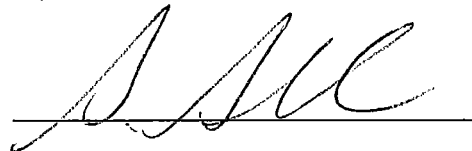


CERTIFICATION

I, Gina Gabbard, City Clerk of the City of Independence, Kenton County, Kentucky, do hereby certify that the attached document is a true copy of an Ordinance regarding the annexation of property located at 861 E Mt Zion Road, Independence, KY; PIDN 018-00-00-003.00. Ordinance No. 2021-O-07 was passed and adopted at a regular Meeting of the Independence City Council, on April 5, 2021.

Further, I hereby certify that the original document is on file as a part of the Official Records of the City and may be reviewed and proved by the files of my Office, at the City of Independence, 5409 Madison Pike, Independence, Kentucky, 41051.

Signed this 14th day of April, 2021.



Gina Gabbard, City Clerk
City of Independence, Kentucky

RECEIVED AND FILED
DATE May 7, 2021

MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandis Adkinson

ORDINANCE NO. 2021-O-07

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORIES WITHIN THE COUNTY OF KENTON, KENTUCKY AND CONTIGUOUS TO THE PRESENT BOUNDARY LINES OF THE CITY OF INDEPENDENCE, KENTUCKY, AND DEFINING BY METES AND BOUNDS THE TERRITORY ANNEXED; DESIGNATING THE ZONING CLASSIFICATION OF THE PROPERTY TO BE ANNEXED TO INDUSTRIAL PARK, AFTER COMPLIANCE WITH THE PROVISIONS OF KRS 100.209, AT THE TIME THE ANNEXATION OF THE PROPERTY IS FINAL

WHEREAS, Kentucky Revised Statute 81A.410 authorizes and delegates city legislative bodies the authority to annex territories; and

WHEREAS, Kentucky Revised Statute 81A.412 provides the manner in which said annexation should be accomplished through the consent of the property owner; and

WHEREAS, the property owner, by way of an annexation agreement, has provided written consent to the annexation, through the execution of the Annexation Agreement attached as Exhibit C (the "Agreement"); and

WHEREAS, the property herein described is adjacent to and contiguous to the city's boundaries; and

WHEREAS, the City of Independence, Kentucky (the "City") through compliance with the provisions of KRS 100.209 may designate the zoning classification of the property to be annexed; and

WHEREAS, the City is willing to annex the property, subject to the terms of the Agreement; and

WHEREAS, by reason of population density, commercial, industrial, institutional or governmental use of land, or subdivision of land, said property is urban in character or suitable for urban purposes without unreasonable delay; and

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

SECTION I

A. That the City of Independence, Kentucky, does hereby and herewith annex to its present boundaries and include the same within the territorial limits of the City of Independence, Kenton County, Kentucky, the following described unincorporated land and area, located in the County of Kenton, Commonwealth of Kentucky, a 100-acre plus parcel located at 861 E. Mt. Zion Road, Independence, Kentucky, PIDN 018-00-00-003.00 (the "Property"), and is more particularly described as follows:

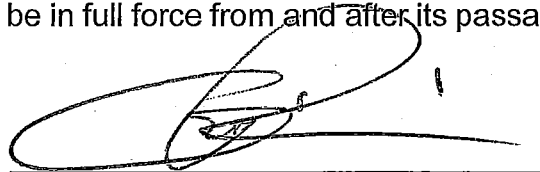
SEE ATTACHED EXHIBIT "A", Legal Description, and EXHIBIT "B",
Plat of the property being annexed.

B. That the Property at the time it is annexed into the City shall have a zoning classification of Industrial Park ("IP") in accordance with the City's Zoning Map and Zoning Ordinance, and in accordance with the terms of the Agreement; and that prior to the adoption of this Ordinance the City has submitted an application to the Kenton County Planning Commission in accordance with the provisions of KRS 100.209 to conduct the required public hearing and processes to have the Property zoned as IP, in accordance with the terms of the Agreement, including the Concept Plan and Development Condition attached as exhibits to the Agreement.

C. That the City hereby approves the zoning classification of the Property to IP, and approves the Concept Plan and Development Condition related the development of the Property as attached to the Agreement.

