

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

(DEED Book 991
PAGE 445)

SECTION A (To be completed by applicant)

1. Name of Project REQUEST TO BUILD A SINGLE RESIDENCE *GROUP # 2039*
 2. Location of Project 062.00-00-024.02 *LOT ADJACENT to 8820+8830 BOONE VALLEY*
 3. Total Acreage of Site 1.3425 ACRES
 4. Current Zoning of Site SR-1/PD
 5. Proposed Zoning (Classification being requested) R1-F
 6. Proposed Uses (please specify each use) SINGLE RESIDENCE
-
7. Names of Applicant(s) MICHAEL C. + ANDRA L. BUTLER
Phone No. 647-2277 Fax No. _____ E-Mail m.butler@insightbb.com
 8. Address of Applicant(s) 8820 BOONE VALLEY DRIVE
FLORENCE KY 41091
City State Zip
 9. Name of Property Owner(s) SAME
Phone No. _____ Fax No. _____ E-Mail _____
 10. Address of Property Owner(s) _____
City State Zip
 11. Proposed Building Intensities (please specify) ONE SINGLE-RESIDENCE HOME
 12. Are there any existing buildings on the site? NO
How many? _____
 13. Deed Book 991 Page No. 445 Group No. 2039
 14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
 15. Have you submitted a Concept Development Plan? NO
 16. Have you had a pre-application meeting with BCPC Staff? YES
 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

EXHIBIT

“A”

STAFF REPORT

Request of **Michael C. Butler and Andra L. Butler (owners)** for a Zoning Map Amendment from Suburban Residential One/Planned Development (SR-1/PD) to Residential One Family (R1F) for a 1.3425 acre tract located at the terminus of Utterback Road approximately 130 feet west of Hopeful Church Road, and to the immediate north and east of the properties at 8820 and 8830 Boone Valley Drive, Boone County, Kentucky. The request is for a zone change in conjunction with a request for Annexation into the City of Florence.

March 6, 2013

REQUEST

The applicant is requesting this Zoning Map Amendment from Suburban Residential One/Planned Development (SR-1/PD) to Residential One Family (R1F) in order to construct a single family home on the 1.3425 acre tract. The subject property is located between Boone Valley Drive (via an easement) and Hopeful Church Road. The easement serves the existing Butler property at 8820 Boone Valley Drive and the Ryan property at 8830 Boone Valley Drive. There is also an existing single lane concrete bridge (privately owned) that crosses Rosetta Creek.

The maximum intensity in the Residential One Family (R1F) zone is four (4) dwelling units per acre with a minimum lot size of 10,000 square feet.

SITE HISTORY

In 1998, a request of the City of Florence (applicant) for Gloria J. Luebbers, Michael C. Butler and Andra L. Butler (owners) for a Zoning Map Amendment from Suburban Residential One/Planned Development (SR-1/PD) to Residential One Family (R1F), and annexation into the City of Florence, for the 1.15 acre tract adjacent to the subject property.

ADJACENT ZONING AND LAND USES

- North: The Parker property (10.52 acres) zoned Suburban Residential One/Planned Development (SR-1/PD).
- East: Hopeful Church Road and a gravel road referred to as Utterback Road (or Utterback Branch Road) that runs parallel along Rosetta Creek under the Hopeful Church Road bridge and ties into Hopeful Road.
- South: Single family homes zoned Suburban Residential One (SR-1) and Residential One Family (R1F) located along Rosetta Creek with access to Hopeful Church Road and Utterback Branch Road.
- West: Butler property at 8820 Boone Valley Drive zoned Residential One Family with an approved Concept Development Plan (R1F/CD) and the Ryan property at 8830 Boone Valley Drive zoned Suburban Residential One/Planned Development (SR-1/PD). Farther west are single family residences located within the Boone Valley Estates subdivision.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Suburban Density Residential (SR) and High Suburban Density (HSD). The Boone County Comprehensive Plan defines these classification as:

- SR: "Single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."
- HSD: "Single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks."

The Land Use Element within the 2010 *Boone County Comprehensive Plan* refers to this general area by stating:

"The remaining portions of this section of Boone County should develop in a Suburban Residential manner."

The adopted 2010 *Boone County Comprehensive Plan* Goals and Objectives include the following pertinent statements:

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- C. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- D. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community. ("Environment," Objective 2).

STAFF COMMENTS

1. A copy of the 1998 Committee Report recommending Approval with one Condition is attached to this Staff Report.

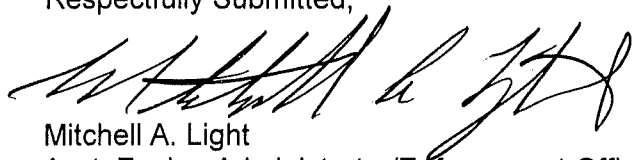
2. If approved, a Zoning Permit and Residential Building Permit must be obtained prior to the construction of the proposed home.

CONCLUSION

The Boone County Planning Commission and the City of Florence must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or,
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character.

Respectfully Submitted,

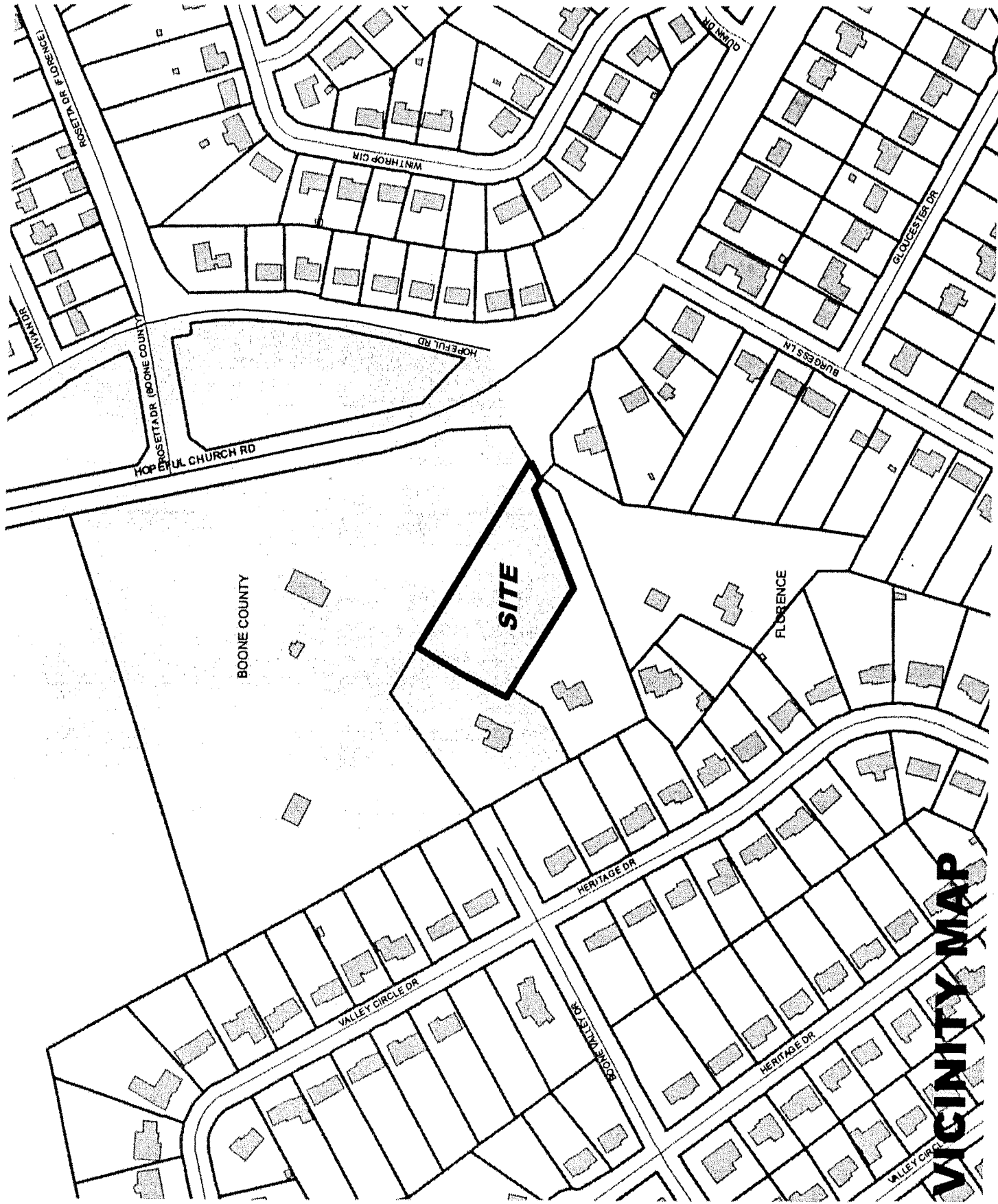


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

MAL/dw

Attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- Existing Topography
- 1998 Committee Report for Approval with Condition
- Residential One Family (R1F) Text
- E-mail from City of Florence Regarding Annexation
- Application



