

EXHIBIT "C"
REQUEST OF THE CITY OF FLORENCE
TO ANNEX A 19.8 ACRE SITE OWNED BY
AMERICAN SIGN AND MARKETING SERVICES, INC.
JUNE 3, 1987

The City of Florence has requested annexation of a 19.8 acre site located at 7430 Industrial Road (east side of Industrial Road), Boone County, Kentucky. American Sign and Marketing Services, Inc. is currently located on the site, which is zoned Industrial Two (I-2).


In accordance with Kentucky Law (K.R.S. 81A.420 and K.R.S. 100.209), the City of Florence has requested that the 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

The primary building facility of American Sign and Marketing Services, Inc. has approximately 190,000 square feet. On July 24, 1985, the Boone County Planning Commission approved a Site Plan for the construction of two building additions (32,000 square feet and 26,400 square feet). On April 2, 1986, the Boone County Planning Commission approved another Site Plan to allow for the construction of a 4,000 square foot metal building.

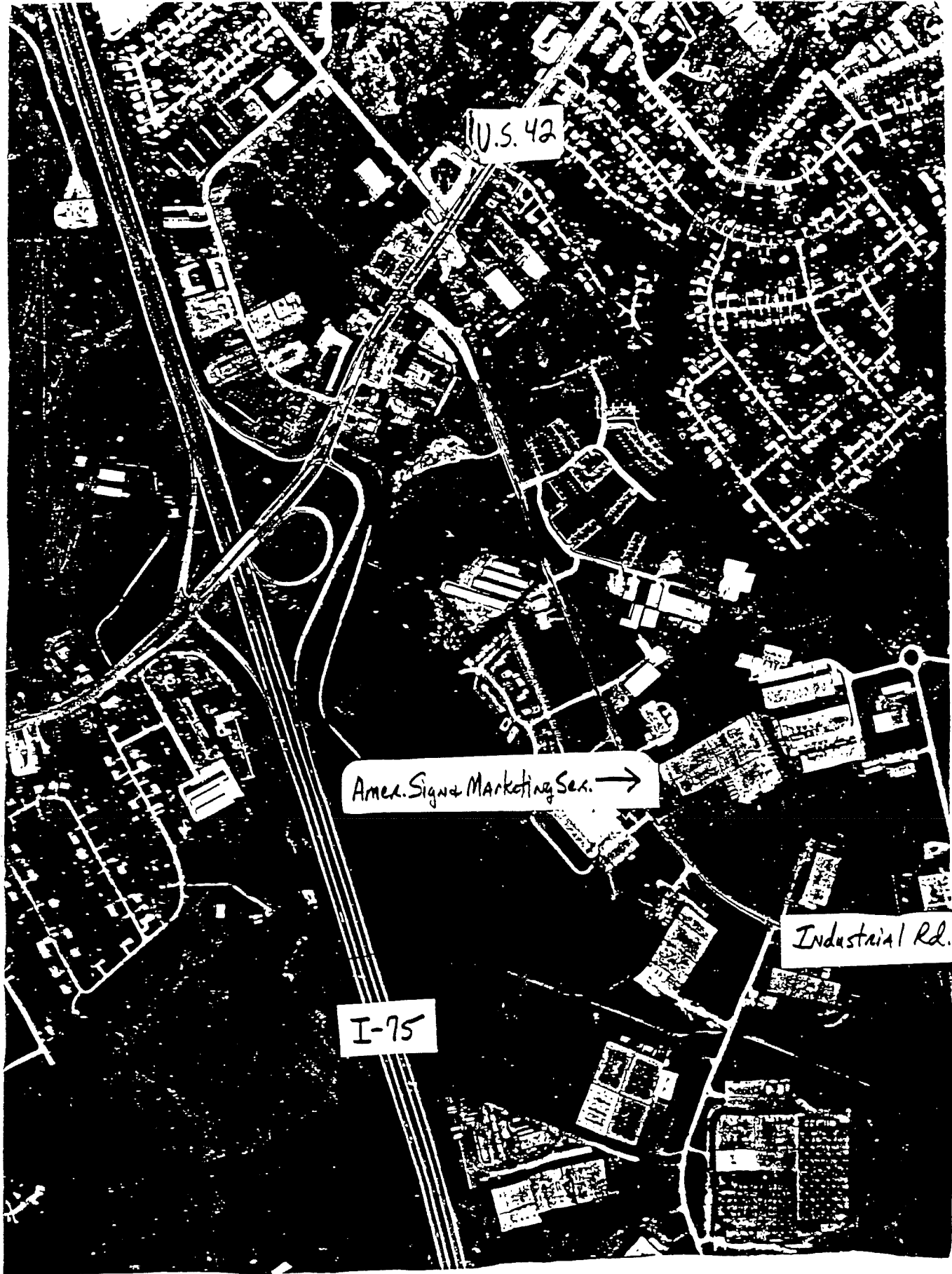
FINDINGS OF FACT

The existing American Sign and Marketing Services, Inc. facility has been developed in conformance with the Industrial Two (I-2) zoning classification. The use or the manufacture and distribution of signs or plastic products is a principally permitted use under Section 1041, Boone County Zoning Regulations. Consequently, the staff cannot find any reason or finding, which would change the current zoning of Industrial Two (I-2). As a result, the staff's opinion is that the proposed annexation request would not affect the current zoning of the 19.8 acre site. The existing zoning of Industrial Two (I-2) is the most appropriate classification for the site.



Kevin P. Costello
Asst. Director/Sr. Planner

KPC/jdh



U.S. 42

Amer. Sign & Marketing Sec. →

Industrial Rd.

I-75

EXHIBIT "A"



EXHIBIT "A"

VIOX & VIOX, P.S.C.

CONSULTING ENGINEERS & SURVEYORS

466 ERLANGER ROAD

ERLANGER, KENTUCKY 41018

PHONE: (608) 727 - 3293

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, Ky.
American Sign Industries, Inc.

A parcel of land lying on Industrial Road and adjacent to the southeasterly corporate limits of the City of Florence, Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a concrete monument in the northeasterly right-of-way line of Industrial Road, said point being the most northwesterly corner of Mr. Bartender Products, Inc. and common corner of the World of Carpets Outlet, said point also being in the present southeasterly corporate limits of the City of Florence, Boone County, Kentucky, and running thence:

