

ZONE CHANGE REQUEST BY ANTHONY W.
ERPENBECK, ET AL FOR PROPERTY BETWEEN
U.S. 42, PLEASANT VALLEY ROAD, AND FOWLER
CREEK ROAD, FLORENCE

This is a zone change request for a 228.3 acre tract located between U.S. 42, Pleasant Valley Road, and Fowler Creek Road being made by the property owner Anthony W. Erpenbeck and being within the City of Florence. The request is to change the current zoning of Suburban Residential One, SR-1, Agricultural Estate, A-2, and Rural Suburban, RS with Airport Environs Overlay, AEO to Suburban Residential One/Planned Development Overlay, SR-1/PD.

The adjoining property to the north is currently zoned Rural Suburban Estate, RSE, Rural Suburban, RS, Agricultural Estate, and Suburban Residential One, SR-1. To the east is current zoning Suburban Residential One, SR-1 and Industrial One, I-1. To the south is zoning of Suburban Residential One, SR-1, Rural Suburban, RS, Commercial Services, C-3, and Rural Suburban Estate, RSE. To the west is current Rural Suburban, RS and Rural Suburban Estate, RSE zoning.

Current land use of all of the adjoining property to the subject tract is a mixture of Agriculture and single-family residential to the north, east, and west. Also to the south is single-family residential and agriculture with light industrial.

The Boone County Comprehensive Plan Land Use Map shows that this property is planned as Medium Density Residential and Environmentally Sensitive. Medium Density Residential is explained on pages 3.3 and 3.4 of the text, "Medium Density - Densities range from two to eight (2-8) dwelling units per acre and a wide variety of housing types are anticipated, including single-family detached and attached, multi-family, including townhouse and garden apartments, and mobile homes in designated planned areas."

The text goes on to say on page 3.4 of the Plan, "Medium density residential development could include the expansion of existing developments in the Florence and Walton service areas. As the Florence service area is expanded, new medium density development is encouraged adjacent to subdivisions existing and committed south of KY 18 and west of Hopeful Road; in the vicinity of Pleasant Valley Road; south of U.S. 42, west of I-75; south of Union along KY 536, and near the Richwood interchange with I-75." Page 3.12 of the Plan states, "Continuing urbanization of the Florence area will result in growth toward other existing and growing communities. The plan would retain the distinction of surrounding communities by changing land use patterns and development densities and by preserving undeveloped conservation lands where appropriate."

Environmentally Sensitive is explained on page 3.10, "Environmentally sensitive areas include all lands upon which urban development would entail a serious environmental hazard or social or economic impact, or an extraordinary cost to overcome the hazard. Appropriate measures must be taken to attenuate the environmental hazards and minimize social and economic impacts before active urban use of such areas is permitted..... If, for example, a development is planned for a site which includes environmentally sensitive areas as well as good developable land, the developer may be allowed to cluster development at higher densities on the condition that the environmentally sensitive land will be preserved. The conservation of environmentally sensitive areas can serve a valuable purpose in the buffering of adjacent land uses and in the provision of visual amenities enhancing the value of a development as well as protecting the environment and the development itself from environmental damage (flooding, erosion, foundation failure, etc.)."

The applicant has submitted a Concept Development Plan. This Plan provides for the development of 999 dwelling units on the 228.3 acres. Of those units 317 are single-family detached, 354 are single-family attached units, 80 units are townhomes, and 248 multi-family units. Of the 999 units, 295 of these units will be located off of Pleasant Valley Road, with the remaining 704 units obtaining their vehicular accessibility off of U.S. 42 and Fowler Creek Road.

The concept plan has addressed the accesses to Pleasant Valley Road and U.S. 42 but has failed to address the one to Fowler Creek Road. The developer should evaluate this access and the effects of this access on vehicular traffic on Fowler Creek and eventually on to Longbranch Road.

According to the applicant's plan water will be provided by an 8 inch main on Pleasant Valley and a 12 inch on U.S. 42 at its intersection at Hopeful Road. Sanitary sewage disposal will be provided by an extension of the current Florence system with the possible provision of a temporary treatment plant in the event that the extension has not been completed by the time of occupancy of the units.

As presented access will be provided onto Pleasant Valley Road, U.S. 42, and Fowler Creek Road.

This property is under the AEO zoning district which identifies areas generally within the 30 contour of Noise Exposure of aircraft operations at the Greater Cincinnati International Airport. Areas of the 30 value or higher generally are noise sensitive for all types of residential except "Transient Lodging." However, the official Airport map does show that this property lies outside of interm and future noise contours of 30 and would not be affected according to the Comprehensive Plan.

ERPENBECK
PAGE THREE

There would be no necessary changes to the text or map of the Comprehensive Plan due to its conformity with the Plan should the Commission decide to recommend approval for or if the Legislative Body would eventually approve this request for rezoning.

Alvin "Chip" Block

ALVIN "CHIP" BLOCK
ZONING ENFORCEMENT OFFICER

ACB/sr

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARING

JUNE 22, 1983

8:00 P.M.

Chairman Kroger called the Public Hearing to order at 8:00 P.M. to hear the request of Ruth J. Yoder for a zoning map amendment for property located at 8555 Old Toll Road, Florence, Kentucky from a zoning district of Commercial Services (C-3) to Suburban Residential One (SR-1) zoning district, containing 3.7 acres, for the purpose of constructing a residential dwelling. Mr. Block located the property on the map and presented the Enforcement Officer's Report. At Chairman Kroger's invitation, Mrs. Yoder stepped forward and stated that she lived on 3.7 acres which is divided into five (5) lots; she wished to give her son a lot upon which to build a home. Mrs. Yoder's son stated that the property was zoned residential and had been rezoned to Commercial without the Yoder's knowledge. Chairman Kroger noted that the entire county had been rezoned at the same time. Chairman Kroger asked if anyone else wished to speak in behalf of or in opposition to the request. No one responded. Mr. Berry, 8538 U.S. 42, asked if the zone change would affect his property, a commercial business; Mr. Wilson responded that it would not. Mr. Dave Snyder, attorney for R.C. Durr stated that he was not opposed to the zone change, but wished to go on record as having made an appearance as an adjoining property owner with a commercial designation. If further zone changes were requested which would affect Mr. Durr's property; he wished his silence on this matter not to be construed as dis-interest. Hearing no further comments, Chairman Kroger closed the Public Hearing at 8:06 P.M., stating the action would be taken on the request on July 6, 1983, at 8:00 P.M..

