

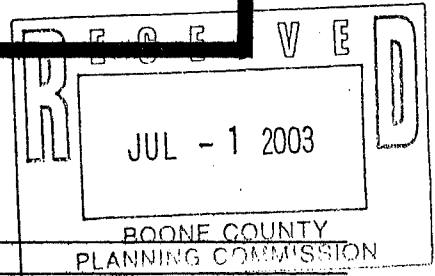
03-2MA-013-A

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

(See Boone County  
Zoning Regulations)

SECTION A (To be completed by applicant)



1. Name of Project HOPEFUL TRAILS
2. Location of Project OLD HOPEFUL RD.
3. Total Acreage of Site 0.4 ±
4. Current Zoning of Site R1-F
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) SINGLE FAMILY DETACHED  
RESIDENTIAL
7. Names of Applicant(s) ~~WMA~~ CENTERLINE DEVELOPMENT LLC  
Phone Number 578-8050 Fax No. 578-6632
8. Address of Applicant(s) S19 ENTERPRISE DR. SUITE 103  
CRESCENT SPRINGS KY 41017  
City State Zip
9. Name of Property Owner(s) FRANK BUTLER ET. AL.  
Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_
10. Address of Property Owner(s) 9 ANNE ST.  
FLORENCE KY 41042  
City State Zip
11. Proposed Building Intensities (please specify) 3.2 DU/AC
12. Are there any existing buildings on the site? NO  
How many? \_\_\_\_\_
13. Deed Book 688 Page No. 291 Group No. 2040A
14. Are you also applying for:  
NO Conditional Use Permit  
YES Dimensional Variance FLAG LOT STEM DEPTH 150' TO 125'
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? NO
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- NA Boone County Water District
- NO Florence Water and Sewer Dept.
- NO Cinergy/U.L.H.&P. Co.
- NO Sanitation District #1
- NO Cincinnati Bell
- YES Owen County Rural Electric
- NO Boone County Public Works Department
- NO Kentucky Transportation Cabinet
- YES City of Florence Public Services Department
- NO Boone County Building Department

(over)

EXHIBIT

“A”

## STAFF REPORT

Request of **Centerline Development LLC (applicant)** for **Frank Butler, et al (owners)** for a Zoning Map Amendment from Residential One Family (R1F) to Suburban Residential (SR-1) for an approximate 8.4 acre site located at 7004 Old Hopeful Road, Florence, Kentucky. The request is for a zone change to allow a subdivision for single family dwellings.

July 23, 2003

### REQUEST

The applicant has requested a Zone Change from the current Residential One Family (R1-F) designation to Suburban Residential One (SR-1) for an 8.4 acre site, located at 7004 Hopeful Road, in the City of Florence. The parcel in question has approximately 430 feet of frontage on Hopeful Road. This parcel, along with an 8 acre parcel adjoining to the north, would comprise a subdivision, totaling approximately 16.4 acres. The subdivision would feature 52 lots, each with a minimum area of 8000 square feet. Under its current zoning, the subject parcel could be subdivided into lots with a minimum area of 10,000 square feet.

The 8 acre parcel, which is not part of the request, is currently zoned SR-1 and is located in unincorporated Boone County. It is currently under consideration for annexation into the City of Florence. The overall density of the proposed subdivision would be 3.17 dwelling units per acre.

The proposed subdivision features a single access point onto Hopeful Road, indicated on the Concept Development Plan as "Hopeful Trail." Three other streets are shown on the Concept Development Plan. All of the proposed streets would be public streets. The Plan also indicates that a street connection would be made to the existing Yealey Drive. The proposed subdivision would tie into existing water lines along Hopeful Road. Florence Water and Sewer would serve the site.

### SITE CHARACTERISTICS

The site's terrain varies. The western edge of the site features rolling terrain. Toward the central portion of the site, the land slopes downward at 15% grade. The eastern portion of the site levels off. Elevations range from 860 to 890 feet above sea level. The property in question is currently vacant. The eastern two thirds of the site are heavily wooded.

### ADJACENT LAND USES

**North:** An 8 acre parcel of vacant land, part of the planned Hopeful Trails subdivision, zoned Suburban Residential One (SR-1)

Colonial Heights apartments, zoned Urban Residential One/Planned Development/Concept Development (UR-1/PD/CD)

- South:** Vacant property with overhead electric wires, zoned Suburban Residential One (SR-1)
- East:** Buckingham Trails Subdivision, zoned Residential One Family (R1-F) and Suburban Residential One (SR-1).
- West:** Vacant 0.27 acre tract, zoned Suburban Residential One (SR-1)
- Northwest:** Residential property, zoned Residential One Family (R1-F)  
Vacant property, zoned Suburban Residential Two (SR-2)
- Southwest:** Residential property, zoned Residential One Family (R1-F)

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2025 Future Land Use Map designates the site as High Suburban Density Residential (HSD), which is defined as

“single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, or zero-lot line development and also pertains to mobile home parks (p. 158, ‘2000 Existing and Future Land Use Classifications’).”

The Future Land Use Text states the following regarding the Pleasant Valley-West Florence area, where the site is located:

- A. “This section of Boone County includes some of the western growth areas of Florence, including Mall Road and KY 18. It also contains some of the most rapidly growing residential areas in the county, particularly from KY 18 south to Union (p. 163 ‘Pleasant Valley-West Florence Area’).”
- B. “Hopeful Church Road should continue to serve as a residential corridor, and no commercial uses should occur past the KY 18 or US 42 frontage properties. The proposed commercial land uses on KY 18 should be planned with careful access management, including continuous parallel roadways. Development should create commercial clusters rather than strip centers which parallel KY 18. These commercial uses must also be designed to be compatible with existing and proposed residential developments along KY 18. A specific study should be conducted regarding the connection of the Northern half of Hopeful Church Road with Merchants Street. In addition connections should be provided between Hopeful Church Road and Mall Road (p. 163 ‘Pleasant Valley-West Florence Area’).”

- C. “The large area between Hopeful Road and Oakbrook Road, south of KY 18 to Pleasant Valley Road, should develop in a Suburban Residential fashion. The area must develop with local access and limited access collector road connections as a high priority. These should include the connection of Oakbrook Road to Pebble Creek Road; Beemon Lane to Pleasant Valley Road; Cayton Road to Pleasant Valley Road; and an east-west connector between Pleasant Valley Road and Hopeful Church Road, south of Stonegate Meadows. These collector road extensions should not allow parking or driveway access in order to facilitate the movement of traffic through the area and should include multi-modal elements such as pedestrian paths and bike lanes and bus stop areas (p. 163 ‘Pleasant Valley-West Florence Area).”

The Future Land Use Development Guidelines found in the Land Use Element of the Comprehensive Plan provide the following statements that relate to this 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 pre-conceived project design. Development plans should identify such areas and delineate disturb limits to protect those areas that have been defined (p. 158 ‘Utilization of Existing Vegetation and Topography’).”
- 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. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate (pg. 159, ‘Buffering’).”
- 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. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping also helps to purify the air of harmful pollutants, reducing health impacts.

“Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (p. 159, ‘Landscaping’).”

- D. “Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system (pg. 159, ‘Access Management’).”
- E. “Developments in Boone County must be designed, where appropriate, to improve the County’s transportation network system of roadway classification and function must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct access but should be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected by bicycle and pedestrian paths where appropriate (p. 159 ‘Transportation and Pedestrian Network’).”
- F. “Developments in Boone County should give consideration to the overall design of the area. 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 specific development, but should not be used as a means to compete for motorist attention (pg. 160, ‘Design, Signs, and Historic Preservation’).”

The following statements from the Housing Element apply to this proposal:

- A. "The major reason for Boone County's rapid population growth is immigration. Often the higher income or new population locates in the developing rural areas of the county. While this is practical because they are the ones who can afford an estate lifestyle and cost of transportation over greater distances, this spatial phenomenon maintains social divisions between different segments of society. Therefore, single-family housing should remain an ingredient of the urban areas instead of being targeted only for rural or suburban areas (p. 82 'Population Needs')."
- B. "Although single-family homes are by far the most numerous, they are decreasing in their percentage of total Boone County housing. Most new construction of single-family housing will take place on the outer rings of growth. Large lot areas, including Union, will see multi-family construction, although this higher density development should occur close to highway arterials and urban services and be sensitively developed in terms of building height, setbacks, mass and visual impact. Throughout Boone County high density developments should be close to thoroughfares to achieve a gradation of densities and land uses outlined in the Future Land Use Plan (p. 82, 'Housing Types')"
- C. "The areas of greatest projected population growth are in the Florence-Richwood-Union-Burlington area, south along I-75, and in the Hebron-North River area. The western and southern sections of Boone County are projected to experience less population growth, thus less of a housing need. As noted previously, there is a desire of the population to live in rural areas that are convenient to the centers of commercial activity. This suggests a continuation of the outward movement of housing construction from the Florence area. This movement is accelerated directionally by major thoroughfares such as KY 18, KY 237, and interstate interchanges. Residential development should occur near established urban or suburban areas, as opposed to leapfrogging to isolated areas, such as the western portion of the county. For residential development to occur in these outlying areas, adequate and proper infrastructure must be provided, and impact on the natural environment must be minimized.

Development in established areas takes advantage of existing services and minimizes future strain on the transportation network. The Public Facilities Element shows the existing and planned water lines and other services which should influence the locations of new residential construction. The plans for sanitary sewerage for Boone County are of particular importance when high density residential development is reviewed (p. 87, 'Residential areas')."

- D. "New subdivisions throughout the west Florence and Burlington areas should provide interconnections between their developments and adjacent developments to promote safe and easy transportation access. Overall, the KY 18 corridor represents a prime opportunity to promote high density residential uses in a transit corridor (p. 87, 'Florence-Burlington Area')."

The "Environment Element" of the 2000 Boone County Comprehensive Plan contains the following quote that is applicable to this site:

- A. "Woodlands are significant natural resources as well as valuable social landscape features. Trees improve the quality of life within a community by reducing the visual impacts between conflicting land uses and by reducing noise, light, and air pollution. In addition, tree roots stabilize soils by reducing storm runoff before it reaches and pollutes streams. Woodland cover diminishes the effects of strong winds, filters air pollutants, adds humidity, creates shade, and provides specialized wildlife habitats, as well as providing a visual beauty to the landscape.

"The slopes of stream valleys in the western portion and along the northern edge of Boone County are heavily wooded, while the eastern uplands have limited and scattered forest cover [p. 39 'Social Factor Inventory' (Woodlands)]."

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, p. 4)."
- B. "Proper design principles shall be applied in development ("Overall" Objective 3, p.4)."
- C. "Future growth shall be accompanied by adequate infrastructure and services ("Overall" Objective 4, p.4)."
- D. "Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public ("Overall" Objective 6, p.4)."
- E. "Boone County, as a community, shall examine and support through incentives, innovative development design methods to facilitate well-designed urban and rural development in conformance with the adopted Comprehensive Plan ("Overall" Objective 9, p.4)."

- F. “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, p. 5).”
- G. Future development and redevelopment of areas shall include an evaluation of the physical factors identified in this Plan as part of the review of the site being considered for development. The suitability ratings identified in the Environment Element for each physical factor shall be taken into consideration as part of any development review process (“Environment” Physical Objective 1, p. 6).”
- H. “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 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, p. 6).”
- I. “A broad range of housing opportunities shall be provided which meet the needs and desires for all household types (“Housing” Objective 1, p. 9).”
- J. “Housing supply in Boone County shall be balanced against present and planned commercial, industrial, and primary and secondary education bases (“Housing” Objective 4, p. 9).”
- K. “In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on density, impact on infrastructure, and development design with only secondary consideration given to the type of dwelling unit (“Housing” Objective 5, p. 9).”
- L. “The interior street system of new residential developments shall insure continuity with adjacent built or planned neighboring areas. Residential developments shall be encouraged to provide interconnections between sections of their developments and with adjacent developments to promote safe and easy transportation access and a sense of neighborhood interaction. Based on certified traffic analysis, collector and sub-collector streets shall be evaluated to determine design without individual lot or driveway access. Lot and home buyers shall have access to approved plans regarding future connections. The interior street system shall also coordinate with and continue the evolving multi-modal transportation system (pedestrian and bicycle facilities, mass transit stops) (“Housing” Objective 8, p. 10).”

