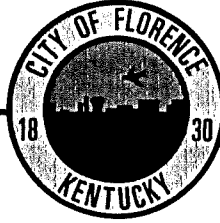
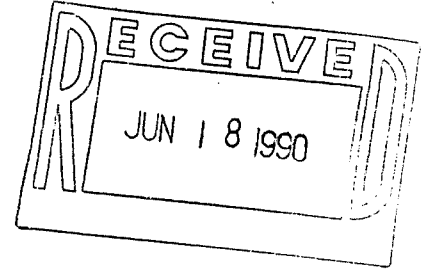


# City of Florence



BRUCE W. JANKEN  
City Coordinator

June 14, 1990



Mr. Kevin Costello, Interim Director  
Boone County Planning Commission  
P.O. Box 697  
Burlington, Kentucky 41005

RE: 1.44 acres - Ky. 842 (Weaver Road)  
Saddlebrook Commercial Property


Dear Kevin:

Towne Land Company has requested annexation into the City for his property located on Weaver Road. The description and plot of the property, along with a request for annexation, are enclosed.

The City requests that the Planning Commission hold a public hearing as required by Kentucky Statutes and make a recommendation whether the annexation of this property should affect its current zoning. Once a public hearing has been scheduled, please contact the City and Mr. Cecil R. Shope. Please forward the Resolution containing the Commission's recommendation to the City when finalized.

If you have any questions, please let me know.

Sincerely,

  
Bruce W. Janken  
City Coordinator

BWJ/lm

Enclosures

cc: Hon. Hugh O. Skees  
Betsy Conrad, City Clerk  
Cecil R. Shope  
Public Services Department

**TOWNE  
LAND  
COMPANY**

at The Monastery  
1055 St. Paul Place  
Cincinnati, Ohio 45202  
(513) 381-8696

June 13, 1990

Mr. Bruce Janken  
City Coordinator  
City of Florence  
P. O. Box 457  
Florence, KY 41022-0457

Re: Saddlebrook Commercial Property Annexation

Mr. Janken:

We are herein requesting annexation of the above referenced property into the City of Florence. The description of this property has been forwarded to you by our engineers, Viox & Viox.

Please let me know if there is anything further you need from us to expedite this process.

Thank you.

Sincerely,



Cecil R. Shope  
General Manager

CRS:jad





**VIOX & VIOX, P.S.C.**

CONSULTING ENGINEERS & SURVEYORS

488 ERLANGER ROAD

ERLANGER, KENTUCKY 41018

PHONE: (606) 727 - 0233

JAMES H. VIOX, III, P.E.  
KY. REG. NO. 6880  
KY. LAND SURVEYOR NO. 797

WILLIAM R. VIOX, P.E.  
KY. REG. NO. 9209  
KY. LAND SURVEYOR NO. 1781

## DESCRIPTION

Parcel to be Annexed to The City of Florence

A parcel of land lying on the southwesterly side of Ky. 842 (Weaver Road) in Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the southwesterly right-of-way line of Ky. 842, said point also being the most southeasterly corner of an 11.15 acre parcel owned by Saddlebrook Partners (D.B. 394, pg. 312, Boone County Clerk's Records, Burlington) and running thence:

S 83-43-50 W, a distance of 347.22 feet, to a point, thence  
N 4-27-07 W, a distance of 188.9 feet, to a point, thence  
N 58-52-17 W, a distance of 71 feet, to a point, thence  
N 51-44-08 E, a distance of 180.91 feet, to a point, thence  
S 50-38-53 E, along the southwesterly right-of-way line of  
Ky. 842, a distance of 125 feet, to a point, thence  
S 52-17-05 E, along the aforementioned southwesterly right-  
of-way line, a distance of 177.09 feet, to the place of  
beginning, and containing 1.44 acres more or less.

