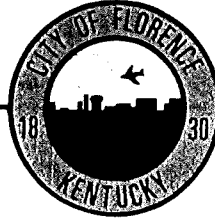


City of Florence



CITY COORDINATOR
Jeffrey P. Koenig

October 19, 2000

Mr. Kevin Costello
AICP – Executive Director
B.C. Planning Commission
2995 Washington Street
Burlington, KY 41005

RE: Zoning @ 8 Gibbons Street

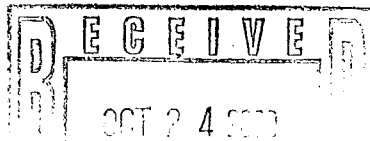
Dear Kevin:

It has recently come to our attention that a piece of residential property located at 8 Gibbons Street is partially zoned O-1. As you can see by the attached drawings and deed the resident at 8 Gibbons (Gloria Bushelman) owns lots 110-114 and half of lot 115 of the Fairgrounds Addition Subdivision. However, the zoning line has been determined to be the common lot line between lots 114 and 115 (see attached letter). Therefore, please accept this letter as the City's official request to rezone half of lot 115 owned by Gloria Bushelman to SR-2. This will allow the entire parcel to be consistently zoned and provide for the appropriate buffering between office and residential uses.

If you have any questions please call me.

Sincerely,


Jeff Koenig
City Coordinator



JK:dls

Attachments: deed/drawings/BCPC letter

bushelmanrezone



EXHIBIT

“A”

STAFF REPORT

Request of The City of Florence (applicant) for Gloria Bushelman (owner) to consider a Zoning Map Amendment from Office One (O-1) to Suburban Residential Two (SR-2) for an approximate 2,250 square foot area located at 8 Gibbons, Florence, Kentucky.

December 6, 2000

REQUEST

This request is for the rezoning of an approximate 2,250 square foot area from O-1 to SR-2. The area in question is part of an approximate 3/4 acre area under common ownership which contains an existing residence and a detached garage. With the exception of the approximate 2,250 square foot zone change area, the ownership in question (which is made up of several whole lots and part of a lot), is within the SR-2 zone. The net effect of this zone change would be for the entire property to be located in a single zone. The change would also compel the adjoining O-1 zoned parcel to the north, should it be redeveloped, to provide a more extensive landscaped buffer yard between the two properties (Buffer Yard A is currently required because two O-1 zoned parcels adjoin each other; Buffer Yard C will be required if the zone change is approved).

SITE HISTORY

The current O-1 zone was enacted through the 1980 Comprehensive Zoning Update that was prepared by KZF, Inc.

SITE FEATURES

The site is made up of five 25 foot wide lots and a portion of another 25 foot wide lot that was resubdivided at a later time - this portion of an original lot is the proposed zone change area (triangular portion of lot 115 as shown on the attached materials). The site has 125 feet of frontage on Gibbons Street and contains approximately three quarters of an acre. The site is developed with a residence, a detached garage, and a pool in the back yard. The property is mostly open yard area. The topography of the site slopes from front to rear (east to west).

ADJOINING USES AND ZONING

The following uses and zoning adjoin the site in question.

- A. A single family residence is located immediately to the north along Gibbons, another single family residence is located on the southwest corner of the Gibbons/US 42 intersection, and a medical office building is located north of the rear part of the lot along US 42 (O-1).
- B. A wooded area is located to the west, and a residential subdivision is located further to the west and southwest (O-1 and SR-2).
- C. Single family residences and a multi-family residential structure are located to the south along the west side of Gibbons (SR-2), and single family residences are located to the east, southeast, and northeast along the east side of Gibbons and along Smith Street (C-2).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's Future Land Use Map designates the site in question for "Suburban Residential" uses. The designation is described by the Plan as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision." The area in question is within section "D-4: Florence Area" (pp. 226-228) as outlined in the Land Use Element, although this specific area is not discussed. This section does state "overall, a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments."

The Land Use Element's Future Land Use Development Guidelines provide the following general comments that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a preconceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 210).

- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact ("Buffering," pg. 210).
- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways ("Landscaping," pp. 210 and 211).
- D. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Design, Signs, and Historic Preservation," pg. 211).

The "Florence-Richwood Area" section in the Housing Element (pg. 109) states:

This area includes Florence east of I-75 and extends to Richwood. Florence itself will continue to experience infill housing, both single-family and multi-family. A condominium development, Village Parke, has been approved by City Council for the Florence Drive-In site. There will likely be a major transition in ownership patterns for the houses of subdivisions (sic) built during the 1950s and 1960s, with an accompanying trend of remodeling and renovation to better serve the needs of the new owners.

The 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).

- C. Boone County shall strive to achieve a diversity and balance in land use ("Overall," Objective 6).
- D. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- E. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are protected and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- F. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular shall minimize grading work as opposed to clearing the entire site, without unduly restricting the development. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- G. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- H. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- I. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well-maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).

CONCLUSION

Staff has only a few basic comments relative to this request. First, approval of this application will place a residential property that contains a single residence into one zone versus two. The Planning Commission usually strives for zoning boundaries to be coterminous with property lines, and Staff believes that the current placement of the boundary was probably an oversight which occurred in 1980 when the original zoning map was prepared due to a resubdivision of the original twenty five foot wide lot. Second, approval of this request will compel the adjoining O-1 tract to provide a more extensive

landscape buffer, as is required between O-1 and residential zones by the Zoning Regulations, should that tract ever be redeveloped with a permitted office/commercial use. Thus, in addition to agreement with the Comprehensive Plan, the governing bodies will also need to determine whether the existing zone is inappropriate and proposed zone is appropriate.

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if the Planning Commission and City Council approve this request.

Respectfully submitted,

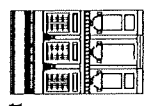


Kevin T. Wall, ATCP-GDI
Director, Zoning Services

KTW/pr

Attachments:

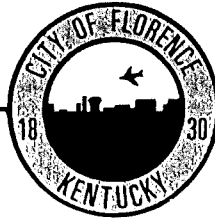
- Air photo w/ zoning information
- Future Land Use Map
- application materials submitted by the City of Florence



1 inch equals 100 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 November 7, 2000

Future Land Use

City of Florence



CITY COORDINATOR
Jeffrey P. Koenig

October 19, 2000

Mr. Kevin Costello
AICP – Executive Director
B.C. Planning Commission
2995 Washington Street
Burlington, KY 41005

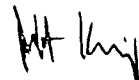
RE: Zoning @ 8 Gibbons Street

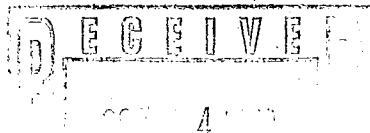
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If you have any questions please call me.

Sincerely,


Jeff Koenig
City Coordinator



JK:dls

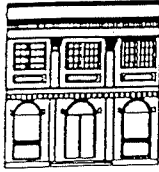
Attachments: deed/drawings/BCPC letter

bushelmanrezone



BOONE COUNTY PLANNING COMMISSION

2995 Washington Street, Burlington, KY 41005



606-334-2196

FAX 606-334-2264

E-Mail plancom@one.net

February 24, 2000

Mr. Gil Whitacre, P.L.S.
Bayer Becker Engineers
14 East 8th Street
Covington, KY 41011

FAX: 261-1710


RE: Clarification of O-1/SR-2 Zoning Boundary Along the West Side of Gibbons Street,
Florence, Kentucky

Dear Mr. Whitacre:

Relative to your request dated February 21, 2000 (and our meeting on 2/17/00), I am providing the following information regarding the above referenced zoning boundary. My conclusion is based on a review of the information that you provided (plat, deeds, etc.), a review of the applicable zoning maps (from 1980 to current), a review of the Planning Commission's data base regarding development applications on Gibbons Street, and a field inspection of the area in question.