S 21-19-23 E, along the northeasterly right-of-way line of Industrial Road, a distance of 315 feet, to a point, thence N 62-30-07 E, a distance of 835 feet, to a point, thence S 31-56-53 E, a distance of 613.18 feet, to a point, thence S 28-13-17 W, along the southeasterly side of American Sign Industries, Inc., crossing Industrial Road, a distance of 874 feet more or less, to a point in the southwesterly right-of-way line of Industrial Road, thence Northwestwardly, along the southwesterly right-of-way line of Industrial Road, a distance of 1400 feet more or less, to a point in the present southeasterly corporate limits of the City of Florence, thence N 48-39-07 E, crossing Industrial Road, a distance of 120 feet more or less, to the place of beginning and containing 19.8 acres more or less.

4/20/87

OTHER SUPPORTING INFORMATION

Mr. David Martin, Vice Chairman, opened the Public Hearing for the last item on the agenda:

5. Applicant: City of Florence
Request: Annexations

This was a Public Hearing on a request submitted by the City of Florence to annex properties located outside the incorporated city limits. The purpose of the request is to hold a public hearing for each request to determine the effect of annexation on zoning and to make a recommendation on the most appropriate zoning classification for each site. The following property owners and properties are involved:

- (a) the former William and Marion Foote property - (Annexation and Zoning Map Amendment)
- (b) Jehovah Witness, Inc. and Vivian Sowder Subdivision
- (c) American Sign and Marketing Services, Inc. site (7430 Industrial Road)
- (d) B & J Development Co. (Zayre site).

Counselor Wilson advised that in accordance with Kentucky Law, which was changed in 1986, the City of Florence has requested that the Planning Commission hold a Public Hearing in order to make a recommendation regarding the annexation's effect, if any, on zoning. He added that before action can be taken by the city on the request, a recommendation must be made by the zoning authority.

Staff Member, Kevin Costello presented slides of (a) the former William and Marion Foote property and stated that the intended use is a park. Mr. Costello presented the Staff's findings regarding this request (see Staff Report).

Mr. Williard Rusk, Director of Public Services, City of Florence, indicated the city's concern regarding the need for parks in the city. He stated that this was a rare and unique opportunity for the city to acquire a property such as this for a park, and noted receipt of a letter from Mr. Ken Harkin expressing the same opinion.

