

ORDINANCE NO. 2360

**AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AMENDING THE DEVELOPMENT PLAN TO WHICH THE DEVELOPMENT, IMPROVEMENT AND USE OF AN APPROXIMATE 173 ACRE PARCEL OF LAND LOCATED ON THE NORTHERLY SIDE OF RICHARDSON ROAD AND THE SOUTHEASTERLY SIDE OF NELSON ROAD, JUST SOUTH OF DOE RUN LAKE WAS LIMITED IN THE AMENDMENT OF THE ZONING THEREOF BY ERLANGER ORDINANCE 2165**

**WHEREAS**, Erlanger ordinance 2165 was enacted on September 19, 2000, whereby an approximate 173 acre parcel of land located on the northerly side of Richardson Road and the southeasterly side of Nelson Road was re-zoned to R-1C (PUD) and R-1D (PUD) with the development, improvement and use thereof limited to that described in the Development Plan Agreement (DPA) attached thereto; and

**WHEREAS**, the DPA was recorded at Book I-257 page 65 of the Kenton County Clerks records at Independence, Ky.; and

**WHEREAS**, on July 7, 2011, The Drees Company proposed an amendment to the DPA, also known as a Stage I Development Plan, for that section of the development named Crestbourne, a copy of which is attached hereto and incorporated herein by reference; and

**WHEREAS**, on August 4, 2011, the amendment proposed by The Drees Company was reviewed by the Kenton County Planning Commission (KCPC) in proceedings numbered Z-11-07-01/2046R, with a public hearing, all pursuant to section 10.11 of the Erlanger Zoning Ordinance; and

**WHEREAS**, the KCPC recommended to the Erlanger City Council that the amendment to the DPA proposed by The Drees Company be approved with a couple of conditions; and

**WHEREAS**, at a regular public meeting of the Erlanger City Council on September 6, 2011, the amendment to the DPA proposed by The Drees Company and the KCPC recommendation of the approval thereof was considered by the Erlanger City Council and referred to the Fire/EMS Committee of the City Council for further review; and

**WHEREAS**, The Drees Company supplemented their proposed amendment to the DPA with the attached written specifications for the proposed Crestbourne Homesites, dated 9-16-11, with a reservation of the right to revise them.; and

**WHEREAS**, at a regular public meeting of the Fire/EMS Committee on September 20, 2011, the amendment to the DPA proposed by The Drees Company, the KCPC recommendation of the approval thereof and the 9-16-11 supplementation thereof was considered by the Fire/EMSCommittee, along with comments from The Drees Company and residents of the Ashbourne and Crestbourne sections of Lakemont, and the public; and

**WHEREAS**, on September 26, 2011, The Drees Company submitted to the Erlanger City Council the attached document entitled DREES COMPANY RESPONSES/CLARIFICATIONS, which again supplemented their proposed amendment to the DPA; and

**WHEREAS**, at a special public meeting of the Erlanger City Council on September 27, 2011, the Fire/EMS Committee recommended that the Council accept the recommendations of the KCPC to approve the amendment to the DPA proposed by The Drees Company with conditions; and the Council passed by an 8 to 2 vote a Motion to accept the recommendations of the KCPC and to approve the amendment to the DPA with the following conditions: compliance with the document entitled Drees Company Responses/ Clarifications; yard maintenance would be mandatory and not optional for

those 34 lots designated as Crestbourne patio home lots; the agreement should allow for future additional to the lists of homes, provided such are found consistent with homes on the original list; to be determined by the Building Inspector that they are consistent with homes on the original list, and that the homes on the eight lots (Lots 91-98) abutting the Ashbourne area would have a first floor brick wrap as standard.; and

**WHEREAS**, pursuant to section 10.11 M and C 1 b of the Erlanger Zoning Ordinance, the new and different conditions imposed by the Council were resubmitted to the KCPC for further review and recommendation; and

**WHEREAS**, by letter to the Council dated October 17, 2011, the KCPC determined that additional review by the KCPC was not necessary or warranted and that the Council decision made on September 27, 2011 is final: and

**WHEREAS**, compliance with the DPA was a condition imposed on the zoning map amendment in Erlanger ordinance 2165; and it can only be amended by another ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:**

**Section 1.0 DPA Amendment**

The recommendations of the KCPC to approve the amendment to the DPA proposed by The Drees Company is hereby accepted; and the DPA referenced in Erlanger Ordinance 2165 and recorded at Book I-257 page 65 of the Kenton County Clerks records at Independence, Ky. is hereby amended in conformity with the amendments proposed by The Drees Company, as supplemented by the 9-16-11 Crestbourne Proposed Homesite specifications and the 9-26-11 Drees Company Responses/Clarifications; but with the following conditions:

- 1) The development, improvement and use of the Crestbourne section shall be limited to that described in the DPA, as hereby amended, and comply with all of the conditions thereof hereby ordained; and
- 2) In the 34 lots designated as patio home lots in the Crestbourne section, the yard maintenance by the Lakemont Homeowners Association shall be mandatory, rather than optional with the owner of the lot; and
- 3) The Crestbourne Homesites specified by The Drees Company in their 9-16-11 supplement to the to the proposed DPA amendment may be revised and redesigned only in any manner that is no less than those specified in the 9-16-11 supplement, as determined by the Erlanger Building and Zoning Administrator; and;
- 4) Each of the homes on the eight lots (Lots 91-98) in the Crestbourne area abutting the Ashbourne area shall have a first floor brick wrap; and
- 5) The existing Homeowners' Association Declaration for Lakemont Subdivision shall be amended to;
  - 5.1 Incorporate the above conditions; and
  - 5.2 Designate existing Crestbourne lots numbered 91, 145, 146 and 157-177 as patio home lots.

**Section 2.0 Provisions Severable**

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

**Section 3.0 Conflicting Ordinances Repealed**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 4.0 Effective Date**

This ordinance shall be effective as soon as possible according to law after The Drees Company has recorded with the Kenton County Clerk:

1. The amendment of the DPA as proposed and supplemented by Drees; and
2. A certified copy of this ordinance; and
3. An agreement by The Drees Company with the conditions hereby imposed for the amendment of the DPA hereby ordained.

**Section 5.0 Publication**

(9). This ordinance shall be published in summary pursuant to K.R.S. 83A.060



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THOMAS L. ROUSE, Mayor