Chairman Kroger called the Public Hearing to order at 8:08 P.M. to hear the request of Anthony W. Erpenbeck for a zoning map amendment for property located at the north side of U.S. 42 and west side of Pleasant Valley Road, Florence, Kentucky from a zoning district of SR-1, RS, A-2 and AEO to SR-1/PD overlay at 4.38 units per acre to bring the property into conformance with the Comprehensive Plan, containing 228.3 acres. Mr. Block located the property on the map and presented the Enforcement Officer's Report. Chairman Kroger asked if there was a representative present on the applicant's behalf. Mr. Lanny Holbrook, attorney for Mr. Erpenbeck, stepped forward and stated that the Erpenbecks, builders since 1928,

had purchased the property 30 or 40 years ago for future development. Mr. Holbrook noted that a Concept Development Plan had been submitted, and that a great deal of thought had gone into its preparation. Mr. Holbrook continued that the purpose of a Comprehensive Plan was to consider all aspects of growth, and map out areas for future development. Mr. Holbrook stated that the Erpenbeck's Concept Development Plan completely followed the outline of the Comprehensive Plan which guides the Commission. He pointed out that 999 units in over 228 acres is below the maximum density permitted by the Comprehensive Plan; 4.38 units per acre is less than the permissible six (6) units per acre; the way it is divided is really not as much as it sounds. Mr. Holbrook noted that apartments and townhouses are providing homes for families in the area and that the proposal presents a housing mix. The proposal before the Commission is for a map amendment for Suburban Residential One/Planned Development (SR-1/PD). Mr. Holbrook invited the audience to review the Concept Plan. Mr. Holbrook pointed out that the property in question had been annexed by the City of Florence and that the Erpenbecks had met with the Public Works Department to work out sewage and utility problems. Mr. Holbrook pointed out that the Engineer for the project was present to answer any questions. Chairman Kroger asked if there was anyone else that would like to speak in behalf of the request. No one responded. He asked if anyone was present in opposition. Mr. Dennis Kelly, 8821 Pleasant Valley, stated his opposition to the density of the project fearing that the Boone County school system could not handle the educational needs of a project of this size. He also stated his opposition to increased traffic volume on Pleasant Valley and U.S. 42 which is already crowded. He continued that he felt that the crime rate would escalate, and that property values would drop. Mrs. Wilma Jo Meyers, Fowler Creek Rd., stated that her property was below the proposed development; she expressed concern regarding an increase in water run off. She said she already has a problem as the result of ponds located on the Erpenbeck property. Mrs. Meyers continued that she uses natural springs which are vulnerable to pollution from the project; loss of her water supply would render her property useless. She continued that she objected to the increase in population and also opposed an outlet road onto a dead end Fowler Creek Road. Mrs. Meyers stated that the Erpenbecks should buy her property since it would be useless to her if the project is approved. In response to Mr. Dennis Haudenchild, Valley View Drive, Chairman Kroger stated that the Concept Development Plan is public record and anyone is welcome to stop in the office and review the Plan. Mr. Erpenbeck displayed a drawing of the project and stated the access for the 295 units would be off of Pleasant Valley Rd., a minor arterial highway. Access for the remainder of the project would be U.S. 42. Fowler Creek Road would serve as an emergency secondary access. Area "I" comprised

of 40 acres would be deeded to the City of Florence as a recreational area. Mr. Erpenbeck then described the types of development depicted by the plan. He noted that sewage would be provided by the City of Florence for the entire project. Mrs. Meyers asked what provisions had been made for runn off. Mr. Erpenbeck stated that provisions will be made and reviewed by the Planning Commission concerning the water run off. In response to Mr. Stephner's question, Mr. Erpenbeck stated there are 154 units in Section "G", and that no widening of Fowler Creek Road is currently planned by the developers. Mr. Erpenbeck noted that he has approximate 400 foot frontage on Fowler Creek Road. In response to Mr. Viox, Mr. Erpenbeck stated the preliminary phasing schedule is to develop sections "E, D, G, H then F". Development off of Pleasant Valley Road will be "B,C,A. Mr. Erpenbeck stated that Sections D and E will be developed first and that the entire project would be completed in approximately 8 to 10 years depending on economic conditions. He noted that Section "G" would probably be the last developed. Mr. Ralston expressed concern over increased traffic. Mr. Robert Cole inquired as to whether or not lots across from Pleasant Valley subdivision would have one (1) unit per two (2) acres. Mr. Erpenbeck stated that they would not, but would have a rear yard setback of 150 feet which would allow 300 feet from rear to rear. The density of the strip is 2.9 units per acre, that is approximately 1/3 acre lots. Mr. Block stated that the area north, east and south is planned medium residential (2 to 8 dwelling units per acre) and Fowler Creek Road is planned for low density residential (1 unit per acre). Mr. Cole stated that it was his understanding that during the hearing held by KZF it was planned for one (1) dwelling unit per acre. Mr. Kroger pointed out that the final adoption of the Comprehensive Plan provided for medium and low density residential use. Mrs. Hazel Poole stated that she purchased her property from Rose Erpenbeck Common and Mr. Snyder and at the time was told that the property behind them would not have more than one (1) house per acre. Mr. Snyder stated that he and Mr. Common had developed 110 acres which included Section "C" and that the preliminary plat for the 18 acres of Section "C" was planned as one (1) house per two (2) acres. In response to Chairman Kroger's question, Mr. Snyder stated there was no final plat recorded, but that a preliminary plat had been approved. In response to Mr. Schreiber's question, Mr. Erpenbeck stated that members of Florence Public works committee had walked the 40 acres proposed to be donated to the City and had accepted the land with the idea of developing it as a recreational facility. In response to Mr. Schreiber, Mr. Erpenbeck stated that the Department of Highway had timed the traffic approaching the proposed access onto Pleasant Valley Road. Mr. Hagedorn stated that the property proposed for recreational use had a polluted creek running through it. In response to Mr. Jacobsen's question, Mr. Erpenbeck stated that a temporary sewage treatment plant would have to be installed should