SECTION II

That this ordinance shall take effect and be in full force from and after its passage, publication and recording, according to law.



Christopher J. Reinersman, Mayor

ATTEST:



Gina Gabbard, City Clerk

First Reading: January 11, 2021

Second Reading: April 5, 2021

Ayes: 6

Nays: 0

Publication Date: 04/14/2021

ANNEXATION AGREEMENT

Whereas, the City of Independence, Kenton County, Kentucky (the "City") is desirous of annexing a parcel of property located at 861 East Mt. Zion Road, Independence, Kentucky, more particularly described in the legal description and plat attached as Exhibits "A" and "B" (the "Property"), owned by Lloyd Spegal and Judith Spegal, husband and wife, (the "Property Owners"), which property is subject to a purchase agreement with VTRE Development, LLC, a Delaware limited liability company ("VTRE"), and

Whereas, the Property Owners have publicly stated their intention to challenge any and all nonconsensual annexation ordinances by the City pursuant to Kentucky Revised Statute 81A.420; and

Whereas, the City and VTRE plan to enter into a Development Agreement (the "Development Agreement") related to the development of the Property, which includes a commitment to rezone the Property as set forth in the Development Agreement, in accordance with the provisions of KRS 100.209 at the time the annexation of the Property is effective; and

Whereas, the City is still desirous of annexing the aforementioned property and the Property Owners and VTRE are agreeable to a consensual annexation, pursuant to Kentucky Revised Statute 81A.412, if certain conditions and considerations, as set forth in this Annexation Agreement are met.


Now Therefore it is Agreed as Follows:

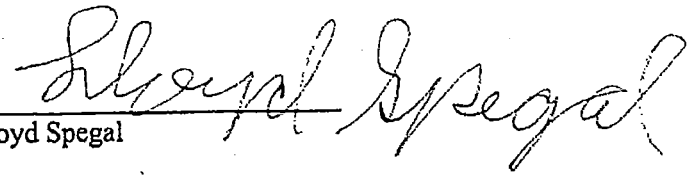
1. That the Property Owners are agreeable and this Annexation Agreement shall serve as notice of their intent and/or consent to be annexed into the City pursuant to Kentucky Revised Statute 81A.412, but subject to the conditions that prior to the annexation of the Property being complete the City shall, pursuant to the provision of KRS 100.209 submit an application to the Kenton County Planning Commission to have the Property zoned as Industrial Park ("IP") when the annexation is complete, and that the text of the IP zoning be amended to include the permitted uses in the Professional Office Zone, and will increase the height limit in the IP zone to 50', but subject to the Concept Plan and Development Conditions attached as Exhibit C. A description and plat of the Property to be annexed is attached hereto as Exhibits A and B and incorporated by reference herein.

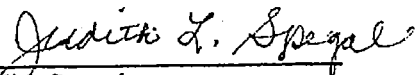
2. The purpose of this annexation is so that the Property Owners, VTRE and its assigns will enjoy services from the City, including but not limited to, police protection and public works. Furthermore, the Property Owners acknowledge and agree that being part of the City is positive for the plan to develop the Property in accordance with the Development Agreement.

3. This Annexation Agreement constitutes the entire agreement of the Parties and may not be modified.

City of Independence, Kentucky

By: 
Chris Reinersman, Mayor


Lloyd Spegal


Judith Spegal

Consent to this Annexation Agreement:

VTRE Development, LLC, a Delaware liability company

By: _____
Name: _____
Its: _____

City of Independence, Kentucky


By: _____
Chris Reinersman, Mayor

Lloyd Spegal

Judith Spegal

Consent to this Annexation Agreement:

VTRE Development, LLC, a Delaware
liability company

By: 
Name: David Harrison
Its: President



Kenton County Planning Commission

MANY COMMUNITIES / ONE FUTURE

March 10, 2021

Mayor and City Council City of Independence
5409 Madison Pike
Independence, KY 41051

Dear Mayor Reinersman:

NUMBER: PC2101-0006

Attached please find a copy of this Commission's action from its meeting on March 4, 2021 regarding a request to amend the Comprehensive Plan and establish zoning for property proposed for annexation. (The proposal was submitted by The City of Independence per Chris Moriconi, City Administrator). Copies of this action have been sent to those persons or agencies which may be affected by this matter.