Vice Chairman Martin asked if there was anyone present who wished to comment on this request regarding the former Foote property.

Mr. John Gray, 7696 Banklick Street, stated that his property overlooks the former Foote property. He noted that the major access to the park will be on Banklick Street, where there are no sidewalks. He indicated his concerns for safety due to increased traffic and the lack of sidewalks.

Mr. Clyde Merrick, a resident of Banklick Street, stated that he was in favor of the request and asked if the park would be fenced. He added that he is concerned about children cutting through private property to get to the park.

Mrs. Singleton, 61 Goodrich, stated that she is also concerned about people cutting through private property.

Mr. Milton Smith, 59 Goodrich, asked if the park would be fenced and patrolled. He also noted his concerns regarding traffic on Goodrich Drive.

Judy Chapman, 7705 Walnut Creek, stated that she is in favor of this request. Mrs. Chapman added that she prefers the park to a possible subdivision on the site.

Mr. Willard Rusk stated that the City Council has passed a resolution stating that the site will remain a park and has placed a restriction on the deed to that effect. He added that the deed restriction was necessary to obtain a grant for recreational funding. Mr. Rusk added that the City will consider the need for sidewalks on Banklick and also the traffic concerns. He stated that a decision has not been reached regarding fencing, but the comments made will be considered. He noted that there will be a caretaker at the park, which should provide a measure of security.

In response to questions regarding the operation of the park, Mr. Martin advised that the design and operation of the park is the responsibility of the City of Florence. He suggested that concerns of this nature be addressed to the city.

* * * *

Staff Member, Kevin Costello, presented the Staff Report for (b) Jehovah Witness, Inc. and Vivian Sowder Subdivision, (c) American Sign and Marketing Services, Inc. site (7430 Industrial Road), and (d) B & J Development Co. (Zayre Site). (See Staff Report)

Vice Chairman Martin asked if there were any comments or questions regarding these three requests for annexation.

Mr. Willard Rusk stated that he had no comments, but noted that the City of Florence is requesting that the sites be annexed.

Mr. Roy Hutton, President of the Corporation of Jehovah Witnesses, stated that they are in favor of the annexation. (#b).

Mr. Jerome Gaine, Vice President of Finance of American Sign and Marketing Services, Inc., stated that they requested the annexation and have no objections (#c).

Mrs. Mary Pollichi, representing B & J Development Company, stated that they have no objections to the annexation (#d).

Vice Chairman Martin asked if there were any further comments or questions regarding this request. There was no further discussion.

Mr. Martin advised that this item will be on the agenda for the Business Meeting on June 17, 1987 at 8 P.M. and suggested that interested parties plan to attend.

Hearing no further comments or questions, Mr. Martin closed this Public Hearing.

6. Zoning Map Amendment

A request of Haines Oil Ltd. (owner) for a Zoning Map Amendment on a 9.79-acre tract located west of Pleasant Valley Road and north of U.S. 42 in Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3). The intended use is mixed commercial buildings.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the requested Zoning Map Amendment based on the finding of fact and subject to conditions (see Committee Report).

Mr. DeLong moved by resolution that the application be approved based on the Staff and Committee Reports. Mr. Davis seconded the motion.

Vice Chairman Martin asked if the applicant wished to comment on the Committee Report.

The Haines brothers indicated their agreement to the Committee Report and the conditions.

Vice Chairman Martin asked if there were any comments or questions from the floor or the Commission. There was no discussion.

A vote on the motion found all Commission Members in favor and the motion carried unanimously.

7. Annexations for the City of Florence

A request of the City of Florence to annex properties located outside the incorporated city limits. The purpose of the request is to hold a Public Hearing for each request to determine the effect of annexation on zoning and to make a recommendation on the most appropriate zoning classification for each site. The following property owners and properties are involved (a thru d):

a) The former William and Marion Foote property

Mr. Gerald Newton, Director, read the Committee Report which recommended the current zoning of the site be changed from Suburban Residential Two (SR-2) to Recreation (R) based on the planned future uses, submitted Concept Development Plan, and findings of fact (see Committee Report).

Mr. Barnett moved the annexation request be approved by resolution to the City of Florence, based on the Committee Report. Mr. Neltner seconded the motion.