the City of Florence not have the sewage line ready for tie in. Mr. Jacobsen stated his total objection to the development. In response to Mrs. Hedges, Mr. Wilson stated that if the zoning is approved and the applicant agrees to specific lot sizes in the Concept Plan, the applicant would have to come before the Commission again before any revisions could be made. Mr. Erpenbeck stated to Mrs. Kelly that the homes in Section "B" would range in price from \$85,000.00 and up. In response to Mr. Don Stepner's question, Mr. Erpenbeck stated the lots in Sections "E and G" would be approximately 65 feet X 135 feet and up, with houses costing approximately \$75,000.00. In response to Mrs. Bamerole, Mr. Erpenbeck stated that Section "A" contained apartments which would be a maximum of 2½ stories. He continued that it was the most appropriate place to put multi family units since it abut an Industrial One (I-1) zone. Mr. Cole suggested that the board members visit the area; he beseeched each board member to deny the plan based on the fact that its not keeping with the present zoning and previous zoning of the area. An unnamed resident stated her objection to the Park which would increase traffic. Mr. Davis asked what had prompted the request for a zone change. Mr. Erpenbeck stated that the need for a variety of housing for our children and grandchildren in Norther Ky., as well as a change in the economy has made it difficult for many people to purchase homes. Mr. Dennis Kelly stepped forward and expressed his concern for the type people that live in apartments. He continued that apartments go down the tubes in about three or four years primarily due to the fact that they don't belong to them and they don't care. The only people that can afford to live in those areas he said are really not the kind of people he cared for his children to grow up with, or a grandmother or anyone else to live near as Mr. Erpenbeck has mentioned. He stated that he had seen too many areas where multi family dwellings had cropped up and things have really gone down hill. He stated that he did not wish this to happen in this area; it's too nice of an area. Mr. Kroger interjected that he could not let that statement go. Speaking as Chairman of the Planning Commission, Mr. Kroger stated that it was the Commissions duty to see that there is housing for people of all walksof life, in all realms of economic activity. He continued that simply because multi housing exists does not mean that an individual who resides in such housing is not an asset to the community. Mr. Kelly stated that had not intended to say that. Chairman Kroger replied that he did not think that those comments would be accepted by the Commission. Mr. Kroger pointed out that the Commission had heard such comments before and that the Commission reaction is always the same. Mr. Kelly repeated that he had not stated it that way. In response to Mr. Snyder, Mr. Erpenbeck stated he had no comment pertaining to the development across U.S. 42. He said he had no definite figures, but that U.S. 42 and Ky. 18 would be probably seeing the largest increase in development in the County. In response to Mrs. Struckter, Mr. Erpenbeck stated there would be no government subsidized housing in the project. Mr. Bamborela expressed concern for adequate schools to

accomodate the population of the project. Mr. Erpenbeck pointed out that a new high school was planned for the Union area and a new elementary school had been recommended in 1978 by the Boone County Advisory Committee. Mrs. Schreiber stated the apartments would not bring in the tax money needed to support the schools. Mrs. Meyers stated her objection to accessing the project onto Fowler Creek Road. An unnamed resident suggested that a member of the Highway Department be present at the next meeting to address traffic questions. Mr. Cummins, U.S. 42 stated that he was in favor of the project and felt Boone County would see that the children have adequate schools. Mrs. Bamborela expressed concern as to the quality of the buildings. Mr. Erpenbeck stated that the quality of the homes was important to them as developers in order to encourage sales of the properties. The Erpenbecks as owners of the apartments would maintain them personally. Mr. Puckett, Fowler Creek Road, expressed concern as to the ruinous impact of the development on adjoining farm land. Mrs. Strieber noted that the land donated to the City of Florence contains a creek which floods during rain. A resident noted that the townhouses are not depicted on the Plan shown and requested that a more detailed Plan be submitted for review. Mr. Poole presented the Commission with a petition, dated June 22, 1983, consisting of 46 residents in opposition to the request. Mr. Neltner noted that the developer indicated in his brochure that the park land would not be donated to the City of Florence until 500 units were completed. Mr. Erpenbeck stated in summary that the Commission review the Concept Plan submitted would reveal that the project conforms to the County Comprehensive Plan. Chairman Kroger pointed out that the application is available for review and that this request will be heard, July 6, 1983 at 8:00 P.M.. He pointed out that action could be possibly deferred.

Mr. Holbrook stated that the owners have a right to develop their property to its best use and that apartments are economically feasible for the location. Mr. Holbrook pointed out that the Concept Plan has been well prepared and everything possible will be done to address anticipated traffic problems.

Chairman Kroger declared the Public Hearing closed at 10:15 P.M..

RESPECTFULLY SUBMITTED:

Therese G. Baker
CLERK

APPROVAL DATE: 7-6-83

Paul E. Kroger
CHAIRMAN

BOONE COUNTY PLANNING COMMISSION

MINUTES

JULY 6, 1983

8:00 P.M.

Chairman Kroger called the meeting to order at 8:10 P.M.. Fourteen (14) members were present. Mr. Felty was absent. Staff members present were Ms. Sullivan, Mr. Jenkins, Mr. Wilson, Mrs. Ryan and Mrs. Baker. Mr. Block was absent. Mr. Godsey moved to approve the minutes of June 15, 1983 and Public Hearing minutes of June 22, 1983. Mr. Barnett seconded; the vote carried unanimously.

COMMUNICATIONS:

Ms. Sullivan presented the following communication: Letter from Judge Executive Terry Roberts regarding the Fiscal Year 1983/84 contributions to the Planning Commission.

BILLS:

Mrs. Baker presented the following bills: Staff salaries and benefits; \$3,512.79: Madison Office Supplies; \$98.52: Jerry Rouse; \$18.00: John R. Greene, xerox paper; \$26.30: Workers Compensation Premium; \$487.00: B.C. Printing; \$37.80: Sayre & Son; \$6.79: Quick Print; \$34.00: Boone Finance, xerox use; \$113.92: Boone Finance, postage; \$157.95: Boone County Recorder; \$1,000.00: Mr. Godsey moved that the bills be paid, Mr. McMillian seconded; the vote carried unanimously.

REPORTS:

Mr. Godsey presented the Treasurer's Report. Balance on hand July 6, 1983, \$24,644.29; Certificates of Deposit, \$20,000.00.

For the City of Florence, William Rieger, Building Inspector, issued 36 permits during June representing \$3,370,018.00 in estimated construction costs. Boone County Building Inspector, Conrad Tobergte, issued 64 permits during June representing estimated construction costs of \$2,111,975.00. Mr. Tobergte's collections from zoning and sign permits issued in the County totalled \$915.00 for the month of June.

Chairman Kroger reviewed the Convenience Plat Report submitted by Mr. Jenkins.

Chairman Kroger proceeded to the Agenda, first considering the request of William Viox for an Improvement Plan Approval of Hickory Glenn II, Sections 8 & 9, intersecting roads of Conners Lane and Ellen Avenue, Boone County, Kentucky, zoned Suburban Residential One (SR-1) containing 27.55 acres. Mr. Jenkins presented the Engineers report recommending approval. Mrs. Baker read the Committee Report recommending approval. Mr. Jones moved to approve the request based on staff and committee report; Mr. Greene seconded. Mr. Viox abstained due to being the Engineer of record. The vote carried unanimously.

Mr. Viox left the meeting at 8:20 P.M.