Please notify Andy Videkovich, Current Planning Manager, of the meeting time and date when this item is placed on your agenda. Once your legislative body acts on this map amendment, please provide our staff at PDS with a copy of your executed ordinance. For questions regarding our action or to request PDS staff representation at your meeting, please contact Andy Videkovich, AICP, Current Planning Manager at PDS 859.331.8980 or avidekovich@pdskc.org.

Thank you.

Paul J. Darpel,
Chair

pb

attachment

c: Chris Moriconi, City Administrator

KENTON COUNTY PLANNING COMMISSION
STATEMENT OF ACTION AND RECOMMENDATION

NUMBER: PC2101-0006

WHEREAS

The City of Independence per Chris Moriconi, City Administrator, HAS SUBMITTED AN APPLICATION REQUESTING THE KENTON COUNTY PLANNING COMMISSION TO REVIEW AND MAKE RECOMMENDATIONS ON: (1) Adoption of appropriate comprehensive plan designation for an area of approximately 108 acres located on the south side of Mt. Zion Road between Bristow Road to the east and Dixie Highway to the west, approximately 500 feet west of the intersection of Bristow Road with Mt. Zion Road, as part of the annexation process; and (2) Designation of appropriate zoning for the area described herein, as part of the annexation process. The applicant is proposing to construct an industrial park with four buildings totaling 1,181,020 square feet of floor area, including off-street parking and a new public street; AND

WHEREAS

A PUBLIC HEARING WAS HELD ON THIS APPLICATION ON THURSDAY, MARCH 4, 2021, AT 6:15 P.M., VIA VIDEO TELECONFERENCE; AND A RECORD OF THAT HEARING IS ON FILE AT THE OFFICES OF THE KENTON COUNTY PLANNING COMMISSION, 1840 SIMON KENTON WAY, COVINGTON, KENTUCKY.

NOW, THEREFORE,

THE KENTON COUNTY PLANNING COMMISSION SUBMITS THE FOLLOWING RECOMMENDATIONS, ALONG WITH SUPPORTING INFORMATION AND COMPREHENSIVE PLAN DOCUMENTATION:

KCPC ACTION AND RECOMMENDATION:

(1) That upon annexation, the site in question remains identified for Industrial development in the Recommended Land Use element of Direction 2030; and (2) That upon annexation, the site in question be zoned IP.

COMPREHENSIVE PLAN DOCUMENTATION:

- Date of Adoption by the Kenton County Planning Commission: September 5, 2019.

SUPPORTING INFORMATION/BASES FOR KCPC ACTION AND RECOMMENDATION:

1. The recommended land use designation for Industrial is in agreement with the goals, objectives, and recommendations within the adopted comprehensive plan.
2. The IP Zone is consistent with the recommended Industrial land use designation. This will allow an industrial park to develop in an area that has ease of access to arterial streets and interstates with a future tie between three counties within Northern Kentucky.
3. The submitted Development Plan meets the minimum requirements of the Independence Zoning Ordinance except:

- a. The plan indicates the need for a future variance request from the required 75-foot landscape buffer along a portion of the southeastern property line.
4. Based on testimony provided during the public hearing held on March 4, 2021.

ADDITIONAL INFORMATION

1. While not required on the Stage I Development Plan, if approved, the following information is required with future permit or Stage II applications:
 - a. Landscape plan
 - b. Tree protection plan
 - c. Photometric plan
 - d. Signage plan
 - e. Land Disturbance Permit from SD-1
 - f. Use/Employee counts for appropriate parking calculations
 - g. Off-street parking/loading and unloading, public and private access pavement details
 - h. Compliance with Article XV Performance Standards for Industrial Zones of the Independence Zoning Ordinance
2. Any subsequent subdivision will be reviewed and need to be in compliance with the Kenton County Subdivision Regulations, including sidewalks along all existing streets.
3. Each lot will be subject to all required zoning and building permits prior to any development.
4. Developmentally Sensitive Areas are located within this site; therefore, information as required in Section 9.24 Hillside Development Controls, must be submitted at the permitting stage where applicable.
5. There is no current zoning requirement for stacking or staging spaces for industrial uses. There is insufficient information provided on the development plan to show how stacking and staging will be handled within the development. Therefore, staff is recommending steps be taken to ensure there is no stacking or staging on the proposed public street or internal access drive to ensure the free movement of pedestrians and vehicles over the sidewalk and street.