VICINITY MAP

HOPEFUL CHURCH RD

SR-1/PD

SITE
SR-1/PD

R1F

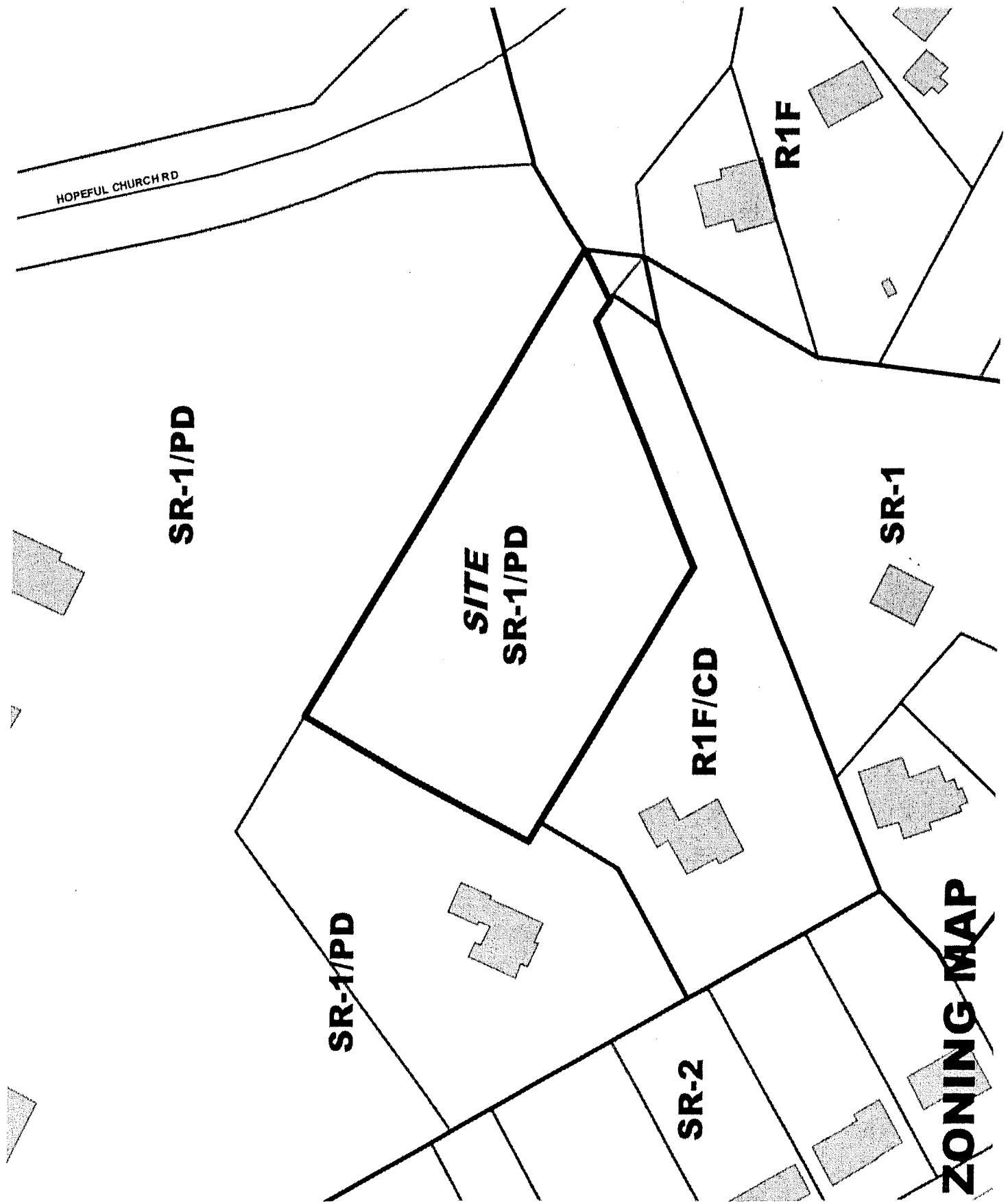
SR-1

R1F/CD

SR-1/PD

SR-2

ZONING MAP



HOPEFUL CHURCH RD

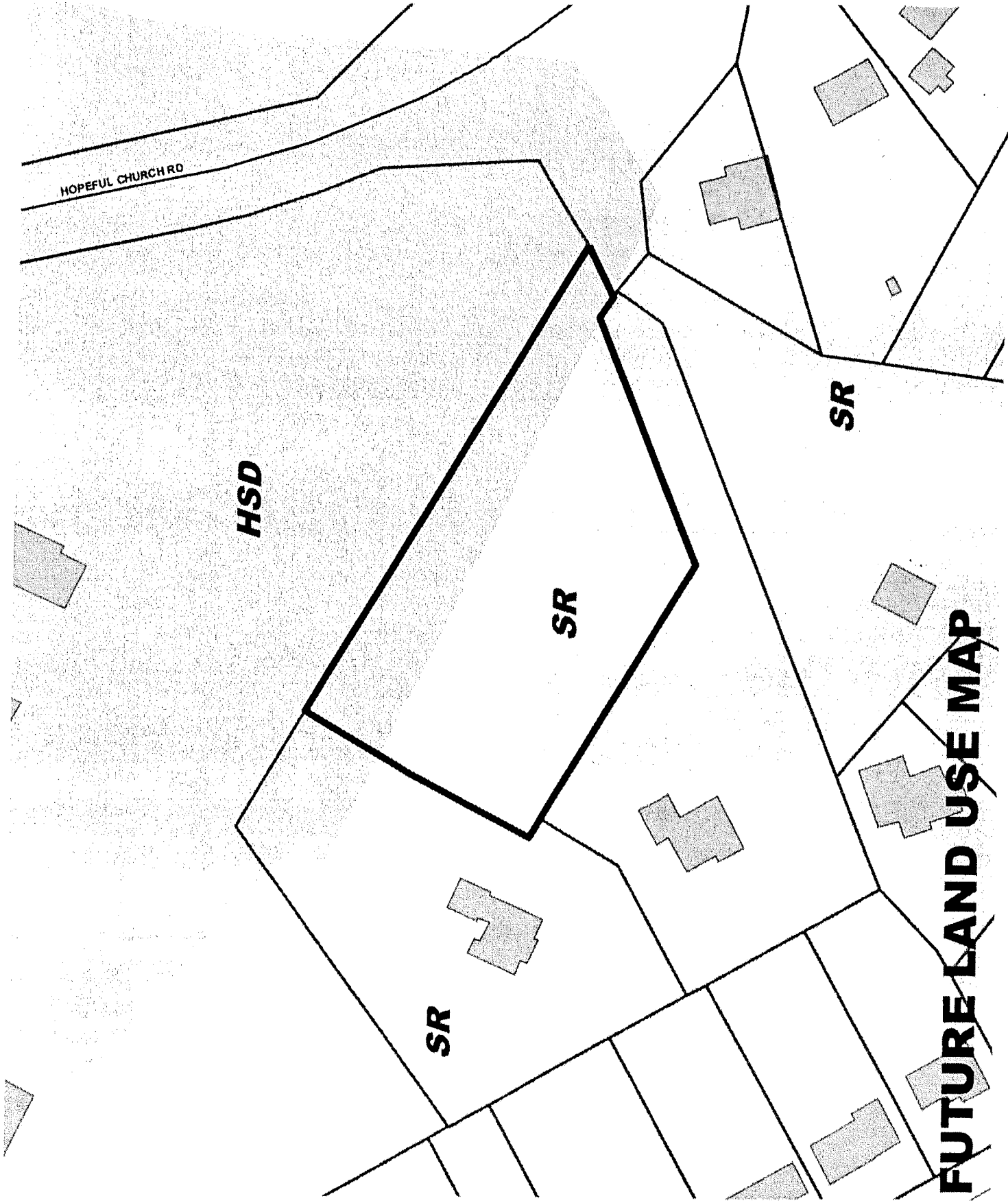
HSD

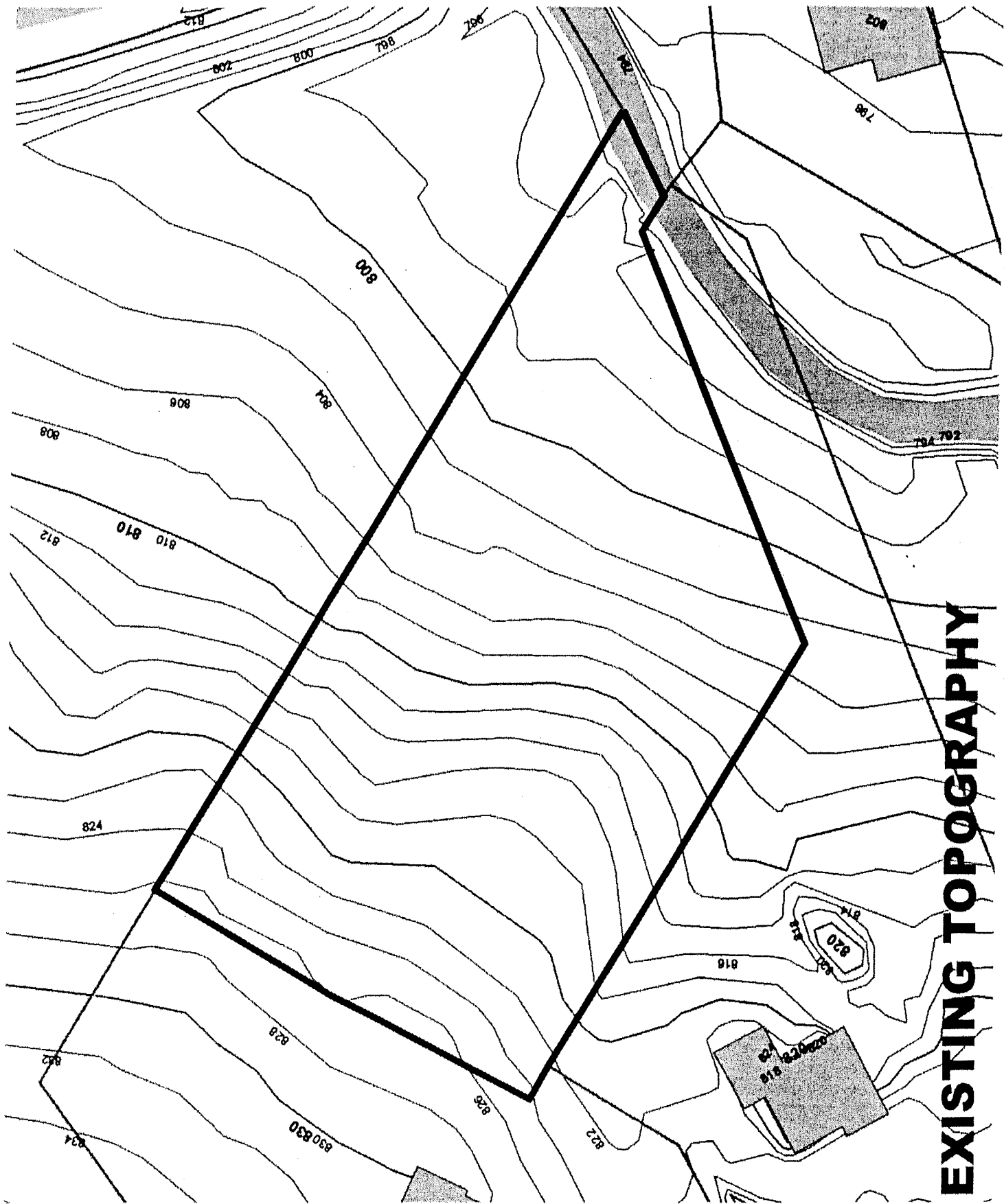
SR

SR

SR

FUTURE LAND USE MAP





EXISTING TOPOGRAPHY

AMENDED AT THE OCTOBER 21, 1998 BUSINESS MEETING
COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Earl White, Chairman

DATE: October 21, 1998

RE: Request of The City of Florence (applicant) for Gloria J. Luebbers, Michael C. Butler, and Andra L. Butler (owner) to consider a Zoning Map Amendment from Suburban Residential One/Planned Development (SR-1/PD) to Residential One Family (R1F) for an approximate 1.15 acre tract that is located on the west side of Utterback Branch Road approximately 150 feet west of Hopeful Church Road, and that is located immediately east of Boone Valley Subdivision, Boone County, Kentucky. The request is for a zone change in conjunction with a request for annexation into the City of Florence.

Remarks:

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact:

Findings of Fact:

1. The Committee has determined that the proposed Zoning Map Amendment is appropriate for the property located on the west side of Utterback Branch Road approximately 150 feet west of Hopeful Church Road. The Committee's decision is based on the fact that the applicant's request is in agreement with the Boone County Comprehensive Plan and the Future Land Use Map.

The Future Land Use Map of the Boone County Comprehensive Plan classifies this site as High Suburban Density Residential which is described as single family and/or attached housing of up to eight dwelling units per acre. The intent of the proposal is to build only one dwelling unit on the 1.15 acres.

The Land Use Text of the Boone County Comprehensive Plan states that "Hopeful Road should continue to serve as a residential corridor, and no commercial uses should occur past the KY 18 or US 42 frontage properties"(pg.222). The Land Use Text also states that "the large area between Hopeful Road and Oakbrook Road, south of KY 18 to Pleasant Valley Road, should develop in a Suburban Residential fashion"(pg.222). This proposal maintains the residential character of the area as recommended in the Boone County Comprehensive Plan.

Condition

The approximate 1.15 acre site will be limited in its use to one single family residence and the accessory uses allowed in the Residential One Family (R1F) zoning district.

