

ANNEXATION REQUEST BY THE CITY OF FLORENCE FOR A
38.5 ACRE SITE OWNED BY SAMUEL AND SARA COMINS

JANUARY 25, 1989

This is an annexation request by the City of Florence for a 38.5 acre site owned by Samuel and Sara Comins, located north of old U.S. 42 and west of Pleasant Valley Road, Boone County, Kentucky. The property is currently zoned Rural Suburban (RS) and Suburban Residential One (SR-1) but is undergoing a Zoning Map Amendment request by Hills Developers, Inc. to change the zoning of the entire tract to Urban Residential One (UR-1) to allow a 256 unit condominium development. The Boone County Planning Commission recommended approval of that request to the Boone County Fiscal Court on December 7, 1988. The property owner is requesting the site be annexed into the City of Florence. In accordance with Kentucky Law, (K.R.S. 81A.420 AND K.R.S. 100.209, the City of Florence has requested that the Boone County Planning Commission hold a Public Hearing in order to make a recommendation regarding the effect of the annexation, if any, on the current zoning of the property.

SURROUNDING LAND USES AND ZONING

The existing Farmview Subdivision adjoins the north and west edges of the site. A portion of the single-family Farmview detached residential section is under construction along U.S. 42 and approval for the first phase of the condominium development immediately adjoining the site, was given in 1986. To the north, on the opposite side of Gunpowder Creek, are planned Farmview condominiums and a future designated public recreation area. Farmview is zoned Suburban Residential One/Planned Development (SR-1/PD). Section D, which adjoins the Comins property, is proposed to have 7.79 dwelling units per acre. Farmview, overall, is proposed to have an intensity of 4.38 units per acre.

To the northeast along U.S. 42 are agricultural uses on land that is currently zoned Rural Suburban (RS) and Suburban Residential One (SR-1). Across old U.S. 42 is also agriculturally used land that is currently zoned Rural Suburban Estate (RSE) and Suburban Residential One (SR-1). New U.S. 42 lies to the east of that area.

A portion of the Baird property east of the 38.51 acre site has recently been annexed to the City of Florence. The entire Farmview Subdivision is also within the City of Florence.

RELATIONSHIP TO COMPREHENSIVE PLAN

As reviewed during the Hills Developers Inc. Zoning Map Amendment, the Boone County Comprehensive Plan Future Land Use Map depicts the eastern approximately 40 percent of the site as future High Density Residential and the western approximately 60 percent of the site as Medium Density Residential. Page L-15 of the Land Use Element describes future development of the general area:

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"C-5 Union Area

This section as a whole will experience considerable residential growth both because of Union's current residential nature and effects from the urbanized Florence area. Much of the development will be in the form of subdivisions of low to medium density. The construction of the Mt. Zion Interchange will provide another major connection to the urban points of the county. Improvements to Mt. Zion Road between Union and this interchange, along with other infrastructure provisions in the form of water and sewer service, will make the areas along the arterials favorable for some multi-family construction. The U.S. 42 and Pleasant Valley area is already proposed for large planned residential developments. Additional schools will become necessary as a result."

Page H-21 of the Housing Element discusses residential development in the Union Area:

The expansion of public services into this area and the proposed Mt. Zion interchange will support considerable residential growth. Population projections show that very rapid growth will occur, and that the area will remain one of suburban character with single family residences being most common, except around the Mt. Zion interchange where higher density development may become feasible as infrastructure improvements are made. Any higher density uses should be clustered in areas northeast of the established Union area enabling them to be closer to major transportation routes and commercial areas."

Housing Types and Densities are discussed on pages H-17 through H-19:

"Housing Types

Although single-family homes are by far the most numerous, they are decreasing in their dominance of Boone County housing. Most new construction of single-family housing will take place on the outer rings of growth. The Union area has a high percentage of single-family housing (Table H-4), and 58 percent of all units in Union have been constructed since 1970. Areas such as Union will see multi-family construction, although this higher density development should occur close to arterials and urban services.

Densities

High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. Between high density and low density there should be a gradation or a buffer. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide

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buffer strips. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of the county, as noted in the environment element while also buffering differing land uses."

The Goals and Objectives of the Comprehensive Plan includes the following objective of the Housing Element:

- "7. Residential development plans shall insure the continuity of the interior street system with the system already built or planned in the neighboring areas, as well as provide for the coordination of this local system with the major transportation network."