PAUL J. DARPEL, CHAIR
KENTON COUNTY PLANNING COMMISSION

ATTACHMENT PC2101-0006**SUMMARY OF THE EVIDENCE AND TESTIMONY PRESENTED BY THE PROPONENTS/OPONENTS OF THE PROPOSED MAP AMENDMENTS**

(NOTE: This summary was compiled by the Commission's secretary in compliance with 100.211 (1). It is believed to be accurate, but has not been reviewed or approved by the Commission. A summary will be found in the officially approved minutes, which will be available following the next meeting of the Commission.)

ISSUE

A proposal by City of Independence per Chris Moriconi, City Administrator, for the adoption of appropriate comprehensive plan designation for the area described herein, as part of the annexation process; and designation of appropriate zoning for the area described herein, as part of the annexation process.

PROPONENTS

A proponent for the issue addressed the Commission and introduced the team on behalf of the applicant.

Another proponent addressed the Commission and stated this has been part of the vision for the city for several years. He stated at the end of the day they are a bedroom community and they realized that doesn't offer a tax base so they have sought to diversify. He stated they really identified this area for this. The proponent stated they just had to look at Boone County in terms of industrial and how to rectify that. He stated this area has very limited impact on existing residential so it makes it all the more appealing to focus on industrial development. He noted they've been working very hard with the transportation cabinet as well as PDS. The proponent stated they have worked to try to see 536 to fruition and as far as 536 is concerned they have had multiple meetings with KYTC over the past year. He stated the roundabout was put back into the plan that had been removed and stated that the project is going ahead this year. He stated he believes it is about a two-year project but it is on the books. The proponent further stated that it is really the city's position as this started to come to fruition that they were very happy and have a developer who is willing to get things done and a builder who builds good quality buildings and so this makes it all the more appealing. He noted in their opinion it is a huge win for the city and it brings much needed employment and diversification.

An additional proponent addressed the Commission and gave some background on Vantrust. The proponent stated their primary developments are industrial office projects and mixed-use projects. The proponent then showed some examples of what they have done in other communities in the past and stated they want to attract high end companies. He stated he was happy to answer any questions about Vantrust.

Another proponent on the team addressed the Commission and noted a couple highlights about the project. He stated this is a hundred-acre master plan that will be built to attract light office and commerce companies to create opportunity for future economic development and site readiness initiatives. The proponent stated the proposed project is in compliance with the Comprehensive Plan. He additionally noted the infrastructure is now in place for the project to move forward. The proponent stated essentially there are four different buildings that will bring diverse options to the market. The proponent then commented they were able to solve buffer issues they previously had. He noted there is an internal