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.

Earl White
Earl White, Chairman
For Against _____
Abstain _____ Absent _____

Arnold Caddell
Arnold Caddell
For Against _____
Abstain _____ Absent _____

Phil Damstrom
Phil Damstrom
For Against _____
Abstain _____ Absent _____

Barry Neftner
Barry Neftner
For Against _____
Abstain _____ Absent _____

William Viox
William Viox
For Against _____
Abstain _____ Absent _____

TOTAL: 5 FOR — AGAINST — ABSTAIN — ABSENT

2. The display of mobile homes for sale from individual mobile home lots (Site Plan Review required). (Each lot shall meet the minimum size requirements as indicated in Table 1 of Article 31 [unless a pre-existing lot of record] and shall meet the minimum parking requirements for a Mobile Home Park district. Such use shall be allowed only in a previously approved Mobile Home Park. An area for mobile home sales and display shall be designated on the Site Plan with only one mobile home allowed to be displayed on each lot. Provisions for adequate pedestrian access, landscaping, and unit skirting shall be required to protect the residential intent of the district;
3. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

SECTION 988

Intensity

The intensity of use in a Mobile Home Park shall not average more than seven (7) mobile home units per acre.

SECTION 989

Minimum Size

The minimum size and extent of a Mobile Home Park district, including all the contiguous private property so designated, shall not be less than (10) acres.

SECTION 990

Minimum Standards

All permitted, accessory and conditional uses, buildings and structures in this district are subject to:

1. The supplemental, parking and loading, signage regulations of this ordinance order; for individually owned lots the front setback shall be measured from the public right-of-way, edge of easement for private streets, or edge of pavement where no right-of-way or private street easement exists;
2. Requirements of Kentucky Mobile Home and Recreation Vehicle Park regulations specifically including K.R.S. Section 219.310 through 219.410; Permits as required under K.R.S. Section 219.310 through 219.410 shall be included with application for Site Plan Review;
3. Each mobile home shall be provided with adequate anchorage and tie-downs;
4. Any other requirements imposed by the Boone County Health Department or local Building Code;
5. Each mobile home park shall have an appropriate landscape buffer, which shall be located along the perimeter of the site (See Article 31).