PUBLIC FACILITIES

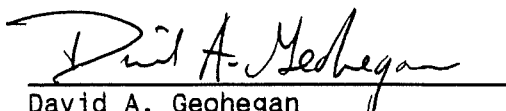
U.S. 42 is currently being reconstructed from Mall Road to a location just west of the Farmview Subdivision entrance. Existing U.S. 42 has become a minor street and connected to the new U.S. 42 by a spur at the entrance to Farmview. This intersection is planned to be signalized.

The applicant has indicated that little impact on enrollment should be felt by the school system because the proposed type of unit attracts mainly professional and retired people without children.

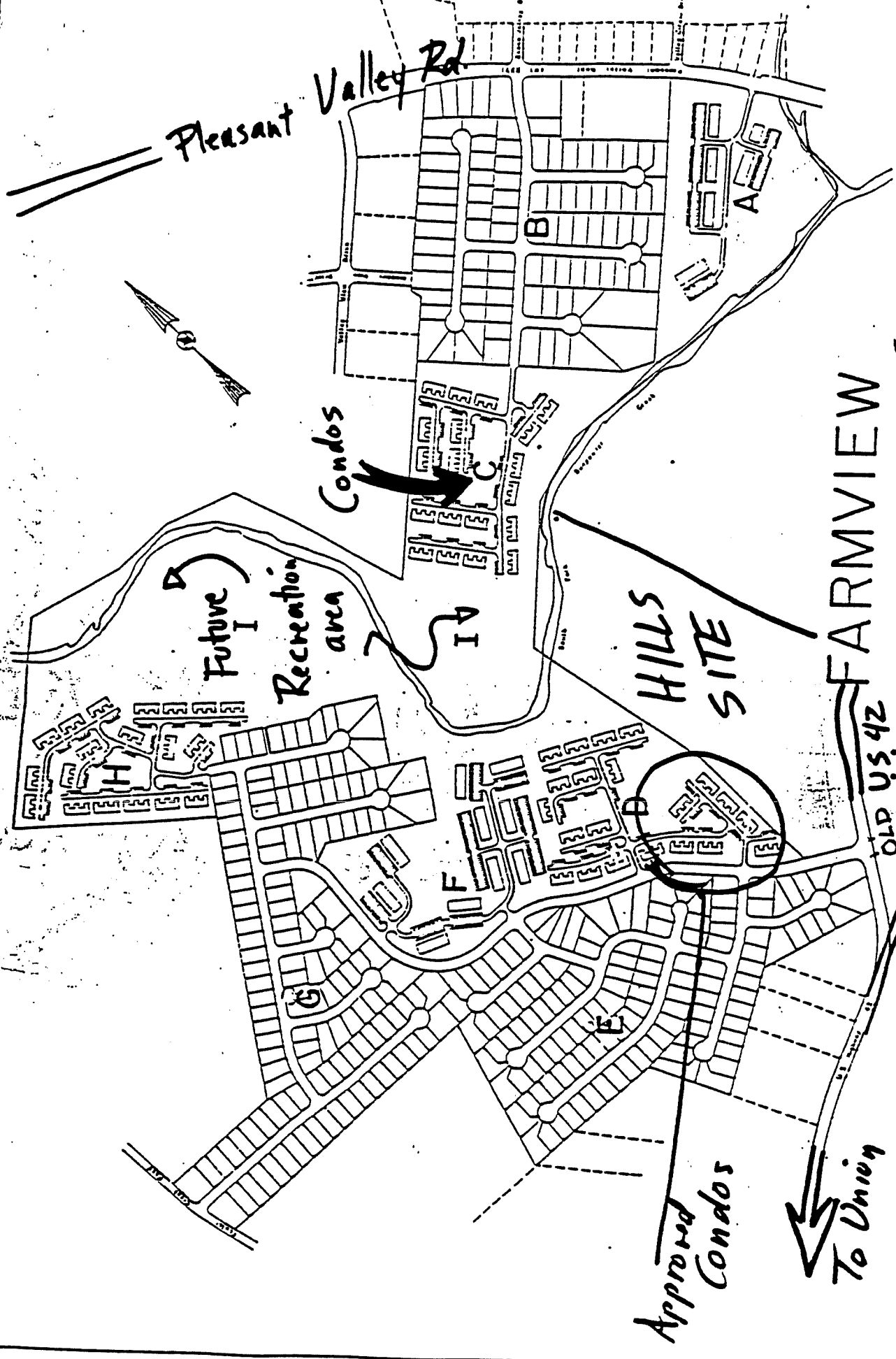
Adequate water service is available along U.S. 42 with the new City of Florence 16 inch line. Water service is one reason annexation is being requested. Sanitary sewerage includes a recently constructed 10 inch City of Florence line through the site. This line proceeds to an existing 12 inch Florence sewer line along Gunpowder Creek.