Vice Chairman Martin asked if there was anyone present from the City of Florence who wished to comment on this request. There was no one present from the City of Florence.

c) American Sign and Marketing Services, Inc. site (7430 Industrial Road)

Mr. Gerald Newton, Director, read the Committee Report which recommended that the annexation request will not affect the current zoning of the site. The 19.8-acre site is currently zoned Industrial Two (I-2).

Mr. Barnett moved that the annexation request for the American Sign and Marketing Services, Inc. site at 7430 Industrial Road be approved by resolution to the City of Florence. Mr. Davis seconded the motion.

Vice Chairman Martin asked if there were any comments or questions from the floor or the Commission regarding this application. There being no discussion, he asked for a vote on the motion made by Mr. Barnett.

A vote on the motion found all Commission Members in favor and the motion carried unanimously.

d) B & J Development Co. (Zayre Department Store Site)

Mr. Gerald Newton, Director, read the Committee Report which recommended that the annexation request will not affect the current zoning of the site. The 1.028-acre site is currently zoned Commercial Two (C-2) (see Committee Report).

Mr. Barnett moved, seconded by Mr. DeLong, that the annexation request for the B & J Development Co. (Zayre Department Store Site) be approved by resolution to the City of Florence based on the Committee Report.

Vice Charman Martin asked if there were any comments or questions from the floor or the Commission regarding this request. Hearing no comments, he asked for a vote on the motion made by Mr. Barnett.

A vote on the motion found all Commission Members in favor and the motion carried unanimously.

8. Site Plan Review

A request of Jarvis and Associates, Inc. (applicant) for Siebert Enterprises (owner) for Site Plan Review to construct 88 townhouse units off Kentaboo Avenue in Florence, Kentucky. The 11.26-acre site is zoned Suburban Residential Two (SR-2). (An adjustment to agenda fee has been paid.)

Staff Member, Kevin Costello, presented the Staff Report which indicated that the Site Plan meets the minimum requirements of Article 14 of the Boone County Zoning Regulations (see Staff Report). Mr. Costello also presented a detailed landscaping plan for the site indicating in excess of 200 new trees.

EXHIBIT "B"

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

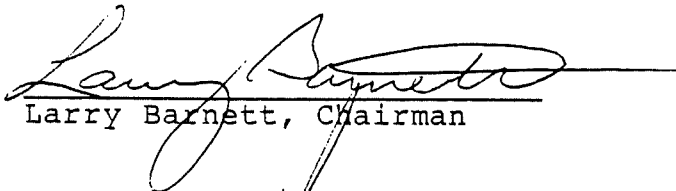
FROM: Larry Barnett, Chairman

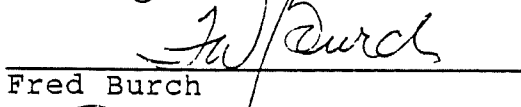
DATE: June 17, 1987

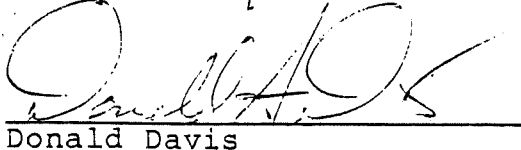
RE: Request of the City of Florence to annex property located outside the incorporated city limits. The purpose of the request is to hold a public hearing to determine the effect of annexation on zoning and to make a recommendation on the most appropriate zoning classification for the site. The following property owner and property is involved: American Sign and Marketing Services, Inc.

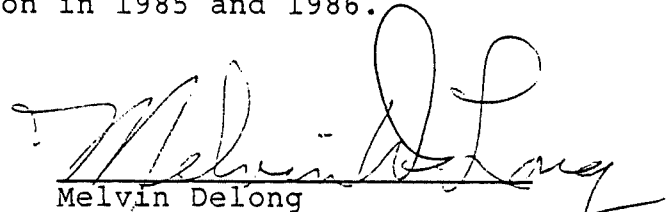
REMARKS:

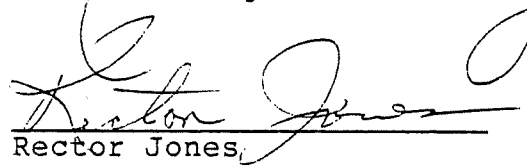
We, the Committee, recommend that the annexation request will not affect the current zoning of Industrial Two (I-2) for the 19.8 acre site. This finding is based upon the contents of the Staff Report and the previously approved Site Plans and uses by the Boone County Planning Commission in 1985 and 1986.