SECTION 991

RESIDENTIAL ONE FAMILY (R-1F)

The purpose of the Residential One Family is to provide low density urban residential development, that is single-family residential in character. Such districts will be located within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed.

SECTION 992

Principally Permitted Uses

The following uses are permitted:

1. Detached single-family dwelling units;
2. Recreation defined in this district to be open space parks, hiking areas and trails, bikeway systems and picnicking areas.

SECTION 993

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Accessory uses for a dwelling unit including:
 - a. Private garage and parking (See Article 33);
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds, private greenhouses and gazebos;
 - d. Storage of a recreational vehicle or unit (According to Article 31);
 - e. Private swimming pool, sauna, bathhouse;
 - f. The keeping and use of pets;
2. Signage (According to Article 34);
3. Temporary buildings incidental to construction.
4. Clubhouses, community centers and similar common assembly or shared facilities;
5. Family day care.

SECTION 994

Conditional Use and Criteria

The following use and their appropriate accessories are subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a principally permitted use; or b) the activity will not contradict the low density character of the district; and c) the arrangement of the uses, buildings, and structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Churches, synagogues, temples, and other place of religious assembly for worship (Site Plan Review required);
2. Cemeteries including mausoleums (Site Plan Review required);
3. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

SECTION 995

Intensity

The intensity of the use in a Residential One Family district shall not exceed four (4) dwelling units per acre.

SECTION 996

Minimum Size

The minimum size and extent of a Residential One Family district, including all contiguous private property so designated, shall not be less than five (5) acres.

SECTION 997

Minimum Standards

See Article 31 for dimensional standards and for developing conventional residential subdivisions.

Mitch Light

From: Kevin Wall
Sent: Tuesday, February 12, 2013 3:07 PM
To: Mitch Light; Kevin Costello
Subject: FW: Annexation - Michael & Andra Butler property

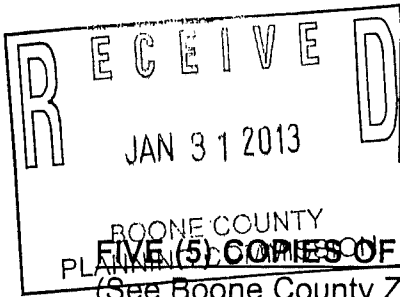
From: Joshua Wice [mailto:Joshua.Wice@Florence-KY.gov]
Sent: Tuesday, February 12, 2013 3:02 PM
To: Kevin Wall
Cc: Bob Townsend; Tom Szurlinski
Subject: Annexation - Michael & Andra Butler property

Kevin-

This is to make BCPC aware that the City of Florence intends to annex the 1.3425 acre tract located at the terminus of Utterback Road approximately 130 feet west of Hopeful Church Road and to the immediate north and east of the properties at 8820 and 8830 Boone Valley Drive at the request of the property owner. It is our aim for Florence City Council to take first reading of the annexation request within the next couple of weeks, with final reading for annexation in conjunction with consideration of any recommendation from BCPC on the zone change for this same property.

Joshua R. Wice
Director, Business & Community Development
City of Florence, Kentucky
8100 Ewing Boulevard
Florence, KY 41042-7588
Ph: (859) 647-8177
Fx: (859) 647-5411
Joshua.Wice@florence-ky.gov

APPLICATION FORM



ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

(DEED Book 991
PAGE 445)

SECTION A (To be completed by applicant)

1. Name of Project REQUEST to BUILD A SINGE RESIDENCE *GROUP # 2039* *P&Z CODE NO. 4928*
 2. Location of Project PN 062.00-00-024.02 (LOT ADJACENT to 8820+8830 BOONE VALLE
 3. Total Acreage of Site 1.3425 ACRES
 4. Current Zoning of Site SR-1/PD
 5. Proposed Zoning (Classification being requested) R1-F
 6. Proposed Uses (please specify each use) SINGE RESIDENCE
-
7. Names of Applicant(s) MICHAEL C. + ANDRA L. BUTLER
Phone No. 647-2277 Fax No. _____ E-Mail m.butler@insightbb.com
 8. Address of Applicant(s) 8820 BOONE VALLEY DRIVE
FLORENCE KY 41091
City State Zip
 9. Name of Property Owner(s) SAME
Phone No. _____ Fax No. _____ E-Mail _____
 10. Address of Property Owner(s) _____
City State Zip
 11. Proposed Building Intensities (please specify) ONE ~~SINGLE-FAMILY RESIDENCE~~
SINGLE-RESIDENCE HOME
 12. Are there any existing buildings on the site? NO
How many? _____
 13. Deed Book 991 Page No. 445 Group No. 2039
 14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
 15. Have you submitted a Concept Development Plan? NO
 16. Have you had a pre-application meeting with BCPC Staff? YES
 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Ben Brandstetter, Temporary Presiding Officer
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mr. Charlie Reynolds
Ms. Susan Schultz

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Mitchell A. Light, Assistant Zoning Administrator/ZEO

Mr. Rolfsen, Chairman, called the Public Hearing to order at 8:13 P.M. and introduced the next item on the Agenda:

ZONING MAP AMENDMENT - Mitch Light, Staff

2. Request of **Michael C. Butler and Andra L. Butler (owners)** for a Zoning Map Amendment from Suburban Residential One/Planned Development (SR-1/PD) to Residential One Family (R1F) for a 1.3425 acre tract located at the terminus of Utterback Road approximately 130 feet west of Hopeful Church Road, and to the immediate north and east of the properties at 8820 and 8830 Boone Valley Drive, Boone County, Kentucky. The request is for a zone

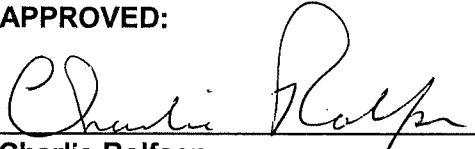
Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). Mr. Light referred to a vicinity map of the subject site. It is located between Boone Valley Drive via an access easement and Hopeful Church Road. The easement, which serves the Butler property at 8820 Boone Valley Drive also serves the Ryan property at 8830 Boone Valley Drive. There is also an existing single lane concrete bridge (privately owned) that crosses Rosetta Creek. The maximum intensity in the Residential One Family (R1F) zone is four (4) dwelling units per acre with a minimum lot size of 10,000 square feet. In regard to site history, in 1998 there was a request by the City of Florence (applicant) for Gloria J. Luebbers, Michael C. Butler and Andra L. Butler for a Zoning Map Amendment from SR-1/PD to R1F, and annexation into the City of Florence, for a 1.15 acre tract adjacent to the subject property. Mr. Light stated that the applicant has acquired the adjacent lot so he can allow his brother to build a house next to him. This tract is also being annexed into the City of Florence. Final action on the annexation will occur when the City of Florence takes action on the zone change request. Mr. Light proceeded to show slides of the adjoining land uses and zoning. The Future Land Use Map shows the subject property as Suburban Density Residential (SR), up to 4 units per acre and High Suburban Density (HSD), up to 8 units per acre. Most of it is designated SR. The topo of the site drops quite a bit from 824 feet down to 796 feet near the creek. Water and sanitary sewer lines are available. Mr. Light referred to an aerial photograph and other photographs showing the location of the access easement, the one lane concrete bridge adjoining properties and the subject site. In terms of Staff Comments, Mr. Light stated that a copy of the 1988 Committee Report recommending approval with one condition is attached to the Staff Report and if approved, a Zoning Permit and Residential Building Permit must be obtained prior to the construction of the proposed home. Mr. Light concluded that the Planning Commission must make a recommendation based upon the 3 criteria for approving denying a Zoning Map Amendment application. Mr. Light also noted the attachments that are included in the Staff Report.

