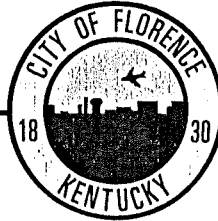


City of Florence



BETSY R. CONRAD
City Clerk

September 20, 1991

Mr. Bill Fromm, Director
Boone County Planning Commission
P. O. Box 596
Burlington, KY 41005

Dear Bill:

Attached is a copy of City of Florence Ordinance No. O-21-91, stating the City's intention to annex the Schneider property. Mr. Skees has advised me to request the Commission to hold a public hearing and recommend a zone change for this property.

If you have any questions, please contact me.

Sincerely,



Betsy R. Conrad

Copy: Mr. Skees

ORDINANCE NO. 0-21-91

AN ORDINANCE STATING THE INTENTION OF THE CITY OF FLORENCE, KENTUCKY, TO ANNEX CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 30.9 ACRES LOCATED NORTH OF VALLEY VIEW DRIVE, ADJACENT TO THE CITY LIMITS. (THE SCHNEIDER PROPERTY)

WHEREAS, David A. Schneider and Rosiland Schneider, being the owners of record of the hereinafter described territory (the "territory"), have made a written request that the City of Florence, Kentucky (the "City") annex the territory pursuant to K.R.S. 81A.412, 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 adoption of this ordinance it will request that the Boone County Planning Commission hold a public hearing and make a recommendation as to zoning or other land use regulations for the territory which recommendations shall be acted upon prior to 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, 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 pursuant to K.R. S. 81A.420, that it is desirable to annex the territory and hereby states its intention to annex the territory.

SECTION III

The boundary of the territory, consisting of an approximately 30.9 acre tract, is more particularly described in

Exhibit "A" and shown on Exhibit "B", each of which is attached hereto and incorporated herein by reference.

SECTION IV

The owner of the territory has filed with the City written consent to this annexation according to K.R.S. 81A.412 and the waiting period of K.R.S. 81.420(2) does not apply.

SECTION V

Pursuant to K.R.S. 100.209(1) it is the intent of the City that the territory shall, after annexation, be zoned Rural Suburban (RS). Following adoption of this ordinance the City shall request that the Boone County Planning Commission hold a public hearing for the purpose of adopting any necessary comprehensive plan amendment and making its recommendations as to zoning or other land use regulations which will be effective for the territory upon annexation. The City shall not adopt an ordinance annexing the territory until the City has taken final action on such recommendations of the Boone County Planning Commission.

SECTION VI

This ordinance shall be published in full.

PASSED AND APPROVED ON FIRST READING THIS 13th DAY OF August, 1991.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 10th DAY OF September, 1991.

APPROVED:

Evlyn Keel
MAYOR

ATTEST:

Steph Conrad
CITY CLERK



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
David A. and Rosalind Schneider

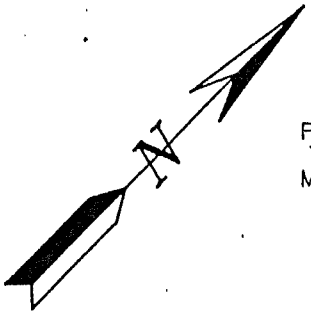
A parcel of land lying adjacent to the northeasterly City Limits line of The City of Florence, Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the present northeasterly City Limits of The City of Florence, said point also being the common corner of David A. and Rosalind Schneider and Pleasant Valley Acres, Block D, Subdivision (Paul J. Kahmann), and running thence:

N 35-54-50 E, along the dividing line between Schneider and Kahmann, a distance of 744.14 feet, to a point, thence
N 54-52-50 W, a distance of 284.51 feet, to a point, thence
N 89-38-30 W, a distance of 222.14 feet, to a point, thence
S 85-38-30 W, a distance of 221.35 feet, to a point, thence
S 87-14-23 W, a distance of 112.09 feet, to a point, thence
N 41-07-00 W, a distance of 126.23 feet, to a point, thence
N 73-38-40 W, a distance of 49.48 feet, to a point, thence
N 36-48-10 W, a distance of 118.77 feet, to a point, thence
N 3-30-00 W, a distance of 173.85 feet, to a point, thence
N 3-30-00 W, a distance of 538.79 feet, to a point, thence
S 74-35-00 W, a distance of 810.52 feet, to a point, thence
S 6-33-00 E, a distance of 396.00 feet, to a point, thence
S 00-49-30 E, a distance of 700 feet, to a point, thence
N 49-23-42 E, along the dividing line between Schneider and Erpenbeck, a distance of 205.17 feet, to a point, thence
S 76-06-46 E, a distance of 469.89 feet, to a point, thence
S 88-58-36 E, a distance of 281.08 feet, to a point, thence
S 77-04-22 E, a distance of 86.09 feet, to a point, thence
S 65-33-28 E, a distance of 279.26 feet, to a point, thence
S 21-35-05 E, a distance of 249.67 feet, to the place of beginning, and containing 30.9 acres more or less.

7/24/91

Exhibit "A"



PLEASANT VALLEY MEADOWS

KAHMANN

AREA = 30.9 Ac.

N 49-23-42 E
205.17'
CITY LIMITS

S 76-06-46 E
469.89'

ERPENBECK

S 88-58-36 E
281.08'

S 77-04-22 E
86.09'

S 65-33-28 E
279.26'

S 21-35-05 E
249.67'

CITY LIMITS

S 74-35-00 W 810.52'

N 3-30-00 W
538.79'

LOT 19

N 3-30-00 W
173.85'

SKYVIEW DRIVE

N 36-48-10 W
118.77'

N 73-38-40 W 49.48'

N 41-07-00 W
126.23'

PLEASANT VALLEY ACRES BLOCK "C"

S 87-14-23 W
112.09'

S 85-38-30 W
221.35'

N 89-38-30 W
222.14'

BLOCK "B" LOT 12

N 54-52-50 W
284.51'

N 35-54-50 E 744.14'

KAHMANN (12.4 Ac.)

VIOX & VIOX P.S.C.
CONSULTING ENGINEERS & SURVEYORS
466 ERLANGER ROAD
ERLANGER, KENTUCKY 41018
PHONE: (606) 727-9293

PARCEL TO BE ANNEXED BY THE CITY OF FLORENCE SCHNEIDER PROPERTY

BOONE COUNTY, KENTUCKY
SCALE 1"=200' JULY 18, 1991

Exhibit "B"

EXHIBIT "A"

STAFF REPORT

#2

OCTOBER 30, 1991

REQUEST OF THE CITY OF FLORENCE TO EXAMINE THE ZONING
ON A 30.9 ACRE SITE TO BE ANNEXED INTO THE CITY.
THE PROPERTY OWNER, DAVID SCHNEIDER IS REQUESTING THAT THE
ZONING ON THE PROPERTY BE CHANGED FROM AGRICULTURAL ESTATE (A-2)
AND RURAL SUBURBAN (RS) TO RURAL SUBURBAN (RS).
THE PROPERTY IS LOCATED AT THE END OF SKYVIEW DRIVE, SOUTH
OF PLEASANT VALLEY ROAD, BOONE COUNTY, KENTUCKY.

This is a request of the City of Florence for the Planning Commission to make a recommendation on the zoning of the 30.9 acre Schneider tract. The tract is being annexed into the City of Florence, and adjoins Valley View Subdivision, off Pleasant Valley Road. The tract also adjoins Gunpowder Creek and Farmview Subdivision at the rear. The site is accessed from Skyview Drive. Most of the site is zoned Agricultural Estate (A-2), with a small portion Rural Suburban (RS). The property owner is requesting that the entire tract be zoned Rural Suburban (RS).

This site had been a part of a previous annexation request for an 89 acre tract that also included lots 2 - 19 of Pleasant Valley Acres Subdivision. The Annexation was approved under the current zoning by the Planning Commission, however, was disapproved by Florence City Council on September 11, 1990.