STAFF REVIEW

Staff believes that through the Hills Developers Inc. Zoning Map Amendment, all pertinent land use considerations were taken into account during the public hearing and subsequent Planning Commission recommendation for approval of the request. Staff believes that, as a result of the Findings of Fact referenced by the Planning Commission in the December 7, 1988 Committee recommendation for approval, the appropriate zoning for the 38.5 acre parcel is Urban Residential One (UR-1) as defined by the Hills Developers Inc. Concept Development Plan and conditions for approval agreed to by the applicant. Should the Zoning Map Amendment for Urban Residential One (UR-1) not be approved by the Boone County Fiscal Court, Staff believes that the existing zoning of Suburban Residential One (SR-1) and Rural Suburban (RS) can remain on the parcel because of its compatibility with existing, adjacent zoning districts. Any future Zoning Map Amendment requests on the site would need to properly address the development impacts as were addressed in the Hills Developers Inc. request.



David A. Geohegan
Planner/Plans Examiner
DAG:jdh



Pleasant Valley Rd.

Condos

Future Recreation area

FARMVIEW HILLS SITE

FARMVIEW

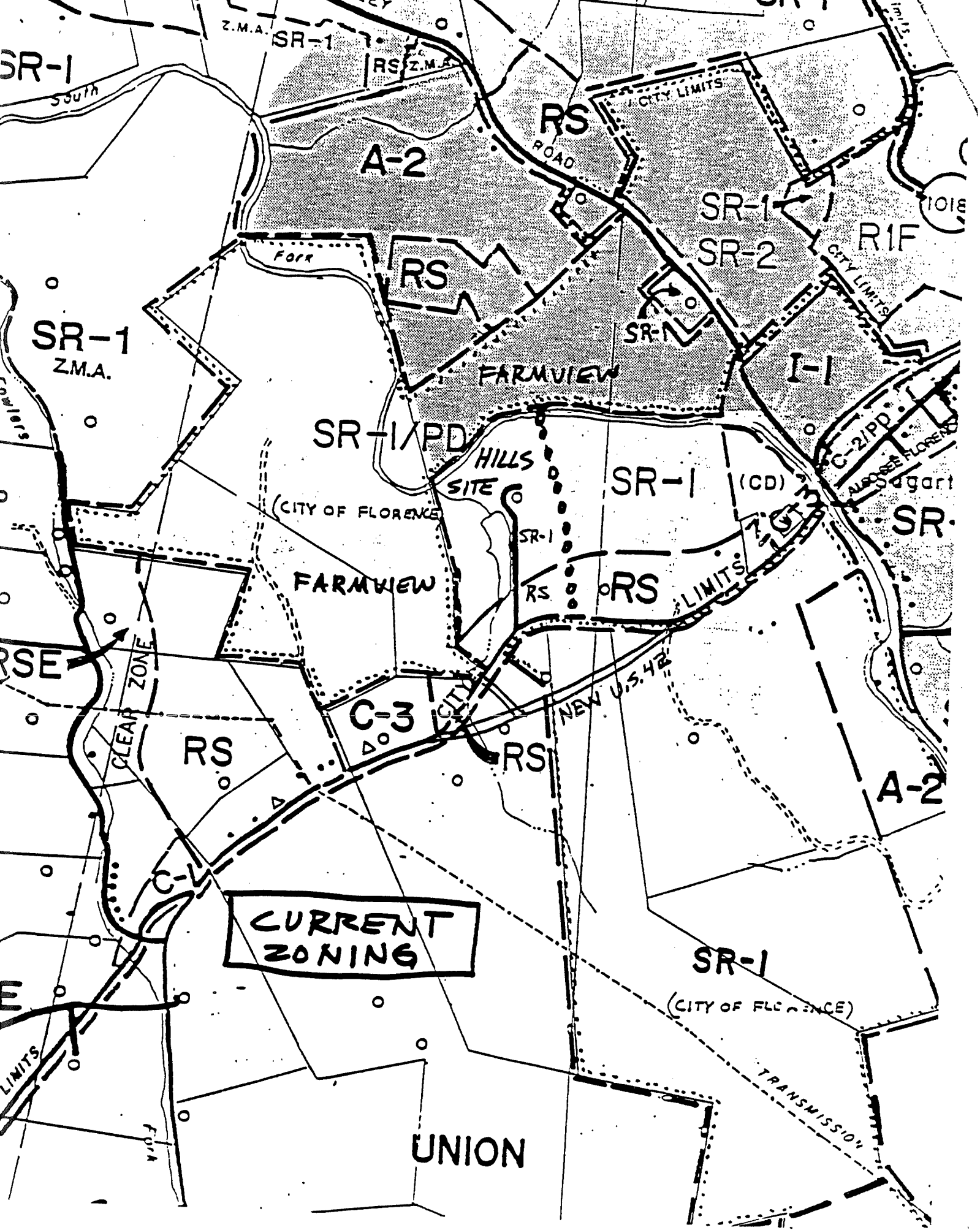
Old U.S. 42

Approved Condos

To Union

CONCEPT DEVELOPMENT PLAN

NEW U.S. 42



CURRENT ZONING

UNION

SR-1
(CITY OF FLORENCE)