Based on the information reviewed, I agree with the conclusions stated in your letter. It is very clear that the zoning boundary is illustrated correctly on the current Official Zoning Map. Mitch Light, Asst. Zoning Administrator/Enforcement Officer, also reviewed much of this information and came to the same conclusion. This line is coterminous with the common lot line of lots 114 and 115 as indicated on the "Fairgrounds Addition to Florence, KY" plat (and not the current property line between the structures at 2 Gibbons Street and 8 Gibbons Street as per the deeds). This boundary also aligns with the northern right-of-way line of Smith Street, which is immediately across Gibbons Street to the east. Regardless of the zoning boundary interpretation, I trust that your client will provide an extensive landscape buffer along the residential adjacency should he opt to develop the O-1 zoned site. Please call me if you have any questions or need any clarifications.

Sincerely,



Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm



Roads

- Paved Road
- Bridge
- Edge of Pavement
- Invisible
- Unpaved
- Shoulder
- Trail

Zoning

- Buildings
- Parcels



1 inch equals 100 feet
 Produced by the
 City of Florence
 Public Services Division
 October 13, 2000



--- PROPERTY LINE

Zoning

U.S. Army (12)

By contract instrument

Algebraic Calc. 111
KY DOT

GIBBONS ST
SUTHERLAND ST

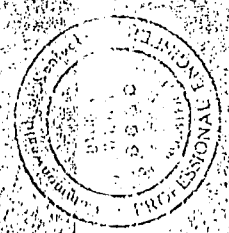


Set 1/2" Iron Pipe
Set 1" Iron Pipe
Set 1/2" Iron Pipe



Plan Survey of Lots 10 to 15 incl. & par.
of 1/2" 1/2" Fairgrounds Addition to Glam in this town

SCALE: 1" = 100'	APPROVED BY: S. F. B'740 P. 42
DATE: 10/15/79	DESIGNED BY: S. F. B'740 P. 42
SHEET GROUP: 100 PL. 06K 1 F. 21	
DRAWN BY: [Name]	
CHECKED BY: [Name]	
ENGINEER: [Name]	
PROFESSIONAL ENGINEER	



REGISTERED
LAND SURVEYOR
STATE OF KENTUCKY

Public Hearing Item No. 2:

Commission Members Present: Mrs. Arnett - Secretary/Treasurer, Mr. Barlow, Mr. Caddell – Chairman, Mr. Hicks, Mr. McMillian, Mr. Newman, Mr. Ries – Temporary Presiding Officer, Mr. Schwenke, Mr. White, Mrs. Wilson, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the last item on the Agenda:

1. **Applicant:** The City of Florence

Request: Zoning Map Amendment

The request of The City of Florence (applicant) for Gloria Bushelman (owner) to consider a Zoning Map Amendment from Office One (O-1) to Suburban Residential Two (SR-2) for an approximate 2,250 square foot area at 8 Gibbons Street, Florence, Kentucky.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). Mr. Wall stated that a Site Plan application was received today for an office building on the adjoining parcel at 2 Gibbons Street. He stated that Counselor Wilson can address the ramifications of this zone change on the buffer requirements for that parcel since that application was submitted today and there has been no action on the subject application.

The Chairman asked for the applicant's presentation.

Mr. Peter Glenn, Project Manager, City of Florence, stated that Jeff Koenig asked him to be here in his place. Mr. Glenn stated that the City of Florence believes that the zoning boundary laid out in the early 1980's was incorrect. He stated that normally zoning boundaries in Florence run along property lines and lot lines, but this zoning line bisects the property. The city requests that the zoning boundary be relocated to follow Mr. Bushelman's property line and include Lot #115 in SR-2, which is the zoning of the rest of the property.

Attorney Dave Schneider with Ziegler & Schneider in Crescent Springs, representing the property owners, Ted and Gloria Bushelman, supports the city's application and believes a mistake was made. He stated that the present zoning is

inappropriate. He stated that Ted Bushelman is present in support of the application.

Mr. Ted Bushelman, owner of the property, stated that he supports the application made by the city of Florence for the zone change.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition.

Attorney Leonard Rowekamp, 502 Greenup Street, Covington, Kentucky, representing EJJLLC (the adjoining property owner that submitted the Site Plan referred to by Mr. Wall) stated that his client has done everything correctly, beginning a year ago when they met with the Planning Commission Staff in order to clarify the zoning boundary. He stated that there was a request from their engineer, Gil Whitacre, to Mr. Wall in February, 2000 which resulted in the clarification letter from Mr. Wall (see letter from Kevin T. Wall, AICP CDT, Director, Zoning Services to Mr. Gil Whitacre, P.L.S., Bayer Becker Engineers, dated February 24, 2000 which is attached to the Staff Report). He stated that in Mr. Wall's letter he clarified for Mr. Whitacre that the lot lines to this parcel were an O-1 zone to an O-1 zone. Based on those factors, his client incurred substantial cost in acquiring the property in April/May 2000. His client's property cannot be economically developed when instead of the required ten-foot setback for O-1 to O-1 zoning, a thirty-foot setback is required for O-1 to SR-2 zoning. That setback requirement would make his client's property unusable for its intended commercial use. Mr. Rowekamp submitted for the record a timeline (see **Exhibit 1**) of the contacts between his client's engineer (Bayer & Becker), the Planning Commission Staff, and the City of Florence (in regard to culvert work at the rear of this property). He stated that based on all of the recommendations and the letter clarifying the zoning, his client incurred substantial cost in acquiring this property and for architectural and engineering work. Under Kentucky law and in the federal system, they have a vested right in this property. Rezoning this parcel to prevent them from developing their property as indicated is a taking of the property. He stated that his client is aware of the need to provide buffer between this parcel and the adjoining parcel and is prepared to comply with the buffering requirements. The type of structure built will be consistent with his client's additional property on U.S. 42, which is an obstetrics and gynecology building that is residential in appearance. They propose a two-story building with a residential look and feel. They believe the building, together with the required buffering and landscaping, will provide a natural transition between the commercial aspects of U.S. 42 and the residential section. He stated that the property directly across the street is zoned C-2 and it appears that the zoning line follows the lines of Smith Road, which is directly across the street, and there is a natural reason for this line.

The Chairman asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments or questions from the Commissioners.

Counselor Wilson stated that his understanding is that Mr. Rowekamp is not opposed to the rezoning, provided that they have to maintain the setback as if the property had remained residential. Mr. Rowekamp agreed and stated that they insist on being able to develop the property on the basis of the zoning as it was represented to them, which is O-1 to O-1, and that they only be required to have a ten-foot setback. Counselor Wilson stated that they are asserting a vested right to the setback from residential, but are not opposed to the rezoning. Mr. Rowekamp agreed.

Mr. Schneider stated that the question before the Planning Commission is the zone change on the Bushelman property and it should follow the normal procedure. If the zone change is granted as requested, then the question comes up when they come through with their application and it can be answered at that time. He stated that this zone change application was started and advertised before the Site Plan application came in. Although they may have done a lot of preliminary work, the zone change application was in and pending and should move through the normal process.

Mr. Zimmer questioned the lots included in the #2 Gibbons parcel. Mr. Wall responded that it would be ½ of Lot #115 plus Lots #116, #117, and #118. Mr. Zimmer asked if Lot #115 is a double lot. Mr. Wall responded "no" and explained that it was originally 25 feet wide and in the early 1970's it was divided in a triangular manner. Mr. Zimmer asked if the Site Plan will be reviewed as O-1 to O-1. Mr. Wall responded that that is his impression and asked Counselor Wilson for his comments. Counselor Wilson advised that they have the right to come in with a Site Plan under the current regulations and it should be reviewed as a timely application. Mr. Zimmer asked, if this zone change is granted, if the #2 Gibbons Site Plan will have to be changed. Counselor Wilson responded that the argument at that point would go to whether there are vested rights acquired in the setback as if the property at #8 Gibbons had remained residential. It gets into whether or not steps have been taken toward construction, or there have been costs toward construction such as engineering plans. The Timeline will be important and the Zoning Administrator will have to determine if it amounts to vested rights.