Chairman Kroger proceeded to the request of John Kirby for a Preliminary Plat approval of property located in the City of Walton, Kentucky, zoned Suburban Residential Two (SR-2) containing 6.5 acres. Mr. Jenkins presented the Engineer's Report stating that the request meets all requirements, with the agreement to move the sewer line right of way. Mrs. Baker read the Committee Report recommending approval. Mr. Hasselbring moved that the request be granted. In response to Mr. Wilson, Mr. Kirby agreed to sign the Concept Development Plan allowing only single family development. Mrs. Smith seconded the motion, the vote carried unanimously.

Chairman Kroger proceeded to the request of John Kirby for an Improvement Plan Approval of property located in the City of Walton, Kentucky, zoned Suburban Residential Two (SR-2), containing 6.5 acres. Mr. Jenkins stated the plan meets all requirements, with the same consideration of the sewer line right-of-way. Mrs. Baker read the Committee Report recommending approval. Mrs. Smith moved that the request be granted with the condition that the Concept Development Plan allowing only single family development be signed by Mr. Kirby. Mr. Jones seconded; the vote carried unanimously.

Chairman Kroger proceeded to the request of Anthony W. Erpenbeck for a zoning map amendment for property located at the north side of U.S. 42 and west side of Pleasant Valley Road, Florence, Kentucky from a zoning district of SR-1, RS, A-2 and AEO to SR-1/PD overlay at 4.38 units per acre to bring the property into conformance with the Comprehensive Plan, containing 228.3 acres. Mr. Neltner, Committee Chairman, stated the committee requested a two (2) week deferral until July 20, 1983, to allow the Committee ample time to review the request. In response to Chairman Kroger, Mr. Erpenbeck agreed to the deferral and waived the time limitation pertaining to the request. Mr. Godsey moved that the request be deferred until July 20, 1983. Mr. Jones seconded; the vote carried unanimously. Mr. Buse stated he would not be present at the July

20, 1983 meeting and stated that directly south of Valley View, north part of "B", he would recommend that section not be included in the rezoning to provide a buffer; Mr. Buse continued that access of the project onto Fowler Creek road not take place until the road can sufficiently handle the added traffic and that it be made a cul-de-sac until such time; lastly Mr. Buse stated that a park should not have access through a subdivision, but should have access either from Pleasant Valley Road or U.S. Highway 42.

Chairman Kroger called for a vote on the motion to defer the Erpenbeck request. The vote carried unanimously

Chairman Kroger proceeded to the request of All-Rite Concrete Co., Inc. for Site Plan Review, for property located at Stephenson Mill Road, Walton, Boone County, Kentucky, in an Industrial One (I-1) zoning district, containing 4.78 acres. Ms. Sullivan summarized the Enforcement Officer's Report. Mrs. Baker read the Committee Report recommending approval. Mr. McMillian moved to approve the request. Mr. Greene seconded, the vote carried unanimously.

Chairman Kroger proceeded to the request of A. Meyers Davis Development Co., for an Improvement Plan Approval on property located in Burlington, Kentucky for the purpose of extending Tessie Circle, zoned Suburban Residential One/Planned Development (SR-1/PD), containing 5.5 acres. Mr. Jenkins presented the Engineer's Report stating the request meets all requirements. Mrs. Baker read the Committee Report recommending approval. In response to Mr. Kroger, Mr. Erpenbeck stated the Preliminary Plat was submitted in May of 1981 and was approved at that time, but the time limitation had expired and needed to be resubmitted. Mr. Collins moved that the request be granted along with any conditions contained in the original request. Mr. Buse seconded; the vote carried unanimously.

Chairman Kroger proceeded to the request of Eagle Investment Company for an Improvement Plan Approval for property located at Hopeful Road and Kelley Dr., Boone County, Florence, Kentucky zoned Suburban Residential One/Planned Development (SR-1/PD) on a 14.5 acre tract. Mr. Jenkins stated that correspondence from the City of Florence stated that the applicant agreed to move the pumping station and supply additional sewer facilities. Mr. Jenkins stated the request meets all requirements and recommended approval. Mrs. Baker read the Committee Report recommending approval. Mr. Collins moved to approve the request. Mr. Buse seconded, the vote carried unanimously.

Chairman Kroger proceeded to the request of Ruth Yoder for a zoning map amendment for property located at 8555 Old Toll Road, Florence, Kentucky from a zoning district of Commercial Services (C-3) to Suburban Residential One (SR-1) zoning district, containing 3.7 acres, for the purpose of constructing a residential dwelling. Ms. Sullivan summarized the Enforcement Officer's Report.

Mrs. Yoder stated that she had no comment. Mrs. Baker read the Committee Report recommending approval and advising the applicant that surrounding commercial and industrial uses would be allowed. Chairman Kroger stated that a Site Plan of commercial and industrial use would be required to be submitted to the Planning Commission. Mr. Greene pointed out to Mrs. Yoder that she could eventually be surrounded by commercial uses. Mrs. Yoder acknowledged the fact. Mrs. Smith moved by Resolution R-13-83 to recommend approval of the request based on the findings of fact that the request is compatible with the current Comprehensive Land Use Plan, and that the recommendation be forwarded to the appropriate legislative body. Mr. Mitchell seconded. Mr. McMillian expressed concern of no sewer facilities and future property uses stated that he would vote against the request. Chairman Kroger called for a roll call vote. The request was approved; 12 yes, Mr. McMillian voted no. Chairman Kroger noted there would be no change in the Land Use Map.

Chairman Kroger proceeded to new business item, the request of William H. Settle, agent for Robert C. Kratz, M.D. for Site Plan Review, for property located at the NW corner intersection of Oakwood & Turfway, Florence, Kentucky, zoned Commercial Two (C-2) on a 1.2 acre site, for the purpose of constructing a new professional building. The request was referred to Committee.

The second item; the request of D. Brigham Roberts, Architect & Assoc. Inc., Agent, for a zoning map amendment for property located at 1033 Limaburg Road, Burlington, Kentucky from a Commercial One (C-1) zoning district to an Industrial One (I-1) zoning district, containing .32 acres. Mr. Buse moved to set the request for Public Hearing on July 27, 1983. Mr. Godsey seconded, the vote carried unanimously.

The third item; the request of Florence Christian Services, Inc. for zoning map amendment for property located at 300 Main Street, Florence, Kentucky to bring the property in conformity with the Boone County Comprehensive Plan containing 1.118 acres. Mr. Buse moved to set the request for Public Hearing on July 27, 1983. Mr. Godsey seconded, the vote carried unanimously.

Fourth item; the request of Hayes, Wittenmyer, Tanner & Partners for Site Plan Review for property located on Hopeful Road, Florence, Kentucky, containing 16.25 acres. Referred to Committee.