Characteristics of the Site

The site contains rolling topography, and contains steep slopes near Gunpowder Creek and its tributaries. The steeper areas and perimeter of the site contain woodland, while the center of the site is more level and clear. Soils present on the site include two types of Rossmoyne silty clay loam (RsB and RsC), usually found on 0 to 12 percent slopes; Faywood silty clay loam (FcD), usually found on 12 to 20 percent slopes; Faywood silty clay (FdD3), usually found on a12 to 20 percent slopes; Cynthiana silty clay loam (CyF), usually found on 20 to 50 percent slopes; and Boonesboro silt loam (Bo), usually found in creekbed areas. The FcD, FdD3, and CyF soils present a severe hazard of erosion.

Public sanitary sewer exists at Gunpowder Creek and primarily serves areas in the City of Florence. Public water service currently exists at the intersection of Valley View Drive and Pleasant Valley Road. Valley View Subdivision is served by individual cisterns and septic tanks systems. If annexed, the 30.9 acre site could obtain City of Florence water and sewer service, which would support the more dense development permitted under the requested zoning.

Surrounding Land Uses and Zoning

North, East Valley View Subdivision contains single-family detached houses and is zoned Agricultural Estate (A-2) and Rural Suburban (RS).

- South** Farmview Subdivision is approved for 999 mixed residential dwelling units and is zoned Suburban Residential One/Planned Development (SR-1/PD).
- West** Pleasant Valley Meadows Subdivision, zoned Suburban Residential One (SR-1), and Spring Garden Estates Subdivision, zoned Suburban Residential One (SR-1) and Rural Suburban (RS), both containing single-family detached houses.

Relationship to Comprehensive Plan

The 30.9 acre site is depicted on the 1990 Future Land Use Map as Suburban Density Residential (SD) and Rural Lands (RL). Most of the site is in the RL classification which projects up to one dwelling per two acres. A small sliver of the site adjoining Pleasant Valley Acres Subdivision is projected as future SD which could support up to four dwelling units per acre.

The Future Land Use Text notes that the surrounding area is one of the most rapidly growing residential areas in Boone County. On page 216, notes that the extension of Oakbrook Road to Pleasant Valley Road and the continued subdivision development along Pleasant Valley Road will increase the development pressure on adjoining properties. The Comprehensive Plan also notes on page 216 that subdivisions in this area should utilize Pleasant Valley Road as a collector and not contain individual driveway access onto that road. Finally, the Land Use Text recommends that the overall character of the area be of Suburban Density, but that the Gunpowder Creek valley be utilized as a recreation and green belt corridor.

The Goals and Objectives of the Comprehensive Plan indicate that residential development should be judged primarily on density, and be designed in a manner compatible with existing and planned housing character on adjoining lands. The Goals and Objectives also state that established neighborhoods should be protected and enhanced.

Staff Concerns

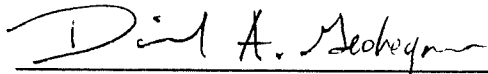
- 1) A change in zoning could create a situation where the more dense residential development of up to two units per acre would be accessed through the less dense Pleasant Valley Acres Subdivision of approximately one unit per two acres, thereby creating a traffic impact on three streets in that subdivision that were not designed for that traffic. These streets are approximately 25 feet wide and have no sidewalks. Although the site may never develop as dense as two units per acre, there is a potential for up to 60 units on the site. The ITE manual estimates a trip generation of 10 vehicle trips per day for each single-family dwelling unit.

- 2) Development on this site should be sensitive to the potential for a Gunpowder Creek recreation corridor. In particular, Farmview Park will be very near this site and Pleasant Valley Meadows Subdivision includes a reserved green belt along Gunpowder Creek. This 30.9 acre site should be connected to these other green areas if appropriate.