Chairman Rolfsen asked if the applicant was present. Mr. Michael C. Butler (applicant) stated that he had a purchase agreement with his brother Tom Butler to sell the lot contingent on the zone change and annexation requests in order to develop the parcel for a single-family residence.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing no one, Chairman Rolfsen asked if the Planning Commission members had any questions or comments?

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 20, 2013 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on April 3, 2013 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:22 P.M.

APPROVED:


Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING**

APRIL 3, 2013

7:00 P.M.

Chairman Rolfsen welcomed the audience to the Planning Commission's April 3rd Business Meeting. He invited everyone to join him in reciting the Pledge of Allegiance.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Ben Brandstetter, Temporary Presiding Officer
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Ms. Susan Schultz
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Mark Hicks
Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner

Approval of the Minutes:

Mr. Rolfsen stated that the Commissioners received copies of the Minutes of the March 6, 2013 Business Meeting and Public Hearings. He asked if there were any comments or corrections. There being no changes to the Minutes, **Mr. Ford moved that the Minutes be approved as written. Mr. Bunger seconded the motion and it carried unanimously.**

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT AND VARIANCES - Kevin Wall, Staff; Ben Brandstetter, Chairman

1. Request of **Old US 42 Development, LLC (owner)** for a Zoning Map Amendment from Commercial Two/Planned Development (C-2/PD) to Commercial Two (C-2) and Variances for a 4.0576 acre site located at 8427 US 42, Florence, Kentucky. The request is for a zone change for a redevelopment of the site for uses permitted in the C-2 zone, and for dimensional Variances for reductions from the 30 foot front yard and 15 foot corner side yard building setbacks, and 10 foot street frontage landscape areas, along US 42 and Old US 42.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval subject to conditions. Mr. Wall noted that the Committee voted unanimously to approve the request with Mr. Brandstetter and Mr. Bunger voting in favor of the request.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a 5 minute time limit. Mr. David Wallace, attorney representing the owner, thanked the Committee and stated that his client was in agreement with the Committee's recommendation.

Seeing no one else, Chairman Rolfsen asked if there was a motion to take action on the request?

Mr. Brandstetter moved to approve both the Zoning Map Amendment request and the Variance requests by Resolution to the City of Florence based upon the Committee Report. Mr. Bunger seconded the motion and it passed unanimously.

ZONING MAP AMENDMENT - Mitch Light, Staff; Kim Bunger, Chairman

2. Request of **Michael C. Butler and Andra L. Butler (owners)** for a Zoning Map Amendment from Suburban Residential One/Planned Development (SR-1/PD) to Residential One Family (R1F) for a 1.3425 acre tract located at the terminus of Utterback Road approximately 130 feet west of Hopeful Church Road, and to the immediate north and east of the properties at 8820 and 8830 Boone Valley Drive, Boone County, Kentucky. The request is for a zone change in conjunction with a request for Annexation into the City of Florence.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval subject to conditions. Mr. Wall noted that the Committee voted unanimously to approve the request with Mr. Brandstetter and Mr. Bunger voting in favor of the request.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a 5 minute time limit. Mr. Michael Butler, owner, stated that he was in agreement with the Committee's recommendation.

Mr. Costello stated that the site is located in unincorporated Boone County and is in the process of being annexed into the City of Florence. Typically, the Planning Commission's recommendation will be sent to the City of Florence and the Boone County Fiscal Court should the annexation not occur for any reason. If the annexation does not occur, then the County would have an opportunity to take final action on the Zoning Map Amendment. Mr. Butler stated that in order to get access to utilities, the site needs to be annexed.

At this time, Mr. Bungler moved to approve the request based upon the Committee Report by Resolution to the City of Florence and to the Boone County Fiscal Court. Mr. Schwenke seconded the motion.

Mr. McMillian asked which happens first - the annexation or the zone change? Mr. Wilson stated that when the City of Florence has first reading of an ordinance approving the zone change, they can include a provision for the annexation to occur at the same time. The County will not act unless the City of Florence decides not to annex the property.

Chairman Rolfsen asked for a vote on the original motion made by Mr. Bungler and seconded by Mr. Schwenke. The motion passed unanimously.

TECHNICAL/DESIGN REVIEW - Mitch Light, Staff; Jim Longano, Chairman

3. Golden Corral - 4770 Houston Road

Mr. McMillian moved to defer the request until the May 1, Business Meeting. Mr. Ford seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW - Mitch Light, Staff; Jim Longano, Chairman

4. Liberty Mutual Insurance - 500 Meijer Drive

Staff Member, Kevin Wall, presented the request (see PowerPoint presentation). The request involves a building mounted sign located on an office building located across from the Home Depot parking lot. The proposed sign will be located on the right top corner of the building. The sign is 93.6 square feet in size and will involve channel letters for Liberty Mutual Insurance. The applicant is allowed 100 square feet and the style of the sign is comparable to signs already in the area. Mr. Wall stated that the Technical/Design Review Committee met prior to the Business Meeting and unanimously recommended approval.

Mr. Longano moved to approve the request based upon the Committee Report. Mr. Turner seconded the motion and it passed unanimously.

TECHNICAL/DESIGN REVIEW - Mitch Light, Staff; Jim Longano, Chairman

5. Panda Express - 6805 Houston Road

Staff Member, Todd Morgan, presented the request (see PowerPoint presentation). Panda

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: April 3, 2013

RE: Request of **Michael C. Butler and Andra L. Butler (owners)** for a Zoning Map Amendment from Suburban Residential One/Planned Development (SR-1/PD) to Residential One Family (R1F) for a 1.3425 acre tract located at the terminus of Utterback Road approximately 130 feet west of Hopeful Church Road, and to the immediate north and east of the properties at 8820 and 8830 Boone Valley Drive, Boone County, Kentucky. The request is for a zone change in conjunction with a request for Annexation into the City of Florence.

REMARKS:

We, the Committee, recommend approval of this request based upon the following findings of fact and with the following conditions:

Findings of Fact

1. The Committee has concluded that the request is in agreement with the 2010 Boone County Comprehensive Plan for the following reasons:
 - A. The Future Land Use Map of the 2010 Comprehensive Plan shows the majority of the subject property as Suburban Density Residential (SR):

SR: "Single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."
 - B. The Land Use Element within the 2010 *Boone County Comprehensive Plan* refers to this general area by stating:

"The remaining portions of this section of Boone County should develop in a Suburban Residential manner."
2. The Committee has concluded that the request is in agreement with the 2010 Goals and Objectives of the Boone County Comprehensive Plan for the following reasons:

Overall, Objective 4, states "Future growth shall be accompanied by adequate

infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed.”

Environment, Objective 2, states “New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community.”

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The 1.3425 acre tract will be limited in its use to one single family residence and the accessory uses allowed in the Residential One Family (R1F) zoning district.
2. A Zoning Permit and Residential Building Permit must be obtained prior to the construction of the proposed home.

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/Concept Plan Committee Vote.

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Ben Brandstetter, Temporary Presiding Officer
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mr. Charlie Reynolds
Ms. Susan Schultz

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Mitchell A. Light, Assistant Zoning Administrator/ZEO

Mr. Rolfsen, Chairman, called the Public Hearing to order at 8:13 P.M. and introduced the next item on the Agenda:

ZONING MAP AMENDMENT - Mitch Light, Staff

2. Request of **Michael C. Butler and Andra L. Butler (owners)** for a Zoning Map Amendment from Suburban Residential One/Planned Development (SR-1/PD) to Residential One Family (R1F) for a 1.3425 acre tract located at the terminus of Utterback Road approximately 130 feet west of Hopeful Church Road, and to the immediate north and east of the properties at 8820 and 8830 Boone Valley Drive, Boone County, Kentucky. The request is for a zone