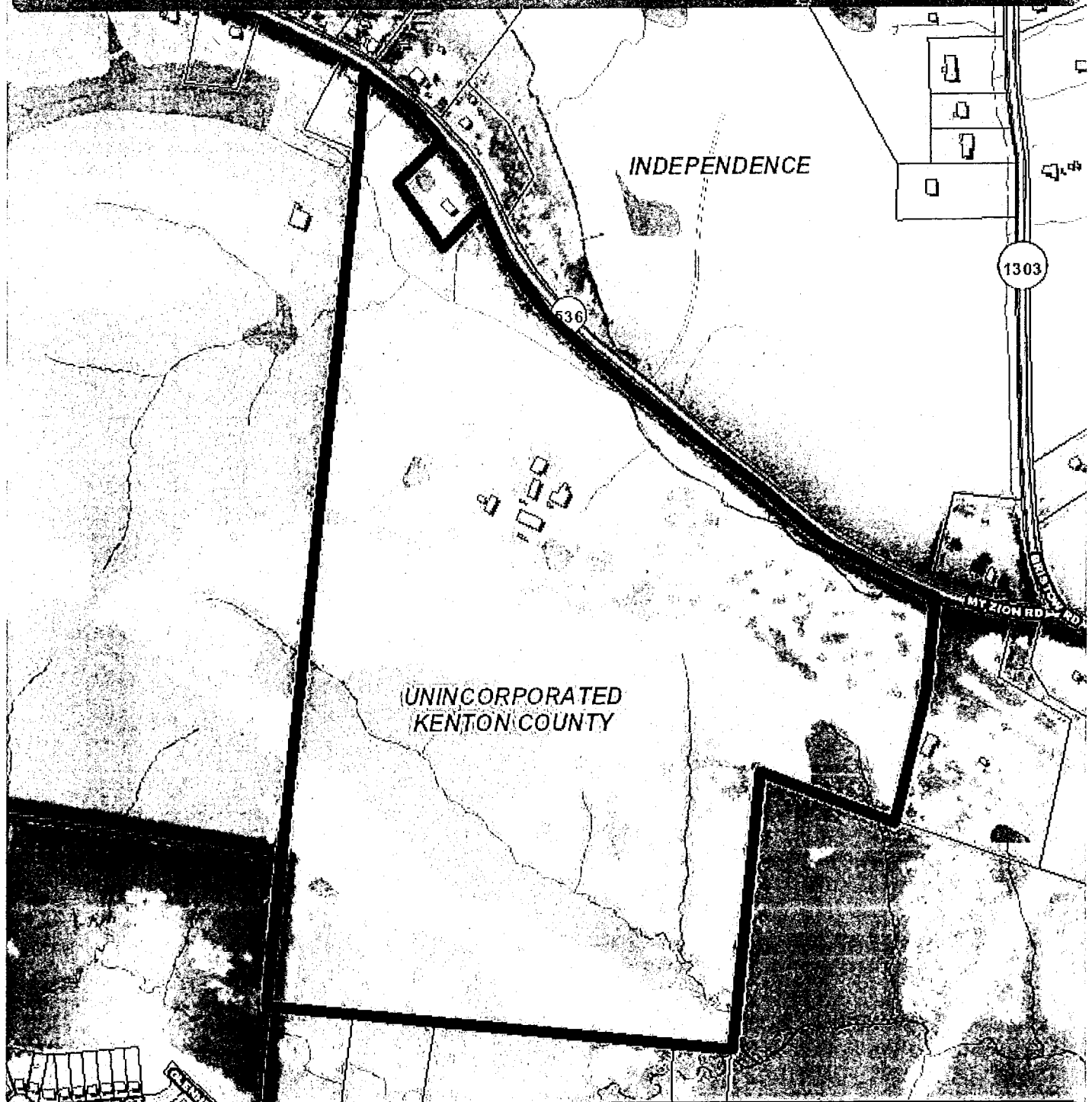
sidewalk system that accesses all the different parcels. The proponent stated they agreed to have and it made sense to have a stub to access potential development to the west so that is something that was put into place. The proponent stated the development does have pretty good distance from Mt. Zion Road to access the development. He additionally noted one of the aspects with the development is there has to be a parking study or analysis with regard to trucks. The proponent stated truck staging has been an issue so this is something that is built into the development. He then referenced what the architectural plan would look like in the PowerPoint presentation. The proponent then noted they were available to answer any questions. A Commissioner then asked what is stopping non-industrial uses for the site other than industrial. The proponent stated they recently amended their text amendment with regard to this. He noted they looked at their IP zones and noticed it wasn't up to date. He stated there is certainly nothing that would allow anything like shopping centers or anything like that to go in. He further noted the odds of a use to that scale going in there. The proponent addressed the Commission and stated Vantrust is an industrial use developer and they agreed that they will follow this particular plan to go along with it as it is intended. The proponent stated the buildings are going to be pretty expensive and he thinks at the end of the day those types of users aren't going to be able to afford the type of rent they are going to probably need to make the economics work. He noted they fully intend to honor the concept plan and develop it to the specific designs. Another Commissioner asked if the tenants will be able to subdivide the buildings. The proponent then stated they are designed to be able to support a lot of users and uses in the market. A Commissioner asked about the buffer zone and asked if there was room for trees. The Commissioner stated the trees would be at the bottom of the hill and he cautioned the city to watch the buffer zone so the trees were up high enough to do some good.