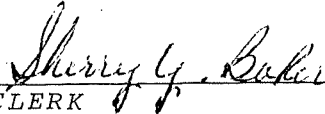
Fifth item, the request of James Berling for an Improvement Plan Approval for property located at Evergreen Drive, Florence, Kentucky containing 5.28 acres. Referred to Committee.

Chairman Kroger proceeded to outline the Planning Commission budget for 1983/84 Fiscal Year. The Commission proceeded with further discussion. Mr. Godsey moved to adopt the budget as submitted. Mr. Davis seconded, the vote carried unanimously.

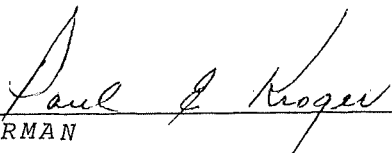
Chairman Kroger asked if there was further business, no one commented.

Mr. Greene moved to adjourn, Mr. Jones seconded, the vote carried unanimously. The meeting adjourned at 9:30 P.M.

RESPECTFULLY SUBMITTED:


CLERK

APPROVED: 7-20-83


CHAIRMAN

BOONE COUNTY PLANNING COMMISSION

MINUTES

JULY 20, 1983

8:00 P.M.

Chairman Kroger called the meeting to order at 8:10 P.M.. Twelve (12) members were present. Mr. Viox, Mr. Buse and Mr. Godsey were absent. Staff members present were, Ms. Sullivan, Mr. Jenkins, Mr. Wilson, Mr. Block, Mrs. Ryan and Mrs. Baker.

Mr. McMillian moved to approve the minutes of July 6, 1983. Mr. Hasselbring seconded; the vote carried unanimously.

BILLS:

Staff salaries and benefits totalling \$3331.52. Refunds to applicants; Mr. Bates, \$325.00; Mr. Jennings, \$15.00; and Mr. Curl, \$15.00. Mr. Jones moved to pay the bills; Mr. McMillian seconded. The vote carried unanimously.

REPORTS:

The Commission reviewed the Enforcement Officer's Report. Mr. Block stated that he received correspondence from the owners of a possible nursery sales on U.S. 25 and Richwood Road and the owner has assured Mr. Block that he is only growing the plants and there are no commercial sales on the property. Mr. Block stated that the owner is aware that a Conditional Use Permit would be needed for commercial sales on the premises.

Chairman Kroger proceeded with the first item of business on the Agenda. The request of William H. Settle, Agent for Robert C. Kratz, M.D. for Site Plan Review, for property located at the NW corner intersection of Oakwood & Turfway, Florence, Kentucky, zoned Commercial Two (C-2) on a 1.2 acre site, for the purpose of constructing a new professional building. Mr. Block presented the Enforcement Officer's Report. Mrs. Baker read the Committee Report recommending approval. Mr. Jenkins stated that there were many discrepancies on the Site Plan, Grading Site Plan, and Plumbing Site Plan pertaining to the location of the building, street names and location of sewer service. Mr. Jones, Committee Chairman, stated that due to these discrepancies, the recommendation for approval by the Committee be withdrawn and recommended a two (2) week deferral. Mr. McMillian seconded. In response to Chairman

Kroger, Mr. Jenkins stated the application was complete, but that there are many discrepancies. Mr. Block pointed out the time limitation expires two (2) days prior to the next meeting. Mr. Lanny Holbrook stepped forward and stated he would go on record as representative for Mr. Settle and Dr. Kratz, and agreed to waive the time limitation of the request. Chairman Kroger restated the motion by Mr. Jones for a two (2) week deferral and second by Mr. McMillian. The vote carried unanimously.

Chairman Kroger proceeded to the second item, the request of Hayes, Wittenmyer, Tanner & Partners for Site Plan Review for property located on Hopeful Road, Florence, Kentucky, containing 16.25 acres. Mr. Block presented the Enforcement Officer's Report. Mrs. Baker read the Committee Report recommending approval. Mr. Jenkins expressed concern of the access easement to the Florence Square Shopping Center, if an agreement had been presented to the Planning Commission. In response to Chairman Kroger, Mr. Block stated the change in the site plan from the Concept Development Plan was inconsequential. Mr. Block continued, the easement was part of the Concept Development Plan at the time of the zone change and there was no opposition to the easement at that time. Mr. McMillian moved to grant the request with the condition that the Commission is provided with proof of access easement. Mr. Felty seconded; the vote carried unanimously.

Chairman Kroger proceeded to the request of James Berling for an Improvement Plan Approval for property located at Evergreen Drive, Florence, Kentucky containing 5.28 acres. Mr. Jenkins presented the Engineer's report stating the request meets all requirements and recommended approval. Mrs. Baker read the Committee report recommending approval. Mr. McMillian moved to approve the request. Mrs. Smith seconded; the vote carried unanimously.

Chairman Kroger proceeded to the request of Anthony W. Erpenbeck for a zoning map amendment for property located at the North side of U.S. 42 and west side of Pleasant Valley Road, Florence, Kentucky from a zoning district of SR-1, RS, A-2 and AEO to SR-1/PD overlay at 4.38 units per acre to bring the property into conformance with the Comprehensive Plan, containing 228.3 acres. Mr. Block located the property on the map and presented the Enforcement Officer's Report. Mrs. Baker read the Committee report recommending approval with conditions. Mr. Holbrook, after reviewing the report with Mr. Erpenbeck, stated that the applicant agreed with the conditions which in his opinion reflected legitimate concerns of the Committee and residents. He stated that the Erpenbecks would do everything they could to comply with the conditions. Mr. Holbrook thanked the Committee and Commission for their cooperation during the process and noted the applicant's satisfaction with the recommendation. Chairman Kroger asked if anyone else was present in behalf of the request. No one responded. Chairman Kroger asked

is anyone was present in opposition.