- M. “Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access and significant site features (“Housing” Objective 13, p.10).”
- N. Existing infrastructure and services (e.g. systems and facilities for water treatment and distribution, wastewater collection and treatment, natural gas distribution, electric power distribution, communication lines, police and fire services and associated municipal buildings, schools, public roads and stormwater management) shall be utilized efficiently. The phasing of proposed development shall be examined as a means of addressing significant impacts on existing infrastructures and services (“Public Facilities” Objective 1, p. 12).”
- O. “Transportation opportunities for pedestrians and bicyclists shall be provided by the development of a network of sidewalks, pathways, and roadway lanes (“Transportation” Objective 10, p.14).”
- P. “Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system (“Transportation” Objective 11, p. 14).

#### STAFF COMMENTS / CONCERNS

1. The Boone Planning Commission and Florence City Council will need to determine whether the proposal is in agreement with the Comprehensive Plan. Highlights of issues dealing with the Comprehensive Plan include the following:
  - A. The Future Land Use Map designates the property as High Suburban Density Residential, which permits up to eight dwelling units per acre. The Future Land Use Text notes that the Florence-Pleasant Valley West area will experience high growth in the future. The Hopeful Road corridor should feature residential rather than commercial land uses, and the area between the Hopeful Church Road and Oakbrook Road, south of KY 18, should also develop in a suburban residential fashion. Further, the Future Land Use Text states that priority should be given to collector road connections.
  - B. The Future Land Use Development Guidelines note that improvements to the existing road network should be made to accommodate new development. Provisions should be made for creating access connections between properties. As noted previously, the Concept Development Plan indicates that Yealey Drive would be extended through the development of this subdivision.

- C. The Housing Element states that residential developments should be designed to preserve natural features on a site whenever this is possible.
2. Staff is concerned about certain elements of the subdivision's design. While these concerns would best be addressed through Project Review, Staff believes that the applicant should be aware of them at this time.
- A. The proposed "Hopeful Trail" will need to be renamed, as its similarity to Hopeful Road and Hopeful Church Road might cause confusion in 911 dispatching situations.
  - B. Additionally, Staff is concerned with the design of the flag lots in the proposed subdivision.
    - 1. Lots 4 and 5 both feature a 140-foot-long panhandle, while the Boone County Subdivision Regulations specify that panhandle length should be 150 feet. Additionally, Lot 4 has insufficient frontage at the setback line. In Suburban Residential One (SR-1) zoning, there should be 65 feet of lot frontage at the setback line. Lot 4 has 35 feet of frontage.
    - 2. Access to Lot 11 is to be provided from Hunterallen Drive. Article 40 of the Boone County Zoning Regulations states "for flag lots the front yard is measured from the rear lot line of the adjoining lot that is between the flag lot in question and the street." In following this definition, the front yard of Lot 11 must face Hunterallen Drive. If both the 30 foot front and rear-yard setbacks are met as stipulated in Table 31.1 of the Zoning Regulations, any house built on this property may only be 25 feet deep.
    - 3. The panhandle shown on Lot 16 is 70 feet long. On Lot 7 the panhandle is 40 feet long. Staff believes that Hunterallen Drive can be extended, eliminating the need for Lots 16 and 17 to be flag lots with insufficient panhandles.

The lots discussed above are not located in the in the 8.4 acre parcel under consideration for a change in zoning. They are all located in the 8 acre parcel that is currently zoned SR-1. However, the applicant has requested a variance for the length of panhandles for the flag lots in the proposed subdivision. Section 250 of the Boone County Zoning Regulations states that variance "is defined as a departure from dimensional terms of the zoning regulation pertaining to the height,

width, or location of structures and the size of yards and open spaces where such departure meets the requirements of K.R.S. 100.241 to 100.247 (p. 2.4)." If the dimensional standards of flag lots were governed by the Zoning Regulations, the Boone County Planning Commission would have the power to grant a variance from these standards as part of this request. However, the dimensional standards of flag lots are contained in the Boone County Subdivision Regulations, and departures from the Subdivision Regulations are by waiver from the Zoning Administrator.

### CONCLUSION

The Boone County Planning Commission and the Florence City Council must review this request on the basis of its relationship to the Comprehensive Plan. The Future Land Use map will not need to be updated if the request is approved.

Respectfully submitted,

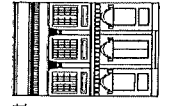
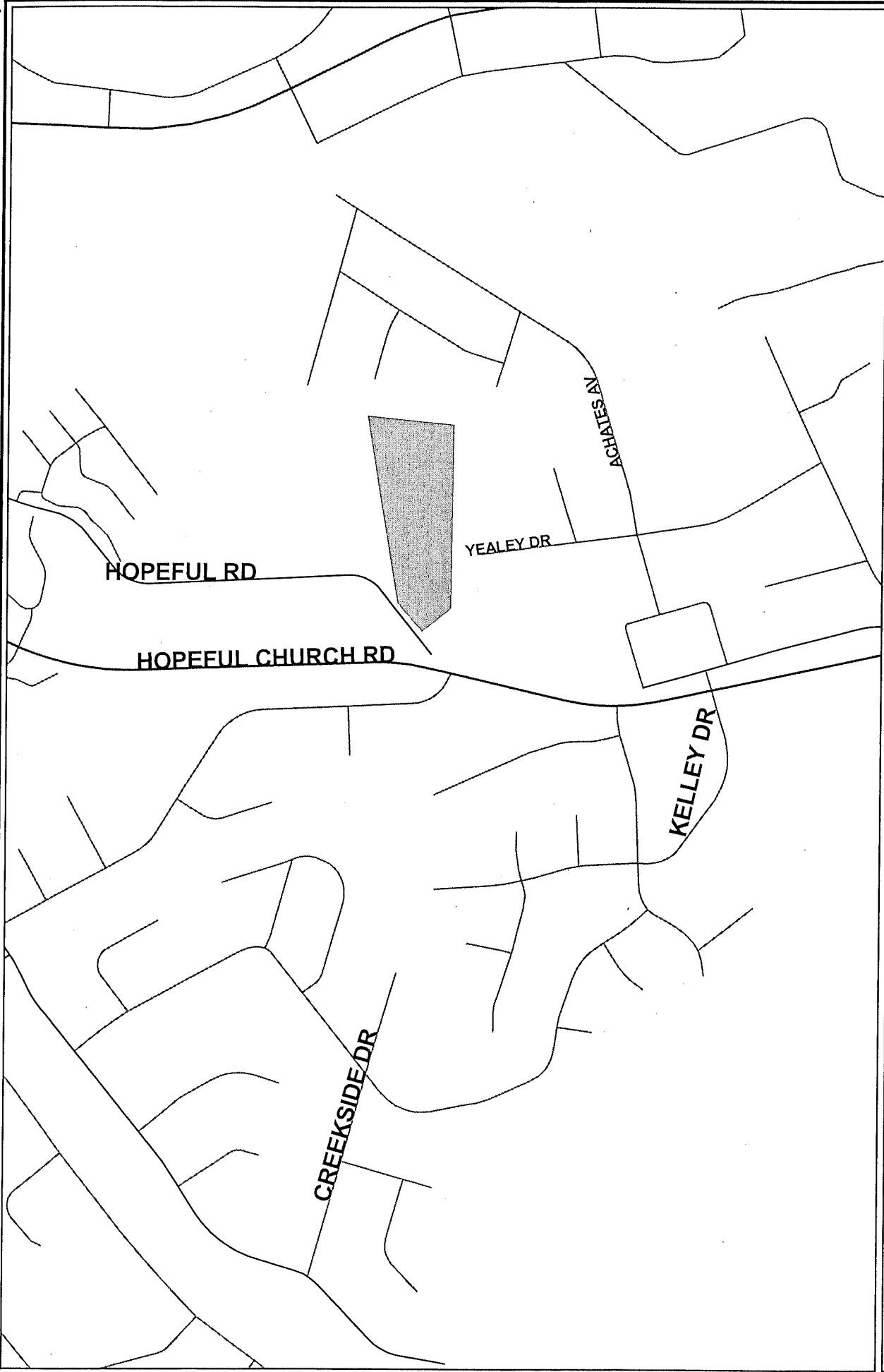


Patty Bachman  
Planner

PB/pr

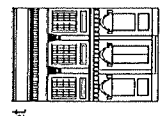
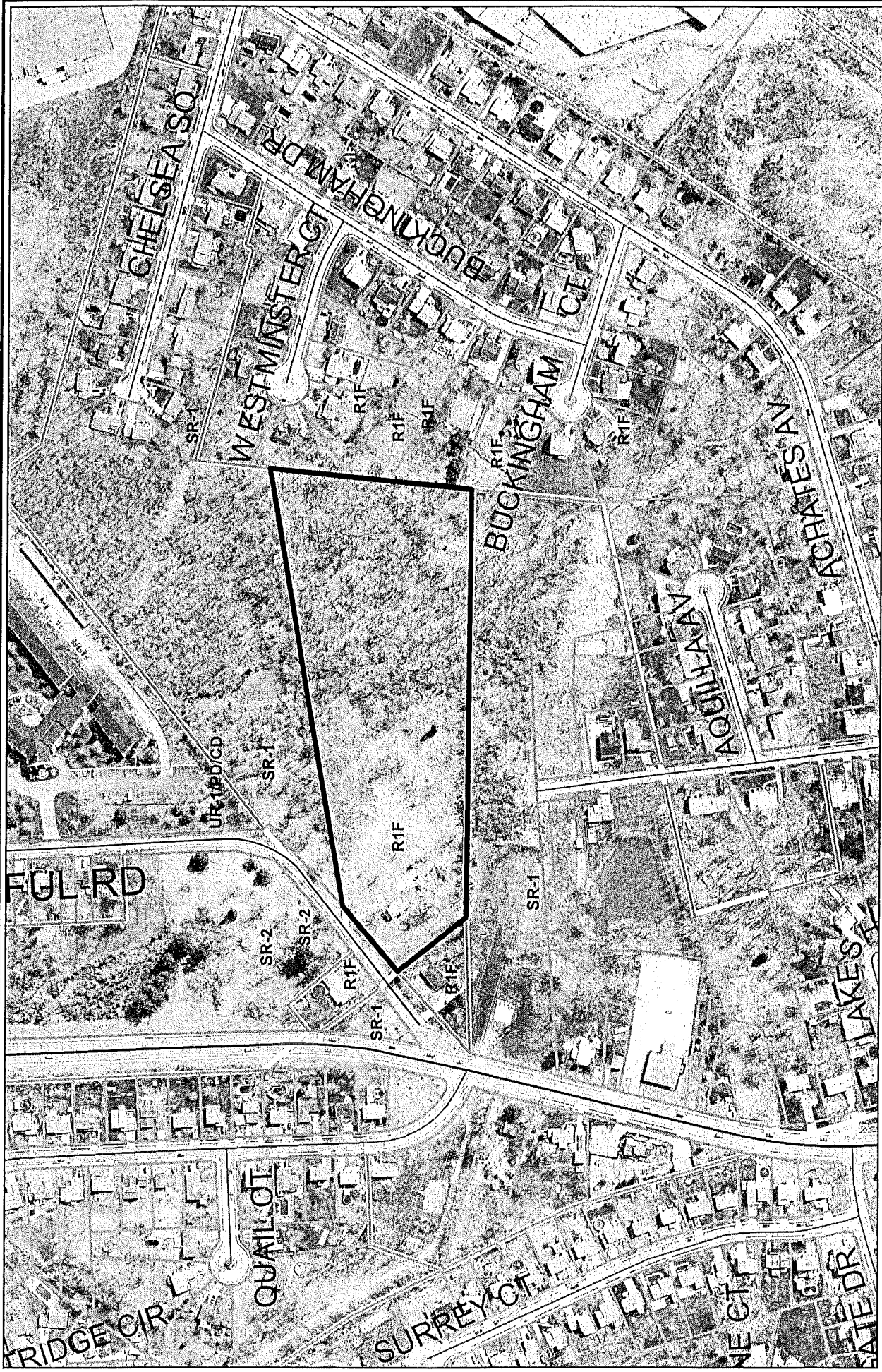
#### Attachments:

- vicinity map
- aerial photo w/zoning information
- future land use map excerpt
- site topography
- application materials including concept development plan



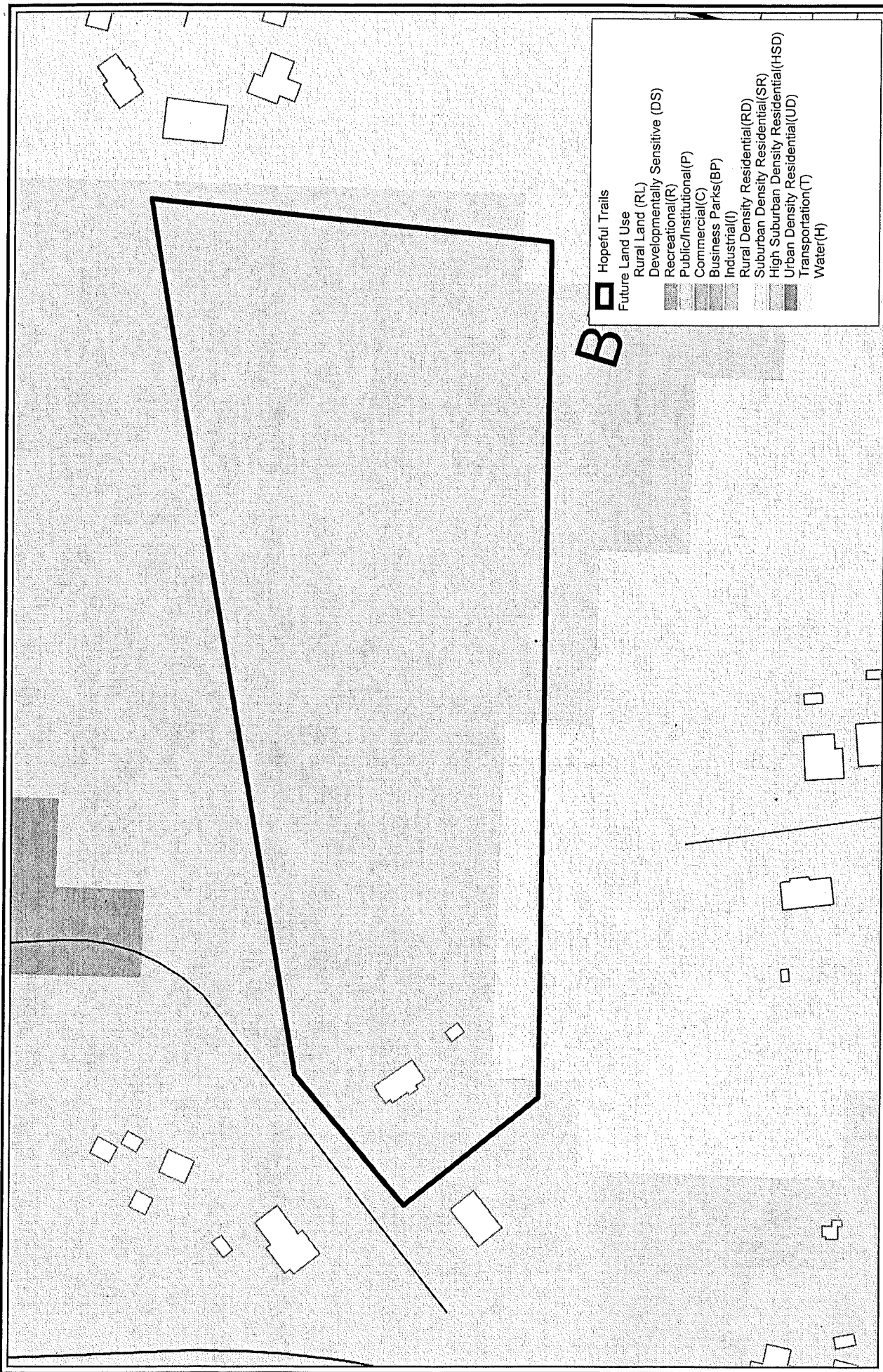
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Produced by the  
Boone County Planning Commission  
GIS Services Division  
July 18, 2003

# Hopeful Trails-Vicinity



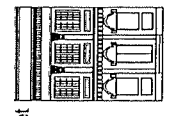
1 inch equals 300 feet  
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 Boone County Planning Commission  
 GIS Services Division  
 July 18, 2003

# Hopeful Trails-Zoning



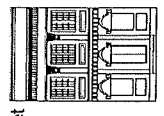
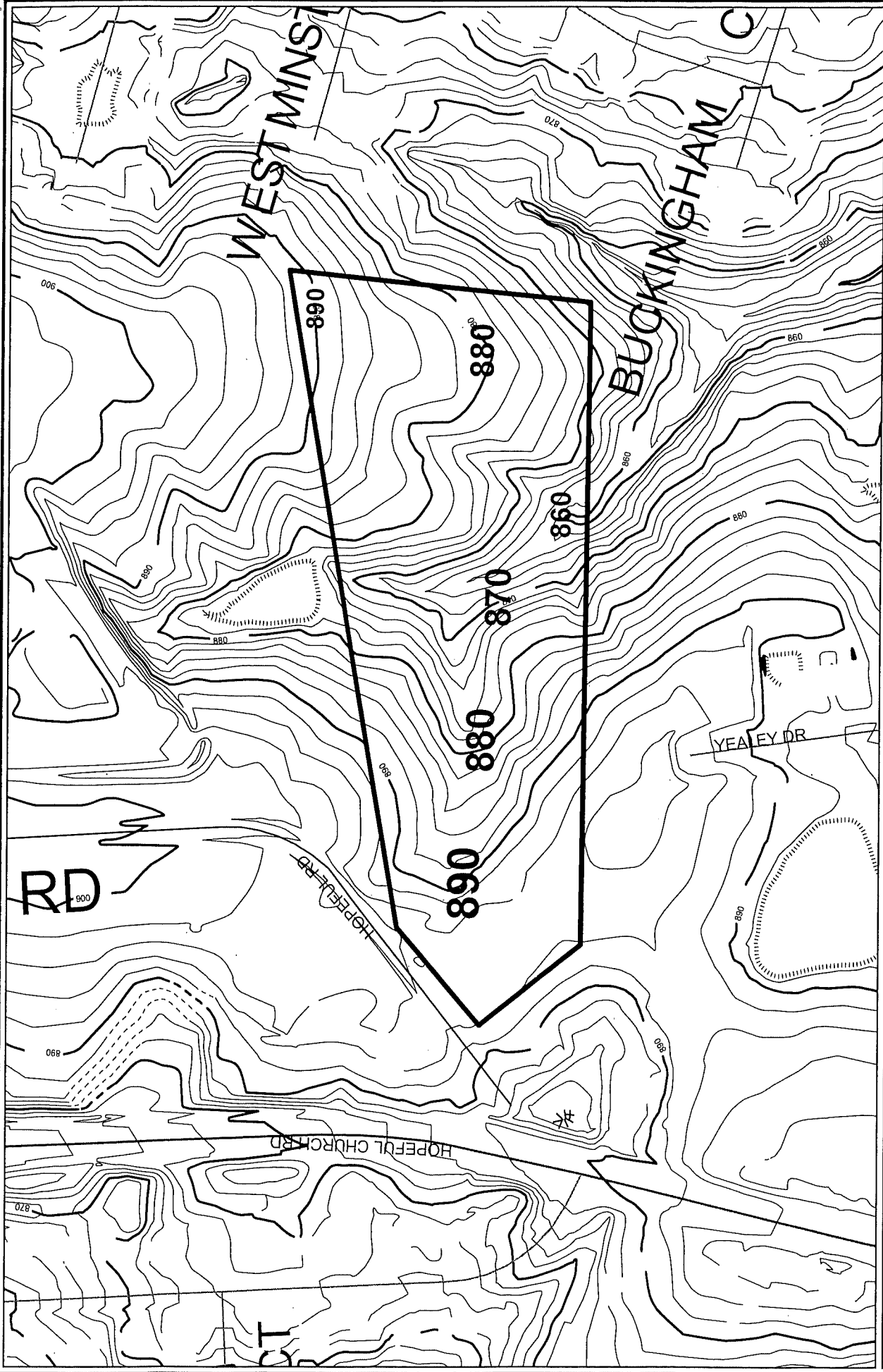
**B**

- Hopeful Trails
- Future Land Use
- Rural Land (RL)
- Developmentally Sensitive (DS)
- Recreational (R)
- Public/Institutional (P)
- Commercial (C)
- Business Parks (BP)
- Industrial (I)
- Rural Density Residential (RD)
- Suburban Density Residential (SR)
- High Suburban Density Residential (HSD)
- Urban Density Residential (UD)
- Transportation (T)
- Water (H)



1 inch equals 150 feet  
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 Boone County Planning Commission  
 GIS Services Division  
 July 18, 2003

# Hopeful Trails-Future Land Use

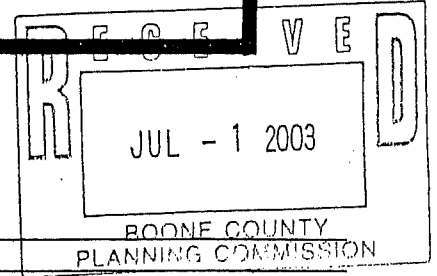


1 inch equals 200 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 July 18, 2003

# Hopeful Trails-Topography

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

**SECTION A** (To be completed by applicant)

1. Name of Project HOPEFUL TRAILS
2. Location of Project OLD HOPEFUL RD.
3. Total Acreage of Site 0.4 ±
4. Current Zoning of Site R1-F
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) SINGLE FAMILY DETACHED  
RESIDENTIAL
7. Names of Applicant(s) ~~XXXX~~ CENTERLINE DEVELOPMENT LLC  
Phone Number 578-8050 Fax No. 578-6632
8. Address of Applicant(s) 519 ENTERPRISE DR. SUITE 103  
CRESCENT SPRINGS KY 41017  
City State Zip
9. Name of Property Owner(s) FRANK BUTLER ET. AL.  
Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_
10. Address of Property Owner(s) 9 ANNE ST.  
FLORENCE KY 41042  
City State Zip
11. Proposed Building Intensities (please specify) 3.2 DU/AC
12. Are there any existing buildings on the site? NO  
How many? \_\_\_\_\_
13. Deed Book 688 Page No. 291 Group No. \_\_\_\_\_
14. Are you also applying for:  
NO Conditional Use Permit  
YES Dimensional Variance FLAG LOT STEM DEPTH 150' TO 125'
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? NO
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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- NO Cinergy/U.L.H.&P. Co.
- NO Sanitation District #1
- NO Cincinnati Bell
- YES Owen County Rural Electric
- NO Boone County Public Works Department
- NO Kentucky Transportation Cabinet
- YES City of Florence Public Services Department
- NO Boone County Building Department

(over)

ZONING MAP AMENDMENT  
APPLICATION  
PAGE 2

TOTAL FEES

- NO Northern Kentucky Health District
- NO USDA NRCS/Boone County Conservation District
- NO KY Division of Water
- NO Local School District
- NO Local Fire District
- NO Other: \_\_\_\_\_

Flat fee = 1000.-  
 ADJ. OWNERS (10 x \$8) = 80.-  
 Legal Ad = 100.-  
 CLUR = 21.-  
 Acre = 100.8  
 \$ 1301.80