OPPONENTS/NEUTRAL PARTIES

The neutral party addressed the Commission and stated one of his concerns has to do with the buffer. He noted he also has some concerns with the light manufacturing. The neutral party then asked if a chemical type plant fell under that category. The neutral party noted any time there is a heavy rain Bristol Road gets shut down. He noted that the road is a critical piece of this development. He further stated when there is an issue and traffic is backed up there have been quite a few tie ups and Bristol Road is quite a dangerous road. The neutral party asked if Bristol Road from Mt. Zion is going to be done in tandem when that is developed. He then additionally stated looking out his back window he can see exactly where this is going to be and the lights will be directly across from him. He stated at this time he is neutral but would want that noted and he would appreciate them looking at this. The neutral party stated he is favorable for industrial going in by all means and he thinks it helps the city but he doesn't want to see it distract from the residents. Staff then clarified that there are performance standards and there are ordinances in place that will stop things from happening.

Bases for Staff Recommendation: The PDS Staff Recommendation is on file at the PDS office.





LINK-GIS Web Map



Building	Roads	Utilities	Topography
Building	Paved Road	Sewer	Index Contour
Pool	Unpaved Road	Sewer Structure	Intermediate Contour
Tank	Bridges	Water Pipe	Creek / Stream
Concrete Pad	Paved Parking	Water Hydrant	River / Lake
Recreation	Unpaved Parking		
Ball Fields	Railroad		
Playground/General Rec			
Tee/Green	Boundaries		
	Parcel		
	Zoning		

1:6,000

0 250 500 Feet

1840 Simon Kenton Way, Suite 3400
Covington, KY 41011-2999
859.331.8980
Office hours M-F 9-5
www.linkgis.org

Parcel data provided by CCPWA, PCPWA and LINK-GIS.

Date: 3/5/2021

These GIS data are deemed reliable and every effort has been made to ensure their accuracy. They are, however, provided "as is" without warranty of correctness, timeliness, reliability, or completeness. Map elements do not represent a legal survey of land. Use of these data for any purpose should be with an acknowledgment of their limitations, including the fact that they are dynamic in nature and in a constant state of maintenance. Field investigation may be necessary.



VIOX & VIOX

Civil Engineers, Surveyors, and Landscape Architects

466 Erlanger Road | 215B Main Street,
Erlanger, Kentucky 41018 | Millford, Ohio 45150

Tel: 859.727.3293 | Tel: 513.576.1000
Fax: 859.727.8452

www.vioxinc.com

June 29, 2020

DESCRIPTION OF 103.123 ACRES

Situated in Kenton County, Kentucky, lying on the south side of Mt. Zion Road (Kentucky Highway 536), approximately 450 feet west of Bristow Road and being all of the remaining property conveyed to Lloyd Spegal & Judith Lynn Spegal by deed recorded in Deed Book 385, page 217, in the office of the Kenton County Clerk in Covington, Kentucky and is more particularly described as follows:

Unless otherwise stated, any monument referred to herein as an iron pin (set) is a ½ inch diameter rebar, eighteen inches in length with a plastic cap stamped "LARISON PLS 3357". All bearings referred to herein are based upon Kentucky State Plane Coordinate System-North Zone NAD83 (2011).

BEGINNING at an iron pin (set) in the east right-of-way line of Mt. Zion Road at the common corner of Spegal and Jennifer and Jeremy Meyer (Record Book I-3494, page 229);

THENCE with said right-of-way line for the following three courses:

1. a curve turning to the right with an arc length of 164.79 feet, a radius of 1951.00 feet, a chord bearing of S 47°37'13" E, and a chord length of 164.74 feet;
2. S 09°09'20" E a distance of 90.38 feet to an iron pin (set);
3. S 39°35'12" E a distance of 8.45 feet to an iron pin (set) in the west line of Louisa A. Oder (Record Book I-3602, page 269);

THENCE with the common line of Spegal and Oder for the following three courses:

1. S 45°32'23" W a distance of 26.05 feet to an existing iron pin;
2. S 34°40'28" E a distance of 298.73 feet to an existing iron pin;
3. N 39°21'21" E a distance of 21.75 feet to an iron pin (set) in the south right-of-way line of Mt. Zion Road;

