

## **ORDINANCE 01 - 2019**

**AN ORDINANCE OF THE CITY OF FORT WRIGHT, IN KENTON COUNTY, KENTUCKY, APPROVING THE AMENDED STAGE I DEVELOPMENT PLAN FOR FORT WRIGHT SK CORNERSTONE, LLC, FOR AN AREA OF APPROXIMATELY 5.8 ACRES LOCATED ON THE NORTH SIDE OF VIEWPOINT DRIVE, APPROXIMATELY 500 FEET WEST OF VALLEYPLAZA PARKWAY IN FORT WRIGHT WHICH IS CURRENTLY ZONED HOC (C-PUD)**

**WHEREAS**, Robert Hamilton, on behalf of Fort Wright SK Cornerstone, LLC, submitted an application for review and approval of an amended Stage I Development Plan for an area of approximately 5.8 acres located on the north side of Viewpoint Drive, approximately 500 feet west of Valleyplaza Parkway in Fort Wright which is currently zoned HOC (C-PUD) (hereinafter referred to as the "Stage I Development Plan"); and

**WHEREAS**, Planning and Development Services of Kenton County reviewed the Stage I Development Plan and recommended denial to the Kenton County Planning Commission; and

**WHEREAS**, the Kenton County Planning Commission conducted a public hearing serving as a due process trial-type hearing; and

**WHEREAS**, the Kenton County Planning Commission by Statement of Action and Recommendation Number PC1812-0004 recommended denial of the Stage I Development Plan; and

**WHEREAS**, Section 10.30 of the Fort Wright Zoning Ordinances requires that Stage I Development Plans receive the approval of the City of Fort Wright; and

**WHEREAS**, the City of Fort Wright reviewed the record of the Kenton County Planning Commission and takes final action based on that record alone; and

**WHEREAS**, a majority of the Fort Wright City Council desires to override the recommendation of the Kenton County Planning Commission and approve the Stage I Development Plan, subject to the condition that the combination of outdoor and indoor seating shall not exceed 16 seats.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FORT WRIGHT, KENTUCKY, AS FOLLOWS:**

### **SECTION I**

That the Fort Wright City Council decided to consider the Stage I Development Plan without a *de novo* hearing. Instead, Fort Wright reviewed the record before the Kenton County Planning Commission and makes its decision based on that record alone.

## **SECTION II**

That the Stage I Development Plan submitted by Robert Hamilton, on behalf of Fort Wright SK Cornerstone, LLC, which is attached hereto as **Exhibit A**, is hereby approved by the Fort Wright City Council, subject to the condition that the combination of outdoor and indoor seating shall not exceed 16 seats. The developer advised City Council that it agrees to this condition.

The Fort Wright City Council concurs with the Kenton County Planning Commission's findings that the Stage I Development Plan complies with *Direction 2030: Your Voice. Your Choice*. The Fort Wright City Council disagrees with the Kenton County Planning Commission's parking concerns. First, the developer expanded the parking spaces from eight to 17. Second, the economic benefits of the Stage I Development Plan far outweigh the parking deficiencies outlined by the Kenton County Planning Commission.

## **SECTION III**

That the Mayor is hereby authorized to execute any and all documents and take any and all action necessary and appropriate to carry out the terms and intent of this ordinance.

## **SECTION IV**

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

## **SECTION V**

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

## **SECTION VI**

That this ordinance shall become effective upon its passage and shall be published under KRS §83A.060(9) and other applicable law. The ordinance may be published by summary.

Passed by City Council on March 6, 2019.

CITY OF FORT WRIGHT, KENTUCKY

By: 

David Hatter, Mayor

ATTEST: 

Susan Ellis, City Clerk

FIRST READING: 2/20/2019

SECOND READING: 3/6/2019

PUBLICATION: 3/22/2019

**NOTICE OF ADOPTION, TITLE AND SUMMARY OF**  
**CITY OF FORT WRIGHT, KENTUCKY**  
**ORDINANCE NO. 01-19**

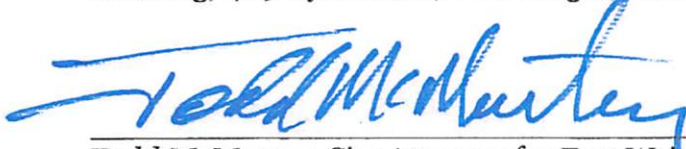
I certify that the following is the Title and Summary of Ordinance No. 01-19 of the City of Fort Wright, in Kenton County, Kentucky, which was adopted on the 6<sup>th</sup> day of March, 2019:

**ORDINANCE NO. 01-19: AN ORDINANCE OF THE CITY OF FORT WRIGHT, IN KENTON COUNTY, KENTUCKY, APPROVING THE AMENDED STAGE I DEVELOPMENT PLAN FOR FORT WRIGHT SK CORNERSTONE, LLC, FOR AN AREA OF APPROXIMATELY 5.8 ACRES LOCATED ON THE NORTH SIDE OF VIEWPOINT DRIVE, APPROXIMATELY 500 FEET WEST OF VALLEY PLAZA PARKWAY IN FORT WRIGHT WHICH IS CURRENTLY ZONED HOC (C-PUD)**

Ordinance 01-19 approves with a condition the amended Stage I Development Plan submitted by Robert Hamilton on behalf of Fort Wright SK Cornerstone, LLC for an area of approximately 5.8 acres located on the north side of Viewpoint Drive, approximately 500 feet west of Valley Plaza Parkway which is currently zoned HOC (C-PUD). Fort Wright conditioned its approval upon the requirement that the combination of indoor and outdoor seating shall not exceed 16 seats.

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I, Todd McMurtry, an attorney licensed to practice law in the Commonwealth of Kentucky, for Hemmer DeFrank Wessels PLLC, City Attorneys for the City of Fort Wright, in Kenton County, Kentucky, do hereby certify that this Notice of Adoption, Title and Summary of **Ordinance No. 01-19** was prepared by me, and that it represents an accurate description of the summary of the contents of the Ordinance. The full text of the Ordinance, its Exhibits, and other information relative to the Ordinance, are on file at the office of the City Clerk of the City of Fort Wright, Kentucky, in the Fort Wright Municipal Building, 409 Kyles Lane, Fort Wright, Kentucky 41011.



Todd McMurtry, City Attorney for Fort Wright, Kentucky  
Hemmer DeFrank Wessels PLLC