18. Project Jurisdiction/Location  
 Unincorporated Boone County  Walton Union  
 Florence  Union

19. Applicant's Signature [Signature]  
 Property Owner's Signature [Signature]

**SECTION B** (To be completed by BCPC Staff)

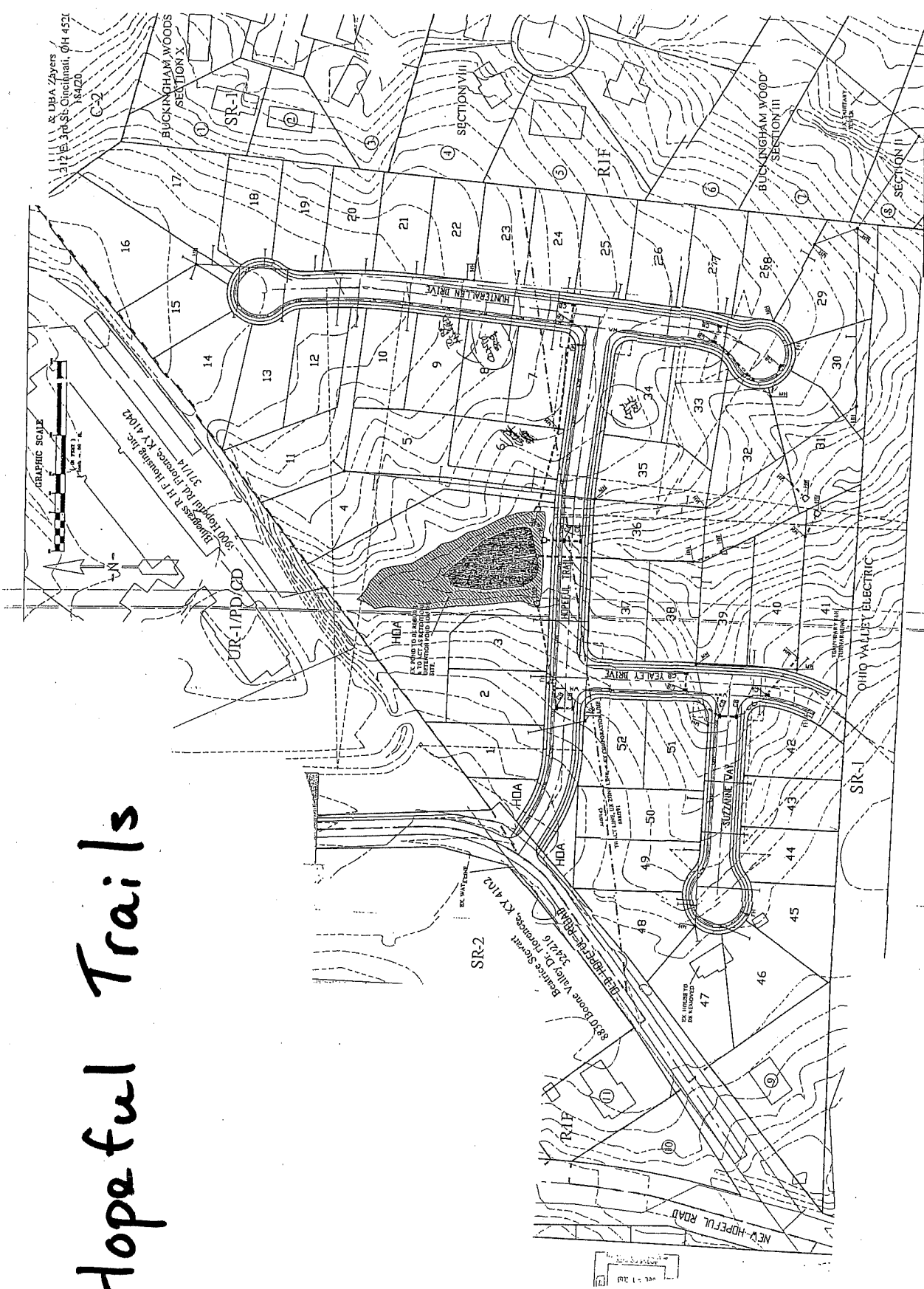
1. Date Received 7-1-03
2. Review Fee \$ 1,301.80 RA 35757
3. Check what has been submitted:
  - Application
  - Fee
  - Legal Description
  - Concept Development Plan
  - Address of Adjoining Property Owners
  - 7 Number of copies of plan received\*\*
4. Is application complete?  Yes  No
5. Staff Reviewer PATTY BRIDGEMAN
6. Committee Chairman \_\_\_\_\_
7. Scheduled Public Hearing Date \_\_\_\_\_
8. Boone County Planning Commission Action:
  - Approval
  - Approval with Conditions
  - Denial
9. Other: \_\_\_\_\_

\*\* Five (5) Copies Are Required

Boone County Planning Commission  
 2995 Washington Street  
 Burlington, Kentucky 41005  
 (859) 334-2196 - Phone  
 (859) 334-2264 - Fax  
 plancom@boonecountyky.org - E-mail  
 www.boonecountyky.org - Web Page

**NOTE:** An application consists of all fees paid in full, submitted drawings and a completed application form.

# Hopeful Trails



**Public Hearing Item No. 2:**

**Commission Members Present:** Mr. Bunger, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairwoman, Mr. Schwenke, and Mrs. Wilson - Secretary/Treasurer.

**Staff Members Present:** Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; and Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

**Legal Counsel Present:** Mr. Larry Dillon

Mrs. Poston introduced the second item on the Agenda:

2. **Applicant:** **Centerline Development LLC for Frank Butler, et al (owners)**

**Request:** **Zoning Map Amendment**

The request of **Centerline Development LLC (applicant) for Frank Butler, et al (owners)** for a **Zoning Map Amendment from Residential One Family (R1F) to Suburban Residential One (SR-1)** for an approximate 8.4 acre site at 7004 Old Hopeful Road, Florence, Kentucky. The request is for a zone change to allow a subdivision for single-family dwellings.

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report). Ms. Bachman noted a correction to the Staff Report: Page 1, Paragraph 1, the second sentence should read, "The total subdivision has 430 feet of frontage on Hopeful Road, and the parcel in question has approximately 185 feet of frontage on Hopeful Road".

Mrs. Poston asked for the applicant's presentation.

Mr. Rodney Crice with Viox & Viox, engineers for the development, stated that Yealey Drive exists south of the site. He stated that they are providing a stub to the vacant property, but they are not actually connecting to Yealey Drive. Mr. Costello asked, given the configuration of Yealey Drive, can it realistically connect? Mr. Crice responded that they are making an "S" curve to make it happen. They are not physically making the connection. Mr. Costello stated that the city can negotiate with the power company to connect the lot if it is that important. He added that there is a school down there and children from the subdivision can walk to the school.

Mr. Crice stated that the remaining acreage is zoned SR-1. He stated that the zone change is consistent with the Comprehensive Plan and less than eight units per acre. The site is triangular in shape and has narrow road frontage of 185 feet on Old Hopeful Road. Old Hopeful Road is connected to Hopeful Church Road, but that connection will go away when construction is completed. This site is all the way at the end of Old Hopeful Road. The site is being developed as two parcels because a substantial valley crosses the site. There is 30-plus feet of elevation change from Old Hopeful Road to the valley. They can take some of the dirt and fill there to improve the area south of the existing pond. He stated that as a stand alone site, there is no way to get across the valley. The site is about 360 feet across. The reason for the zone change is that even though R1F allows 10,000 square foot lots, they need more flexibility in the lot sizes. They are proposing 52 lots (thirty-three of which are 8,000 – 10,000 square feet and the remaining lots are over 10,000 square feet). The flexible lot sizes will allow them to provide common open space maintained by the HOA and entrance features. It allows the development to be under one zoning classification as opposed to two zoning classifications. The utilities are available – water is out front and sewer is in the back. There will be a variety of housing types. He stated that the builder, Mark Wheatley, was present. Mr. Crice offered to answer any questions.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition. There was no response.

Mrs. Poston asked if there were any comments or questions from the Commissioners.

Mrs. Wilson questioned the turning radius on Suzanne Way. She is concerned about the school bus being able to turn around. Mr. Crice responded that the cul-de-sacs are standard size cul-de-sacs.

In response to a comment by Mrs. Wilson, Ms. Bachman stated that the applicant is agreeable to calling the road Hope Trail instead of Hopeful Trail to avoid confusion for emergency services since there is currently Hopeful Road, Hopeful Church Road, and what some people call Old Hopeful Road.

Mr. McMillian stated that the site is in unincorporated Boone County. Mr. Crice responded that the portion for which they are seeking a zone change is in the City of Florence. The balance of the development is in unincorporated Boone County and they expect it to be annexed.


Mr. McMillian asked if the site is served by sewer. Mr. Crice responded that it is not currently served by sewer, but they have obtained an easement to get to the sewer.

Mr. Poe asked if the Planning Commission can address the issue with the road when it is annexed. Mr. Costello responded that Staff can discuss it with the city before the Committee Meeting and bring it to the Committee's attention.

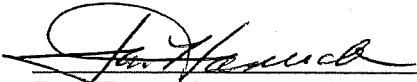
There being no further comments, the Mrs. Poston stated that the Committee Meeting for this item will be on August 6, 2003 at 5 PM in this room.. This item will be on the Agenda for the Business Meeting on August 20, 2003 at 7:30 PM.

Mrs. Poston closed this Public Hearing.

**APPROVED:**

  
Susan Poston, Vice Chairwoman

**Attest:**

  
Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
August 20, 2003  
7:30 P.M.**

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Mr. Mark Hicks, Chairman, called the meeting to order at 7:38 PM.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Barlow  
Mr. Greg Breetz  
Mr. Kim Bunger  
Mr. Mark Hicks, Chairman  
Mrs. Janet Kegley  
Mr. Richard Knock, Temporary Presiding Officer  
Mr. Don McMillian  
Mr. Robert Newman  
Mr. Randy Poe  
Mrs. Susan Poston, Vice Chairwoman  
Mr. Charlie Reynolds  
Mr. Bob Schwenke  
Mr. Earl White

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Arnold Caddell  
Mrs. Lisa Wilson, Secretary/Treasurer

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin Costello, AICP, Executive Director  
Ms. Patty Bachman, Planner  
Ms. Jan Hancock, Secretary  
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

**Approval of the Minutes:**

Chairman Hicks stated that the Commissioners received copies of the Minutes of the August 6, 2003 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mr. Newman seconded the motion and it carried unanimously.

**ACTION ON PLAN REVIEWS:**

1. **Zoning Map Amendment**

**The request of Centerline Development LLC (applicant) for Frank Butler et al (owners) for a Zoning Map Amendment from Residential One Family (R1F) to Suburban Residential One (SR-1) for an approximate 8.4 acre site at 7004 Old Hopeful Road, Florence, Kentucky. The request is for a zone change to allow a subdivision for single-family dwellings.**

Staff Member Patty Bachman presented the Committee Report which recommended approval of the request based on the Findings of Fact (see Committee Report). She stated that at the Public Hearing, Mr. Poe asked if the proposed road connection with Yealey Drive could be addressed at annexation. She did not bring that information to Committee, but has subsequently spoken with Bob Townsend, the Public Services Director. She stated that there is a stub at the south end of this subdivision that in the future could be connected to Yealey Drive in Buckingham Woods subdivision. Mr. Townsend told her that the City of Florence would be interested in making the road connection, but an agreement would have to be reached with the county as the parcels to the south are in the county. She has spoken with Staff Member Dave Geohegan who indicated that Staff would be interested in having that road connection occur.

Mr. Knock moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mr. Bunger seconded the motion.

Mrs. Kegley questioned the ownership of the parcels to the south. Ms. Bachman responded that Ohio Valley Electrical owns the parcel with the overhead electric wires. Mr. Rodney Crice with Viox & Viox Engineers stated that the parcel to the south is in private ownership, but he does not know the name of the owner.

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. Knock and it carried unanimously.

Mr. Bunger left the meeting at this time.

EXHIBIT  
"B"

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: August 20, 2003

RE: Request of **Centerline Development LLC (applicant)** for **Frank Butler, et al (owners)** for a Zoning Map Amendment from Residential One Family (R1F) to Suburban Residential One (SR-1) for an approximate 8.4 acre site located at 7004 Old Hopeful Road, Florence, Kentucky. The request is for a zone change to allow a subdivision for single family dwellings.

