


STAFF REPORT

REQUEST OF THE CITY OF FLORENCE, KENTUCKY TO REVIEW THE EFFECT
OF ANNEXATION ON THE ZONING OF 4.96 ACRES LOCATED NEAR THE
NORTHWEST CORNER OF BURLINGTON PIKE AND HOUSTON ROAD

JUNE 22, 1988

This request is to review the effect of annexation on the zoning of a 4.96 acre site located near the northwest corner of Burlington Pike (KY 18) and Houston Road (KY 842). The site is currently zoned Commercial Two/Planned Development Overlay (C-2/PD) and Office Two/Planned Development Overlay (O-2/PD).

Attached is the May 25, 1988, Staff Report for this request. This request has been re-advertised to include reference to the possibility of changing the zoning on the subject property to reflect the recommendations of the Houston-Donaldson Study. If followed, the Houston-Donaldson Study would change the zoning of the parcel presently zoned O-2/PD to C-2/PD and I-1/PD.



Jim Sturdevant,
Plans Examiner/Planner

JS:mcb

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MAY 25, 1988

This request is to review the effect of annexation on the zoning of a 4.96 acre site, located near the northwest corner of Burlington Pike (KY 18) and Houston Road (KY 842). The site is currently zoned Commercial Two/Planned Development Overlay (C-2/PD) and Office Two/Planned Development Overlay (O-2/PD).

History of the Site

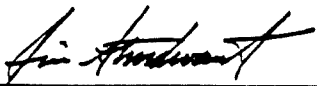
The property is a portion of the Fuller Square/Boone State Bank (now Fifth Third Bank) development, and is owned by Florence Commercial. This development was subject to a Zoning Map Amendment approved by the Planning Commission November, 1984. The Site Plan was approved September, 1985 (Figure I). In addition, the 1985 Site Plan indicates a 3.8 acre out parcel which was then zoned Industrial One/Planned Development (I-1/PD).

In March, 1985, the City of Florence annexed 9.10 acres of property owned by Florence Commercial. A tract of approximately 3.8 acres, owned by Florence Commercial, was not annexed at that time (Figure II). The survey plat submitted by the City indicates a 4.96 acre parcel to be annexed to the City. A portion of this 4.96 acres has already been annexed (Figure III).

Houston-Donaldson Study (H-D Study)

The subject property is within the H-D Study area. The Study recommends zoning of C-2/PD and I-1/PD for the site. As of the writing of this report, the H-D Study has been adopted by the City of Florence, but not by the Boone County Fiscal Court.

Because of the relationship of this site to the recommendations of the H-D Study, and the fourthcoming adoption of the Study by the Boone County Fiscal Court, it is staff's recommendation that the zoning of the site not be changed due to its annexation, but that the City take action on the annexation request after Fiscal Court's approval of the H-D Study, or such time as the county has adopted the H-D Study. This will assure that the zoning of the property will be in conformance with the Study at the time it is annexed by the City.