SR-1/PPD

HILLS SITE

FARMVIEW

FARMVIEW

C-3

RS

RS

SR-1 (CD)

RS

A-2

SR-1

SR-2

RIF

A-2

RS

RS

SR-1
Z.M.A.

SR-1

Z.M.A.

SR-1

RS

South

Fork

CLEAR ZONE

RSE

E

LIMITS

Fork

TRANSMISSION

NEW U.S. 42

C-2/PPD
ALDOUSE FLORENCE
gart

SR

I-1

SR-1

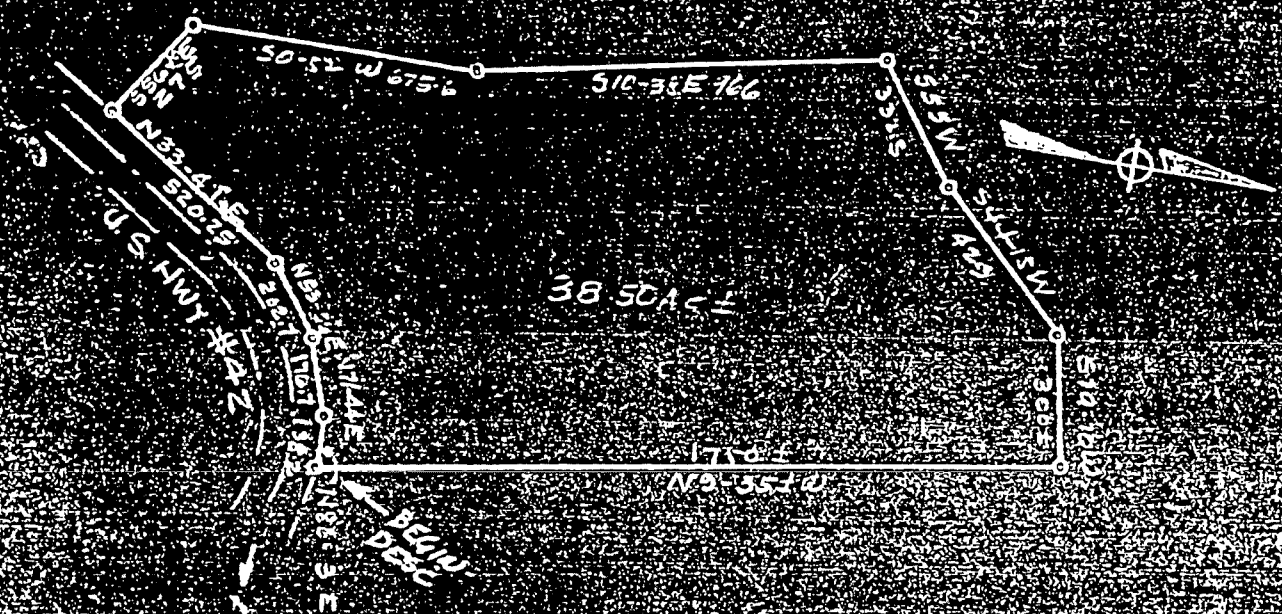
1018

EXHIBIT "A"

LEGAL DESCRIPTION

Located generally on the North side of U. S. Highway #42, approximately 3 miles southeast of Florence, Ky. and described more particularly by metes and bounds as follows: BEGINNING at the intersection of the East line of the original J. H. Henneguin farm property with a line 30 feet North at right angles of the centerline of U. S. Highway 42; thence with said East line of said farm property N 9-35 W 1750 feet to a point; thence S 79-10 W 300 feet to a point; S 44-15 W 429 feet to a point; S 55 W 332.5 feet to a point; a corner with the Espenbeck purchase; thence with the lines of said Espenbeck S 10-38 E 966 feet; S 0-52 W 675.6 feet to a point; S 56-19 E 279 feet to a point in the North right-of-way line (30 feet from center-line) of U. S. Hwy. 42; thence with said line of said highway with a tangent and chord of a curve therein N 33-41 E 520.25 feet, N 53-56 E 202.7 feet, N 71-44 E 176.7 feet, N 86-3 E 138.2 feet to the place of beginning; containing 38.51 acres, as shown by plat of survey prepared by Noel Walton, C.E., on June 3, 1960.