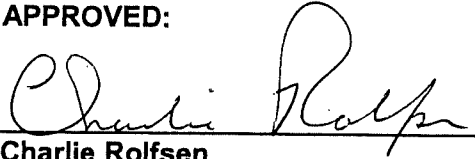
Staff Member, Mitch Light, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). Mr. Light referred to a vicinity map of the subject site. It is located between Boone Valley Drive via an access easement and Hopeful Church Road. The easement, which serves the Butler property at 8820 Boone Valley Drive also serves the Ryan property at 8830 Boone Valley Drive. There is also an existing single lane concrete bridge (privately owned) that crosses Rosetta Creek. The maximum intensity in the Residential One Family (R1F) zone is four (4) dwelling units per acre with a minimum lot size of 10,000 square feet. In regard to site history, in 1998 there was a request by the City of Florence (applicant) for Gloria J. Luebbers, Michael C. Butler and Andra L. Butler for a Zoning Map Amendment from SR-1/PD to R1F, and annexation into the City of Florence, for a 1.15 acre tract adjacent to the subject property. Mr. Light stated that the applicant has acquired the adjacent lot so he can allow his brother to build a house next to him. This tract is also being annexed into the City of Florence. Final action on the annexation will occur when the City of Florence takes action on the zone change request. Mr. Light proceeded to show slides of the adjoining land uses and zoning. The Future Land Use Map shows the subject property as Suburban Density Residential (SR), up to 4 units per acre and High Suburban Density (HSD), up to 8 units per acre. Most of it is designated SR. The topo of the site drops quite a bit from 824 feet down to 796 feet near the creek. Water and sanitary sewer lines are available. Mr. Light referred to an aerial photograph and other photographs showing the location of the access easement, the one lane concrete bridge adjoining properties and the subject site. In terms of Staff Comments, Mr. Light stated that a copy of the 1988 Committee Report recommending approval with one condition is attached to the Staff Report and if approved, a Zoning Permit and Residential Building Permit must be obtained prior to the construction of the proposed home. Mr. Light concluded that the Planning Commission must make a recommendation based upon the 3 criteria for approving denying a Zoning Map Amendment application. Mr. Light also noted the attachments that are included in the Staff Report.

Chairman Rolfsen asked if the applicant was present. Mr. Michael C. Butler (applicant) stated that he had a purchase agreement with his brother Tom Butler to sell the lot contingent on the zone change and annexation requests in order to develop the parcel for a single-family residence.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing no one, Chairman Rolfsen asked if the Planning Commission members had any questions or comments?

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 20, 2013 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on April 3, 2013 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:22 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: March 20, 2013

RE: Request of **Michael C. Butler and Andra L. Butler (owners)** for a Zoning Map Amendment from Suburban Residential One/Planned Development (SR-1/PD) to Residential One Family (R1F) for a 1.3425 acre tract located at the terminus of Utterback Road approximately 130 feet west of Hopeful Church Road, and to the immediate north and east of the properties at 8820 and 8830 Boone Valley Drive, Boone County, Kentucky. The request is for a zone change in conjunction with a request for Annexation into the City of Florence.

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.

Michael C. Butler and Andra L. Butler

March 20, 2013

Kim Bunger
Kim Bunger, Chairman

For Project Absent
 Against Project
 Abstain Deferred

Ben Brandstetter
Ben Brandstetter

For Project Absent
 Against Project
 Abstain Deferred

Greg Breetz
Greg Breetz

For Project Absent
 Against Project
 Abstain Deferred

Janet Kegley
Janet Kegley

For Project Absent
 Against Project
 Abstain Deferred

Susan Schultz
Susan Schultz

For Project Absent
 Against Project
 Abstain Deferred

Mark Hicks (Alternate)
Mark Hicks (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

Jim Longano (Alternate)
Jim Longano (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds (Alternate)
Charlie Reynolds (Alternate)

For Project Absent
 Against Project
 Abstain Deferred

TOTAL: DEFERRED 2 FOR PROJECT 3 ABSENT
 AGAINST PROJECT ABSTAIN

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

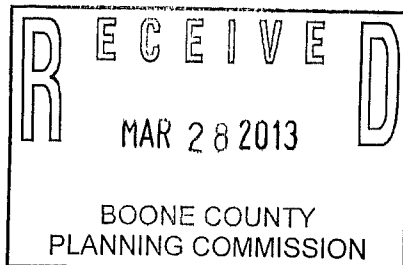
www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

March 25, 2013

Michael C. & Andra L. Butler
8820 Boone Valley Drive
Florence, KY 41042



RE: Request of **Michael C. Butler and Andra L. Butler (owners)** for a Zoning Map Amendment from Suburban Residential One/Planned Development (SR-1/PD) to Residential One Family (R1F) for a 1.3425 acre tract located at the terminus of Utterback Road approximately 130 feet west of Hopeful Church Road, and to the immediate north and east of the properties at 8820 and 8830 Boone Valley Drive, Boone County, Kentucky. The request is for a zone change in conjunction with a request for Annexation into the City of Florence.

Dear Mr. & Mrs. Butler:

The following represents the conditions of approval for the above referenced application as recommended by the Boone County Planning Commission at their March 20, 2013, Zone Change Committee Meeting. Please provide the property owner's signature in the space provided at the end of this letter, and return to the Planning Commission office by Monday, April 1, 2013.

CONDITIONS

1. The 1.3425 acre tract will be limited in its use to one single family residence and the accessory uses allowed in the Residential One Family (R1F) zoning district.
2. A Zoning Permit and Residential Building Permit must be obtained prior to the construction of the proposed home.

Sincerely,

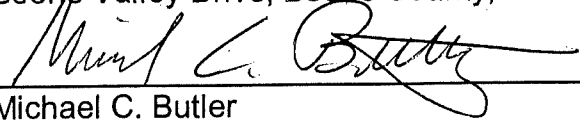
Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

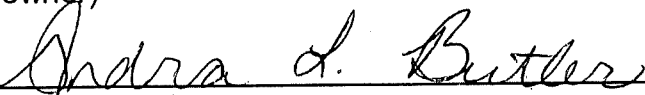
MAL/dw

Michael C. & Andra L. Butler
March 25, 2013
Page 2

AGREEMENT

We, Michael C. & Andra L. Butler, do hereby agree to the recommended conditions of approval stated above for a Zoning Map Amendment from Suburban Residential One/Planned Development (SR-1/PD) to Residential One Family (R1F) for a 1.3425 acre tract located at the terminus of Utterback Road approximately 130 feet west of Hopeful Church Road, and to the immediate north and east of the properties at 8820 and 8830 Boone Valley Drive, Boone County, Kentucky.

 3/27/2013
Michael C. Butler Date
(owner)

 March 27, 2013
Andra L. Butler Date
(owner)

**Legal Description
February 8, 2011**

GRANTOR: GLORIA S. LUEBBERS

GRANTEE: MICHAEL C. BUTLER & ANDRA L. BUTLER

1.3425 acres – A portion of PIDN 062.00-00-024.00

A certain 1.3425 acre tract of land located in the Commonwealth of Kentucky, the County of Boone, between Pleasant Valley Road (KY 237), and Hopeful Church Road (KY 842), approximately 0.3 miles north of US 42 and east of the Boone Valley Subdivision and being more particularly described as follows:

All referenced deeds and plats below are of record in the Boone County Records office in Burlington, KY. Source of bearing is based upon the Northern Kentucky Control Monuments NKC 027, NKC 027 AZ, and NKC 033.

Beginning at Northern Kentucky Control Monument NKC 027 located on the northwest bridge abutment on Hopeful Church Road (KY 842), said bridge passes over Utterback Creek.

Thence, **North 74° 59' 25" West for 516.67 feet** to a set ½" iron pin and yellow cap, PLS #3494 at the base of a corner post; said course passes through the lands of Joseph Parker and Brenda Parker, deed book 205 page 191 and continues to a corner of said Parker and the north corner of the lands of the grantor, Gloria S. Luebbers, deed book 366, page 254.

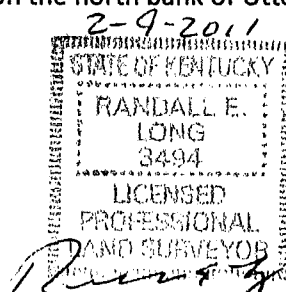
Thence, **South 59° 15' 54" East for 97.00 feet** to a set ½" iron pin and yellow cap, PLS #3494; said course runs along the east line of the grantor's tract a west line of the lands of said Parker to the **REAL POINT of BEGINNING** for the parcel described herein.

Thence, **South 59° 15' 54" East for 489.67 feet** to a point in Utterback Creek and the north line of a 40 foot right of way of Utterback Creek Road; said course continues along the east line of the grantor and the west line of the lands of Parker, passing a set ½" iron pin and yellow witness cap at 349.67.