Mr. Costello stated that we have thirty days to act on the Site Plan. Assuming it meets all the Site Plan requirements, it is conceivable that it could be approved before final action on the zone change is taken by City Council.

Mr. Zimmer stated that Lot #115 is one-half owned by #2 Gibbons and one-half owned by #8 Gibbons. Mr. Wall agreed.

Mr. Ries questioned the reason for the zone change. He stated that it has not been an issue for years. Mr. Wall responded that normally the policy, particularly on smaller parcels, is for them to be in one zone. Another aspect is the buffering requirement. He stated that it is not unusual when there is a boundary problem for the city to ask the Planning Commission to look at it. Mr. Ries questioned how much more buffering would be required. Mr. Wall responded that it would change the requirement to Buffer Yard C, with a minimum width of thirty feet with a berm, wall, or fence (without a berm, wall, or fence it would be sixty feet) versus a ten-foot Buffer Yard A when it is O-1 to O-1 zoning.

Mr. Barlow referred to the Timeline submitted by Mr. Rowekamp and stated that the drawings for the proposed office building were submitted on September 28, 2000. He questioned why two weeks later the city asked for a zone change on the adjoining property. He stated that it appears this application was motivated by the request for redevelopment. Mr. Glenn responded that he did not know the history of the application.

Mr. Wall stated that he met with Gil Whitacre and Mr. Antony about last February, which is when they got the interpretation of where the zoning boundary was. He stated that Mr. Whitacre provided a number of documents, including old plats and deeds. Mr. Wall stated that Mr. Bushelman called him a number of times after that and was curious as to whether something was being proposed next door. He then met with Mr. Bushelman last June or July and one of the items discussed was that he could request a zone change. Mr. Wall stated that he advised Mr. Bushelman that the city occasionally does sponsor zone changes for clarification or correction of a zoning boundary.

Mr. Newman questioned Mr. Rowekamp's comment that the zoning line follows Smith Road. Mr. Rowekamp explained that Smith Road is across the street and indicated the location of the C-2 zoning. Mr. Newman stated that it looks like the boundary would go down straight instead of using the triangular piece that goes off to the left. He questioned the O-1 to O-1 zoning. Mr. Rowekamp referred Mr. Newman to Mr. Wall's letter of February 24, 2000 attached to the Staff Report. Mr. Rowekamp stated that Mr. Wall's letter clearly indicates that his client's parcel would adjoin O-1. He stated that O-1 to O-1 zoning would require the ten-foot setback rather than a minimum thirty-foot setback. Mr. Rowekamp submitted the Site Plan to show the effect the increased setback would have on the proposed building (see **Exhibit 2**).

Mr. Newman asked Mr. Bushelman if he originally owned Lots #110, #111, #112, #113, #114, and part of #115. Mr. Bushelman responded "yes" and explained that the house he lives in was originally the caretaker's house for the dance hall at Florence Fair Grounds and it was set diagonally on the property. Later, they subdivided the lot and moved the house to be perpendicular with Gibbons.

Mr. Schwenke asked Mr. Bushelman if he knew previously that the property had two zones. Mr. Bushelman responded that when he bought the property, he was under the impression that it was residential. Mr. Wall explained that his understanding is that the zoning boundary was created in 1980, which is after Mr. Bushelman purchased the property in about 1973.

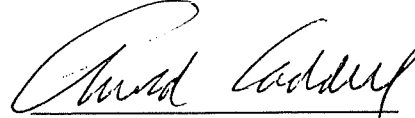
Mr. Zimmer stated that half of Lot #115 is owned by #2 Gibbons. It goes to a point of zero at the street, which is the point between O-1 and SR-2. He stated that it is O-1 to O-1 on the front of Gibbons at Lot #115 where it goes to zero. He questioned if it is also contiguous to SR-2. Mr. Wall responded that a point has no width and it is a difficult question to answer. He will consider it and bring the answer to the Committee.

Chairman Caddell asked Counselor Wilson to attend the Committee Meeting.

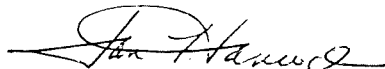
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on January 3, 2000 at 4 P.M. in the second floor Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on January 17, 2000 at 7:30 P.M..

The Chairman closed this Public Hearing at 8:50 P.M..

APPROVED:

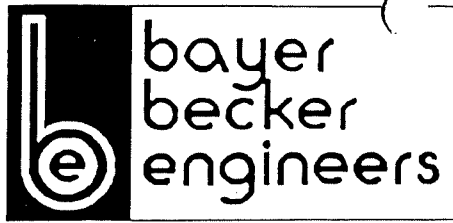

Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

Exhibits:

- 1 – Florence Office Building, Project Timeline, dated 11/27/00 submitted by Mr. Rowekamp**
- 2 Proposed Site Plan, Gibbons Street Office, submitted by Mr. Rowekamp**



engineers
planners
architects
surveyors

Public Hearing Item #2
September 6, 2000
Exhibit #1
Covington, Kentucky 41011
p.859.261.1113
f.859.261.1710
covington@bayerbecker.com

11/27/00

*Florence Office Building
Project Timeline*

- 12/22/99 Initial meeting with Rick Antony.
- 2/17/00 Meeting with Kevin Wall at Boone County Planning Commission to discuss preliminary site plan.
- 2/21/00 Submitted zone line clarification letter to Kevin Wall.
- 2/24/00 Received zone line clarification correspondence from Kevin Wall.
- 6/2/00 Meeting with Rick Antony to discuss storm sewer improvements.
- 6/6/00 Received fax from Rick Antony containing Lonkard proposal to City for culvert work.
- 6/27/00 Phone Conversation with Ted Bushelman regarding survey markers and boundary information.
- 8/10/00 Fieldwork performed to prepare boundary and topographic survey for site.
- 9/12/00 Received record copy of drainage calculations for original office project from Boone County Planning Commission in preparation for final site plan preparation.
- 9/25/00 Phone conversation with Bob Hall for Florence Water & Sewer regarding storm sewer design.
- 9/28/00 Phone conversation with Rick Antony regarding storm sewer construction.
- 9/28/00 Sent final drawings for storm sewer improvements to Florence Water & Sewer.
- 11/22/00 Received fax from Rick Antony regarding zone change of adjoining property.