Jim Sturdevant,
Plans Examiner/Planner

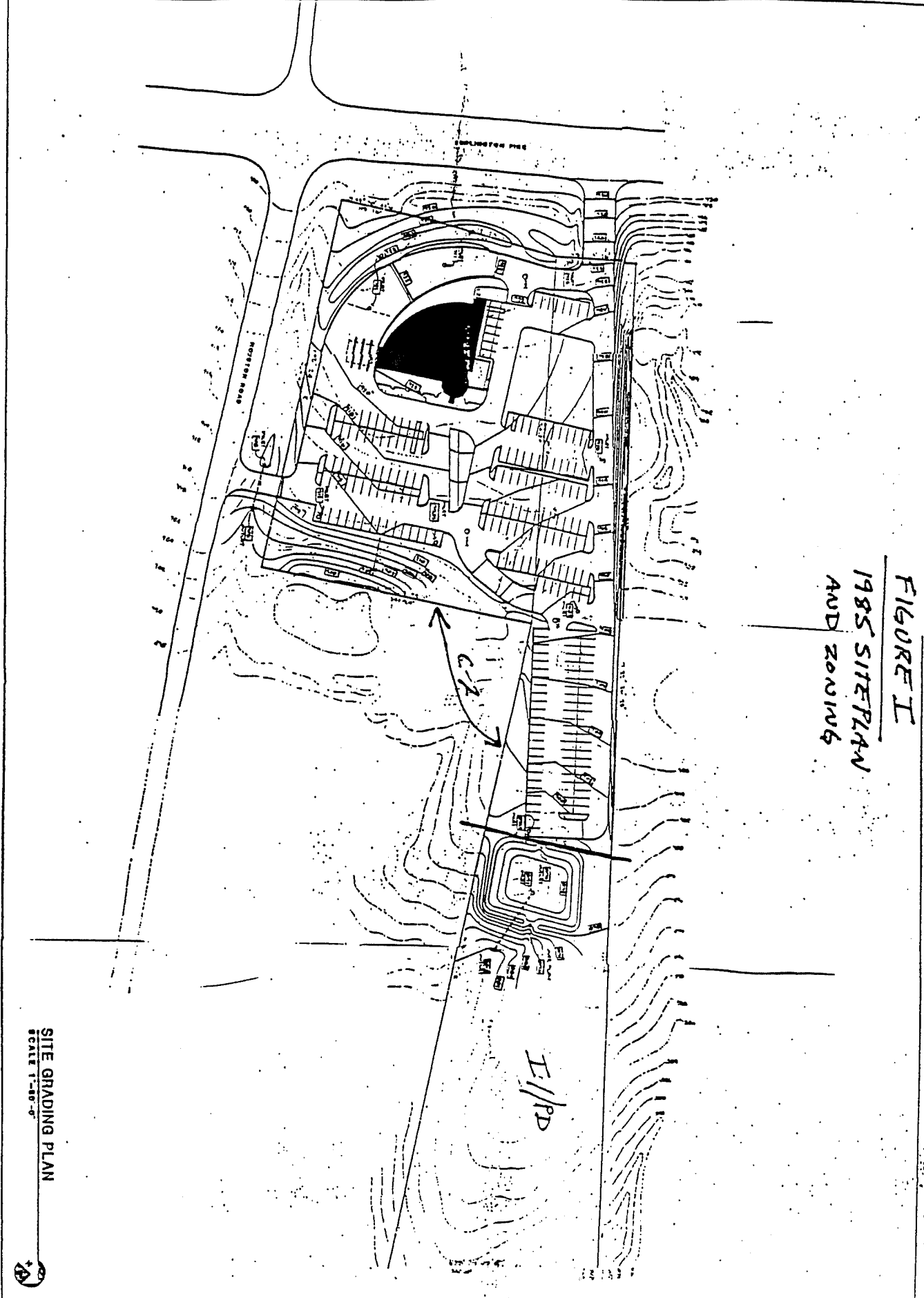
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Attachments

ANNEXATION

FIGURE I

1985 SITE PLAN
AND ZONING



SITE GRADING PLAN
SCALE 1"=50'-0"



FULLER SQUARE

Springston Pike & Hudson Road, Florence, Georgia

Site Plan
Scale: 1/8" = 1'-0"

