both the west and east sides of Turkeyfoot Road.



STATE STATUTE

1. Kentucky Revised Statute (KRS) 100.203 (1) states the allowable content of zoning regulations which cities and counties may enact.

STAFF RECOMMENDATION: Favorable recommendation on the proposed text amendments subject to the condition that inpatient substance abuse treatment facility be added as a conditional use rather than a permitted use within the PO-1 Zone.

SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION

1. The proposed text amendment to add outpatient substance abuse treatment facilities to the list of permitted uses is consistent with the intent of the PO-1 Zone, which is to accommodate a wide variety of office uses (administrative, business, professional) in a campus setting. Substance abuse treatment facilities are a use that requires good general accessibility to the region, which is also included in the intent of the zoning district.
2. The proposed text amendment to add outpatient substance abuse treatment facilities to the list of permitted uses is reasonable. Outpatient substance abuse treatment facilities are similar in scale and intensity to other uses that are permitted within the PO-1 district, including medical and dental offices. The proposed permitted use of substance abuse treatment facility, outpatient, would currently be permitted within the district as a medical clinic.
3. The proposed text amendment to add inpatient substance abuse treatment facilities to the list of permitted uses within the PO-1 Zone is not consistent with the other permitted uses within the district. This use is more consistent with nursing homes and hospital uses, which are currently only permitted within the INST (Institutional) Zone. Staff recommends this use be added as a conditional use to ensure the use will not be detrimental to the public health, safety, or welfare. Review and approval of conditional uses by the Board of Adjustment will allow for a public hearing and conditions to be placed on the project if necessary, to properly integrate the use into the surrounding neighborhood and address any potent impacts of the use.

ADDITIONAL INFORMATION

1. Outpatient substance abuse treatment facility falls within the current definition of “clinic, persons”, within the Zoning Ordinance. With the addition of the new definition, staff recommends adding “this definition does not include the term, substance abuse treatment facility, which is defined separately” to the definition of clinic, persons.
2. Inpatient substance abuse treatment facility falls within the current definition of “hospital, persons”, within the Zoning Ordinance. With the addition of the new definition, staff recommends adding “this definition does not include the term substance abuse treatment facility, which is defined separately” to the definition of hospital, persons.
3. Staff is also in favor of adding both inpatient and outpatient substance abuse treatment facility, to the list of permitted uses within the INST (Institutional) Zone since these uses are similar to uses currently permitted within that district.

General Attachment Notice:

For ease of viewing, only those portions of the Zoning Ordinance pertaining to the requests within the submitted application have been included within these attachments. The complete zoning code can be viewed online at: www.pdskc.org

ATTACHMENT A

Proposed Text Amendments to Crestview Hills Zoning Ordinance
Words to be **deleted** are [~~lined through~~] - Words to be **added** are underlined

ARTICLE VII DEFINITIONS

SECTION 7.0 WORDS AND PHRASES: For the purposes of this ordinance, certain terms, phrases, words, and their derivatives are herewith defined as follows:

SUBSTANCE ABUSE TREATMENT FACILITY, INPATIENT: A facility for the treatment of alcohol or other drug abuse where one or more patients are provided with meals and/or lodging for overnights stays and care.

SUBSTANCE ABUSE TREATMENT FACILITY, OUTPATIENT: A facility uses for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided, and overnight stays do not occur.

ARTICLE X ZONES

SECTION 10.9. PO-1 (LOW RISE OFFICE PARK) ZONE

A. USES PERMITTED

1. Administrative offices, including public and semi-public, civic, educational, religious, or charitable organizations
2. Banks and other financial institutions, including savings, loan, and finance Companies
3. Business offices provided that no retail trade is conducted with the general public and no stock of goods is maintained on the premises for sale to customers
4. Libraries and museums
5. Medical and dental clinics
6. Medical laboratories
7. Professional offices including offices for doctors, dentists, optometrists, opticians, lawyers, accountants, architects, engineers, planners, landscape architects, surveyors, insurance agents, advertising agencies
8. Radio and television broadcasting studios
9. Regional and metropolitan area headquarters offices
10. Research and development laboratories
11. Substance abuse treatment facilities, inpatient
12. Substance abuse treatment facilities, outpatient