HENNE BUTTE



PART OF REMAINDER OF JAY HENNE
 QUIN FIELD TRACT

Scale 1"=500'		
Dated 6-2-66		
Surveyed with theodolite and tape		
for purposes of		

OTHER SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #3
January 25, 1989

Page 1

Chairman Viox introduced the third item on the Agenda:

3. Applicant: City of Florence
Request: Annexation

This was a Public Hearing on the request of the City of Florence (applicant) to determine the impact of annexation upon the current zoning of Rural Suburban (RS) and Suburban Residential One (SR-1) on a 38.5-acre site owned by Samuel and Sara Comins located on the north side of Old U.S. 42 and east of Farmview Drive, Boone County, Kentucky. The request is to hold a public hearing to determine the impact of annexation upon the current zoning.

Staff Member, Dave Geohegan, presented the Staff Report (see Staff Report).

The Chairman asked if there was anyone present who wished to speak in regard to this request or if there were any questions.

Mr. Dave Schneider, speaking in behalf of Hills Development Company, stated that this is a technicality. They had hoped for a dual public hearing for a recommendation on the zone change and annexation, but this was not possible due to the Christmas schedule. Since the Commission's recommendation to approve the zone change, they have met with the Planning and Zoning Committee of the City of Florence and they sent a letter asking for a recommendation in regard to the annexation. Second reading is scheduled for February. He stated that they are asking for the same recommendation as was made for the zone change, that being UR-1 zoning.

There being no further comments or questions, the Chairman stated that this item will be on the Agenda for the Business Meeting on February 1, 1989 at 8 P.M. and closed this Public Hearing.

APPROVED:


William R. Viox, Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

February 1, 1989 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:15 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Barnett
Mrs. Rita Bushelman
Mr. Melvin DeLong
Mr. R. N. Greene

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received copies of the Minutes of the Business Meeting of January 18, 1989, and the Public Hearings of January 25, 1989 and February 1, 1989. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mr. Jones seconded the motion and it carried unanimously.

Chairman Viox asked Mr. Fisk that if the motion passes, would he be ready in four weeks. Mr. Fisk stated that he would. He also agreed to have the information to the Staff by noon on February 24 or February 26, 1989.

The Chairman asked for a roll call vote on the motion made by Mr. Moore which found Mr. Collins, Mr. Moore, Mr. Neltner, Mr. Rush, Mr. Sharp, and Chairman Viox in favor. Mr. Burch, Mr. Damstrom, Mr. Jones, Mr. McMillian, and Mrs. Smith were opposed. The motion carried by a vote of 6 to 5.

3. Annexation into the City of Florence

The request of the City of Florence (applicant) to determine the impact of annexation upon the current zoning of Rural Suburban (RS) and Suburban Residential One (SR-1) on a 38.5-acre site owned by Samuel and Sara Comins located on the north side of old U.S. 42 and east of Farmview Drive, Boone County, Kentucky.

Mr. Gerald Newton, Director, read the Committee Report (see Committee Report).

Counselor Wilson stated that he assumes the Committee Report incorporates the existing Development Plan agreed to recently during the rezoning. Mr. Newton stated that the Committee Report refers to the Development Plan.

There being no further comments, Mr. Jones moved by resolution to the City of Florence that the Committee Report be adopted. Mr. Burch seconded the motion and it carried unanimously.

13. Site Plan Review

The request of Michael J. Ellert (applicant) for Wiltom Enterprise (owner) for Site Plan Review to construct a 1,000 sq. ft. building addition on a 0.5-acre site located at KY 18 and Hopeful Road, Florence, Kentucky. The Continental Baking Company site is zoned Commercail Two (C-2).

Mr. Doug Powell, Transportation Planner, presented the Staff Report (see Staff Report).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the Staff Report (see Committee Report).