00k06/2742

700 Nilles Road
Fairfield, OH 45014

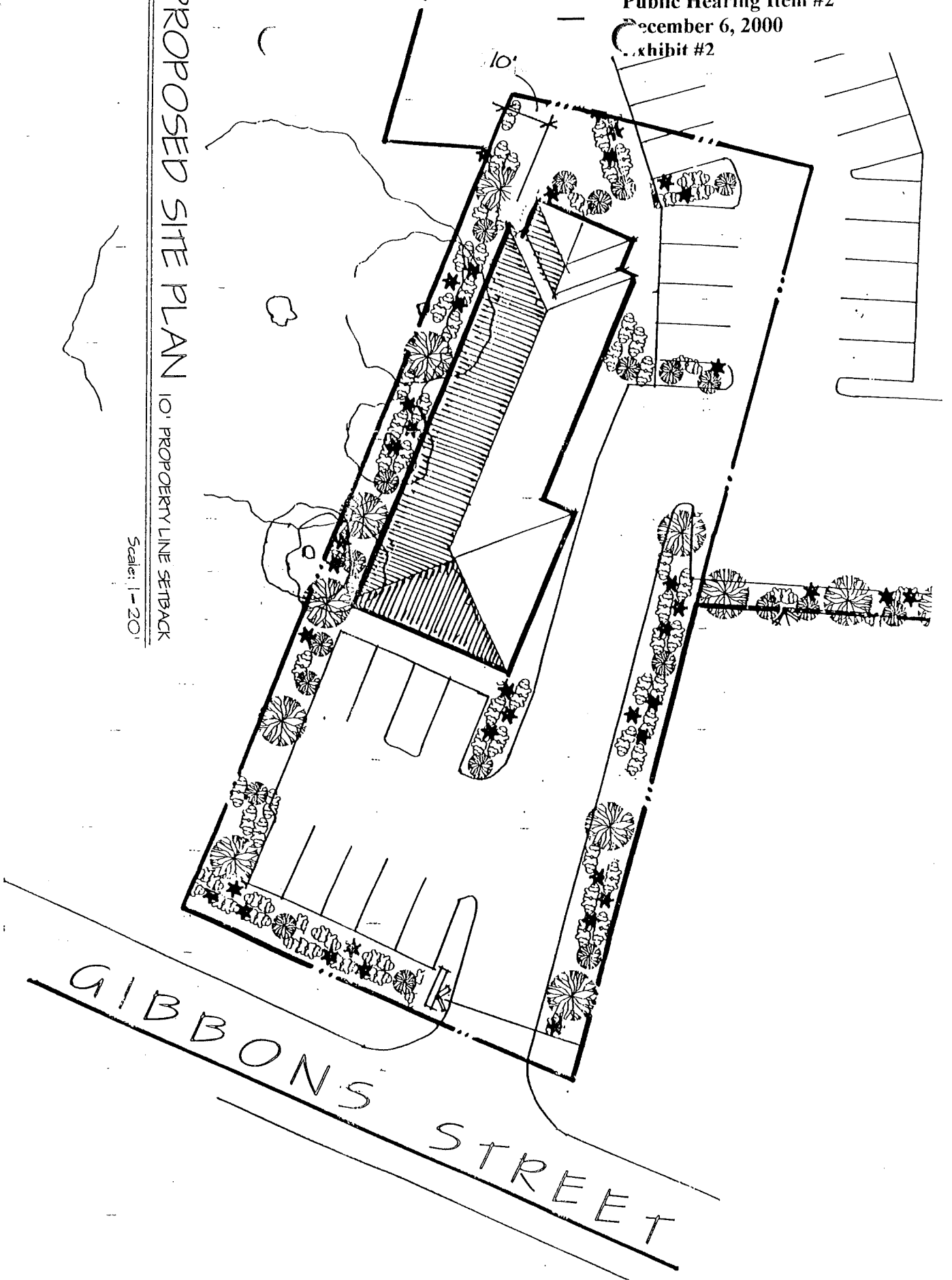
14 E. Eighth Street
Covington, KY 41011

6900 Tylersville Rd., Suite A
Mason, OH 45040

777 Eads Parkway, Suite C
Lawrenceburg, IN 47025

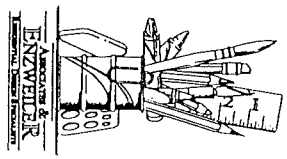
PROPOSED SITE PLAN
 10' PROPERTY LINE SETBACK

Scale: 1" = 20'



Sheet I Site Plan Plan	Designed By Assoc.'s & Enzweiler	Submitted By Antony Development
	Proposed Residence For Gibbons Street Office	

Scale	Date
1" = 20'	12/6/00
1" = 20'	12/6/00
1" = 20'	12/6/00
1" = 20'	12/6/00
1" = 20'	12/6/00
1" = 20'	12/6/00

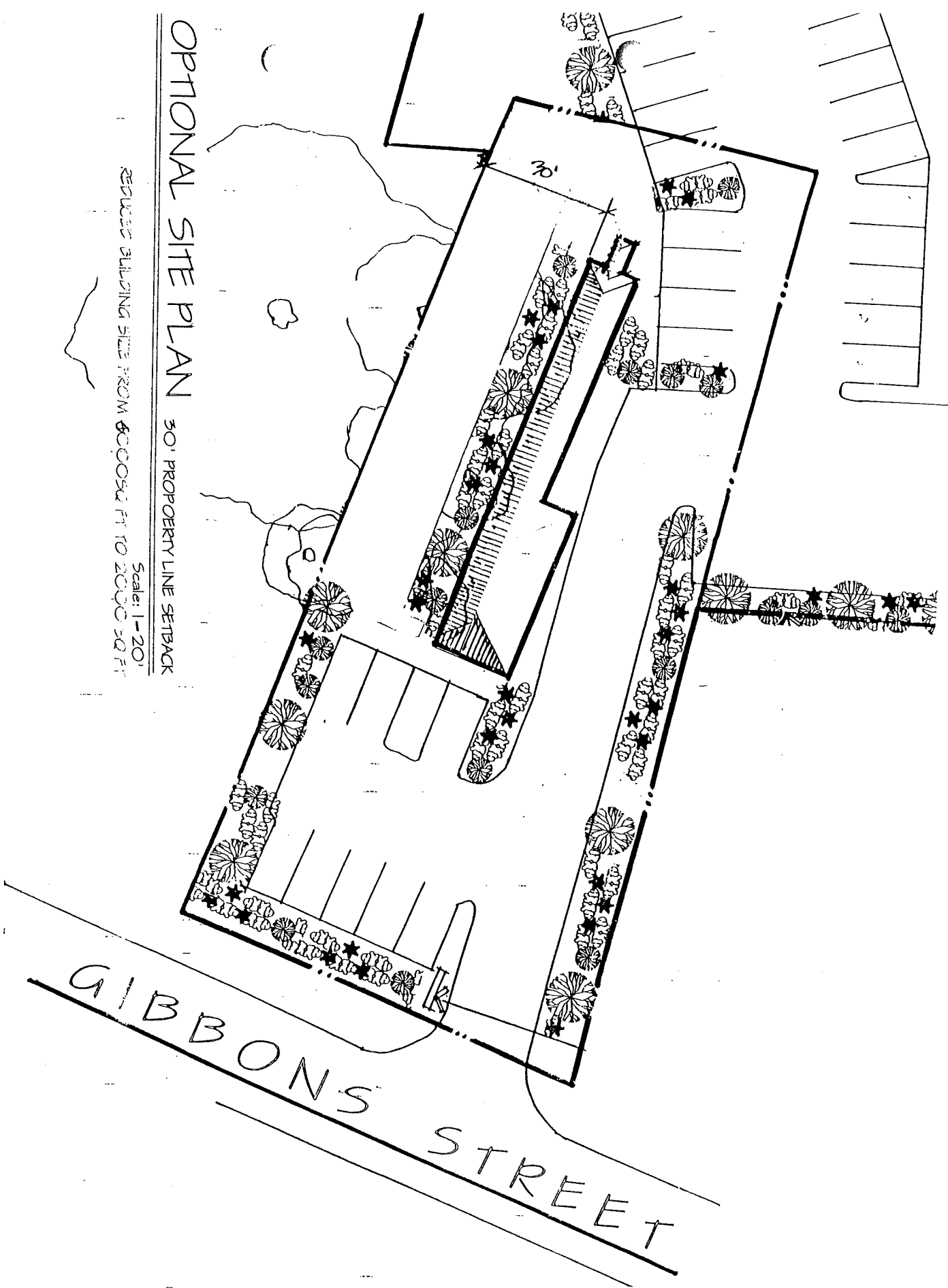


OPTIONAL SITE PLAN

30' PROPERTY LINE SETBACK

REDUCED BUILDING SIZE FROM 6000 SQ FT TO 2000 SQ FT

Scale: 1" = 20'



GIBBONS STREET

Sheet III Site Plan Plan	Prepared By Assoc's & Enzweiler Proposed Residence Plan	Author Antony Development
	Gibbons Street Office	

Date	By
8-4-00	EAH
8-2-99	

Site Plan
Preliminary Building Design

ASSOCIATES & ENZWEILER
ENZWEILER
 ARCHITECTS & PLANNERS
 1000 ...
 ...