Mrs. Meyers stepped forward and inquired if a buffer would be provided for the residents of Fowler Creek Road. Mr. Neltner stated the Committee's recommendations would stand as they were. Mrs. Meyer expressed concern for the future if the access road dead ended in the middle of her house. Chairman Kroger stated in his opinion that such a condition would not happen. Mr. Ralston stepped forward and stated that the highway department listed Pleasant Valley Road as a minor collector road, rather than a minor arterial road, as such was not designed to handle large traffic flow. Mr. Erpenbeck stated that the Comprehensive Plan identified Pleasant Valley Road as a minor arterial road. Mr. Block referred to page 4.3 of the Comprehensive Plan to clarify the definition. At the request of a resident, Mrs. Baker re-read Section "B" of the Committee report. In response to the resident, Chairman Kroger stated that the conditions would be made part of the approval of the Concept Development Plan of the zone change. If a major change in the agreed Concept Development Plan were to be made, he point out, an additional Public Hearing would be required. A resident stated that the Concept Development Plan provided for high and medium density development but allowed for no low density development and thus did not comply with the Comprehensive Plan of the City of Florence. He stated that he thought the request should be denied on this basis. Mr. Neltner submitted a petition from residents opposing the request; Chairman Kroger accepted the petition as part of the record. Chairman Kroger asked for further comments. No one responded. Mr. McMillian moved by resolution R-14-83 that the request be recommended to the City of Florence for approval, based on the findings of fact and conditions set forth in the Committee report, with the additional provision that all lots within Section "B" abutting Valley View Subdivision be equal in size to the lots in Valley View Subdivision. Mr. Barnett seconded the motion for the purpose of discussion. At the request of Chairman Kroger, Mr. Block identified the property in Valley View as being zoned Agriculture Two with possibly some rural suburban. In response to Mr. Poole, Mr. Block reviewed the minimum lot size of the zoning district, noting that he was not certain of the size of lots within the adjoining subdivision. Mr. Erpenbeck pointed out that the adjoining lots in his development would be 15,000 square feet and would therefore be compatible with the existing zoning in the adjoining subdivision. Mr. Barnett stated in his opinion that for the neighboring residents it would be most desirable for the property to remain undeveloped, but that would not happen. He stated that he felt it was better for them to be developed with an overall plan for the property rather than five acres at a time. He pointed out the reason for his second was he felt that for the protection of the residents, lot size should be taken into consideration. In response to Mr. Kroger, Mr. Wilson stated that in order to request a different

zoning classification for a particular section of the project another Public Hearing would be required. In response to Mr. Barnett, Mr. Erpenbeck stated he would not agree to the change in lot size. Mr. Holbrook stated that the Committee had taken lot size under consideration by asking for no less than 75' X 200' lots which would place the houses approximately 400 feet apart, and is the protection for the residents and still preserving the rights of development by the Erpenbecks. Mrs. Poole stated her house sets back 100 feet from the back property lines and if the proposed lots were 75' X 200' she did not understand how there could be 400 feet between houses. Mr. Jones inquired as to what would happen if Valley View Drive were extended. Mr. Kroger stated there were no such plans before the Commission at the present. Mr. Erpenbeck pointed out that Mr. Schreiber's home was one of the largest on Pleasant Valley and as developer of that subdivision, Mr. Schreiber surrounded his home with lots 75' X 200' which had not damaged the value of his home. An unnamed resident pointed out that there were no apartments in that subdivision to lower property value. Mrs. Stoker, expressed her concern regarding the loss of quality education due to overcrowding the public school system. Mr. McMillian stated that the reason for the motion was to preserve the Valley View subdivision quality and standards, as it is in his opinion the nicest subdivision in Boone County. Mr. Neltner stated that a lot size somewhere inbetween could act as a buffer zone or transition between Valley View and other proposed development. Mr. Jones stated that the home owners purchasing in the future would be aware of this project; the protection of the existing homes should now be considered. In response to Mr. Hasselbring Mr. Wilson stated that with the addition of Mr. McMillian motion, the Concept Development Plan would be substantially change, and a second Public Hearing would probably be required. A roll call vote on the motion was eight (8) "NO"; four (4) "YES". The motion was defeated. Mr. Hasselbring moved by Resolution No. R-14-83, based on Committee and Staff report as they stood that the zoning map amendment be recommended to the City of Florence for approval and that all appropriate conditions and agreements from the developer be obtained and contained herein. Mr. Erpenbeck agains acknowledged agreement to the conditions. Mr. Collins seconded. The vote carried nine (9) "YES" ; three (3) "NO"; Mr. Jones, Mr. McMillian and Mr. Mitchell voted No.

Chairman Kroger pointed out the recommendation for approval would be forwarded to the City of Florence for final action.

Chairman Kroger proceeded to the new business agenda.

Item # 1: Request of H.P.S., Inc. for a zoning map amendment for property located at 21 Old Stepehnson Mill Road, Walton, Kentucky from a zoning district of Urban Residential One (UR-1) to Urban Residential Two (UR-2) zoning district, containing .98 acres. Mr. Hasselbring moved to set a public hearing date for August 24, 1983 at 8:00 P.M.; Mrs. Smith seconded. The vote

carried unanimously.

Item # 2: The request of James A. Gallenstein for Site Plan Review, for property located on Ky 18, Burlington Pike Florence, Kentucky, zoned Commercial Three (C-3) on a 2 acre site, to build a Mini Mall Center. The request was referred to Committee.

Item # 3: The request of Shoemaker Auto Body Inc., for Site Plan Review, for property located at 123 Shoemaker Lane, Florence, Kentucky, zoned Commercial Services (C-3) on a .7 acre site, in order to build an addition to the body shop. Request referred to Committee.

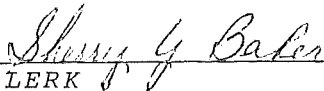
Item # 4: Request of Michael Berling, for Improvement Plat Approval for property located at Evergreen Drive, Florence, Kentucky, zoned Suburban Residential One (SR-1) for section number three (3) of the Evergreen Farms Subdivision, on a 6 acre site. Request referred to Committee.

Chairman Kroger asked for further business; no one responded.

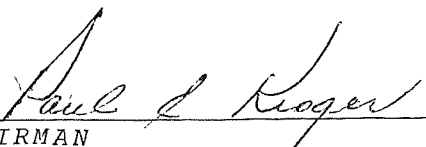
Mr. McMillian moved for adjournment; Mr. Hasselbring seconded. The vote carried unanimously.

The meeting adjourned at 9:37 P.M..

Respectfully Submitted:


CLERK

Approved:


CHAIRMAN

COMMITTEE REPORT

DATE: JULY 20, 1983

TO: BOONE COUNTY PLANNING COMMISSION

FROM: BARRY NELTNER, CHAIRMAN

SUBJECT: Request of Anthony W. Erpenbeck for a zoning map amendment for property located at the north side of U.S. 42 and West Side of Pleasant Valley Road, Florence, Kentucky from a zoning district of SR-1, RS, A-2 and AEO to SR-1/PD overlay at 4.38 units per acre to bring property into conformance with the Comprehensive Plan, containing 228.3 acres.

CONCLUSION:

Based on the following findings, we recommend approval of the Erpenbeck request for rezoning of 228.3 acres from current zoning classification of Suburban Residential One, Agricultural Estate, and Rural Suburban with Airport Environs Overlay to Suburban Residential One/ Planned Development Overlay, this recommendation being subject to the provisions of the applicants' concept development plan and other conditions identified below.