### REMARKS

We, the Committee, recommend approval of the Zoning Map Amendment and accompanying Concept Development Plan request based upon the following findings of fact and with the following conditions:

### FINDINGS OF FACT

The Committee has determined that the proposed Zoning Map Amendment and the accompanying Concept Development Plan are in agreement with the 2000 Boone County Comprehensive Plan. The 2025 Future Land Use map designates the property as High Suburban Density Residential, which would allow the development of up to 8 dwelling units per acre on the site. The overall density of the proposed subdivision would be 3.17 dwelling units per acre. The Land Use Text recommends that Hopeful Church Road develop as a residential corridor and that the area between Hopeful Church Road and Oakbrook Road, south of Kentucky 18, should develop in a Suburban Residential fashion. In this area priority should be given to limited and local access collector roads.

The Housing Element notes that new population in Boone County frequently locates in rural areas, maintaining social division between different segments of society. As such single-family housing should remain an ingredient of urban areas. It further states that the areas of greatest projected population growth are in the Florence-Richwood-Union-Burlington area, south along I-75, and in the Hebron-North River area. Access to thoroughfares such as KY 18, KY 237, and interstate highways will accelerate this residential development. The Element notes that this development should occur in established urban or suburban areas, to take advantage of existing services and infrastructure. Further, the Housing Element states that new subdivisions throughout the west Florence and Burlington areas should provide interconnections between their developments and adjacent developments to promote safe and easy transportation access. The proposed Concept Development provides a potential connection to the existing Yealey Drive in the Buckingham Woods subdivision, to the south of the site.

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.

Public Hearing Item No. 2:

Commission Members Present: Mr. Bunger, Mrs. Kegley, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairwoman, Mr. Schwenke, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Ms. Jan Hancock, Secretary; and Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Larry Dillon

Mrs. Poston introduced the second item on the Agenda:

2. Applicant: Centerline Development LLC for Frank Butler, et al (owners)

Request: Zoning Map Amendment

The request of Centerline Development LLC (applicant) for Frank Butler, et al (owners) for a Zoning Map Amendment from Residential One Family (R1F) to Suburban Residential One (SR-1) for an approximate 8.4 acre site at 7004 Old Hopeful Road, Florence, Kentucky. The request is for a zone change to allow a subdivision for single-family dwellings.

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report). Ms. Bachman noted a correction to the Staff Report: Page 1, Paragraph 1, the second sentence should read, "The total subdivision has 430 feet of frontage on Hopeful Road, and the parcel in question has approximately 185 feet of frontage on Hopeful Road".

Mrs. Poston asked for the applicant's presentation.

Mr. Rodney Crice with Viox & Viox, engineers for the development, stated that Yealey Drive exists south of the site. He stated that they are providing a stub to the vacant property, but they are not actually connecting to Yealey Drive. Mr. Costello asked, given the configuration of Yealey Drive, can it realistically connect? Mr. Crice responded that they are making an "S" curve to make it happen. They are not physically making the connection. Mr. Costello stated that the city can negotiate with the power company to connect the lot if it is that important. He added that there is a school down there and children from the subdivision can walk to the school.

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Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition. There was no response.

Mrs. Poston asked if there were any comments or questions from the Commissioners.

Mrs. Wilson questioned the turning radius on Suzanne Way. She is concerned about the school bus being able to turn around. Mr. Crice responded that the cul-de-sacs are standard size cul-de-sacs.

In response to a comment by Mrs. Wilson, Ms. Bachman stated that the applicant is agreeable to calling the road Hope Trail instead of Hopeful Trail to avoid confusion for emergency services since there is currently Hopeful Road, Hopeful Church Road, and what some people call Old Hopeful Road.

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Mr. Poe asked if the Planning Commission can address the issue with the road when it is annexed. Mr. Costello responded that Staff can discuss it with the city before the Committee Meeting and bring it to the Committee's attention.


There being no further comments, the Mrs. Poston stated that the Committee Meeting for this item will be on August 6, 2003 at 5 PM in this room.. This item will be on the Agenda for the Business Meeting on August 20, 2003 at 7:30 PM.

Mrs. Poston closed this Public Hearing.

APPROVED:

  
Susan Poston, Vice Chairwoman

Attest:

  
Jan Hancock, Recording Secretary

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: August 6, 2003

RE: Request of **Centerline Development LLC (applicant)** for **Frank Butler, et al (owners)** for a Zoning Map Amendment from Residential One Family (R1F) to Suburban Residential One (SR-1) for an approximate 8.4 acre site located at 7004 Old Hopeful Road, Florence, Kentucky. The request is for a zone change to allow a subdivision for single family dwellings.

### 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.

August 6, 2003

Centerline/Frank Butler et al

*Kim Bunger*  
 \_\_\_\_\_  
**Kim Bunger, Chairman**

For Project  Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Greg Breetz*  
 \_\_\_\_\_  
**Greg Breetz**

For Project  Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Arnold Caddell*  
 \_\_\_\_\_  
**Arnold Caddell**

For Project  Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Janet Kegley**

For Project \_\_\_\_\_ Absent   
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Susan Poston**

For Project \_\_\_\_\_ Absent   
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

*Randy Barlow*  
 \_\_\_\_\_  
**Randy Barlow (Alternate)\***

For Project  Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_  
**Charlie Reynolds (Alternate)\***

For Project \_\_\_\_\_ Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

TOTAL: \_\_\_\_\_ DEFERRED 4 FOR PROJECT 2 ABSENT  
 \_\_\_\_\_ AGAINST PROJECT \_\_\_\_\_ ABSTAIN

# SUPPORTING INFORMATION

DEED

Property Transfer Tax Paid \$ 54  
JERRY W. ROUSE, Clerk D.C. 7/13

KNOW ALL MEN BY THESE PRESENTS: THAT

FRANK E. BUTLER (AKA FRANKLIN BUTLER) AND DOLORES ANN BUTLER, his wife; MARY CELINE DEMPSEY AND LAWRENCE ANTHONY DEMPSEY, SR., HER HUSBAND; CAROL ANN HYLAND AND JAMES LEE HYLAND, SR., HER HUSBAND; JAMES WILLIAM BUTLER, A SINGLE PERSON; GERTRUDE CHARLENE MAXWELL AND PAUL FLOYD MAXWELL, HER HUSBAND; MARILYN JEAN HARR AND DANIEL R. HARR, HER HUSBAND; JEROME PATRICK BUTLER AND LINDA CATHERINE BUTLER, HIS WIFE,

for and in consideration of ONE DOLLARS (\$1.00) and other good and valuable consideration, in handpaid by Grantees, the receipt whereof is hereby acknowledged, does hereby bargain, sell and convey to the said FRANK E. BUTLER AND DOLORES ANN BUTLER, HIS WIFE; an undivided 8/14 interest; to MARY CELINE DEMPSEY AND LAWRENCE ANTHONY DEMPSEY, SR., HER HUSBAND, an undivided 1/14th interest; to CAROL ANN HYLAND AND JAMES LEE HYLAND, SR., HER HUSBAND, an undivided 1/14th interest; to JAMES WILLIAM BUTLER, A SINGLE PERSON, A 1/14th INTEREST; to GERTRUDE CHARLENE MAXWELL AND PAUL FLOYD MAXWELL, HER HUSBAND, an undivided 1/14th interest; to MARILYN JEAN HARR AND DANIEL R. HARR, HER HUSBAND, an undivided 1/14th interest; and to JEROME PATRICK BUTLER AND LINDA CATHERINE BUTLER, HIS WIFE, an undivided 1/14th interest, said interests being held as tenants in common, his or her heirs and assigns forever, the following described real estate, lying in Boone County, Kentucky, to-wit:

GRANTEE MAILING ADDRESS: 9 Anne St., Florence, KY 41042 GROUP NO. 2040A  
PRESENT STREET ADDRESS: 7009 Hopeful Road, Florence, KY 41042 PLAT NO.

Lying and being in the County of Boone and being on the east side of the Hopeful Road, 1 mile south of its intersection with Kentucky State Highway Route #18 and described particularly thus; Beginning at a point in the east line of the Hopeful Road 1050 feet north along said east line from the intersection of the south line of Evan's 35.5 acre tract and said East line; thence along said road N 50 E 210 feet to a point; thence N 80--30 E 304 feet to a point and corner of lot no. 5; thence with a line of same S 89-25 W 1125 feet to the beginning, containing 5 acres, more or less and being tract No. 6 as shown on the unrecorded plat of said Evans Subdivision on Hopeful Road as prepared by Noel Walton, County surveyor.

BEING in the County of Boone and being on the east side of the Hopeful Road 1 mile south of its intersection with Kentucky Highway Route 18 and described particularly thus; Beginning at a point in the east line of the Hopeful Road 840 feet north along said east line from the intersection of the south line of Evans 35.5 acre tract of which this is a part, which said East line of the Hopeful Road thence N 500 210 feet to a point in said East line; thence N 89-25 E 1125 feet to a point in the east line of said 35.5 acres tract; thence with said part of east line S 5-30 W 1270 feet to the place of beginning, containing 3.82 acres. EXCEPT 0.415 acres conveyed in Deed Book 110 page 47.

BEING THE same property conveyed to Frank and Gertrude Butler and Franklin and Dolores Butler by deed recorded in Deed Book 147, page 82 of the Boone County Clerk's Records. Frank Butler died on October 7, 1966. Gertrude E. Butler died on November 20, 1993. See Will of Gertrude Butler recorded in Will Book 59 page 277. Also see Affidavit in Misc. Book 638, page 178. An Inheritance Tax Lien Release for Frank Butler is recorded in Misc. Book 44, page 2 of the Boone County Clerk's Records, Burlington, Kentucky. An Inheritance Tax Lien Release for Gertrude E. Butler is recorded in Misc. Book 666 page 240 of the Boone County Clerk's Records, Burlington, Kentucky.

The purpose of this deed is in the nature of a correction deed so that all parties who own an interest in the land described in Deed Book 147, page 83 has consented to and clarified the interest of all parties and the heirs thereto. The Grantor and Grantee herein who are Frank E. Butler and Dolores Ann Butler are one and the same as the Franklin and Dolores Butler recorded in Deed Book 147, page 82 of the Boone County Clerk's Records at Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said FRANK E. BUTLER AND DOLORES ANN BUTLER, HIS WIFE; an undivided 8/14 interest; to MARY CELINE DEMPSEY AND LAWRENCE ANTHONY DEMPSEY, SR., HER HUSBAND, an undivided 1/14th interest; to CAROL ANN HYLAND AND JAMES LEE HYLAND, SR., HER HUSBAND, an undivided 1/14th interest; to JAMES WILLIAM BUTLER, A SINGLE PERSON, A 1/14th INTEREST; to GERTRUDE CHARLENE MAXWELL AND PAUL FLOYD MAXWELL, HER HUSBAND, an undivided 1/14th interest; to MARILYN JEAN HARR AND DANIEL R. HARR, HER

RETURN:

*Jerry Frolick*

(11)

HUSBAND, an undivided 1/14th interest; and to JEROME PATRICK BUTLER AND LINDA CATHERINE BUTLER, HIS WIFE, an undivided 1/14th interest, said interests being held as tenants in common, his or her heirs and assigns forever, with covenants of general warranty.

IN WITNESS whereof the said FRANK E. BUTLER (AKA FRANKLIN BUTLER) AND DOLORES ANN BUTLER, his wife; MARY CELINE DEMPSEY AND LAWRENCE ANTHONY DEMPSEY, SR., HER HUSBAND; CAROL ANN HYLAND AND JAMES LEE HYLAND, SR., HER HUSBAND; JAMES WILLIAM BUTLER, A SINGLE PERSON; GERTRUDE CHARLENE MAXWELL AND PAUL FLOYD MAXWELL, HER HUSBAND; MARILYN JEAN HARR AND DANIEL R. HARR, HER HUSBAND; JEROME PATRICK BUTLER AND LINDA CATHERINE BUTLER, HIS WIFE,

herunto set their hands this 14<sup>th</sup> day of December, 1997

Frank E. Butler  
FRANK E. BUTLER

Dolores Ann Butler  
DOLORES ANN BUTLER

STATE OF KENTUCKY  
SCT  
COUNTY OF BOONE

I, Anthony W. Frodlich a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing was this day presented to me in my county by the parties and then and there acknowledged by the said FRANK E. BUTLER AND DOLORES ANN BUTLER as their free and voluntary act and deed. Whereupon the same and this certificate are certified to the proper office for record.