Thence, **South 59° 22' 46" West for 41.50 feet** to a point in Utterback Creek; said course continues along the north right of way of Utterback Creek Road and Utterback Creek to a point in the east line of the lands of Michael C. Butler and Andra L. Butler, deed book 716 page 75, passing a set cross notch in the east and west 'curbs' of a small bridge at 15.00 feet and at 26.50 feet, said bridge crosses Utterback Creek and accesses the parcel described herein.

Thence, **North 58° 14' 17" West for 17.77 feet** to a set ½" iron pin and yellow cap, PLS #3494; said course leaves the north right of way of Utterback Creek Road and Utterback Creek to a point being a common corner of the lands of said Bulter on the north bank of Utterback Creek.

Butler's Non-Buildable Lot (1.3425 acres)
Boone Valley Road
Florence, KY 41042
CP BO 11 01



Thence continuing along the lands of Butler for the following three (3) calls:

South 68° 00' 22" West for 192.99 feet to a found 5/8" iron pin and cap, Cooper #3262, passing a found 5/8" witness pin and cap, Cooper #3262, at 16.16 feet;

North 58° 55' 23" West for 213.46 feet to a set MAG Spike in a driveway;

South 31° 04' 37" West for 18.42 feet to a set 1/2" iron pin and cap, PLS #3494, said course crosses said driveway.

Thence, leaving the lands of said Butler and continues through the lands of the grantor for the following three (3) calls:

North 08° 12' 57" West for 25.00 feet to a set 1/2" iron pin and yellow cap, PLS #3494;

North 27° 22' 28" East for 100.00 feet to a set 1/2" iron pin and yellow cap, PLS #3494;

North 30° 44' 06" East for 87.56 feet to the Real Point of Beginning, said course passes back over said driveway and runs five feet north of the center of a concrete pad for a utility box.

The parcel described herein being a portion of the lands conveyed to the grantor by Gerald M. Wilson and Jacqueline Wilson, on June 3, 1987, and recorded in deed book 366 page 254 in the Boone County records room in Burlington, KY and contains 1.3425 acres.

The property described herein subject to conditions, restrictions, and easements of record.

This survey was performed by Randall Long Land Surveying.

2-9-2011
STATE OF KENTUCKY
RANDALL E.
LONG
3494
LICENSED
PROFESSIONAL
LAND SURVEYOR

Butler's Non-Buildable Lot (1.3425 acres)
Boone Valley Road
Florence, KY 41042
CP BO 11 01

Legal Description
February 8, 2011

20' WIDE ACCESS & UTILITY EASEMENT

8,800.72 SQ.FT. – A PORTION OF PIDN 062.00-00-024.00

A certain 8,800.72 sq. ft. tract of land located in the Commonwealth of Kentucky, the County of Boone, between Pleasant Valley Road (KY 237), and Hopeful Church Road (KY 842), approximately 0.3 miles north of US 42 and east of the Boone Valley Subdivision and being more particularly described as follows:

All referenced deeds and plats below are of record in the Boone County Records office in Burlington, KY. Source of bearing is based upon the Northern Kentucky Control Monuments NKC 027, NKC 027 AZ, and NKC 033.

Beginning at west corner of the lands of the grantor, Gloria S. Luebbers, deed book 366 page 254, at the east end of Boone Valley Drive.

Thence, through the lands of the grantor for the following eight (8) calls:

- (L1) North 64° 23' 33" East for 201.37 feet to a point;
- (L2) North 77° 25' 07" East for 50.80 feet to a point;
- (L3) South 75° 10' 23" East for 30.35 feet to a point;
- (L4) South 30° 54' 30" East for 33.67 feet to a point;
- (L5) South 05° 47' 34" West for 34.19 feet to a point;
- (L6) South 27° 08' 49" West for 85.18 feet to a point;
- (L7) South 16° 45' 23" West for 12.50 feet to a point;
- (L8) South 04° 25' 44" West for 9.23 feet to a point in an easterly line of Michael C. Butler and Andra L. Butler, deed book 716 page 75.

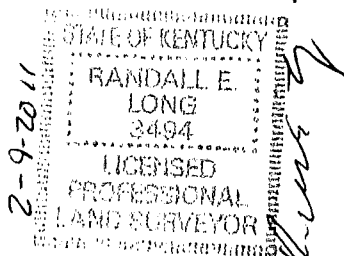
Thence, along the lines of Butler for the next (2) calls:

- (L9) North 58° 55' 23" West for 6.87 feet to a set MAG Spike in the driveway at the north corner of the lands of Butler;
- (L10) South 31° 04' 37" West for 23.41 feet to a point.

Thence, leaving the lands of Butler and continuing through the lands of the grantor for the following nine (9) calls:

- (L11) North 09° 32' 02" West for 13.95 feet to a point;
- (L12) North 04° 25' 44" East for 15.69 feet to a point;
- (L13) North 16° 45' 23" East for 16.48 feet to a point;
- (L14) North 27° 08' 49" East for 83.23 feet to a point;

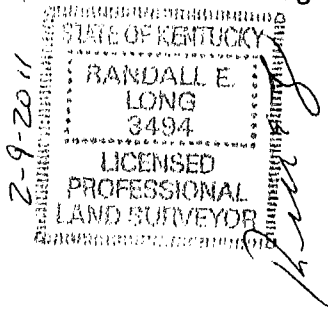
Access and Utility Easement
Luebbers & Butler Properties
Florence, KY 41042
CP BO 11 01



- (L15) North 05° 47' 34" East for 23.79 feet to a point;
- (L16) North 30° 54' 30" West for 18.91 feet to a point;
- (L17) North 75° 10' 23" West for 17.34 feet to a point;
- (L18) South 77° 25' 07" West for 43.66 feet to a point;
- (L19) South 64° 24' 05" West for 197.86 feet to a point in the west line of the grantor and the easterly right of way of Boone Valley Road;

Thence, (L20) North 29° 02' 56" West for 20.00 feet to the point of beginning;

The tract described herein being part of the lands conveyed to Gloria S. Luebbers by Gerald M. Wilson and Jacqueline Wilson, on June 3, 1987, and recorded in deed book 366 page 254 in the Boone County records room in Burlington, KY and contains 8,800.72 sq. ft.