There being no discussion, Mr. Collins moved that the request be approved based on the Staff and Committee Reports. Mr. McMillian seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Rector Jones, Chairman

DATE: February 1, 1989

RE: Request of the City of Florence (applicant) to determine the impact of annexation upon the current zoning of Rural Suburban (RS) and Suburban Residential One (SR-1) on a 38.5 acre site owned by Samuel and Sara Comins located on the north side of old U.S. 42 and east of Farmview Drive, Boone County, Kentucky. The request is to hold a public hearing to determine the impact of annexation upon the current zoning.

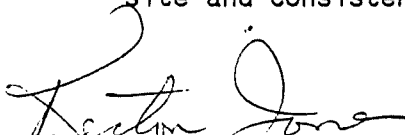
REMARKS:

We, the Committee, recommend that the current zoning of Suburban Residential One (SR-1) and Rural Suburban (RS) on this 38.5 acre site not be changed as a result of annexation. The Committee recommends also that the pending Urban Residential One (UR-1) zoning request be evaluated on its own basis and not the result of annexation. Based upon the following findings of fact, this annexation request has no effect on the current zoning or the zoning being requested by Hills Developers Inc. which is currently under review by the Boone County Fiscal Court.

FINDINGS OF FACT


- 1) The current zoning of Suburban Residential One (SR-1) and Rural Suburban (RS) is compatible with adjacent zoning and land uses both in the City of Florence and unincorporated Boone County. The current zoning reflects the current use of the 38.5 acre site and is the same zoning as found on several adjacent properties. The requested zoning of Urban Residential One (UR-1), as further defined by the proposed Hills Developers Inc. Concept Development Plan, is also compatible with adjacent zoning and land uses for the reasons contained in the December 7, 1988 Committee Report for approval.

- =====
- 2) The Boone County Comprehensive Plan contains several recommendations for medium and high density residential uses for the site as outlined in the November 30, 1988 Staff Report and December 7, 1988 Committee Report regarding the Hills Developers Zoning Map Amendment request. Through that request it was determined that the proposed uses under the requested Urban Residential One (UR-1) zoning district were appropriate for the 38.5 acre site and consistent with the Boone County Comprehensive Plan.

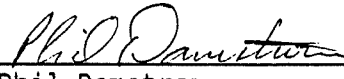


Rector Jones, Chairman

Larry Barnett



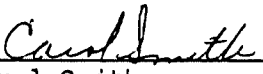
Fred Burch



Phil Damstrom



Barry Nejtner



Carol Smith

RC:bds

P+2
R-08-89

ORDINANCE NO. 0-12-89

AN ORDINANCE STATING THE INTENTION OF THE CITY OF FLORENCE, KENTUCKY TO ANNEX CERTAIN TERRITORY LOCATED GENERALLY ON THE NORTH SIDE OF OLD U.S. 42 AND EAST OF FARMVIEW DRIVE, BOONE COUNTY, KENTUCKY; AND SPECIFYING THE ZONING CLASSIFICATION FOR SUCH PROPERTY AFTER ANNEXATION. (COMINS PROPERTY)

WHEREAS, Samuel and Sara Comins, being the owners of record of certain territory adjacent to the City of Florence, Kentucky, have made a written request that the City annex such territory pursuant to K.R.S. 81A.412, and

WHEREAS, said owners have waived the provisions of K.R.S. 81A.460 and have consented to and requested immediate annexation of the territory, and

WHEREAS, the City of Florence, Kentucky has requested a recommendation from the Boone County Planning Commission, a county-wide planning unit established pursuant to Chapter 100 of the Kentucky Revised Statutes, concerning the zoning classification of the territory upon annexation in accordance with K.R.S. 81A.420(1), and

WHEREAS, by Resolution No. R-08-89 the Boone County Planning Commission has recommended that such territory be zoned Suburban Residential One (SR-1) after annexation.

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

SECTION I

The City finds that the hereinafter described unincorporated territory meets the requirements of K.R.S. 81A.410 and is as follows:

- (a.) Is contiguous to the boundaries of the City of Florence, Kentucky, and
- (b.) Is urban in character and suitable for development for urban purposes without unreasonable delay, and
- (c.) Is not included within the boundary of another incorporated city.

0-12-89 fgs

SECTION II

The City hereby declares that it is desirable to annex such unincorporated territory and hereby states its intention to annex such territory.

SECTION III

The boundary of the territory to be annexed, consisting of a 38.5 acre tract, is more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference.

SECTION IV

That the recommendation of the Boone County Planning Commission as to the zoning classification for the subject territory upon annexation is hereby adopted and approved, and the zoning classification after annexation for such territory shall be Suburban Residential One (SR-1) as shown on the Plat which is attached hereto and incorporated herein as Exhibit "B", subject to the findings of the Boone County Planning Commission and all provisions of a previously approved concept development plan for this property.