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
January 17, 2001
7:30 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:32 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Randy Barlow
Mr. Arnold Caddell, Chairman
Mr. Mark Hicks
Mr. Richard Knock
Mr. Don McMillian
Mr. Robert Newman
Mrs. Susan Poston
Mr. Robert Ries, Temporary Presiding Officer
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. W. Thomas Chaney, Vice Chairman
Mr. Charlie Reynolds

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. David Geohegan, AICP, Director of Planning Services
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, Planner
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Approval of the Minutes:

park. In reality, it is an industrial park and does not fit the classification that the Comprehensive Plan has outlined for that area.

Mr. Newman stated that he felt that the reason they spent two meetings going over the conditions in detail was to try to get this development to appear to be a business park. They went to the point of designating trees to be left, vegetation, buffering, etc. and he does not know what a business park is if this is not a business park. He stated that the Comprehensive Plan designates this property for business park. He stated that the intent of the EPD zone was to provide a more flexible and creative zoning procedure and offer a variety of land uses – if they are properly designed and the impacts are addressed, which the Committee has done. He believes the request meets all three criteria for a zone change and should be approved.

Mr. Knock stated that he believes the Commissioners should take time to read the minority report or that it should be read into the record. He stated that the findings of fact to approve should be given the same weight as the reasons to deny. Counselor Wilson responded that there is a motion on the floor, but the Commissioners could take a few minutes on their own to read the minority Committee Report. He stated that the Committee Report for approval is part of the record of this meeting.

Following a short period of time for the Commissioners to read the minority Committee Report, Mr. McMillian asked the Chairman to call for a vote on the motion on the floor. Chairman Caddell stated that a “yes” vote on the motion is a vote to deny the request. A roll call vote on the motion found Mr. Barlow, Mr. McMillian, Mrs. Poston, Mr. White, Mr. Zimmer, Mr. Ries, Mrs. Arnett, Mr. Hicks, and Chairman Caddell in favor. Mr. Newman, Mr. Schwenke, and Mrs. Wilson were opposed. Mr. Knock abstained. The motion carried with 9 votes in favor, 3 opposed, and 1 abstention. Mr. Schwenke was opposed as he did not have time to read the minority Committee Report.

2. **Zoning Map Amendment**

The request of the City of Florence (applicant) for Gloria Bushelman (owner) to consider a Zoning Map Amendment from Office One (O-1) to Suburban Residential Two (SR-2) for an approximate 2,250 square foot area at 8 Gibbons Street, Florence, Kentucky.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

There being no discussion, Mr. White moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mr. Hicks seconded the motion and it carried unanimously.

3. **Zoning Map Amendment**

EXHIBIT
“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Bob Newman, Chairman

DATE: January 17, 2001

RE: Request of The City of Florence (applicant) for Gloria Bushelman (owner) to consider a Zoning Map Amendment from Office One (O-1) to Suburban Residential Two (SR-2) for an approximate 2,250 square foot area located at 8 Gibbons, Florence, Kentucky.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact.

FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the 1995 Boone County Comprehensive Plan. Specific facts that support this conclusion include the following.
 - A. The 1995 Boone County Comprehensive Plan's Future Land Use Map designates the site in question for "Suburban Residential" uses. The designation is described by the Plan as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision." Although the SR-2 zone allows up to eight dwelling units per acre, the proposed zone correlates more directly to the Suburban Residential classification, particularly when considering that the remaining area of the approximate 3/4 acre lot in question contains just one single family residence, and the fact that the minimum five acre district size required by the SR-1 zone can not be met by the zone change area, nor can the zone change area in and of itself realistically be used as a building site. This zone change merely extends the residentially zoned area of a single, existing building site in conformance with the Suburban Residential classification.

- B. The "Florence-Richwood Area" section in the Housing Element (pg. 109) states "this area includes Florence east of I-75 and extends to Richwood. Florence itself will continue to experience infill housing, both single-family and multi-family." The requested Zoning Map Amendment furthers this objective by promoting the preservation of residential uses within a developed residential neighborhood in Florence east of I-75.
2. Because the zone change area is an incidental part of a larger, developed site, coupled with the fact that the zone change area in and of itself can not realistically be used for any tangible development under the current O-1 zone due to its small size and triangular shape, the Committee has concluded that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Bob Newman, Committee Chairman

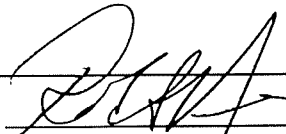
DATE: January 3, 2001

RE: Request of The City of Florence (applicant) for Gloria Bushelman (owner) to consider a Zoning Map Amendment from Office One (O-1) to Suburban Residential Two (SR-2) for an approximate 2,250 square foot area located at 8 Gibbons Street, Florence, Kentucky.

REMARKS:

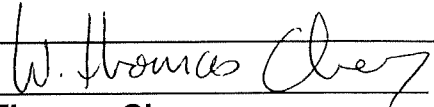
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE
The City of Florence/Gloria Bushelman
January 3, 2001



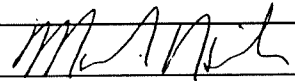
Bob Newman, Chairman

For	<input checked="" type="checkbox"/>	Against	_____
Abstain	_____	Absent	_____
Deferred	_____		



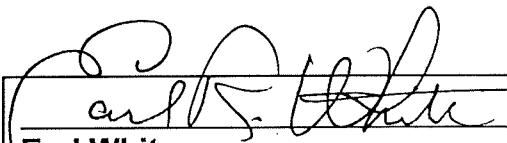
W. Thomas Chaney

For	<input checked="" type="checkbox"/>	Against	_____
Abstain	_____	Absent	_____
Deferred	_____		



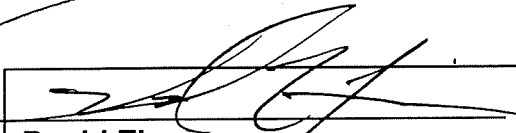
Mark Hicks

For	<input checked="" type="checkbox"/>	Against	_____
Abstain	_____	Absent	_____
Deferred	_____		



Earl White

For	<input checked="" type="checkbox"/>	Against	_____
Abstain	_____	Absent	_____
Deferred	_____		



David Zimmer

For	_____	Against	_____
Abstain	_____	Absent	_____
Deferred	_____		

Bob Schwenke (Alternate)*

For	_____	Against	_____
Abstain	_____	Absent	_____
Deferred	_____		

Lisa Wilson (Alternate)*

For	_____	Against	_____
Abstain	_____	Absent	_____
Deferred	_____		

Don McMillian (Alternate)*

For	_____	Against	_____
Abstain	_____	Absent	_____
Deferred	_____		

TOTAL:	_____ DEFERRED	<u>5</u> FOR	_____ AGAINST	_____ ABSTAIN
	_____ ABSENT			

Public Hearing Item No. 2:

Commission Members Present: Mrs. Arnett - Secretary/Treasurer, Mr. Barlow, Mr. Caddell – Chairman, Mr. Hicks, Mr. McMillian, Mr. Newman, Mr. Ries – Temporary Presiding Officer, Mr. Schwenke, Mr. White, Mrs. Wilson, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

The Chairman introduced the last item on the Agenda:

1. Applicant: The City of Florence

Request: Zoning Map Amendment

The request of The City of Florence (applicant) for Gloria Bushelman (owner) to consider a Zoning Map Amendment from Office One (O-1) to Suburban Residential Two (SR-2) for an approximate 2,250 square foot area at 8 Gibbons Street, Florence, Kentucky.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report). Mr. Wall stated that a Site Plan application was received today for an office building on the adjoining parcel at 2 Gibbons Street. He stated that Counselor Wilson can address the ramifications of this zone change on the buffer requirements for that parcel since that application was submitted today and there has been no action on the subject application.

The Chairman asked for the applicant's presentation.