8/5/90

**EXHIBIT "A"**

ANNEXATION REQUEST BY THE CITY OF FLORENCE  
FOR A 1.44 ACRE SITE OWNED BY TOWNE LAND COMPANY

JULY 18, 1990

This is an annexation request by the City of Florence for a 1.44 acre site owned by Towne Land Company, located west of I-75 and on the southwesterly side of KY 842 (Weaver Road), Boone County, Kentucky. The property is currently zoned Commercial Two (C-2), and is part of a larger tract of approximately 130 acres under the same ownership.

In accordance with Kentucky Law (K.R.S. 81A.420 and K.R.S. 100.209), the City of Florence has requested that the Boone County Planning Commission hold a Public Hearing in order to make a recommendation regarding the annexation's effect, if any, on zoning. In the 1986 Regular Session of the Kentucky General Assembly, there was an amendment to K.R.S. 100, whereby the Planning Commission was given authority to review annexation requests and the effect on zoning as outlined in K.R.S. 100.209.

HISTORY OF THE SITE

This site was part of a Zoning Map Amendment request approved by the Boone County Planning Commission on July 6, 1988 and by the Boone County Fiscal Court on September 6, 1988. The zoning on the entire 130 acre site was changed from Suburban Residential One (SR-1) and Recreation (R) to Suburban Residential Two/Planned Development (SR-2/PD) and Commercial Two (C-2). The approved Concept Development Plan of that request proposes this 1.44 acre site for commercial use. On October 19, 1988, the 119.51 acre residential area was annexed into the City of Florence. Since that time, several improvement plans for the residential portion of the entire 130 acres have been approved.

SURROUNDING LAND USES AND ZONING

The surrounding land uses of this 1.44 acre site are multi-family residential and open space to the north, agriculture the east, residential to the south and open space to the west.

Surrounding zoning of the 1.44 acre site include:

- North - Suburban Residential Two/Planned Development (SR-2/PD)
- South - Suburban Residential One (SR-1)
- East - Suburban Residential One (SR-1)
- West - Commercial Two (C-2)

RELATIONSHIP TO THE COMPREHENSIVE PLAN

As reviewed during the Zoning Map Amendment Request, the Future Land Use Map indicates Commercial for this particular site surrounded by Suburban Density

Residential and High Suburban Density Residential.

The text of the Comprehensive Plan includes the following references.

Page 4 lists one of the objectives for future business activity in Boone County:

3. The large scale mixing of commercial and non-commercial uses shall occur in planned developments and replanned older areas where consideration can be given to assure compatibility with surrounding land uses.

Pages 91 and 92 discuss the areas of future commercial activity in the county:

"The commercial developments that occur shall be limited in scale and clustered to serve growing residential neighborhoods. Planned Unit Developments should be encouraged so that commercial construction is incorporated within new residential areas."

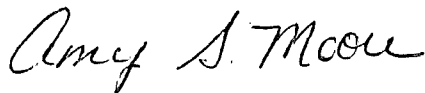
"In general, large residential developments may need to provide for neighborhood-scale commercial activities. Neighborhood commercial activities may include small grocery or convenience stores, family restaurants, professional or small retail operations of general merchandise. These neighborhood commercial activities should be scaled to serve only their surrounding residential subdivisions."

Attached is a drawing of the proposed 1.44 acre site to be annexed and a copy of the vicinity from the Future Land Use Map.