That upon annexation, the zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect the zoning classification for such territory as set out above.

PASSED AND APPROVED ON FIRST READING THIS 14th DAY OF MARCH, 1989.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 28th DAY OF MARCH, 1989.

APPROVED:

Royce D. Baker
MAYOR

ATTEST:

Patricia Conrad
CITY CLERK

ORDINANCE NO. 0-14-89

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY LOCATED GENERALLY ON THE NORTH SIDE OF OLD U.S. 42 AND EAST OF FARMVIEW DRIVE, BOONE COUNTY, KENTUCKY; AND SPECIFYING THE ZONING CLASSIFICATION FOR SUCH PROPERTY AFTER ANNEXATION. (COMINS PROPERTY)

WHEREAS, the City has previously enacted Ordinance No. 0-12-89 stating its intention to annex the hereinafter described unincorporated territory, and

WHEREAS, all of the owners of record of such territory have requested same be annexed pursuant to K.R.S. 81A.412 and such owners have duly waived the provisions of K.R.S. 81A.460, and

WHEREAS, pursuant to the recommendation of the Boone County Planning Commission under K.R.S. 81A.420(1) such territory shall be zoned Suburban Residential One (SR-1) after annexation.

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

SECTION I

That the territory described in Exhibit "A" which is attached hereto and incorporated herein by reference, shall be and the same is hereby annexed to the City of Florence, Kentucky.

SECTION II

That the recommendation of the Boone County Planning Commission (Resolution No. R-08-89) as to the zoning classifications for the subject territory upon annexation is hereby adopted and approved, and the zoning classification for such territory shall be Suburban Residential One (SR-1) as shown on the Plat which is attached hereto and incorporated herein as Exhibit "B".

That the zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect the zoning classification for such territory set out above.

SECTION III

That following the enactment and publication of this Ordinance, such territory shall become a part of the City of Florence, Kentucky, for all purposes.

PASSED AND APPROVED ON FIRST READING THIS 28th DAY OF March, 1989.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 11th DAY OF April, 1989.

APPROVED:

Roger W. Rolfe
MAYOR *bc*

ATTEST:

Stacy Coura
CITY CLERK

F9cl Ct

ORDINANCE NO. 0-16-89

AN ORDINANCE ESTABLISHING AND CLARIFYING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY RECENTLY ANNEXED TO THE CITY LIMITS OF THE CITY OF FLORENCE, KENTUCKY, LOCATED GENERALLY ON THE NORTH SIDE OF OLD U. S. HIGHWAY 42 AND EAST OF FARMVIEW DRIVE, THE ZONING CLASSIFICATION OF SUCH PROPERTY BY VIRTUE OF THIS ORDINANCE BEING URBAN RESIDENTIAL ONE (UR-1), WITH AND SUBJECT TO AGREED CONDITIONS OF SUCH ZONING CLASSIFICATION PURSUANT TO A DEVELOPMENT PLAN. (COMINS PROPERTY)

WHEREAS, the City of Florence, Kentucky, previously annexed certain property more particularly described in Exhibit "A", such annexation having occurred by enactment of Ordinance No. 0-14-89, and

WHEREAS, this same property was going through a rezoning procedure during the hearings relating to the annexation and zoning classification of the property upon annexation, and

WHEREAS, some confusion occurred relating to the zoning classification of the property upon annexation to the city limits of the City of Florence, Kentucky, and this confusion has been resolved by a recommendation from the Boone County Planning Commission to the effect that such property should be and is compatible with Urban Residential One (UR-1) zoning, subject to agreed conditions of a development plan, after annexation.

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

SECTION I

That the annexation of the subject property described in Exhibit "A" as enacted in Ordinance No. 0-14-89 shall remain in full force and effect and such property shall be and is annexed to the City of Florence, Kentucky.

SECTION II

That the recommendation of the Boone County Planning Commission set forth in Resolution No. R-08B-89 regarding the zoning classification for the subject property upon annexation is hereby adopted and approved, and the zoning classification for such property shall be Urban Residential One (UR-1). Further, the zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be amended or changed to reflect this zoning classification for this property.

SECTION III

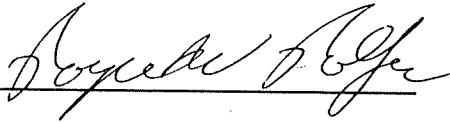
The zoning classification herein is subject to and conditioned upon the agreed provisions of a development plan submitted by the owners of the property for the rezoning of the subject property to Urban Residential One (UR-1). Further, all owners of record of the subject property have requested the annexation and rezoning of the property mentioned herein and have duly waived the provisions of K.R.S. 81A.460.