DATE: 07-15-04

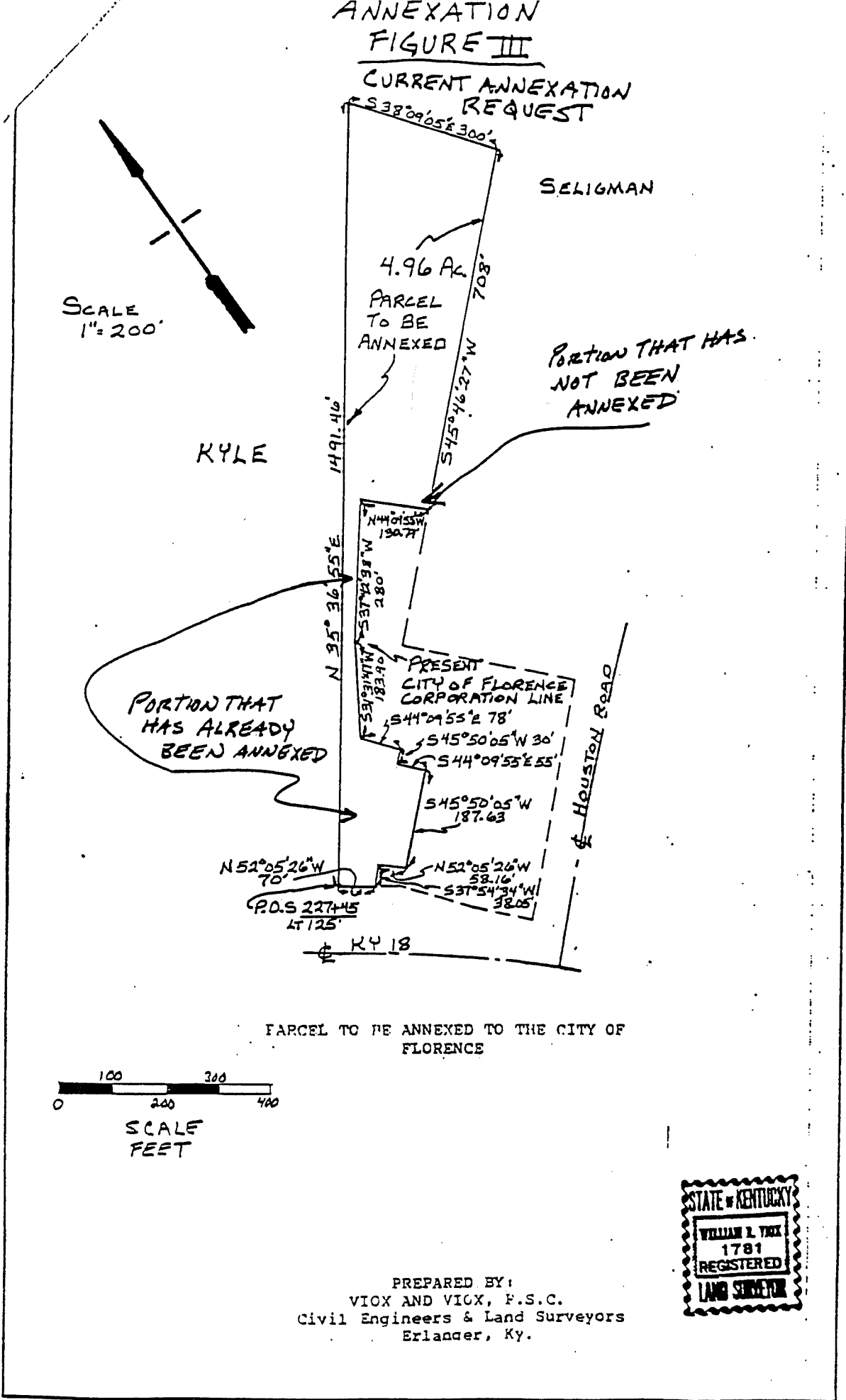
GBEN

Geotechnical Engineering, Inc.
1000 North Peachtree, Atlanta, Georgia, USA 30309

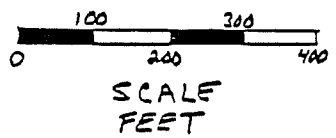


ANNEXATION
FIGURE III

CURRENT ANNEXATION
REQUEST



PARCEL TO BE ANNEXED TO THE CITY OF FLORENCE



PREPARED BY:
VIOX AND VIOX, P.S.C.
Civil Engineers & Land Surveyors
Erlanger, Ky.