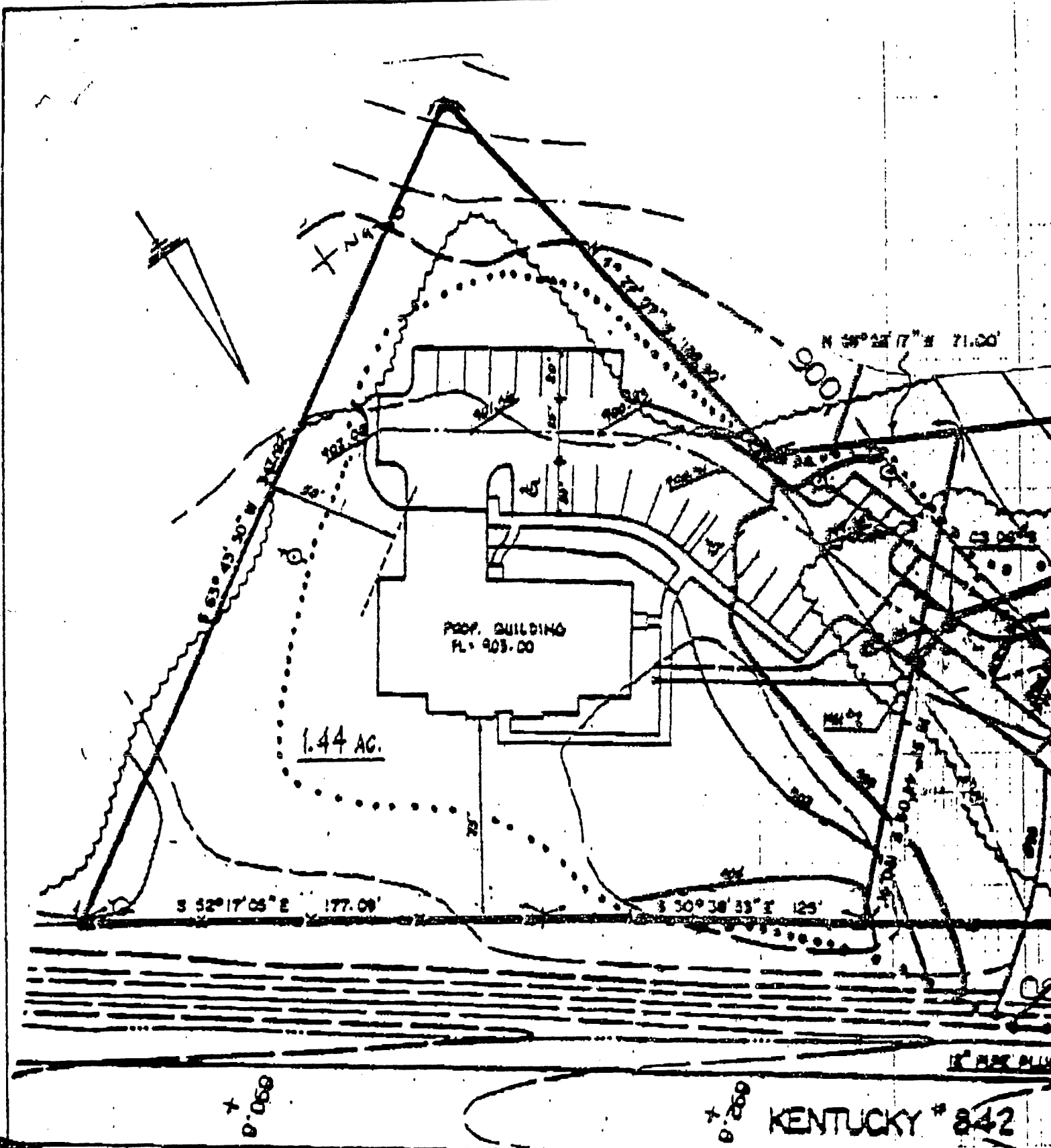
#### STAFF REVIEW

Staff feels that this annexation request will not have an effect on the zoning of the 1.44 acre parcel. The approved zoning of Commercial Two (C-2) accurately reflects the planned uses of the property. The approved zoning and its accompanying Concept Development Plan have been publicly reviewed through the Zoning Map Amendment process, and have been approved for the land use reasons contained in the minutes and Committee Report of the July 6, 1988 Boone County Planning Commission Business Meeting. In staff's opinion, the annexation of this proposed development site does not warrant a change in zoning to be in accordance with the 1986 Boone County Zoning Regulations as they pertain to the City of Florence.

Respectfully Submitted,



Amy S. Moore  
Plans Examiner/Planner



107

S.Y. # 144



BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #2  
July 18, 1990

Page 1

Mr. Burch introduced the second item on the Agenda:

2. Applicant: The City of Florence  
Request: Annexation

The request of the City of Florence to determine the impact of annexation upon the current zoning of a 1.44-acre site located off Weaver Road, Boone County, Kentucky. The site is owned by Towne Land Company and is zoned Commercial Two (C-2).