Mr. Peter Glenn, Project Manager, City of Florence, stated that Jeff Koenig asked him to be here in his place. Mr. Glenn stated that the City of Florence believes that the zoning boundary laid out in the early 1980's was incorrect. He stated that normally zoning boundaries in Florence run along property lines and lot lines, but this zoning line bisects the property. The city requests that the zoning boundary be relocated to follow Mr. Bushelman's property line and include Lot #115 in SR-2, which is the zoning of the rest of the property.

Attorney Dave Schneider with Ziegler & Schneider in Crescent Springs, representing the property owners, Ted and Gloria Bushelman, supports the city's application and believes a mistake was made. He stated that the present zoning is

inappropriate. He stated that Ted Bushelman is present in support of the application.

Mr. Ted Bushelman, owner of the property, stated that he supports the application made by the city of Florence for the zone change.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition.

Attorney Leonard Rowekamp, 502 Greenup Street, Covington, Kentucky, representing EJLLC (the adjoining property owner that submitted the Site Plan referred to by Mr. Wall) stated that his client has done everything correctly, beginning a year ago when they met with the Planning Commission Staff in order to clarify the zoning boundary. He stated that there was a request from their engineer, Gil Whitacre, to Mr. Wall in February, 2000 which resulted in the clarification letter from Mr. Wall (see letter from Kevin T. Wall, AICP CDT, Director, Zoning Services to Mr. Gil Whitacre, P.L.S., Bayer Becker Engineers, dated February 24, 2000 which is attached to the Staff Report). He stated that in Mr. Wall's letter he clarified for Mr. Whitacre that the lot lines to this parcel were an O-1 zone to an O-1 zone. Based on those factors, his client incurred substantial cost in acquiring the property in April/May 2000. His client's property cannot be economically developed when instead of the required ten-foot setback for O-1 to O-1 zoning, a thirty-foot setback is required for O-1 to SR-2 zoning. That setback requirement would make his client's property unusable for its intended commercial use. Mr. Rowekamp submitted for the record a timeline (see **Exhibit 1**) of the contacts between his client's engineer (Bayer & Becker), the Planning Commission Staff, and the City of Florence (in regard to culvert work at the rear of this property). He stated that based on all of the recommendations and the letter clarifying the zoning, his client incurred substantial cost in acquiring this property and for architectural and engineering work. Under Kentucky law and in the federal system, they have a vested right in this property. Rezoning this parcel to prevent them from developing their property as indicated is a taking of the property. He stated that his client is aware of the need to provide buffer between this parcel and the adjoining parcel and is prepared to comply with the buffering requirements. The type of structure built will be consistent with his client's additional property on U.S. 42, which is an obstetrics and gynecology building that is residential in appearance. They propose a two-story building with a residential look and feel. They believe the building, together with the required buffering and landscaping, will provide a natural transition between the commercial aspects of U.S. 42 and the residential section. He stated that the property directly across the street is zoned C-2 and it appears that the zoning line follows the lines of Smith Road, which is directly across the street, and there is a natural reason for this line.

The Chairman asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments or questions from the Commissioners.

Counselor Wilson stated that his understanding is that Mr. Rowekamp is not opposed to the rezoning, provided that they have to maintain the setback as if the property had remained residential. Mr. Rowekamp agreed and stated that they insist on being able to develop the property on the basis of the zoning as it was represented to them, which is O-1 to O-1, and that they only be required to have a ten-foot setback. Counselor Wilson stated that they are asserting a vested right to the setback from residential, but are not opposed to the rezoning. Mr. Rowekamp agreed.

Mr. Schneider stated that the question before the Planning Commission is the zone change on the Bushelman property and it should follow the normal procedure. If the zone change is granted as requested, then the question comes up when they come through with their application and it can be answered at that time. He stated that this zone change application was started and advertised before the Site Plan application came in. Although they may have done a lot of preliminary work, the zone change application was in and pending and should move through the normal process.

Mr. Zimmer questioned the lots included in the #2 Gibbons parcel. Mr. Wall responded that it would be ½ of Lot #115 plus Lots #116, #117, and #118. Mr. Zimmer asked if Lot #115 is a double lot. Mr. Wall responded “no” and explained that it was originally 25 feet wide and in the early 1970’s it was divided in a triangular manner. Mr. Zimmer asked if the Site Plan will be reviewed as O-1 to O-1. Mr. Wall responded that that is his impression and asked Counselor Wilson for his comments. Counselor Wilson advised that they have the right to come in with a Site Plan under the current regulations and it should be reviewed as a timely application. Mr. Zimmer asked, if this zone change is granted, if the #2 Gibbons Site Plan will have to be changed. Counselor Wilson responded that the argument at that point would go to whether there are vested rights acquired in the setback as if the property at #8 Gibbons had remained residential. It gets into whether or not steps have been taken toward construction, or there have been costs toward construction such as engineering plans. The Timeline will be important and the Zoning Administrator will have to determine if it amounts to vested rights.

Mr. Costello stated that we have thirty days to act on the Site Plan. Assuming it meets all the Site Plan requirements, it is conceivable that it could be approved before final action on the zone change is taken by City Council.

Mr. Zimmer stated that Lot #115 is one-half owned by #2 Gibbons and one-half owned by #8 Gibbons. Mr. Wall agreed.

Mr. Ries questioned the reason for the zone change. He stated that it has not been an issue for years. Mr. Wall responded that normally the policy, particularly on smaller parcels, is for them to be in one zone. Another aspect is the buffering requirement. He stated that it is not unusual when there is a boundary problem for the city to ask the Planning Commission to look at it. Mr. Ries questioned how much more buffering would be required. Mr. Wall responded that it would change the requirement to Buffer Yard C, with a minimum width of thirty feet with a berm, wall, or fence (without a berm, wall, or fence it would be sixty feet) versus a ten-foot Buffer Yard A when it is O-1 to O-1 zoning.

Mr. Barlow referred to the Timeline submitted by Mr. Rowekamp and stated that the drawings for the proposed office building were submitted on September 28, 2000. He questioned why two weeks later the city asked for a zone change on the adjoining property. He stated that it appears this application was motivated by the request for redevelopment. Mr. Glenn responded that he did not know the history of the application.

Mr. Wall stated that he met with Gil Whitacre and Mr. Antony about last February, which is when they got the interpretation of where the zoning boundary was. He stated that Mr. Whitacre provided a number of documents, including old plats and deeds. Mr. Wall stated that Mr. Bushelman called him a number of times after that and was curious as to whether something was being proposed next door. He then met with Mr. Bushelman last June or July and one of the items discussed was that he could request a zone change. Mr. Wall stated that he advised Mr. Bushelman that the city occasionally does sponsor zone changes for clarification or correction of a zoning boundary.

Mr. Newman questioned Mr. Rowekamp's comment that the zoning line follows Smith Road. Mr. Rowekamp explained that Smith Road is across the street and indicated the location of the C-2 zoning. Mr. Newman stated that it looks like the boundary would go down straight instead of using the triangular piece that goes off to the left. He questioned the O-1 to O-1 zoning. Mr. Rowekamp referred Mr. Newman to Mr. Wall's letter of February 24, 2000 attached to the Staff Report. Mr. Rowekamp stated that Mr. Wall's letter clearly indicates that his client's parcel would adjoin O-1. He stated that O-1 to O-1 zoning would require the ten-foot setback rather than a minimum thirty-foot setback. Mr. Rowekamp submitted the Site Plan to show the effect the increased setback would have on the proposed building (see **Exhibit 2**).

Mr. Newman asked Mr. Bushelman if he originally owned Lots #110, #111, #112, #113, #114, and part of #115. Mr. Bushelman responded "yes" and explained that the house he lives in was originally the caretaker's house for the dance hall at Florence Fair Grounds and it was set diagonally on the property. Later, they subdivided the lot and moved the house to be perpendicular with Gibbons.

Mr. Schwenke asked Mr. Bushelman if he knew previously that the property had two zones. Mr. Bushelman responded that when he bought the property, he was under the impression that it was residential. Mr. Wall explained that his understanding is that the zoning boundary was created in 1980, which is after Mr. Bushelman purchased the property in about 1973.

