TO: Kenton County Planning Commission and Matt Smith, Legal Counsel

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

RE: Staff Recommendations for the Public Hearing

DATE: September 26, 2019

PDS submits the attached report and recommendation for your review prior to the scheduled October 3, 2019 public hearing. This information relates to the following agenda item:

FILE: PC1909-0003
APPLICANT: Quast Real Estate Development per Patricia Quast on behalf of Fifth Third Bank
LOCATION: An area of approximately 6.2 acres located on the northeast and southeast corners of the intersection of Independence Station Road with Turkeyfoot Road in Independence.
REQUEST: A proposed map amendment to the Independence Zoning Ordinance changing the described area from R-1D (a suburban single-family residential zone) to NC (a neighborhood commercial zone); the applicant proposes to convert two single-family homes into offices, construct a 31,500-square foot commercial/office building (including a gas station and convenience store), and reuse an existing bank building for neighborhood commercial uses.

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: Patrick Quast, Applicant
    Fifth Third Bank, Owner
GENERAL CASE INFORMATION

1. **Request:** A proposed map amendment to the Independence Zoning Ordinance changing the described area from R-1D (a suburban single-family residential zone) to NC (a neighborhood commercial zone); the applicant proposes to convert two single-family homes into offices, construct a 31,500-square foot commercial/office building (including a gas station and convenience store), and reuse an existing bank building for neighborhood commercial uses.

2. **Location:** An area of approximately 6.2 acres located on the northeast and southeast corners of the intersection of Independence Station Road with Turkeyfoot Road in Independence.

HISTORY & BACKGROUND

1. In 2004 there was a text amendment to add banks and other financial institutions to the list of conditional uses within the R-1D Zone, subject to restrictions (Z-04-10-01/1702R). Staff recommended unfavorably, the KCPC recommended favorably with one condition. The Independence City County approved the text amendment.
2. After the adoption of the above text amendment, the property located at 4110 Richardson Road (which comprises approximately one acre of the site in question) received a conditional use permit to operate a bank.

3. In 2018 there was a map amendment to change 4081 Richardson Road (approximately 100 feet north of the site in question) from R-3 to NC to convert an existing structure into an office (PC1801-0003). Staff and the KCPC recommended favorably. The Independence City Council took no action to override the KCPC’s recommendation within 90 days, therefore per KRS 100 the KCPC’s action was deemed final and the zoning was approved.

**SITE CHARACTERISTICS**

1. There is currently a bank and a nonconforming gas station located on the site in question. The gas station currently has two access points: one onto Independence Station Road, the other onto Turkeyfoot Road. The bank has a single access point onto Independence Station Road. There are currently three single-family homes on the site as well. The vacant lot between the gas station and the single-family homes is currently wooded. The areas around the existing structures is relatively flat. The lots all slope to the rear where there is a blueline stream.

2. The site is located within the Suburban Subarea. The areas surrounding the site generally consist of medium density single-family residential uses, higher suburban density multi-family residential, and auto-oriented commercial uses.

**ANALYSIS**

1. **Current Zoning**

<table>
<thead>
<tr>
<th>ZONING</th>
<th>MINIMUM LOT SIZE</th>
<th>MAXIMUM DENSITY</th>
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<tbody>
<tr>
<td>CURRENT</td>
<td>R-1D</td>
<td>9,000 sq. ft.</td>
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<tr>
<td>NORTH</td>
<td>R-3</td>
<td>20,000 sq. ft.</td>
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<td>NC</td>
<td>10,000 sq. ft.</td>
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<td>SOUTH</td>
<td>R-1D</td>
<td>9,000 sq. ft.</td>
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<tr>
<td>EAST</td>
<td>R-1D</td>
<td>9,000 sq. ft.</td>
</tr>
<tr>
<td>WEST</td>
<td>R-1EE</td>
<td>1F: 7,500 sq. ft. 2F: 11,500 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>R-1F</td>
<td>6,000 sq. ft.</td>
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</tbody>
</table>
2. **Existing Land Use**

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td><strong>CURRENT</strong></td>
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<tr>
<td><strong>NORTH</strong></td>
</tr>
<tr>
<td><strong>SOUTH</strong></td>
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<td><strong>EAST</strong></td>
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<td><strong>WEST</strong></td>
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</tbody>
</table>