Staff Member, Amy Moore, presented the Staff Report noting the attached maps (see Staff Report).

Mr. Burch asked if there was anyone present from the City of Florence in regard to this request. There was no response.

Mr. Burch then asked if there was anyone present who wished to speak either for or against the request or having questions, or if there were any comments or questions from the Commission.

Mr. Cecil Shope of Towne Land Company stated that they will have a claims office on the site.

There being no further comments, Mr. Burch stated that this item will be on the Agenda for the Business Meeting on August 1, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
Fred Burch, Vice Chairman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

August 1, 1990

8:00 P.M.

---

---

Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett  
Mr. Fred Burch, Vice Chairman  
Mr. Lawrence Collins  
Mr. Phil Damstrom  
Mr. Melvin DeLong  
Mr. R. N. Greene  
Mr. Rector Jones  
Mr. Robert Kirby, Jr.  
Mr. Don McMillian  
Mr. Barry Neltner  
Mr. Floyd Sharp  
Mrs. Carol Smith  
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Thurman Owens  
Mr. Ralph Rush

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received copies of the Minutes of the Business Meeting of July 18, 1990 and the Public Hearings of July 18 and July 25, 1990. He asked if there were any comments or corrections.

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

Mr. Costello read the Committee Report which recommended denial of the request based on the statements made and facts gathered at the July 18, 1990 Public Hearing (see Committee Report).

There being no discussion, Mr. Greene moved that the request be denied based on the Committee Report. Mrs. Smith seconded the motion. The Chairman asked for a roll call vote on the motion which found Mr. Barnett, Mr. Burch, Mr. Collins, Mr. Damstrom, Mr. Greene, Mr. Jones, Mr. Kirby, Mr. McMillian, Mr. Neltner, Mr. Sharp, Mrs. Smith and Chairman Viox in favor. Mr. DeLong was opposed. The motion carried.

Counselor Wilson stated that the Commission is a recommending body and the request will go to the Fiscal Court for their final action.

4. Annexation Request by the City of Florence

The request of the City of Florence to determine the impact of annexation upon the current zoning of a 1.44-acre site located off Weaver Road, Boone County, Kentucky. The site is owned by Towne Land Company and is zoned Commercial Two (C-2).

Mr. Costello read the Committee Report which recommended that the annexation not affect the current zoning (see Committee Report).

Mr. Collins moved that the Committee Report be adopted. Mr. Jones seconded the motion.

Chairman Viox stated that he would abstain from voting in regard to this item as he is the city engineer and prepared the sketch for the request.

The Chairman asked for a vote on the motion which found all voting members in favor. Chairman Viox abstained. The motion carried.

5. Zoning Map Amendment

The request of Mary E. Riegler (applicant) for Mary E. Riegler and the Estate of Len Riegler (owners) for a Zoning Map Amendment on a 30-acre site located on the south side of Longbranch Road, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Agriculture (A-1) in order to allow one mobile home.

Mr. Costello read the Committee Report which recommended deferral of the request until the August 15, 1990 Business Meeting (see Committee Report).

There being no discussion, Mr. Collins moved that the request be deferred until the August 15, 1990 Business Meeting based on the Committee Report. Mr. Kirby seconded the motion and it carried unanimously.

**EXHIBIT "B"**

# COMMITTEE REPORT

#4

TO: Boone County Planning Commission

FROM: Larry Barnett, Chairman

DATE: August 1, 1990

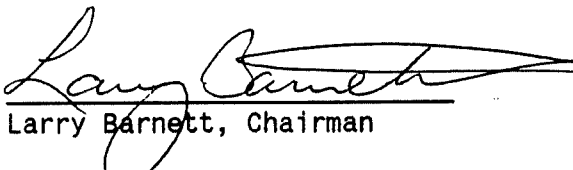
RE: Request of the City of Florence to determine the impact of annexation upon the current zoning on a 1.44 acre site located off Weaver Road, Boone County, Kentucky. The site is owned by Towne Land Company and is zoned Commercial Two (C-2).