FINDINGS:

1. The request is in agreement with the Boone County Comprehensive Plan of the Land Use Plan Map showing this property as Medium Density Residential and the request as presented satisfies Comprehensive Plan text provisions regarding Medium Density Residential development.

2. Overall average density for this request of 4.38 units per acre is within density requirements of Medium Density Residential under the Comprehensive Plan.

3. By having a wide variety of housing types, the request is consistent with the Comprehensive Plan for Medium Density Residential Development as a wide variety of housing types are anticipated for these developments in the Comprehensive Plan.

4. In addition to the Land Use Plan Map, the Comprehensive Plan text identifies this property as medium density residential development and expressly encourages such development as the Florence Service area is expanded.

5. The land which is subject of this request was annexed into Florence, Kentucky within 2-3 years after the preparation and adoption of the Comprehensive Plan, making City Services available to it, except for Public Sanitary Sewage treatment. Expansion of service areas around Florence, including the area of this request, was anticipated in the Comprehensive Plan.

5. Public water supply from Florence, Kentucky is presently available to the site and public sanitary sewage treatment is to be available under the proposed sanitary sewer extension project of Florence, Kentucky.

7. Traffic access under the request would include US 42, which is a major arterial highway under the Comprehensive Plan, and Pleasant Valley Road, identified as a minor arterial roadway, which carry traffic between collectors and major arterials.

8. While the property is within an Airport Environs Overlay, it is outside the 30 value noise level, indicating residential usage is appropriate from an airport noise level consideration.

9. This recommendation takes into account that the request has environmentally sensitive features to it and these are addressed in the Concept Development Plan and other conditions which are as follows, along with conditions addressing compatibility with surrounding uses.

CONDITIONS:

STAGING OF DEVELOPMENT

1. That sections "E" and "D" as submitted in the Erpenbeck proposal (see attachment # 1) be the first areas to be developed with the remaining areas (sections A,B,C,F,G,H) to be developed as warranted by housing demands in the community.

OPEN SPACE

1. That the developer and the City of Florence review the proposed access to the "open space" or park area (I) with the intent of finding a direct route off of the main connector to US 42. It is the feeling of the committee that access to the park should not be developed directly through any of the proposed housing sections.

2. That the road accessing the "open space" through the Erpenbeck development meet minimum standards of the City of Florence.

3. That grading or excavating in the open space area be with the knowledge and consent of the City of Florence.

4. That the park establish a curfew of 10:00 P.M. and that "adult" league competition be excluded from this facility.

FOWLER CREEK

1. That the development of the portion of which is intended to connect to Fowler Creek Road in section G (containing 20 lots), be the last area developed and that a tie in with Fowler Creek Road be contingent upon improvement of Fowler Creek Road to a point that it could accommodate the traffic anticipated from the development.

2. That whatever means necessary be taken in the development of the Fowler Creek Road intersection to prevent increased runoff onto Fowler Creek Road and through the properties located opposite the development's tie in to this road.

SECTION B

1. That in section "B", lots which are contiguous to properties on Valley View Drive must maintain a minimum lot size of 75' X 200' and those on the cul-de-sacs must meet a minimum requirement of 15,000 square feet per lot. All other lots in section B intended for "single family detached" development- not contiguous to Valley View Drive-must maintain a minimum lot size of 75' X 125' except those surrounding cul-de-sacs which must meet a minimum requirement of 9,375 square feet per lot.

2. That townhouses in section "B" be located on the cul-de-sacs nearest the apartment development (section "A") and that screening in the form of trees be provided between the townhouses and the developed properties on Pleasant Valley Road.

3. That house sizes in section "B" meet a minimum of 1200 square feet of living space, excluding basement and garage areas.

4. That no connection be developed to Valley View Drive via the dedicated right of way which currently exists.

SECTIONS E & G

In sections "E" and "G" lots must maintain a minimum lot size of 65' X 125' except those surrounding cul-de-sacs which must meet a minimum requirement of 8,125 square feet per lot.

OTHER CONDITIONS

1. That Recreation facilities be provided for the apartments and condominiums at the time of development of these sections and not be dependent upon development of the park which may occur at some future date.

2. That the number of single bedroom units in sections "A" and "F" must not exceed 50% (\pm 5%) of the total number of apartment units to be developed.

3. That adequate assurance must be made to the appropriate state and federal agencies that the on-site sanitation facilities will be maintained at all times to meet state standards until such time that tie-in with the City sanitation system is complete.

Barry W. Neltner
Barry Neltner, Chairman

Lawrence Collins
Lawrence Collins

Scott Hasselbring
Scott Hasselbring

Charles Mitchell
Charles Mitchell

R. N. Greene
R. N. Greene

Carol Smith
Carol Smith



FARMVIEW

A PLANNED COMMUNITY

ORDINANCE NO. 0-31-83

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, SUCH ZONE CHANGE BEING FOR PROPERTY LOCATED, GENERALLY, ALONG PORTIONS OF U. S. HIGHWAY 42 AND PLEASANT VALLEY ROAD, THIS ZONE CHANGE BEING FROM ITS PRESENT ZONES OF SUBURBAN RESIDENTIAL ONE (SR-1), RURAL SUBURBAN (RS), AGRICULTURE TWO (A-2), AIRPORT ENVIRONS OVERLAY (AEO) TO SUBURBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT OVERLAY (SR-1/PD) ZONE. (ERPENBECK PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended that certain real estate located, generally, along portions of U. S. Highway 42 and Pleasant Valley Road, such property being in Florence, Kentucky, should be rezoned from its present Suburban Residential One (SR-1), Rural Suburban (RS), Agriculture Two (A-2), Airport Environs Overlay (AEO) to Suburban Residential One/Planned Development Overlay (SR-1/PD) Zone, and

WHEREAS, this recommendation from the Boone County Planning Commission is based upon certain findings which have been reviewed by the City Council of Florence, Kentucky.

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

SECTION I

That certain real estate located along portions of U. S. Highway 42 and Pleasant Valley Road, such property being in Florence, Kentucky, shall be and the same is hereby rezoned from its present zone to a Suburban Residential One/Planned Development, SR-1/PD Zone, such real estate being more particularly described in Exhibit "A" which is attached and incorporated by reference herein as if fully set out.

SECTION II

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 rezoning of the real estate set forth in Section I of this Ordinance.

SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change matter shall be and is hereby adopted and approved by the City Council of Florence, Kentucky which accepts the findings of the Boone County Planning Commission for this zone change.

SECTION IV

That the rezoning of this property being for a planned development overlay, it is subject to the conditions and provisions of the zone change request, including its development plan, and the conditions of the Committee Report of the Boone County Planning Commission dated July 20, 1983, these conditions having been agreed to by the property owners/applicants. A copy of this Committee Report is attached, marked Exhibit "B" and incorporated by reference herein as if fully set out.