EXHIBIT "A"



VIOX & VIOX, P.S.C.

CONSULTING ENGINEERS & SURVEYORS

466 ERLANGER ROAD

ERLANGER, KENTUCKY 41018

PHONE: (606) 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 City of Florence

A parcel of land lying on the northeasterly side of Ky. 18 and adjacent to the present northwesterly City Limits of the City of Florence, Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the present northwesterly City Limits line of the City of Florence, said point also being in the northeasterly right-of-way line of Ky. 18 (S 52-05-26 E - 70 feet from sta 227+45, 125 feet left, Ky. 18), and running thence:

N 52-05-26 W, along the northeasterly right-of-way line, a distance of 70 feet, to a point, said point being 125 feet left of centerline sta 227+45, Ky. 18. thence
N 35-36-55 E, a distance of 1491.46 feet, to a point, thence
S 38-09-05 E, a distance of 300 feet, to a point, thence
S 45-46-27 W, a distance of 708 feet, to a point, thence
N 44-09-55 W, a distance of 130.79 feet, to a point, thence
S 37-42-38 W, a distance of 280 feet, to a point, thence
S 31-31-47 W, a distance of 183.90 feet, to a point, thence
S 44-09-55 E, a distance of 78 feet, to a point, thence
S 45-50-05 W, a distance of 30 feet, to a point, thence
S 44-09-55 E, a distance of 55 feet, to a point, thence
S 45-50-05 W, a distance of 187.63 feet, to a point, thence
N 52-05-26 W, a distance of 58.16 feet, to a point, thence
S 37-54-34 W, a distance of 38.05 feet, to the place of beginning, and containing 4.96 acres more or less.

3/28/88

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #4
June 22, 1988

Page 1

Mr. Barnett introduced the last item on the Agenda:

4. Applicant: The City of Florence
Request: Annexation

This was a Public Hearing on the request of the City of Florence to annex a 4.96-acre site located north of KY 18 and west of Houston Road, Boone County, Kentucky. The site is currently owned by Florence Commercial and is zoned Commercial Two (C-2). A Public Hearing is being requested to determine the impact of annexation upon the current zoning.

Staff Member, Jim Sturdevant, presented the Staff Report (see Staff Report). He advised that Mr. Dusing, attorney, has indicated that he will submit a letter indicating a lack of opposition to the proposed zoning of the Houston-Donaldson Study being placed on the property when it is annexed.

Mr. Barnett asked if there was anyone present who wished to speak in regard to this request. There being no response, he asked if there were any comments from the Commission.

Mrs. Bushelman asked for clarification regarding the size of the site.

Mr. Sturdevant advised that the original legal description submitted by the city indicated a 4.96-acre parcel, but a portion has already been annexed. The portion of the site currently being considered is 3.8 acres.

There being no further discussion, Mr. Barnett advised that this item will be on the Agenda for the Business Meeting on July 6, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:


Larry Barnett, Vice Chairman

ATTEST:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

July 6, 1988

8:00 P.M.

Mr. Larry Barnett, Vice Chairman, called the meeting to order at 8:20 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman
Mr. Fred Burch
Mrs. Rita Bushelman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith

COMMISSION MEMBERS NOT PRESENT:

Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Barnett noted that each member had received a copy of the Minutes of the Business Meeting of June 15, 1988 and the Public Hearings of June 22, 1988 and June 29, 1988 and asked if there were any comments or corrections.

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

Mr. Kevin Costello read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Dave Schneider, attorney for the applicant, stated that the conditions are acceptable to the applicant.

Mr. Barnett asked if there were any comments or questions regarding this request.

There being no discussion, Mr. McMillian moved by resolution to the Boone County Fiscal Court that the request be approved based on the findings of fact, but subject to the conditions indicated in the Committee Report. Mrs. Smith seconded the motion and it carried unanimously.