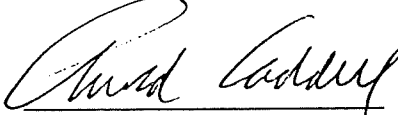
Mr. Zimmer stated that half of Lot #115 is owned by #2 Gibbons. It goes to a point of zero at the street, which is the point between O-1 and SR-2. He stated that it is O-1 to O-1 on the front of Gibbons at Lot #115 where it goes to zero. He questioned if it is also contiguous to SR-2. Mr. Wall responded that a point has no width and it is a difficult question to answer. He will consider it and bring the answer to the Committee.

Chairman Caddell asked Counselor Wilson to attend the Committee Meeting.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on January 3, 2000 at 4 P.M. in the second floor Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on January 17, 2000 at 7:30 P.M..

The Chairman closed this Public Hearing at 8:50 P.M..

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

Exhibits:

- 1 – Florence Office Building, Project Timeline, dated 11/27/00 submitted by Mr. Rowekamp
- 2 Proposed Site Plan, Gibbons Street Office, submitted by Mr. Rowekamp

SUPPORTING INFORMATION

KNOW ALL MEN BY THESE PRESENTS: **DEED**
THAT

Property Transfer Tax Paid \$ 28.00
JERRY W. ROUSE, Clerk D.C. PLW

Value of property \$28,000.00

DIXIE NEWS, INC., a Kentucky corporation
for and in consideration of **One Dollar** and other consideration,
the receipt whereof is hereby acknowledged, do(es) hereby bargain, sell and convey to

TED J. BUSHELMAN & GLORIA BUSHELMAN, for and during their joint lives
with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described real estate, lying and being in Florence Boone County, Kentucky to-wit:

Grantee Mailing Address 8 Hillborn, Florence, Ky Group No. 160
Property Address Same Plat Book 1 Page 87

BEING all of Lots Nos. 110, 111, 112, 113, 114, and part of Lot No. 115,
Fair Grounds Addition as shown by plat recorded in Plat Book 1, page 87
of the Boone County Clerk's records at Burlington, Kentucky.

Said part of Lot No. 115 is bounded and described as follows:

BEGINNING at a corner of Lots 114 and 115; thence southwest 174 feet
with the boundary line of Lots 114 and 115 to the southeast corner of
Lot No. 115; thence northwestwardly along the southwest line of Lot No.
115, twenty-five (25) feet to the southwest corner of Lot No. 115; thence
diagonally and northwardly in a straight line to the dividing line be-
tween Lots Nos. 115 and 114 on Gibbons Street.

Subject to easement in favor of the Union Light, Heat and Power Company
as shown by deed recorded in Deed Book 105, Page 158, Boone County Clerk's
records at Burlington, Kentucky.

Being the same property conveyed to the Grantor(s) by
by deed dated 14th day of November, 1973 and recorded in Deed Book 206 Page 460 in the
office of the Clerk of the Boone County Court, Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said

TED J. BUSHELMAN & GLORIA BUSHELMAN, for and during their joint lives
with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, with covenants of general warranty, except for a mortgage to Erlanger (OVER)

IN WITNESS whereof the said **DIXIE NEWS, INC.**, a Kentucky corporation, by and through
Ted Thomas its President, duly authorized so to do by
action of its Board of Directors, has
hereunto set its hand this 23 day of June, 1977.

DIXIE NEWS INC.
BY Ted Thomas, President

STATE OF KENTUCKY
SCT.
County of Boone

The foregoing instrument was acknowledged before me this 23 day of June, 19 77 by
Ted Thomas its President of **DIXIE NEWS INC.**, a Kentucky corporation,
to be its and his act and deed.
My Commission Expires 4-17-80 David A. Schneider
Notary Public

STATE OF KENTUCKY
SCT.
COUNTY OF BOONE

I, **JERRY W. ROUSE**, Clerk of the County Court in and for the County and State aforesaid, do certify that the foregoing
instrument of writing from **DIXIE NEWS, INC.**
to **TED J. & GLORIA BUSHELMAN** was this 2nd day of November, 1977
produced to me, certified as above and lodged for record at 9:08 o'clock a.m.

Whereupon, the same with foregoing and this certificate have been duly recorded in my office.

Given under my hand, this 2nd day of November, 1977.

This Instrument was Prepared by: **ZIEGLER & SCHNEIDER** ATTORNEYS AT LAW
David A. Schneider JERRY W. ROUSE, Clerk
CORNINGTON TRUST BUILDING
CORNINGTON, KENTUCKY 41011 By David A. Schneider D. C.

Recording Fee Paid 5.65 Address Return to Wattle

Perpetual (now American Federal Savings & Loan) in the original amount of \$28,000.00 dated May 2, 1973 in the name of Frederick Thomas, and recorded in Mortgage Book 169, page 613 of said clerk's records, which the Grantees assume and agree to pay.

STATE OF KENTUCKY, }
COUNTY OF BOONE, } So.

I, JERRY W. ROUSE, Clerk of the County Court in and for the county and state aforesaid, do hereby certify that the foregoing instrument of writing was, on the 2nd day of Nov, 1977, at 9:08 A.M. lodged in my office for record, whereupon the same, the foregoing, and this certificate have been duly recorded in my office.

Given under my hand, this the 2nd day of Nov, 1977
JERRY W. ROUSE, Clerk
By [Signature], D. C.

WARRANTY DEED

BIXIE NEWS INC...
a Kentucky corporation

TO

TED J. BUSHELMAN
&
GLORIA BUSHELMAN

Acknowledged

RECEIVED

Let 1977 NOV -2 AM 9:08

at Boone Ky.
JERRY W. ROUSE, Clerk

By _____ D. C.

Recorded in Deed Book

No. 238 Page 191

Grap No. Boone-160

ORDINANCE NO. 0-04-01

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR AN APPROXIMATE 2,250 SQUARE FOOT SITE LOCATED AT 8 GIBBONS STREET IN THE CITY OF FLORENCE, KENTUCKY FROM ITS CURRENT ZONING OF OFFICE ONE (O-1) TO SUBURBAN RESIDENTIAL TWO (SR-2). (GLORIA BUSHELMAN PROPERTY)

WHEREAS, the City of Florence, Kentucky is a member of the county-wide planning unit with a county-wide planning commission known as the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission has recommended approval of a zoning map amendment for an approximate 2,250 square foot site located at 8 Gibbons Street in the City of Florence, Kentucky to rezone this property from its current zoning of Office One (O-1) to Suburban Residential Two (SR-2), and

WHEREAS, the Boone County Planning Commission recommendation for approval is based upon certain findings attached to its Resolution of Recommendation, all of which have been reviewed by the City Council for the City of Florence, Kentucky.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY AS FOLLOWS:

SECTION I

That the zoning map amendment for the approximate 2,250 square foot site located at 8 Gibbons Street in the City of Florence, Kentucky to rezone the subject property from its current zoning of Office One (O-1) to Suburban Residential Two (SR-2) shall be and is hereby approved. The real estate which is the subject of this Ordinance is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. The zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be designated to reflect the approval of the zoning map amendment for this subject property.

SECTION II

Approval of this zoning map amendment is granted subject to the conditions, if any, of the Boone County Planning Commission recommendation, including the Committee Report made a part of that recommendation, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "B", and incorporated herein as if fully set out, this recommendation being in the form of Resolution No. R-01-003-A of the Boone County Planning Commission along with the referenced exhibits to that Resolution.

SECTION III

This approval is granted based on the findings of fact made by the Boone County Planning Commission and contained within its recommendation, including the Committee Report of that Commission, which is attached and part of the Commission's Resolution No. R-01-003-A, marked Exhibit "B", and incorporated herein as if fully set out.

SECTION IV

If this approval for this zoning map amendment shall be held invalid, in whole or in part, by any Court of proper jurisdiction, such invalidity shall not affect the validity of

any of the other zoning regulations, zoning map or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.