GIVEN UNDER MY HAND and seal of office this 27<sup>th</sup> day of November, 1997

MY COMMISSION EXPIRES: 2-21-2001

Anthony W. Frodlich  
NOTARY PUBLIC

Mary Celine Dempsey  
MARY CELINE DEMPSEY

Lawrence Anthony Dempsey Sr.  
LAWRENCE ANTHONY DEMPSEY SR.

STATE OF KENTUCKY  
SCT  
COUNTY OF BOONE

I, Anthony W. Frodlich a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing was this day presented to me in my county by the parties and then and there acknowledged by the said MARY CELINE DEMPSEY AND LAWRENCE ANTHONY DEMPSEY, SR. as their free and voluntary act and deed. Whereupon the same and this certificate are certified to the proper office for record.

GIVEN UNDER MY HAND and seal of office this 5<sup>th</sup> day of November, 1997

MY COMMISSION EXPIRES: 2-21-2001

Anthony W. Frodlich  
NOTARY PUBLIC

Carol Ann Hyland  
CAROL ANN HYLAND

James Lee Hyland Sr.  
JAMES LEE HYLAND, SR.

STATE OF KENTUCKY  
SCT  
COUNTY OF BOONE

I, Anthony W. Frodlich a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing was this day presented to me in my county by the parties and then and there acknowledged by the said CAROL ANN HYLAND AND JAMES LEE HYLAND, SR. as their free and voluntary act and deed. Whereupon the same and this certificate are certified to the proper office for record.

Mailing Address: 2977 Highway Rd, Union, Ky 41091

STATE OF KENTUCKY  
COUNTY OF BOONE

The foregoing consideration certificate was acknowledged and sworn to before me this the 5<sup>TH</sup> day of NOVEMBER, 1997 by CAROL ANN HYLAND AND JAMES LEE HYLAND, SR., grantors and grantees herein, as their free and voluntary act and deed.

MY COMMISSION EXPIRES: 2-21-2001

Anthony W. Felleck  
NOTARY PUBLIC

James William Butler  
JAMES WILLIAM BUTLER

Mailing Address: 9 ANNE STREET, FLORENCE, KY. 41042

STATE OF KENTUCKY  
COUNTY OF BOONE

The foregoing consideration certificate was acknowledged and sworn to before me this the 4<sup>TH</sup> day of NOVEMBER, 1997 by JAMES WILLIAM BUTLER, Grantee and Grantor herein, as his free and voluntary act and deed.

MY COMMISSION EXPIRES: 2-21-2001

Anthony W. Felleck  
NOTARY PUBLIC

Gertrude Charles Maxwell  
GERTRUDE CHARLES MAXWELL

Paul Floyd Maxwell  
PAUL FLOYD MAXWELL

Mailing Address: 40477 Beecheye Collins, OH 45722

STATE OF Ohio  
COUNTY OF Wesley

The foregoing consideration certificate was acknowledged and sworn to before me this the 28<sup>th</sup> day of Nov, 1997 by GERTRUDE CHARLES MAXWELL AND PAUL FLOYD MAXWELL, grantors and grantees herein, as their free and voluntary act and deed.

MY COMMISSION EXPIRES:

Caroline J. Bickel  
NOTARY PUBLIC

Marilyn Jean Harr  
MARILYN JEAN HARR

Daniel R. Harr  
DANIEL R. HARR

Mailing Address: 3500 Warwick Dr Lexington, Ky 40517

STATE OF Kentucky  
COUNTY OF Boone

The foregoing consideration certificate was acknowledged and sworn to before me this the 14<sup>th</sup> day of November, 1997 by, MARILYN JEAN HARR AND DANIEL R. HARR, grantors and grantees herein, as their free and voluntary act and deed.

MY COMMISSION EXPIRES: 11/2000

Jerome Patrick Butler  
NOTARY PUBLIC

Jerome Patrick Butler  
JEROME PATRICK BUTLER

Linda Catherine Butler  
LINDA CATHERINE BUTLER

Mailing Address: 7958 Salthick Rd, Dublin, Ohio 43017

MIT  
30339

STATE OF Kentucky  
SCY  
COUNTY OF Boone

BOOK 688 PAGE 294

I, Diana Burch a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing was this day presented to me in my county by the parties and then and there acknowledged by the said JEROME PATRICK BUTLER AND LINDA CATHERINE BUTLER, as their free and voluntary act and deed. Whereupon the same and this certificate are certified to the proper office for record.

GIVEN UNDER MY HAND and seal of office this 17<sup>th</sup> day of December, 1997  
MY COMMISSION EXPIRES: 11/2000 Diana Burch NOTARY PUBLIC

CONSIDERATION CERTIFICATE

We, FRANK E. BUTLER AND DOLORES ANN BUTLER, his wife; MARY CELINE DEMPSEY AND LAWRENCE ANTHONY DEMPSEY, SR., HER HUSBAND; CAROL ANN HYLAND AND JAMES LEE HYLAND, SR., HER HUSBAND; JAMES WILLIAM BUTLER, A SINGLE PERSON; GERTRUDE CAMPBELL MAXWELL AND PAUL FLOYD MAXWELL, HER HUSBAND; MARILYN JEAN HARR AND DANIEL R. HARR, HER HUSBAND; JEROME PATRICK BUTLER AND LINDA CATHERINE BUTLER, HIS WIFE, Grantors; and FRANK E. BUTLER (AKA FRANKLIN BUTLER) AND DOLORES ANN BUTLER, HIS WIFE; and undivided 8/14 interest; to MARY CELINE DEMPSEY AND LAWRENCE ANTHONY DEMPSEY, SR., HER HUSBAND, an undivided 1/14th interest; to CAROL ANN HYLAND AND JAMES LEE HYLAND, SR., HER HUSBAND, an undivided 1/14th interest; to JAMES WILLIAM BUTLER, A SINGLE PERSON, A 1/14th INTEREST; to GERTRUDE CAMPBELL MAXWELL AND PAUL FLOYD MAXWELL, HER HUSBAND, an undivided 1/14th interest; to MARILYN JEAN HARR AND DANIEL R. HARR, HER HUSBAND, an undivided 1/14th interest; and to JEROME PATRICK BUTLER AND LINDA CATHERINE BUTLER, HIS WIFE, AN undivided 1/14th interest, said interest being held as tenants in common. Grantees, do hereby certify, pursuant to KRS Chapter 382, the value of the property is \$250,000.00. We further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.00.

Frank E. Butler  
FRANK E. BUTLER

Dolores Ann Butler  
DOLORES ANN BUTLER

Mailing address: R.O. Box 1, WALTON, KY. 41099  
STATE OF Kentucky  
COUNTY OF Boone

The foregoing consideration certificate was acknowledged and sworn to before me this the 17<sup>th</sup> day of November, 1997 by Frank E. Butler and Dolores Ann Butler, grantors and grantees herein, to be their free and voluntary act and deed.

MY COMMISSION EXPIRES:  
2-21-2001

Anthony W. Fullick  
NOTARY PUBLIC

Mary Celine Dempsey  
MARY CELINE DEMPSEY

Lawrence Anthony Dempsey Sr.  
LAWRENCE ANTHONY DEMPSEY, SR.

Mailing Address: 3901 Lloyd Ave., ELLANORE, Ky. 41018

STATE OF Kentucky  
COUNTY OF Boone

The foregoing consideration certificate was acknowledged and sworn to before me this the 5<sup>th</sup> day of November, 1997 by MARY CELINE DEMPSEY AND LAWRENCE ANTHONY DEMPSEY, SR., grantors and grantees herein, as their free and voluntary act and deed.

MY COMMISSION EXPIRES:  
2-21-2001

Anthony W. Fullick  
NOTARY PUBLIC

Carol Ann Hyland  
CAROL ANN HYLAND

James Lee Hyland Sr.  
JAMES LEE HYLAND, SR.

TIM  
REESE

GIVEN UNDER MY HAND and seal of office this 5<sup>th</sup> day of November, 1997

MY COMMISSION EXPIRES: 2-21-2001

Anthony W. Frolick NOTARY PUBLIC

James William Butler  
JAMES WILLIAM BUTLER

STATE OF KENTUCKY  
SCT  
COUNTY OF Boone

I, Anthony W. Frolick a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing was this day presented to me in my county by the parties and then and there acknowledged by the said JAMES WILLIAM BUTLER, A SINGLE PERSON, as his free and voluntary act and deed. Whereupon the same and this certificate are certified to the proper office for record.

GIVEN UNDER MY HAND and seal of office this 4<sup>th</sup> day of November, 1997

MY COMMISSION EXPIRES: 2-21-2001

Anthony W. Frolick NOTARY PUBLIC

Gertrude Cudde Maxwell  
GERTRUDE CUDDE MAXWELL

Paul Floyd Maxwell  
PAUL FLOYD MAXWELL

STATE OF Ky  
SCT  
COUNTY OF Morgan

I, Gertrude C Maxwell a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing from was this day presented to me in my county by the parties and then and there acknowledged by the said GERTRUDE CUDDE MAXWELL AND PAUL FLOYD MAXWELL, HUSBAND AND WIFE, as their free and voluntary act and deed. Whereupon the same and this certificate are certified to the proper office for record.

GIVEN UNDER MY HAND and seal of office this day of Nov, 1997

MY COMMISSION EXPIRES: \_\_\_\_\_

Gertrude Cudde Maxwell NOTARY PUBLIC

Marilyn Jean Harr  
MARILYN JEAN HARR

Daniel R. Harr  
DANIEL R. HARR

STATE OF Kentucky  
SCT  
COUNTY OF Boone

I, Diana Burch a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing was this day presented to me in my county by the parties and then and there acknowledged by the said MARILYN JEAN HARR AND DANIEL R. HARR as their free and voluntary act and deed. Whereupon the same and this certificate are certified to the proper office for record.

GIVEN UNDER MY HAND and seal of office this 14<sup>th</sup> day of December, 1997

MY COMMISSION EXPIRES: 11/2000

Diana Burch NOTARY PUBLIC

Jerome Patrick Butler  
JEROME PATRICK BUTLER

Linda Catherine Butler  
LINDA CATHERINE BUTLER

STATE OF Kentucky  
COUNTY OF Boone

BOOK 658 PAGE 296

The foregoing consideration certificate was acknowledged and sworn to before me this the 14th day of November, 1997 by, JEROME PATRICK BUTLER AND LINDA CATHERINE BUTLER, grantors and grantees herein, as their free and voluntary act and deed.

MY COMMISSION EXPIRES: 11/2000

[Signature]  
NOTARY PUBLIC

THIS INSTRUMENT PREPARED BY:

[Signature]  
ANTHONY W. FRÖHLICH  
Attorney At Law  
PO Box 296, Florence, KY 41042  
PH: (606) 525-6161  
NO TITLE EXAM PERFORMED

STATE OF KENTUCKY  
SCT  
COUNTY OF BOONE

[Signature]

Clerk of the County Court in and for the County and State aforesaid, do certify that the foregoing instrument of writing from FRANK E. BUTLER AND DOLORES ANN BUTLER, his wife; MARY CELINE DEMPSEY AND LAWRENCE ANTHONY DEMPSEY, SR., HER HUSBAND; CAROL ANN HYLAND AND JAMES LEE HYLAND, SR., HER HUSBAND; JAMES WILLIAM BUTLER, A SINGLE PERSON; GERTRUDE ~~OWEN~~ MAXWELL AND PAUL FLOYD MAXWELL, HER HUSBAND; MARILYN JEAN HARR AND DANIEL R. HARR, HER HUSBAND; JEROME PATRICK BUTLER AND LINDA CATHERINE BUTLER, HIS WIFE, to FRANK E. BUTLER (AKA FRANKLIN BUTLER) AND DOLORES ANN BUTLER, HIS WIFE; and undivided 8/14 interest; to MARY CELINE DEMPSEY AND LAWRENCE ANTHONY DEMPSEY, SR., HER HUSBAND, an undivided 1/14th interest; to CAROL ANN HYLAND AND JAMES LEE HYLAND, SR., HER HUSBAND, an undivided 1/14th interest; to JAMES WILLIAM BUTLER, A SINGLE PERSON, A 1/14th INTEREST; to GERTRUDE ~~OWEN~~ MAXWELL AND PAUL FLOYD MAXWELL, HER HUSBAND, an undivided 1/14th interest; to MARILYN JEAN HARR AND DANIEL R. HARR, HER HUSBAND, an undivided 1/14th interest; and to JEROME PATRICK BUTLER AND LINDA CATHERINE BUTLER, HIS WIFE, AN undivided 1/14th interest, said interests being held as tenants in common

was this 8 day of April, 1998, produced to me, certified as above and lodged for record at 11:45 o'clock AM.