3. Zoning Map Amendment

The request of Jack Lillie (owner) for a Zoning Map Amendment on a 2-acre site located at 5009 Petersburg Road (KY 20), Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Agricultural Estate/Historic Landmark Overlay (A-2/H). The intended use involves the renovation of an octagonal barn for an office.

Mr. Kevin Costello read the Committee Report which recommended approval of the request based on the findings of fact, but subject to five conditions (see Committee Report).

Mr. Jack Lillie stated that he is in agreement with the conditions.

Mr. Barnett asked if there were any comments or questions regarding this request.

There being no discussion, Mr. Moore moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report, including the conditions. Mr. Greene seconded the motion and it carried unanimously.

4. Annexation Request

The request of the City of Florence to annex a 4.96-acre site located north of KY 18 and west of Houston Road, Boone County, Kentucky. The site is currently owned by Florence Commercial and is zoned Commercial Two (C-2). A Public Hearing is being requested to determine the impact of annexation upon the current zoning.

Mr. Kevin Costello read the Committee Report which recommended that the zoning of the site be changed upon annexation into the city (see Committee Report).

There being no one present from the city and no further discussion, Mr. Jones moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. McMillian seconded the motion and it carried unanimously.

5. Zoning Map Amendment

The request of Menelaos Triantafillou & Associates (applicant) for Stabil Inc. (owner) for a Zoning Map Amendment from Agricultural One (A-1) and Agricultural Estate (A-2) to Agricultural Estate/Suburban Residential One/Recreation/Planned Development (A-2/SR-1/R/PD). The 413.4-acre site (Rivershore Farms) is located adjacent to the Ohio River, KY 8, and North Bend Road, Boone County, Kentucky.

Mr. Kevin Costello read the Committee Report which recommended deferral of the request (see Committee Report).

Mr. Collins moved that the request be deferred as recommended by the Committee Report. Mr. Rush seconded the motion and it carried unanimously.

Mr. Barnett stated that this item will appear on the Agenda for the July 20, 1988 Business Meeting.

6. Zoning Map Amendment

The request of Averitt Express for a Zoning Map Amendment for property located on the west side of U.S. 25 (Dixie Highway) approximately 300 feet north of Frogtown Road. The 15.65-acre site is presently zoned Commercial Services (C-3) and the request is to rezone the site to Industrial One (I-1).

Mr. Kevin Costello read the Committee Report which recommended deferral of the request until the July 20, 1988 Business Meeting.

There being no discussion, Mr. McMillian moved that the request be deferred until the July 20, 1988 Business Meeting. Mr. Rush seconded the motion and it carried unanimously.

7. Site Plan Review

The request of Ronald Erpenbeck (applicant) for Schwartz & Schwartz Enterprise, Inc. (owner) for Site Plan Review to make parking lot improvements on a 1.78-acre site located at 7009 Dixie Highway, Florence, Kentucky. The site is zoned Commercial Two (C-2).

Staff Member, Paul Miller, presented the Staff Report (see Staff Report).

Mr. Costello read the Committee Report which recommended approval of the request based on the Staff Report.

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

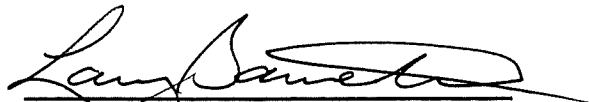
FROM: Larry Barnett, Chairman


DATE: July 6, 1988


RE: Request of the City of Florence to annex a 4.96 acre site located north of KY 18 and west of Houston Road, Boone County, Kentucky. The site is currently owned by Florence Commercial and is zoned Commercial Two (C-2). A Public Hearing is being requested to determine the impact of annexation upon the current zoning.