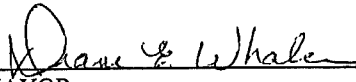
SECTION V

Publication of this Ordinance is hereby authorized to be by summary publication in accordance with Kentucky law.

PASSED AND APPROVED ON FIRST READING THIS 27th DAY OF March, 2001.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 10th DAY OF April, 2001.

APPROVED:



MAYOR

ATTEST?



CITY CLERK

KNOW ALL MEN BY THESE PRESENTS: **DEED**
THAT

Property Transfer Tax Paid \$ 28.00
JERRY W. ROUSE, Clerk D.C. PCW

Value of property \$28,000.00

DIXIE NEWS, INC., a Kentucky corporation
for and in consideration of One Dollar and other consideration,
the receipt whereof is hereby acknowledged, do(es)

hereby bargain, sell and convey to

TED J. BUSHELMAN & GLORIA BUSHELMAN, for and during their joint lives
with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described real estate, lying and being in FLORENCE Boone County, Kentucky to-wit:

Grantee Mailing Address B Millhous Florence, Ky Group No. 160
Property Address Same Plat Book 1 Page 87

BEING all of Lots Nos. 110, 111, 112, 113, 114, and part of Lot No. 115,
Fair Grounds Addition as shown by plat recorded in Plat Book 1, page 87
of the Boone County Clerk's records at Burlington, Kentucky.

Said part of Lot No. 115 is bounded and described as follows:

BEGINNING at a corner of Lots 114 and 115; thence southwest 174 feet
with the boundary line of Lots 114 and 115 to the southeast corner of
Lot No. 115; thence northwesterly along the southwest line of Lot No.
115, twenty-five (25) feet to the southwest corner of Lot No. 115; thence
diagonally and northwardly in a straight line to the dividing line be-
tween Lots Nos. 115 and 114 on Gibbons Street.

Subject to easement in favor of the Union Light, Heat and Power Company
as shown by deed recorded in Deed Book 105, Page 158, Boone County Clerk's
records at Burlington, Kentucky.

Being the same property conveyed to the Grantor(s) by
by deed dated 14th day of November, 1973 and recorded in Deed Book 206 Page 460 in the
office of the Clerk of the Boone County Court, Burlington, Kentucky.

Together with all the privileges and appurtenances to the same b-longing. To have and to hold the same to the said

TED J. BUSHELMAN & GLORIA BUSHELMAN, for and during their joint lives
with the remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, with covenants of general warranty, except for a mortgage to Erlanger (OVER)

IN WITNESS whereof the said DIXIE NEWS, INC., a Kentucky corporation, by and through
Fred Thomas, its President, duly authorized so to do by
action of its Board of Directors, has
hereunto set its hand this 23 day of June, 1977.

DIXIE NEWS INC
BY Fred Thomas, President

STATE OF KENTUCKY
SCT.
County of Boone

The foregoing instrument was acknowledged before me this 23 day of June, 1977, by
Fred Thomas its President of DIXIE NEWS INC., a Kentucky corporation,
to be its and his act and deed.
My Commission Expires 4-17-80 David A. Schneider
Notary Public

STATE OF KENTUCKY
SCT.
COUNTY OF BOONE

I, JERRY W. ROUSE, Clerk of the County Court in and for the County and State aforesaid, do certify that the foregoing
instrument of writing from DIXIE NEWS, INC.
to TED J. & GLORIA BUSHELMAN was this 2nd day of November, 1977
produced to me, certified as above and lodged for record at 9:08 o'clock 8 a.m.

Whereupon, the same with foregoing and this certificate have been duly recorded in my office.

Given under my hand, this 2nd day of November, 1977.

This Instrument was Prepared by: ZIEGLER & SCHNEIDER ATTORNEYS AT LAW
David A. Schneider JERRY W. ROUSE, Clerk
COMMINGTON TRUST BUILDING
COVINGTON, KENTUCKY 40011 By David A. Schneider D. C.

Recording Fee Paid 5.65 Address Return to Eratt

Exhibit A

Perpetual (now American Federal Savings & Loan) in the original amount of \$28,000.00 dated May 2, 1973 in the name of Frederick Thomas, and recorded in Mortgage Book 169, page 613 of said clerk's records, which the Grantees assume and agree to pay.

STATE OF KENTUCKY, }
COUNTY OF BOONE, } SoL

I, JERRY W. ROUSE, Clerk of the County Court in and for the county and state aforesaid, do hereby certify that the foregoing instrument of writing was, on the 2nd day of Nov, 1977, at 9:08 A. M. lodged in my office for record, whereupon the same, the foregoing, and this certificate have been duly recorded in my office.

Given under my hand, this the 2nd day of Nov, 1977
JERRY W. ROUSE, Clerk
By [Signature] D. C.

WARRANTY DEED

BIXIE NEWS INC.,
a Kentucky corporation

TO

TED J. BUSHMAN
&
GLORIA BUSHMAN

Acknowledged

RECEIVED

Let 12/7/77 NOV -2 PM 9:08

at 9:08 A. M. 1977
JERRY W. ROUSE, Clerk

By _____ D. C.

Recorded in Deed Book

No. 238 Page 191

Grasp No. Boone-160

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: REPORT AND RECOMMENDATION - REQUEST OF THE CITY OF FLORENCE (APPLICANT) FOR GLORIA BUSHELMAN (OWNER) FOR A ZONING MAP AMENDMENT ON AN APPROXIMATE 2,250 SQUARE FOOT SITE LOCATED AT 8 GIBBONS STREET, FLORENCE, KENTUCKY TO REZONE THE SITE FROM OFFICE ONE (O-1) TO SUBURBAN RESIDENTIAL TWO (SR-2).

The Committee met in a duly called special meeting on March 6, 2001 at the Florence Government Center Building to consider Resolution No. R-01-003-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the December 6, 2000, public hearing. The Committee determined that the recommendation of approval is fully supported by the record and that no need exists for an additional hearing before the City Council.

Further, the Committee determined that the recommendation for approval should be affirmed, based upon the findings contained in the record before the Boone County Planning Commission.

NOW, THEREFORE, the Planning and Zoning Committee recommends to the City Council of the City of Florence, Kentucky, as follows:

- a. That this matter be considered solely on the record before the Boone County Planning Commission and that no additional hearings be held; and

City of Florence

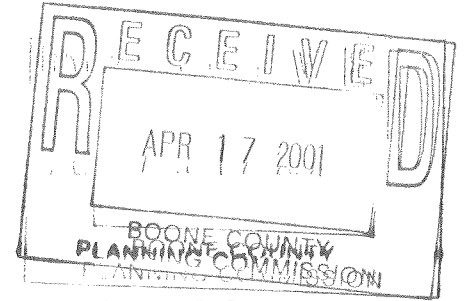


CITY CLERK/
HUMAN RESOURCES DIRECTOR
Betsy R. Conrad

April 13, 2001

Mr. Kevin P. Costello, AICP, Executive Director
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Attn: Vicki Myers



Re: Request of The City of Florence (applicant) for Gloria Bushelman (owner) for a Zoning Map Amendment on an approximate 2,250 square foot site located at 8 Gibbons Street, Florence, KY. The request is to rezone the site from Office One (O-1) to Suburban Residential Two (SR-2). (Resolution R-01-003-A)

Dear Mr. Costello:

At the April 10, 2001 meeting of Florence City Council, the above referenced recommendation from the Boone County Planning Commission was approved with the second reading of Ordinance No. O-04-01.

Enclosed are copies of the Florence Planning Committee's recommendation and Ordinance No. O-04-01 with the property description attached (Exhibit A).

Please contact me if you have any further questions regarding this Ordinance.

Sincerely,


Betsy R. Conrad

Encs.

Copies: Hugh O. Skees, Esq.
William Viox, City Engineer
Robert Townsend, Public Services Director
Gloria Bushelman