**PETITION REVIEW**

1. The submitted Stage I Development Plan indicates the following:
   a. Project area of 4.8 acres (6.2 acres including adjacent rights-of-way)
b. South of Independence Station Road:
   i. Reuse of an existing 7,500 square feet bank building on the south side of Independence Station Road for neighborhood commercial uses.
      a) The submitted development plan proposes to prohibit car washes, pool halls, food stores and supermarkets, automobile service and gas stations, and banks and other financial institutions.
   ii. 30 existing off-street parking spaces.
   iii. Possible reuse of the existing drive-thru area or enclosing it.
   iv. Existing front setback of 36.4 feet (50 feet required in the NC Zone). All other setbacks within the NC Zone are being met.
   v. Existing landscape buffers:
      a) 5 foot landscape buffer along Richardson Road (10 feet required).
      b) 10 foot landscape buffers along Independence Station Road.
      c) 15 foot landscape buffers adjacent to residential property to the south and east.
   vi. Access to the site via an existing full access point onto Independence Station Road.
   vii. Existing sidewalks along all streets to remain.

c. North of Independence Station Road:
   i. Demolition and removal of an existing gas station and a single-family home along Independence Station Road.
   ii. Convert two existing residences to office uses (total of 2,440 square feet).
   iii. Acquiring a portion of right-of-way of Old Richardson Road from Independence.
   iv. Construction of a single story commercial retail/office structure north of Independence Station Road:
      a) Main level:
         (1) 12,500 square feet of retail.
         (2) 5,000 to 6,000 square feet for a gas station convenience store.
      b) Lower level:
         (1) 14,000 square feet of office.
   v. Construction of a 2,400 square foot gas canopy on the north side of Independence Station.
   vi. 125 off-street parking spaces (112 required based upon office, retail, and automobile service uses).
   vii. Proposed building setbacks within the NC Zone:
      a) 50 foot front yard along all streets.
      b) 15 foot interior setbacks.
      c) Existing front setbacks of the office conversions of approximately 30 feet.
   viii. Proposed landscaping:
      a) 10 foot landscape buffers along all streets.
      b) 30 foot landscape buffers adjacent to residential properties to the north and east.
      c) Eight percent interior vehicular use area landscaping.
   ix. Access to the site via three curb cuts:
      a) A full access point onto Independence Station Road, approximately 120 feet east of the intersection of Turkeyfoot Road.
      b) A right-out only access point onto Turkeyfoot Road, approximately 90 feet north of the intersection of Independence Station Road.
      c) A full access point onto Old Richardson Road.
   x. Proposed lot lines subdividing the office conversions onto individual lots and the new gas station and retail/office building on its own parcel.
   xi. Extension of water and sanitary sewer.
   xii. Detention area.
COMPREHENSIVE PLAN

1. **Mobility:** The Mobility Element of *Direction 2030* identifies Turkeyfoot Road as an arterial street, Independence Station Road is identified as a collector street, and Old Richardson Road is identified as a local street. There are currently existing sidewalks along Turkeyfoot Road and a portion of Independence Station Road.

Turkeyfoot Road has a dedicated bike lane in both directions. There is an express TANK bus route located approximately 0.6 miles north along Industrial Drive.

2. **Comprehensive Plan:** A full review of the *Direction 2030: Your Voice. Your Choice.* goals, objectives, recommendations, and tasks was conducted by staff. The full review is available in the issue file. The following is a summary of what staff finds to be the most relevant sections:

   a. **PDS staff finds that the submitted request is consistent with the following:**

      i. **Goals and Objectives**

         a) Goal 4: Celebrate the unique identity of communities within Kenton County

            (1) Objective C: Enhance suburban living by offering new attractive and unique amenities that are in closer proximity to established and new residential areas.

         b) Goal 5: Improve the ability of residents to live a healthy lifestyle.

            (1) Objective B: Encourage the provision of both active and passive recreational opportunities to address the needs of different age groups and interests.