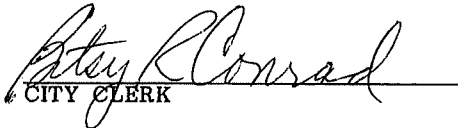
SECTION V

That in the event the rezoning of this property would be held invalid by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, including other portions of the zoning map, or comprehensive plan as the continued validity of these other regulations, zoning map and comprehensive plan provisions are severable from this matter and are intended to continue onto effect irregardless of the rezoning on this particular piece of property. PASSED AND APPROVED ON FIRST READING THIS 27th DAY OF September 1983. PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 11 DAY OF Oct, 1983.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

ORDINANCE NO. 0-31-83

ORDINANCE ADOPING AND APPROVING A ZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, SUCH ONE CHANGE BEING FOR PROPERTY LOCATED GENERALLY ALONG PORTIONS OF U.S. HIGHWAY 42 AND PLEASANT VALLEY ROAD, THIS ZONE CHANGE BEING FROM ITS PRESENT ZONES OF SUBURBAN RESIDENTIAL ONE (SR-1), RURAL SUBURBAN (RS), AGRICULTURE TWO (A-2), AIRPORT ENVIRONS OVERLAY (AEO) TO SUBURBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT OVERLAY (SR-1/PD) ZONE. (ERPENBECK PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended that certain real estate located, generally, along portions of U.S. Highway 42 and Pleasant Valley Road, such property being in Florence, Kentucky, should be rezoned from its present Suburban Residential One (SR-1), Rural Suburban (RS), Agriculture Two (A-2), Airport Environs Overlay (AEO) to Suburban Residential One/Planned Development Overlay (SR-1/PD) Zone, and

WHEREAS, this recommendation from the Boone County Planning Commission is based upon certain findings which have been reviewed by the City Council of Florence, Kentucky.

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

SECTION I

That certain real estate located along portions of U.S. Highway 42 and Pleasant Valley Road, such property being in Florence, Kentucky, shall be and the same is hereby rezoned from its present zone to a Suburban Residential One/Planned Development, SR-1/PD Zone, such real estate being more particularly described in Exhibit "A" which is attached and incorporated by reference herein as if fully set out.

SECTION II

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 rezoning of the real estate set forth in Section I of this Ordinance.

SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change matter shall be and is hereby adopted and approved by the City Council of Florence, Kentucky which accepts the findings of the Boone County Planning Commission for this zone change.

SECTION IV

That the rezoning of this property being for a planned development overlay, it is subject to the conditions and provisions of the zone change request, including its development plan, and the conditions of the Committee Report of the Boone County Planning Commission dated July 20, 1983, these conditions having been agreed to by the property owners/applicant's. A copy of this Committee Report is attached, marked Exhibit "B" and incorporated by reference herein as if fully set out.

SECTION V

That in the event of the rezoning of this property, should be held invalid by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, including other portions of the zoning map, or comprehensive plan as the continued validity of these other regulations, zoning map and comprehensive plan provisions are severable from this matter and are intended to continue into effect regardless of the rezoning of this particular piece of property.

PASSED AND APPROVED ON FIRST READING THIS 27TH DAY OF SEPTEMBER, 1983.
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 11TH DAY OF OCTOBER, 1983.

APPROVED:
/s/ ROGER W. ROLFES
Mayor

ATTEST:
BETSY R. CONRAD
City Clerk

LEGAL DESCRIPTION

Being located in the City of Florence, Boone County, Kentucky and described as follows:

Beginning at a point on the north right of way line of US 42, said point being a common corner between Erpenbeck and Samuel Comins; thence with the common line with said Comins N57°38'W, 274.7 feet; thence N0°25'W, 675 feet; thence N11°14'W, 948 feet; thence N44°42'55"E, 619.04 feet; thence N75°57'28"E, 322.66 feet to a corner with Dr. Glenn Baird; thence with the common line with Baird N83°43'08"E, 317.92 feet; thence S85°04'39"E, 1,008.89 feet; thence leaving said common line with Baird and along a common line with the FRANK SCHWARTZ and William Haines properties N82°56'13"E, 413.23 feet; thence with a common line with R. O. Durr N14°00'E, 67.0 feet; thence N6°36'E, 155.30 feet; thence N17°41'E, 292.89 feet to a point on the west right of way line of Pleasant Valley Road, K.P. 237; thence with said west right of way line N27°57'30"W, 51.83 feet; thence with the arc of a curve (R = 1,870.0 feet) northwest 488.39 feet to a common corner with Virgil Reynolds; thence with the common line with said Reynolds S45°51'07"W, 289.04 feet; thence N44°09'30"W, 500.00 feet to a corner with Dennis Kelley; thence with said Kelley N45°51'30"E, 300.0 feet to a point on the said west right of way line of Pleasant Valley Road; thence with said right of way line N44°08'30"W, 347.67 feet; thence with the arc of a curve (R = 1,807.1 feet) Northwest 222.25 feet; thence N37°56'W, 10.00 feet; thence with the arc of a curve (R = 1,586.1 feet) northwest 90.53 feet to a point; thence leaving said west right of way line and with the south line of Pleasant Valley Acres Subdivision S48°30'W, 871.26 feet; thence S16°04'40"E, 59.79 feet; thence leaving said subdivision S48°48'W, 1,317.6 feet; thence N17°30'W, 846.7 feet; thence N21°35'W, 275.00 feet to a corner with David Schneider; thence with the common line with Schneider N85°35'W, 279.0 feet; thence N77°04'W, 86.00 feet; thence N88°58'W, 281.0 feet; thence N78°07'W, 469.9 feet; thence S40°24'W, 205.2 feet to a corner with Roundtable, Inc.; thence with the common line with said Roundtable, Inc. S50°18'W, 704.3 feet; thence S48°29'E, 915.0 feet; thence S34°44'W, 1,349.8 feet; thence N85°38'W, 624.8 feet to a point in Fowler Creek Road; thence with said Fowler Creek Road S8°29'E, 372.6 feet; thence leaving said Fowler Creek Road and with the common line with Raymond Gollins S86°08'E, 1,478.88 feet; thence S18°14'W, 770.7 feet; thence with the common line with Kenneth Brooks and Joan Bowman properties S85°29'E, 710.7 feet; thence with the common line with said Joan Bowman S24°29'E, 407.2 feet; thence N80°56'E, 623.6 feet; thence with the common line with the United Methodist Church property S72°20'E, 589.8 feet to a point on the north right of way line of US Highway 42; thence with said north right of way line N32°26'E, 500.0 feet to the point of beginning and containing 228.3 acres.

BOR-11