Larry Barnett, Chairman


Fred Burch


Donald Davis


Melvin Delong


Rector Jones


William Viox

AN ORDINANCE STATING THE INTENTION OF THE CITY OF FLORENCE, KENTUCKY TO ANNEX CERTAIN TERRITORY LOCATED AT 7430 INDUSTRIAL ROAD, FLORENCE, KENTUCKY, AND ADOPTING THE CURRENT ZONING CLASSIFICATION OF THAT PROPERTY. (AMERICAN SIGN AND MARKETING SERVICES, INC.)

WHEREAS, American Sign and Marketing Services, Inc., being the owner of certain territory adjacent to the City of Florence, Kentucky has made a written request that the City annex such territory, and

WHEREAS, there are no resident voters (or any other persons) living in such territory and the owner has waived the time period for protest of K.R.S. 81A.420(2) and (3) and

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

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

WHEREAS, by Resolution No. R-35-87 the Boone County Planning Commission has recommended that such territory retain its current zoning classification after annexation.

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

SECTION I

The City finds that the hereinafter described unincorporated territory is as follows:

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

SECTION II

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

SECTION III

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

SECTION IV

The time periods for protest of K.R.S. 81A.460 having been duly waived, the City shall proceed to annex such territory immediately upon enactment and publication of this Ordinance.

SECTION V

That the recommendation of the Boone County Planning Commission to continue the current zoning classification for the subject territory upon annexation is hereby adopted and approved, and the zoning classification after annexation shall be Industrial Two (I-2).

PASSED AND APPROVED ON FIRST READING THIS 14th DAY OF July, 1987.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 28th DAY OF July, 1987.

APPROVED:

Raymond Polpe
MAYOR

ATTEST:

Estey Conner
CITY CLERK

DESCRIPTION

Parcel to be Annexed to the City of Florence, Ky.
American Sign Industries, Inc.

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4/20/87

R-35-87

ORDINANCE NO. 0-35-87

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY LOCATED AT 7430 INDUSTRIAL ROAD TO THE CITY OF FLORENCE, KENTUCKY AND ADOPTING THE CURRENT ZONING CLASSIFICATION OF INDUSTRIAL TWO (I-2). (AMERICAN SIGN AND MARKETING SERVICES, INC.)

WHEREAS, the City has previously enacted Ordinance No. 0-31-87 stating its intention to annex the hereinafter described unincorporated territory, and

WHEREAS, all of the owners of such territory have duly waived the time period for protest of K.R.S. 81A.420(2) and (3) and such owners have duly waived the provisions of K.R.S. 81A.460, and such owners have consented to annexation and requested that the annexation proceed immediately, and

WHEREAS, pursuant to the recommendation of the Boone County Planning Commission under K.R.S. 81A.420(1) such territory upon annexation shall retain its current zoning classification of Industrial Two (I-2).

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

SECTION I

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

SECTION II

That the zoning classification of such territory annexed herein after annexation, shall be Industrial Two (I-2). A plat showing the zoning map classification for the annexed territory is attached hereto, as Exhibit "B" and incorporated by reference herein.

SECTION III

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

PASSED AND APPROVED ON FIRST READING THIS 4th DAY OF August, 1987.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 11th DAY OF August, 1987.

APPROVED:

ATTEST:

[Signature]
CITY CLERK

[Signature]
MAYOR



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. 1

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American Sign Industries, Inc.

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4/20/87

SCALE 1"=200'

WORLD OF CARPETS OUTLET

MR. BARTENDER PRODUCTS

SOUTHEASTERLY CORPORATE LIMITS OF THE CITY OF FLORENCE

EX. CONC. MONUMENT

S 21° 19' 23" E 315'

N 48° 39' 07" E 120'±

S 31° 56' 53" E 613.18'

N 62° 30' 07" E 835'

CINCINNATI VENTILATING CO.
S 22° 13' 17" W 874±

AMERICAN SIGN INDUSTRIES INC.

INDUSTRIAL ROAD

R/W

1400±

ZONED I-2

MAP- AFTER ANNEXATION

ANNEXED AREA

DRAWN BY:

TRK

APPROVED BY:

[Signature]