      

     **Staff findings:** The proposed development will improve an existing gas station and create new services within close proximity to existing residential areas. The proposed development does indicate the extension of existing sidewalks along Independence Station Road and Old Richardson Road.

   b. **PDS Staff finds that the following areas are relevant, but there is conflicting information or insufficient information has been submitted to determine compliance:**

      i. **Goals and Objectives**

         a) Goal 6: Enhance and expand the effectiveness of the transportation system by promoting multimodal approaches that address the needs of all users.

            (1) Objective D: Increase the convenience and efficiency of using multiple modes of transportation including driving, transit, walking or biking.
ii. Environment Element
   a) Recommendation 2: Pursue and promote multifaceted approaches to preserving natural resources.
      (1) Task 3: Promote best management practices such as integrated stormwater management efforts and low impact designs to improve the health of watersheds.

Staff findings: The proposed development is directly adjacent to a dedicated bike lane along Turkeyfoot Road. This location provides a good opportunity to enhance the effectiveness of the bicycle transportation system. Indicating bicycle parking facilities is typically not shown on the Stage I Development Plan.

The submitted development plan indicates a detention area. Specific information on the detention area is not required on the Stage I Development Plan.

c. PDS Staff finds that the request is not consistent with the following:
   i. Mobility Element
      a) Recommendation 2: Utilize access management practices along all arterial and collector roadways.
         (1) Task 3: Access management techniques such as secondary access roadways, limiting conflict points, and signal optimization should be employed to improve safety and enhance traffic circulation.

Staff findings: The existing gas station on the northeast corner of Turkeyfoot Road and Independence Station Road currently has a full access point onto Turkeyfoot Road and another full access point onto Independence Station Road. The location of these access points does not meet current engineering standards because they do not meet the required spacing, create conflict points, and are within the functional area of the intersection.

3. Recommended Land Use

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<tr>
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<th>DESCRIPTION</th>
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<tbody>
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<td>CURRENT</td>
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<td>Commercial, Residential 4.1 to 7.0</td>
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<td>SOUTH</td>
<td>Commercial, Other Community Facilities</td>
</tr>
<tr>
<td>EAST</td>
<td>Residential 4.1 to 7.0</td>
</tr>
<tr>
<td>WEST</td>
<td>Commercial, Residential 4.1 to 7.0</td>
</tr>
</tbody>
</table>

a. The Recommended Land Use map indicates that the site is a part of the Richardson Road and KY 1303 Community Service Area. This area currently features a node of commercial uses clustered along the north side of Richardson Road near the intersection. The character of the area is primarily auto-oriented with low to moderate alternative mobility options such as pedestrian or bicycle. The area is located within close proximity to a mixture of low to high density residential development. All new development or redevelopment within the area should be clustered near existing commercial uses. Increased connectivity, using a variety of modes to the surrounding residential areas, should also be encouraged.
b. The site in question does not contain and DSA or floodplains. There is a blueline stream on the site north of Independence Station Road.

Staff findings: The proposed development is consistent with the Recommended Land Use map. The proposed development will allow for commercial development in an area that is identified for commercial uses. The new development is also adjacent to existing commercial uses, and proposes to reuse and redevelop those uses.

STATE STATUTE

1. KRS 100.213 states that before any map amendment is granted, the planning commission or the legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:
a. That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;
b. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

**STAFF RECOMMENDATION:** Favorable recommendation on the map amendment changing the described area from R-1D (a suburban single-family residential zone) to NC (a neighborhood commercial zone), subject to the applicant agreeing to limit egress onto Turkeyfoot Road from the existing gas station to right-out only.

**SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION**

1. The proposed map amendment is generally in agreement with the adopted comprehensive plan.

2. In order to better comply with the Mobility Element and to improve the safety along Turkeyfoot Road, left turn egress movements onto Turkeyfoot Road from the existing access should be prohibited. As noted above, the existing access points do not meet the spacing requirements of the zoning ordinance. The property may not be redeveloped immediately and the existing gas station will still need to maintain access. Limiting this access to right-out only will maintain access to the gas station while bringing it into more conformance with the requirements of the zoning ordinance prior to the site being developed. A full Traffic Impact Study will be required as noted under additional information.