THENCE with said right-of-way line for the following eleven courses:

1. S 26°22'15" E a distance of 130.41 feet to an iron pin (set);
2. S 60°48'53" E a distance of 313.21 feet to an iron pin (set);
3. S 15°18'17" E a distance of 114.13 feet to an iron pin (set);
4. S 46°49'57" E a distance of 308.95 feet to an iron pin (set);
5. S 61°10'30" E a distance of 133.89 feet to an iron pin (set);
6. S 86°36'34" E a distance of 61.03 feet to an iron pin (set);
7. S 51°40'16" E a distance of 427.13 feet to an iron pin (set);
8. S 56°43'24" E a distance of 212.51 feet to an iron pin (set);
9. S 62°27'11" E a distance of 106.31 feet to an iron pin (set);
10. S 69°42'24" E a distance of 212.22 feet to an iron pin (set);
11. S 63°22'30" E a distance of 107.34 feet to an iron pin (set);
12. with a curve turning to the left with an arc length of 100.67 feet, a radius of 1161.08 feet, a chord bearing of S 65°51'32" E, and a chord length of 100.64 feet to an iron pin (set) at the common corner of Spegal and Yolanda R. Woltenberg, et al (R.B. I-3394, page 85);

THENCE with the common line of Spegal and Woltenberg for the following two courses:



1. S 06°23'40" W a distance of 368.65 feet to an iron pin (set);
2. S 13°28'56" W a distance of 432.85 feet to a stone at an existing corner post at the common corner of Spegal and Glenhurst Development, LLC (Record Book I-1790, page 201)

THENCE with the common line of Spegal and Glenhurst Development, LLC for the following two courses:

1. N 72°03'49" W, passing a ½" iron pin and cap stamped "Witness PLS 3357" (set) at 5.00 feet, a total distance of 518.23 feet to an existing corner post;
2. S 05°36'43" W passing a ½" iron pin and cap stamped "Witness PLS 3357" (set) at 5.00 feet, a total distance 977.30 feet to an iron pin (set) at the common corner of Spegal and Wayne & Robin Rider (Record Book I-3800, page 59);

THENCE with the common line of Spegal and Rider N 84°53'56" W a distance of 210.42 feet to an existing ½" iron pin at the common corner of Spegal and Raymond A. & Nancy A. Scarton (Deed Book 187, page 178);

THENCE with the common line of Spegal and Scarton N 84°52'11" W a distance of 865.40 feet to an existing iron pin at the common corner of Spegal and Raymond A. & Nancy A. Scarton (Record Book I-438, page 307);

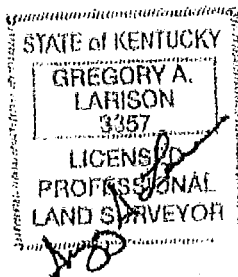
THENCE with the common line of Spegal and Scarton N 84°49'33" W a distance of 300.37 feet to an existing iron pin at the common corner of Spegal and Raymond A. and Nancy A. Scarton (Record Book I-438, page 303);

THENCE with the common line of Spegal and Scarton N 84°47'16" W a distance of 299.86 feet to an iron pin (set) at the common corner of Spegal and Glenhurst Development, LLC (Record Book I-1249, page 181);

THENCE with the common line of Spegal and Glenhurst Development, LLC N 05°34'45" E a distance of 520.58 feet to an iron pin (set) at the common corner of Spegal and Enid Mair Mason, Co-Trustee and Elizabeth Ann Mason-Hill, Co-Trustee (Record Book I-3850, page 49);

THENCE with the common line of Spegal, Enid Mair Mason, Co-Trustee and Elizabeth Ann Mason-Hill, Co-Trustee, and Meyer N 06°08'19" E a distance of 2653.57 feet to the point of beginning containing 103.123 acres, more or less.

This description was prepared from a new survey made by Gregory A. Larison, PLS 3357, for Viox & Viox, Inc., June 17, 2020.



OVERSIZE MAP INCLUDED WITH
SUBMISSION.

To research the map, contact the
Office of Secretary of State
or the County Clerk.