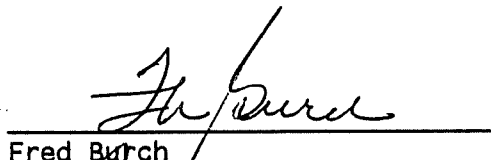
## REMARKS:

We, the Committee, recommend that the current zoning of Commercial Two (C-2) on the 1.44 acre site not be changed based upon the following findings of fact. This annexation request has no effect on the current zoning.


## FINDINGS OF FACT

1. The 1990 Boone County Comprehensive Plan contains several recommendations for neighborhood-scale commercial activities in close proximity to residential developments. Through the Zoning Map Amendment process, the Boone County Planning Commission and the Fiscal Court determined that the proposed Towne Properties development, and hence the Commercial Two/Planned Development zoning (C-2/PD) was appropriate for the site and consistent with the 1990 Boone County Comprehensive Plan.
2. The current zoning, as further defined by the approved Concept Development Plan, is compatible with the zoning and the land uses of the adjoining properties, both in the City of Florence and unincorporated Boone County. Specifically, the approved plan includes neighborhood-scale commercial activities adjacent to single-family or multi-family residential developments.

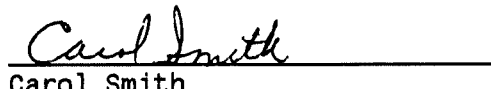
  
Larry Barnett, Chairman

  
Fred Burch

\_\_\_\_\_  
Phil Damstrom

  
Rector Jones

  
Barry Neltner

  
Carol Smith

\_\_\_\_\_  
Thurman Owens

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 1.44 ACRES LOCATED ON THE SOUTHWESTERLY SIDE OF KENTUCKY HIGHWAY 842 (WEAVER ROAD) ADJACENT TO THE CITY LIMITS, (TOWNE LAND COMPANY).

WHEREAS, the City has previously enacted Ordinance No. 0-22-90 stating its intention to annex the hereinafter described unincorporated territory, and

WHEREAS, the City has determined that it is desirable to annex the territory which is contiguous to the boundaries of the City, and

WHEREAS, pursuant to K.R.S. 100.209(1) the City makes the election that after annexation the territory shall remain subject to the same land use restrictions as applied to it prior to annexation until such restrictions are changed in accordance with K.R.S. Chapter 100.

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

SECTION I

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

SECTION II

Pursuant to K.R.S. 100.209(1) the territory shall, after annexation, remain subject to the same land use restrictions as applied to it prior to annexation, until those restrictions are changed in accordance with K.R.S. Chapter 100.

SECTION III

This ordinance shall be published in full. PASSED AND APPROVED ON FIRST READING THIS 11<sup>th</sup> DAY OF December, 1990.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 16<sup>th</sup> DAY OF December, 1990.

APPROVED:

[Signature]  
MAYOR

ATTEST:

[Signature]  
CITY CLERK

DESCRIPTION

Parcel to be Annexed to The City of Florence

A parcel of land lying on the southwesterly side of Ky. 842 (Weaver Road) in Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the southwesterly right-of-way line of Ky. 842, said point also being the most southeasterly corner of an 11.15 acre parcel owned by Saddlebrook Partners (D.B. 304, pg. 312, Boone County Clerk's Records, Burlington) and running thence:

S 83-43-30 W, a distance of 347.22 feet, to a point, thence N 4-27-07 W, a distance of 108.9 feet, to a point, thence W 58-52-17 W, a distance of 71 feet, to a point, thence N 31-44-08 E, a distance of 180.91 feet, to a point, thence S 30-45-53 E, along the southwesterly right-of-way line of Ky. 842, a distance of 175 feet, to a point, thence S 52-17-05 W, along the aforementioned southwesterly right-of-way line, a distance of 177.06 feet, to the place of beginning, and containing 1.44 acres more or less.

8/5/90

EXHIBIT "A"

LEGAL