3. The submitted Stage I Development Plan meets the minimum requirements of the Independence Zoning Ordinance, except for the following. Additional information is required with future permit applications:
   a. Section 9.20 sets forth information required on a Stage I Development Plan. Certification from appropriate water and sewer agencies that services will be available is required. Certification letters from appropriate agencies on water and sewer capacity will need to be submitted.

**ADDITIONAL INFORMATION**

1. While not required on the Stage I Development Plan, if approved, the following information is required with future permit applications:
   a. Section 9.10 states that accessory structures and uses shall not be permitted within any front or required minimum side yard. The submitted development plan does not indicate the location of dumpster facilities. These will need to be located within the side or rear yard.
   b. Section 9.17, I., requires a detailed landscape plan to be submitted that identifies the number and type of plants to be used to meet the landscape regulations. A detailed landscape plan is required. In addition to the perimeter, buffer yard, and vehicular use area landscaping identified on the submitted development plan, 10 percent of every yard must be landscaped and dumpsters must be screened from view.
   c. Section 9.22 states that any proposed development which does not constitute a subdivision, shall be required to provide streets (including curb and gutters), sidewalks, sewers (sanitary and storm), and water lines. Improvements to be provided shall be designed and constructed in accordance with the applicable articles and sections of the Subdivision Regulations, unless specifically waived. If the disturbed area is less than an acre, information regarding stormwater runoff will need to be submitted. If over an acre, a Land Disturbance Permit from SD1 is required.
   d. Section 10.14., E., 3., states that no lighting shall be permitted which would glare from this zone onto any street or residential zone. A photometric plan is required.
e. Section 10.14., E., 8., sets forth additional construction standards such as exterior wall materials, roof materials, and mechanical equipment screening. Architectural plans are required to be submitted.

f. Section 11.1, F., states that all new off-street parking areas shall be paved with asphalt concrete or Portland Cement concrete and shall be designed and constructed in accordance with applicable standards (adopted by the legislative body) as identified in Appendix A. Cross sections of the proposed pavement are required.

g. Section 11.2 sets forth specific numbers of off-street parking spaces based upon the use of the building. The submitted development plan bases the required number of off-street parking spaces on office, retail, and automobile service uses. While the submitted development plan indicates that there will be sufficient parking spaces, the number of required spaces is ultimately determined by the final users. There are other potential uses, such as a restaurant, that may require additional off-street parking.

h. Section 11.3, F., 1., regulates access points onto arterial streets:
   i. Subsection a., states that unsignalized access points must be spaced a minimum of 600 feet. The submitted development plan indicates a right-out only access point onto Turkeyfoot Road, approximately 90 feet north of the intersection of Independence Station Road.
   ii. Subsection b., (1) states that access points onto local streets intersecting an arterial street shall be a minimum distance of 100 feet from the arterial street. The submitted development plan indicates a full access point onto Independence Station Road, approximately 120 feet east of the intersection of Turkeyfoot Road. While this meets the spacing requirements, it is within the functional area of the intersection of Turkeyfoot Road with Independence Station Road.

   Section 11.3., H., states that where situations develop that may require special treatment, a traffic engineering report prepared by a qualified traffic engineer needs to be submitted to determine that the special treatment will have no adverse impacts on the roadway safety and capacity. A TIS is required to be submitted when permits for any of the proposed improvements on the development plan are submitted. The necessary traffic improvements and timing of those improvements will be evaluated in the TIS.
   i. Section 12.0, A., 1., states that every building involved in the receipt of materials or merchandise shall provide at least one loading and/or unloading space. The submitted development plan does not indicate a loading space. At least one space will need to be provided that meets the design and layout requirements of Article XII.

   j. Article XIII sets forth regulations for fences and walls. No fences or walls are indicated on the development plan. If any fences or walls are proposed, additional information needs to be submitted.

   k. Article XIV sets forth sign regulations. No information has been submitted regarding signs on the site. Additional information is required.

2. If approved, the office conversions off of Old Richardson Road and the existing bank building on the south side of Independence Station Road will contain nonconforming front yard building setbacks within the NC Zone. These structures are permitted to remain, but any expansions need to be in conformance with the NC Zone requirements.