PASSED AND APPROVED ON FIRST READING THIS 25th DAY OF April, 1989.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 9th DAY OF May, 1989.

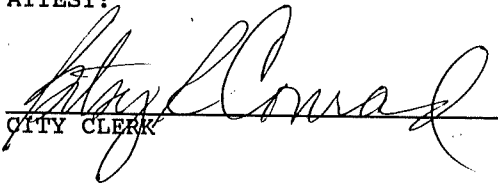
APPROVED:

MAYOR



ATTEST:

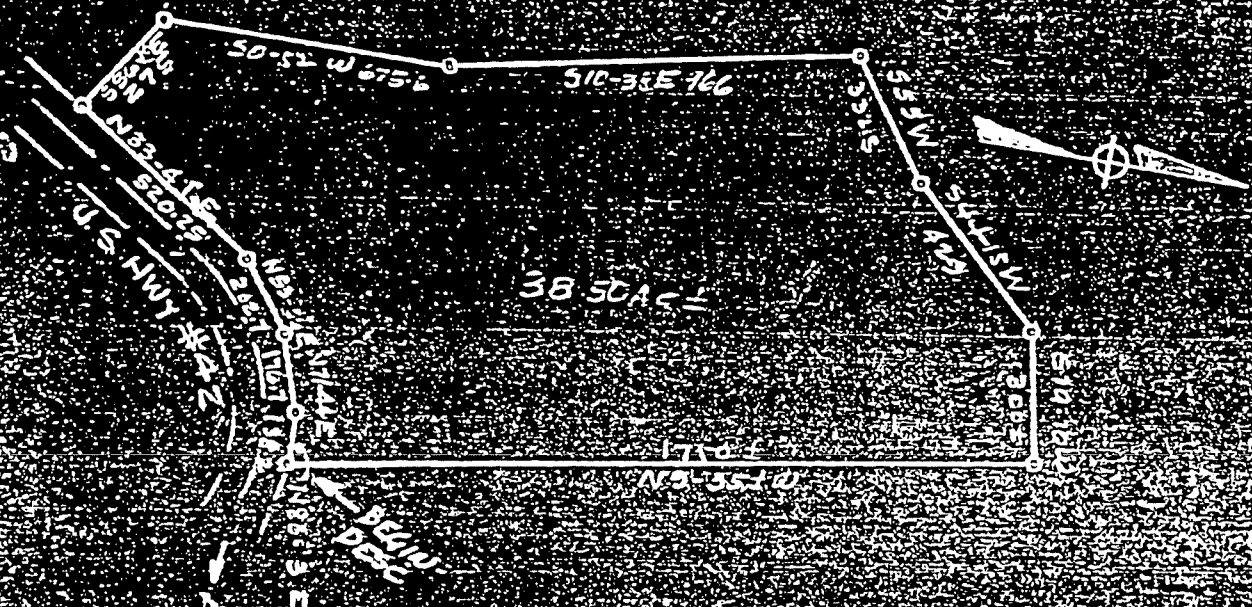
CITY CLERK



LEGAL DESCRIPTION

located generally on the North side of U. S. Highway #42, approximately 3 miles southwest of Florence, Ky, and described more particularly by metes and bounds as follows: BEGINNING at the intersection of the East line of the original J. H. Henneguin farm property with a line 30 feet North at right angles of the centerline of U. S. Highway 42; thence with said East line of said farm property N 9-35 W 1750 feet to a point; thence S 79-10 W 300 feet to a point; S 44-15 W 429 feet to a point; S 55 W 332.5 feet to a point; a corner with the Eschenbeck purchase; thence with the lines of said Eschenbeck S 10-38 E 966 feet; S 0-52 W 675.6 feet to a point; S 56-19 E 275 feet to a point in the North right-of-way line (30 feet from centerline) of U. S. Hwy. 42; thence with said line of said highway with a tangent and chord of a curve chasco N 33-41 E 520.25 feet; N 53-56 E 202.7 feet; N 71-44 E 176.7 feet; N 88-3 E 138.2 feet to the place of beginning; containing 36.51 acres, as shown by plat of survey prepared by Noel Walton, O.E., on June 3, 1960.

HENNE QUIN



PORTION REMAINDER OF J. L. HENNE
QUIN FARM TRACT

Area	38 50 A C
Perimeter	1710
Area	38 50 A C
Perimeter	1710