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

GIVEN UNDER MY HAND, THIS 8 DAY OF April, 1998.

[Signature] clerk  
by: [Signature] D.C.

ORDINANCE NO. 0-28-03

**AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR AN APPROXIMATE 8.40 ACRE SITE LOCATED AT 7004 OLD HOPEFUL ROAD, FLORENCE, KENTUCKY, TO REZONE THIS SITE FROM RESIDENTIAL ONE FAMILY (R1F) TO SUBURBAN RESIDENTIAL ONE (SR-1). (CENTERLINE DEVELOPMENT, LLC/FRANK BUTLER, ET AL)**

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 the request described above to the City of Florence and the Planning and Zoning Committee of the City has issued its report in support thereof, and

WHEREAS, the Boone County Planning Commission recommendation for approval is based upon certain findings and conditions 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 request of Centerline Development, LLC (applicant) for Frank Butler, et al (owner) for a Zoning Map Amendment for an approximate 8.40 acre site located at 7004 Old Hopeful Road, Florence, Kentucky, to rezone the site from Residential One Family (R1F) to Suburban Residential One (SR-1), 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 this rezoning for this subject property.

**SECTION II**

The approval of this rezoning is granted subject to the conditions, terms and provisions 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-03-013-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-03-013-A, marked Exhibit "B" hereto.

**SECTION IV**

If this approval for this rezoning 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.

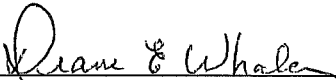
**SECTION V**

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

PASSED AND APPROVED ON FIRST READING THIS 14<sup>th</sup> DAY OF October, 2003.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 21 DAY OF October, 2003.

APPROVED:

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

**CITY OF FLORENCE, KENTUCKY**  
**SUMMARY OF ORDINANCE NO. 0-28-03**

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-28-03 on October 21, 2003. The title of this Ordinance is as follows:

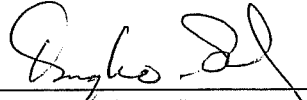
**AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR AN APPROXIMATE 8.40 ACRE SITE LOCATED AT 7004 OLD HOPEFUL ROAD, FLORENCE, KENTUCKY, TO REZONE THIS SITE FROM RESIDENTIAL ONE FAMILY (R1F) TO SUBURBAN RESIDENTIAL ONE (SR-1). (CENTERLINE DEVELOPMENT, LLC/FRANK BUTLER, ET AL)**

The effect of this Ordinance is to allow a zoning map amendment for an approximate 8.40 acre site located at 7004 Old Hopeful Road, Florence, Kentucky, to rezone this site from Residential One Family (R1F) to Suburban Residential One (SR-1).

The full text of Ordinance No. 0-28-03, including its Exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Boulevard, Florence, Kentucky, during regular office hours.

**CERTIFICATION**

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-28-03 and that it has been prepared by me on the 14<sup>th</sup> day of October, 2003, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



---

HUGH C. SKEES  
SKEES, WILSON & DILLON, PLLC  
7699 Ewing Boulevard, P.O. Box 756  
Florence, Kentucky 41042-0756  
Phone: (859) 371-7407

EXHIBIT

“A”

DEED

Property Transfer Tax Paid \$ 78.00  
JERRY W. ROUSE, Clerk D.C. 7/13

KNOW ALL MEN BY THESE PRESENTS: THAT

FRANK E. BUTLER (AKA FRANKLIN BUTLER) AND DOLORES ANN BUTLER, his wife; MARY CELINE DEMPSEY AND LAWRENCE ANTHONY DEMPSEY, SR., HER HUSBAND; CAROL ANN HYLAND AND JAMES LEE HYLAND, SR., HER HUSBAND; JAMES WILLIAM BUTLER, A SINGLE PERSON; GERTRUDE CHARLENE MAXWELL AND PAUL FLOYD MAXWELL, HER HUSBAND; MARILYN JEAN HARR AND DANIEL R. HARR, HER HUSBAND; JEROME PATRICK BUTLER AND LINDA CATHERINE BUTLER, HIS WIFE,

for and in consideration of ONE DOLLARS (\$1.00) and other good and valuable consideration, in handpaid by Grantees, the receipt whereof is hereby acknowledged, does hereby bargain, sell and convey to the said FRANK E. BUTLER AND DOLORES ANN BUTLER, HIS WIFE; an undivided 8/14 interest; to MARY CELINE DEMPSEY AND LAWRENCE ANTHONY DEMPSEY, SR., HER HUSBAND, an undivided 1/14th interest; to CAROL ANN HYLAND AND JAMES LEE HYLAND, SR., HER HUSBAND, an undivided 1/14th interest; to JAMES WILLIAM BUTLER, A SINGLE PERSON, A 1/14th INTEREST; to GERTRUDE CHARLENE MAXWELL AND PAUL FLOYD MAXWELL, HER HUSBAND, an undivided 1/14th interest; to MARILYN JEAN HARR AND DANIEL R. HARR, HER HUSBAND, an undivided 1/14th interest; and to JEROME PATRICK BUTLER AND LINDA CATHERINE BUTLER, HIS WIFE, an undivided 1/14th interest, said interests being held as tenants in common, his or her heirs and assigns forever, the following described real estate, lying in Boone County, Kentucky, to-wit:

GRANTEE MAILING ADDRESS: 9 Anne St., Florence, KY 41042 GROUP NO. 2040A  
PRESENT STREET ADDRESS: 1000 Hopeful Road, Florence, KY 41042 PLAT NO.

Lying and being in the County of Boone and being on the east side of the Hopeful Road; 1 mile south of its intersection with Kentucky State Highway Route #18 and described particularly thus; Beginning at a point in the east line of the Hopeful Road 1050 feet north along said east line from the intersection of the south line of Evan's 35.5 acre tract and said East line; thence along said road N 50 E 210 feet to a point; thence N 80-30 E 304 feet to a point and corner of lot no. 5; thence with a line of same S 89-25 W 1125 feet to the beginning, containing 5 acres, more or less and being tract No. 6 as shown on the unrecorded plat of said Evans Subdivision on Hopeful Road as prepared by Noel Walton, County surveyor.

BEING in the County of Boone and being on the east side of the Hopeful Road 1 mile south of its intersection with Kentucky Highway Route 18 and described particularly thus; Beginning at a point in the east line of the Hopeful Road 840 feet north along said east line from the intersection of the south line of Evans 35.5 acre tract of which this is a part, which said East line of the Hopeful Road thence N 500 210 feet to a point in said East line; thence N 89-25 E 1125 feet to a point in the east line of said 35.5 acres tract; thence with said part of east line S 5-30 W 1270 feet to the place of beginning, containing 3.82 acres.

EXCEPT 0.415 acres conveyed in Deed Book 110 page 47.  
BEING THE same property conveyed to Frank and Gertrude Butler and Franklin and Dolores Butler by deed recorded in Deed Book 147, page 82 of the Boone County Clerk's Records. Frank Butler died on October 7, 1966. Gertrude E. Butler died on November 20, 1993. See Will of Gertrude Butler recorded in Will Book 59 page 277. Also see Affidavit in Misc. Book 638, page 178. An Inheritance Tax Lien Release for Frank Butler is recorded in Misc. Book 44, page 2 of the Boone County Clerk's Records, Burlington, Kentucky. An Inheritance Tax Lien Release for Gertrude E. Butler is recorded in Misc. Book 666 page 240 of the Boone County Clerk's Records, Burlington, Kentucky.

The purpose of this deed is in the nature of a correction deed so that all parties who own an interest in the land described in Deed Book 147, page 83 has consented to and clarified the interest of all parties and the heirs thereto. The Grantor and Grantee herein who are Frank E. Butler and Dolores Ann Butler are one and the same as the Franklin and Dolores Butler recorded in Deed Book 147, page 82 of the Boone County Clerk's Records at Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said FRANK E. BUTLER AND DOLORES ANN BUTLER, HIS WIFE; an undivided 8/14 interest; to MARY CELINE DEMPSEY AND LAWRENCE ANTHONY DEMPSEY, SR., HER HUSBAND, an undivided 1/14th interest; to CAROL ANN HYLAND AND JAMES LEE HYLAND, SR., HER HUSBAND, an undivided 1/14th interest; to JAMES WILLIAM BUTLER, A SINGLE PERSON, A 1/14th INTEREST; to GERTRUDE CHARLENE MAXWELL AND PAUL FLOYD MAXWELL, HER HUSBAND, an undivided 1/14th interest; to MARILYN JEAN HARR AND DANIEL R. HARR, HER

RETURN: Tony Frohlich

(11)

**SECTION II**

That as a basis for the recommendation of approval for a Zoning Map Amendment request are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

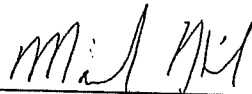
The Committee recommended approval for this request based on the findings of fact as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

**SECTION III**

That a copy of this Resolution recommending approval for a Zoning Map Amendment for a zone change from Residential One Family (R1F) to Suburban Residential One (SR-1) on an approximate 8.4 acre site located at 7004 Old Hopeful Road, Florence, Kentucky, shall be forwarded to the City of Florence, Florence, Kentucky, having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

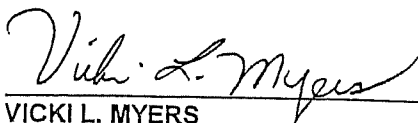
PASSED AND APPROVED ON THIS 3RD DAY OF SEPTEMBER, 2003.

APPROVED:



MARK HICKS  
CHAIRMAN

ATTEST:



VICKI L. MYERS  
MANAGER, ADMINISTRATIVE SERVICES

MH:vlm

EXHIBIT  
"B"

RESOLUTION R-03-013-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL FOR A REQUEST OF CENTERLINE DEVELOPMENT LLC (APPLICANT) FOR FRANK BUTLER, ET AL (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RESIDENTIAL ONE FAMILY (R1F) TO SUBURBAN RESIDENTIAL ONE (SR-1) ON AN APPROXIMATE 8.40 ACRE SITE LOCATED AT 7004 OLD HOPEFUL ROAD, FLORENCE, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF FLORENCE, FLORENCE, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Residential One Family (R1F) to Suburban Residential One (SR-1) on an approximate 8.4 acre site located at 7004 Old Hopeful Road, Florence, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Florence, Florence, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for the Zoning Map Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

**SECTION I**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, this Zoning Map Amendment being a zone change from Residential One Family (R1F) to Suburban Residential One (SR-1) on an approximate 8.4 acre site located at 7004 Old Hopeful Road, Florence, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Residential One Family (R1F) zone is more particularly described in DEED BOOK 688, PAGE NO. 291 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: August 20, 2003

RE: Request of Centerline Development LLC (applicant) for Frank Butler, et al (owners) for a Zoning Map Amendment from Residential One Family (R1F) to Suburban Residential One (SR-1) for an approximate 8.4 acre site located at 7004 Old Hopeful Road, Florence, Kentucky. The request is for a zone change to allow a subdivision for single family dwellings.