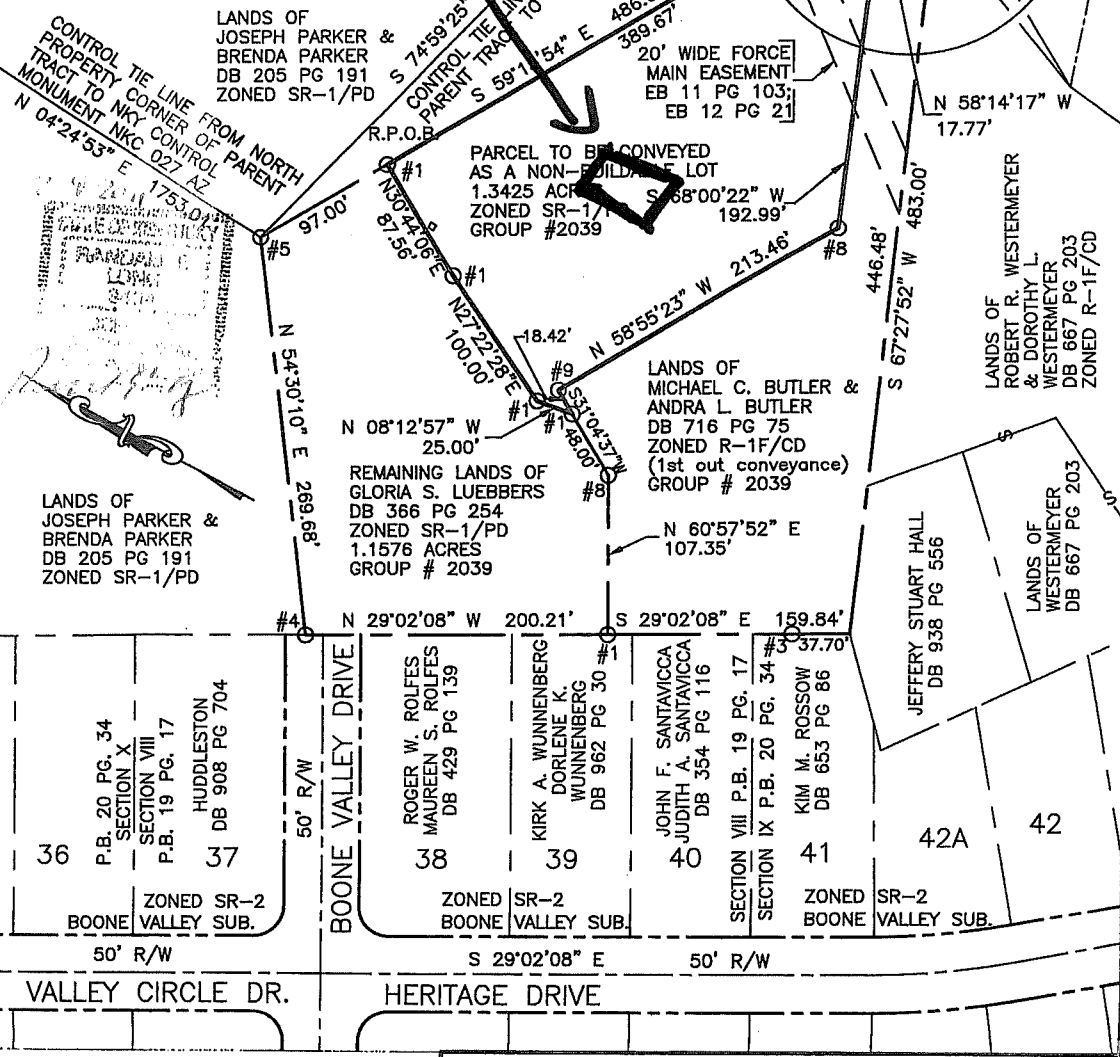


Access and Utility Easement
Luebbers & Butler Properties
Florence, KY 41042
CP BO 11 01

**LOCATION
for [REDACTED]
HOME**



- ITEM #1 - SET 1/2 INCH IRON PIN AND YELLOW CAP, PLS #3494.
- ITEM #2 - SET 1/2 INCH IRON PIN AND YELLOW CAP, "WITNESS".
- ITEM #3 - FOUND 1/2 INCH IRON PIN, NO CAP.
- ITEM #4 - FOUND STONE; SET ITEM #2 ON PROPERTY LINES AT 2 FEET.
- ITEM #5 - FOUND CORNER POST, SET ITEM #1.
- ITEM #6 - SET ITEM #2 AT 40 FEET.
- ITEM #7 - SET CROSS NOTCH ON PROPERTY LINE ON BRIDGE AT 40 FEET.
- ITEM #8 - FOUND 5/8 INCH PIN AND CAP, "COOPER".
- ITEM #9 - SET M.A.G. SPIKE IN DRIVEWAY.
- ITEM #10 - SET CROSS NOTCH AT 15.0 FT IN CURB OF BRIDGE
- ITEM #11 - SET CROSS NOTCH AT 26.5 FT. IN CURB OF BRIDGE



RLLS
Registered Land Surveyors

4928

CONVEYANCE PLAT		
DRAWN	DATE	Lands of
REL	01/31/11	Gloria S. Luebbers
APPROVED	DATE	8830 Boone Valley Dr.
REL	1/31/2011	Boone County, KY
SCALE	SHEET	PROJECT NO.
1" = 100'	2 of 3	CP BO 11 01

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-7-13

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-7-13 on May 28, 2013. The title of this Ordinance is as follows:

ORDINANCE NO. 0-7-13

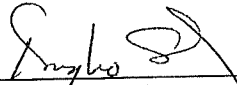
AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR A 1.3425 ACRE SITE LOCATED GENERALLY AT THE TERMINUS OF UTTERBACK ROAD APPROXIMATELY 130 FEET WEST OF HOPEFUL CHURCH ROAD, AND TO THE IMMEDIATE NORTH AND EAST OF THE PROPERTIES AT 8820 AND 8830 BOONE VALLEY DRIVE, BOONE COUNTY, KENTUCKY, TO REZONE THE SITE FROM SUBURBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (SR-1/PD) TO RESIDENTIAL ONE FAMILY (R1F). (BUTLER PROPERTY)

The effect of this Ordinance is to allow a zoning map amendment for an approximate 1.3425 acre site located generally at the terminus of Utterback Road approximately 130 feet west of Hopeful Church Road, and to the immediate north and east of the properties at 8820 and 8830 Boone Valley Drive, Boone County, Kentucky, to rezone this site from Suburban Residential One/Planned Development (SR-1/PD) to Residential One Family (R1F), in conjunction with proposed annexation of the 1.3425 acre site into the City of Florence, Kentucky.

The full text of Ordinance No. 0-7-13, 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. and that it has been prepared by me on the 10th day of May, 2013, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES
SKEES, WILSON & DILLON, PLLC
7699 Ewing Boulevard, P.O. Box 756
Florence, Kentucky 41022-0756
Phone: (859) 371-7407
Fax: (859) 371-9872

ORDINANCE NO. 0-7-13

AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FOR A 1.3425 ACRE SITE LOCATED GENERALLY AT THE TERMINUS OF UTTERBACK ROAD APPROXIMATELY 130 FEET WEST OF HOPEFUL CHURCH ROAD, AND TO THE IMMEDIATE NORTH AND EAST OF THE PROPERTIES AT 8820 AND 8830 BOONE VALLEY DRIVE, BOONE COUNTY, KENTUCKY, TO REZONE THE SITE FROM SUBURBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (SR-1/PD) TO RESIDENTIAL ONE FAMILY (R1F). (BUTLER PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended approval of 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 Michael C. Butler and Andra L. Butler (Owner) for a Zoning Map Amendment for a 1.3425 acre site generally located at the terminus of Utterback Road approximately 130 feet west of Hopeful Church Road, and to the immediate north and east of the properties at 8820 and 8830 Boone Valley Drive, Boone County, Kentucky, to rezone the site from Suburban Residential One/Planned Development (SR-1/PD) to Residential One Family (R1F), in conjunction with proposed annexation of the 1.3425 acre site into the City of Florence, Kentucky, 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 amended or changed to reflect the zoning map amendment 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-13-005-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-13-005-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.

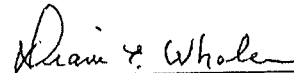
SECTION V

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

PASSED AND APPROVED ON FIRST READING THIS 14th DAY OF May, 2013.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 28th DAY OF May, 2013.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: REPORT AND RECOMMENDATION - REQUEST OF MICHAEL C. BUTLER AND ANDRA L. BUTLER (OWNER) FOR A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT (SR-1/PD) TO RESIDENTIAL ONE FAMILY (R1F) FOR A 1.3425 ACRE SITE GENERALLY LOCATED AT THE TERMINUS OF UTTERBACK ROAD APPROXIMATELY 130 FEET WEST OF HOPEFUL CHURCH ROAD, AND TO THE IMMEDIATE NORTH AND EAST OF THE PROPERTIES AT 8820 AND 8830 BOONE VALLEY DRIVE, BOONE COUNTY, KENTUCKY.

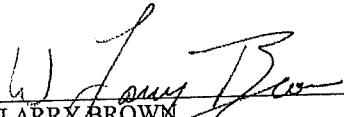
The Committee met in a special meeting on May 7, 2013, at the Florence Government Center Building to consider Resolution No. R-13-005-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the public hearing. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

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

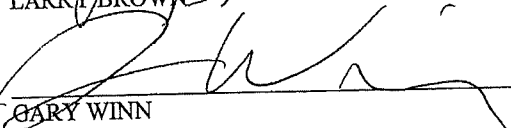
NOW, THEREFORE, the Planning and Zoning Committee recommends to the City Council of the City of Florence, Kentucky, as follows:

- a. That this matter be considered solely on the record before the Boone County Planning Commission and that no additional hearings be held; and
- b. That the recommendation of approval from the Boone County Planning Commission be affirmed, and the request described above be approved.

MEMBERS OF THE COMMITTEE:



LARRY BROWN



GARY WINN