REMARKS:


We, the Committee, recommend that the current zoning on the above described property be changed upon its annexation into the City of Florence. The current zoning of Office Two/Planned Development (O-2/PD) should be change to Commercial Two/Planned Development and Industrial One/Planned Development (C-2/PD and I-1/PD). These proposed zoning classifications are in agreement with the Houston-Donaldson Study, which has been adopted by the City and outlined in the June 22, 1988 Staff Report.


 Larry Barnett, Chairman


 Fred Burch


 Rector Jones


 Donald McMillian


 Carol Smith

LB:jdh

AN ORDINANCE STATING THE INTENTION OF THE CITY OF FLORENCE, KENTUCKY TO ANNEX CERTAIN TERRITORY LOCATED ON THE NORTHEASTERLY SIDE OF KENTUCKY 18 NEAR ITS INTERSECTION WITH HOUSTON ROAD AND ADJACENT TO THE PRESENT NORTHWESTERLY CITY LIMITS; AND SPECIFYING THE ZONING CLASSIFICATION FOR SUCH PROPERTY AFTER ANNEXATION. (FULLER SQUARE CORPORATION)

WHEREAS, Fuller Square Corporation, being the owner of record of certain territory adjacent to the City of Florence, Kentucky, has made a written request that the City annex such territory pursuant to K.R.S. 81A.412, 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-37-88 the Boone County Planning Commission has recommended that a portion of such territory be zoned Commercial Two/Planned Development (C-2/PD) and the remainder of such territory be zoned Industrial One/Planned Development (I-1/PD) after annexation.

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

SECTION I

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

(a.) Is contiguous to the boundaries of the City of Florence, Kentucky, and

(b.) Is urban in character and suitable for development for urban purposes without unreasonable delay, and

(c.) Is not included within the boundary of another incorporated city.

SECTION II

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

SECTION III

The boundary of the territory to be annexed, consisting of a 3.8 acre tract, is more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference.

SECTION IV

That the recommendation of the Boone County Planning Commission as to the zoning classifications for the subject territory upon annexation is hereby adopted and approved, and the zoning classification after annexation for a portion of such territory shall be Commercial Two/Planned Development (C-2/PD) and the remainder of such territory shall be Industrial One/Planned Development (I-1/PD) as shown on the Plat which is attached hereto and incorporated herein as Exhibit "B".

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

PASSED AND APPROVED ON FIRST READING THIS 9th DAY OF August, 1988.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 23 DAY OF August, 1988.

APPROVED:


MAYOR

ATTEST:


CITY CLERK

**CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-25-88**

The City of Florence, Kentucky, enacted Ordinance No. 0-25-88 on September 27, 1988. The title of said Ordinance is as follows:

ORDINANCE NO. 0-25-88
AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY LOCATED ON THE NORTHEASTERLY SIDE OF KENTUCKY 18 NEAR ITS INTERSECTION WITH HOUSTON ROAD AND ADJACENT TO THE PRESENT NORTHWESTERLY CITY LIMITS; AND SPECIFYING THE ZONING CLASSIFICATION FOR SUCH PROPERTY AFTER ANNEXATION. (FULLER SQUARE CORPORATION).

This Ordinance annexes certain unincorporated territory located on the northeasterly side of Kentucky 18 near its intersection with Houston Road and adjacent to the present northwesterly

city limits and specifies the zoning classifications for such property. A portion of such property to be zoned Commercial Two/Planned Development (C-2/PD) and the remainder of such property to be zoned Industrial One/Planned Development (I-1/PD).

The full text of Ordinance No. 0-25-88 is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Municipal Building, 7431 U.S. Highway 42 at Niblack Drive, Florence, Kentucky.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-25-88 and that it has been prepared by me and I am an attorney licensed to practice law in the Commonwealth of Kentucky.

/s/Dale T. Wilson
Rouse, Skæes, Wilson & Dillon
7699 Tanners Lane, P.O. Box 756
Florence, Kentucky 41042-0756
(606) 371-7407
BCR1T 10/5