### REMARKS

We, the Committee, recommend approval of the Zoning Map Amendment and accompanying Concept Development Plan request based upon the following findings of fact and with the following conditions:

### FINDINGS OF FACT

The Committee has determined that the proposed Zoning Map Amendment and the accompanying Concept Development Plan are in agreement with the 2000 Boone County Comprehensive Plan. The 2025 Future Land Use map designates the property as High Suburban Density Residential, which would allow the development of up to 8 dwelling units per acre on the site. The overall density of the proposed subdivision would be 3.17 dwelling units per acre. The Land Use Text recommends that Hopeful Church Road develop as a residential corridor and that the area between Hopeful Church Road and Oakbrook Road, south of Kentucky 18, should develop in a Suburban Residential fashion. In this area priority should be given to limited and local access collector roads.

The Housing Element notes that new population in Boone County frequently locates in rural areas, maintaining social division between different segments of society. As such single-family housing should remain an ingredient of urban areas. It further states that the areas of greatest projected population growth are in the Florence-Richwood-Union-Burlington area, south along I-75, and in the Hebron-North River area. Access to thoroughfares such as KY 18, KY 237, and interstate highways will accelerate this residential development. The Element notes that this development should occur in established urban or suburban areas, to take advantage of existing services and infrastructure. Further, the Housing Element states that new subdivisions throughout the west Florence and Burlington areas should provide interconnections between their developments and adjacent developments to promote safe and easy transportation access. The proposed Concept Development provides a potential connection to the existing Yealey Drive in the Buckingham Woods subdivision, to the south of the site.

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: Kim Bunger, Chairman

DATE: August 6, 2003

RE: Request of Centerline Development LLC (applicant) for Frank Butler, et al (owners) for a Zoning Map Amendment from Residential One Family (R1F) to Suburban Residential One (SR-1) for an approximate 8.4 acre site located at 7004 Old Hopeful Road, Florence, Kentucky. The request is for a zone change to allow a subdivision for single family dwellings.

### 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.

Kim Bunger  
Kim Bunger, Chairman

For Project  Absent   
Against Project   
Abstain  Deferred

Greg Breetz  
Greg Breetz

For Project  Absent   
Against Project   
Abstain  Deferred

Arnold Caddell  
Arnold Caddell

For Project  Absent   
Against Project   
Abstain  Deferred

Janet Kegley  
Janet Kegley

For Project  Absent   
Against Project   
Abstain  Deferred

Susan Poston  
Susan Poston

For Project  Absent   
Against Project   
Abstain  Deferred

Randy Barlow  
Randy Barlow (Alternate)\*

For Project  Absent   
Against Project   
Abstain  Deferred

Charlie Reynolds (Alternate)\*  
Charlie Reynolds (Alternate)\*

For Project  Absent   
Against Project   
Abstain  Deferred

TOTAL:    DEFERRED   4   FOR PROJECT   2   ABSENT  
   AGAINST PROJECT    ABSTAIN

May 24, 2004

**VIA FIRST CLASS MAIL:**

Boone County Judge/Executive Gary Moore  
P.O. Box 900  
Burlington, KY 41005

Kevin Costello, Executive Director  
(C/o) Vicki Myers  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005

Bob Townsend, Director  
Florence Public Services  
Florence Government Center  
Florence, KY 41042

Peter Glenn, Project Manager  
Florence Public Services  
Florence Government Center  
Florence, KY 41042

Police Chief Tom Kathman  
Florence Police Department  
Florence Government Center  
Florence, KY 41042

Fire/EMS Chief Jim McMillen  
Florence Fire/EMS Department  
Fire Station 3, 1152 Weaver Road  
Florence, KY 41042

Finance Director Linda Chapman  
Florence Finance Department  
Florence Government Center  
Florence, KY 41042

Director  
Boone Co. Public Safety Communications Center  
Florence Government Center  
Florence, KY 41042

Boone Co. Property Valuation Administrator Ron Burch  
P.O. Box 388  
Burlington, KY 41005

Jim Key, Chief Building Official  
Boone County Building Inspection Office  
5958 Garrard Street  
Burlington, KY 41005

Bill Viox, City Engineer  
Viox & Viox Inc.  
466 Erlanger Road  
Erlanger, KY 41018

Centerline Development LLC/Frank Butler Et Al  
9 Anne Street  
Florence, KY 41042

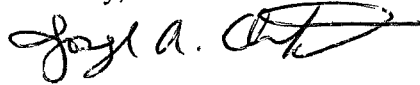
Dear Sirs and/or Madams:

Enclosed please find certified copies of City of Florence, Kentucky Ordinance No. 0-28-03 adopting and approving a Zoning Map Amendment for an approximate 8.40-acre site located at 7004 Old Hopeful Road in the City of Florence. This property has been rezoned from Residential One Family (R1F) to Suburban Residential One (SR-1) (Centerline Development, LLC/Frank Butler, Et Al)

First reading of Ordinance No. 0-32-03 was held on 28<sup>th</sup> Day of October 2003. Second reading was held on 11<sup>th</sup> Day of November 2003, and the full Ordinance was published in the *Boone County Recorder* on December 4<sup>th</sup>, 2003 at which time the Ordinance became statutorily official.

If you require additional information, please contact me.

Sincerely,



Joseph A. Christofield, City Clerk

I, Joseph A. Christofield, City Clerk for the City of Florence, Kentucky, do hereby certify that the foregoing is a true and correct copy of 0-28-03 as same appears in the official records of my office.

Dated this 25<sup>th</sup> day of MAY, 2004.

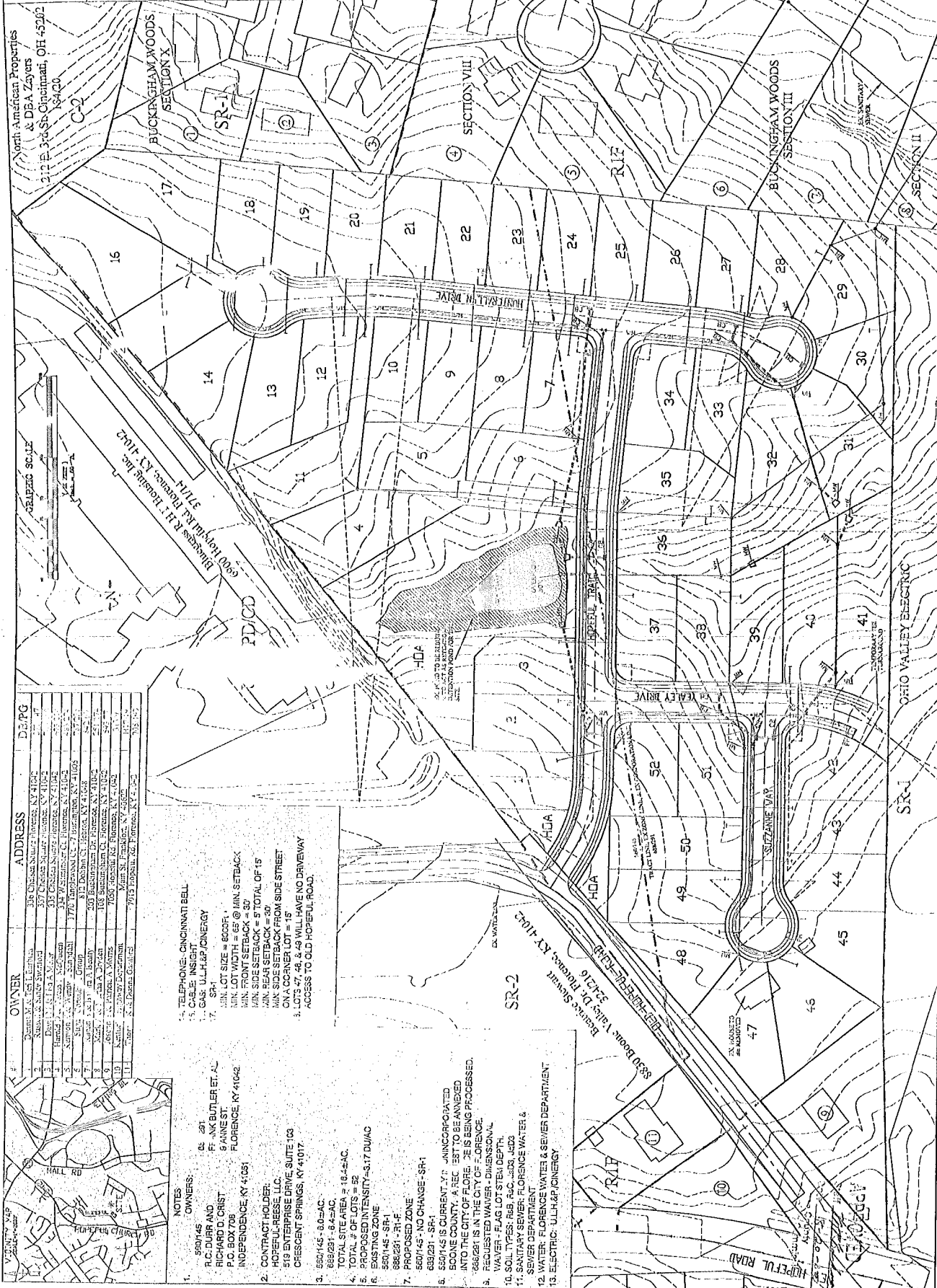


Florence City Clerk

CONCEPT PLAN FOR  
HOPEFUL TRAILS SUBDIVISION  
FLORENCE, BOONE COUNTY, KENTUCKY

VIOX & VIOX, INC.  
Engineers - Surveyors - Landscapers - Architects  
465 Orange Road  
Florence, Kentucky 41018  
Tel: 859-727-2093  
Fax: 859-727-8123  
e-mail: viox@aol.com

REV. A/J/L	DATE	REV.	REV.	REV.	REV.	REV.	REV.	PAGE
	7/1/03							1/1
SCALE	1"=30'	REF. #	20019	DATE	7/1/03	REV.	REV.	REV.



OWNER	ADDRESS	D.P.G.
1. Danna M. & L. L. Lumbina	318 Chesapeake Street, Florence, KY 41006	10000
2. Nancy & Nancy Starnard	337 Chesapeake Street, Florence, KY 41006	10000
3. Dan & L. L. Lumbina	335 Chesapeake Street, Florence, KY 41006	10000
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- NOTES
1. TELEPHONE: CINCINNATI BELL
  2. CABLE: INSIGHT
  3. GAS: ULL&P/CINERGY
  4. SR-1
  5. MIN. LOT SIZE = 6000 SF
  6. MIN. LOT WIDTH = 65 @ MIN. SETBACK
  7. MIN. FRONT SETBACK = 30'
  8. MIN. SIDE SETBACK = 15'
  9. MIN. REAR SETBACK = 30'
  10. MIN. SETBACK FROM SIDE STREET
  11. MIN. SETBACK FROM DRIVEWAY = 15'
  12. MIN. SETBACK FROM DRIVEWAY = 15'
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- NOTES
1. 590745 - 8A=AC
  2. 590745 - 8A=AC
  3. 590745 - 8A=AC
  4. TOTAL SITE AREA = 18.42=AC
  5. TOTAL # OF LOTS = 52
  6. PROPOSED INTENSITY = 3.17 DU/AC
  7. EXISTING ZONE
  8. 590745 - SR-1
  9. 688291 - RH-F
  10. PROPOSED ZONE
  11. 590745 - NO CHANGE - SR-1
  12. 689291 - SR-1
  13. 590745 IS CURRENTLY INCORPORATED INTO THE CITY OF FLORENCE, KY. IT IS TO BE ANNEXED INTO THE CITY OF FLORENCE, KY. IT IS BEING PROCESSED.
  14. 688291 IS IN THE CITY OF FLORENCE, KY.
  15. REQUESTED WAIVER - DIMENSIONAL
  16. WAIVER - FLAG LOT STEM DEPTH
  17. SOIL TYPES: RB, RSC, JRD, JDS
  18. SANITARY SEWER: FLORENCE WATER & SEWER DEPARTMENT
  19. WATER: FLORENCE WATER & SEWER DEPARTMENT
  20. ELECTRIC: ULL&P/CINERGY

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