Conclusion

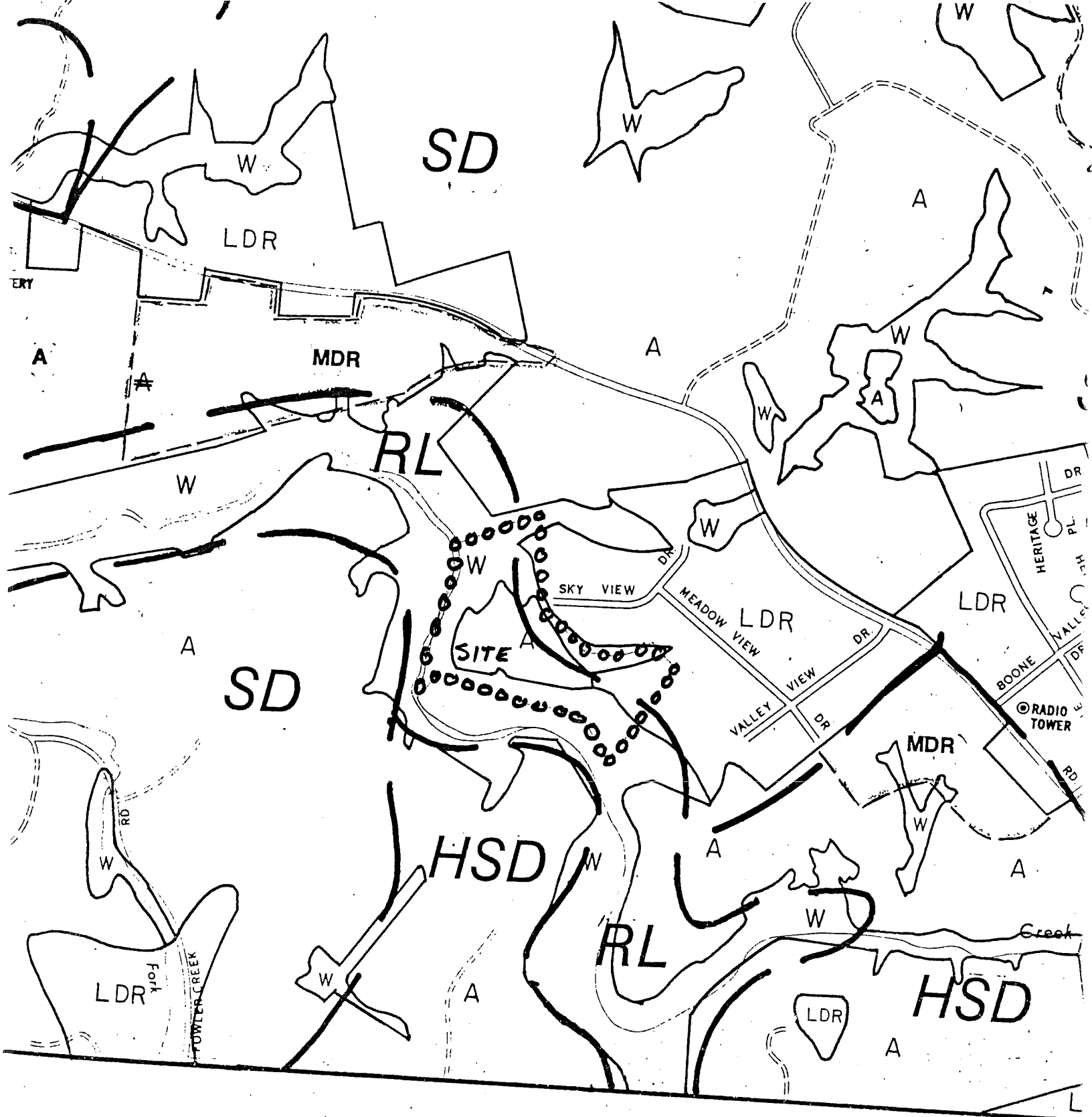
The Planning Commission and City of Florence must consider the Boone County Comprehensive Plan, availability of public infrastructure, and the potential impacts of a change in zoning on the existing Pleasant Valley Acres Subdivision. If the zoning is changed on the 30.9 acre site, the Future Land Use Map would need to be adjusted.

Respectfully submitted,



David A. Geohegan, AICP
Senior Planner

DAG:kat



1990 FUTURE LAND USE MAP

3. Applicant: City of Florence for the Boone County Planning Commission
Request: Zoning Amendment

The request of the City of Florence for the Boone County Planning Commission to hear comments regarding the affect of annexation on the current zoning of a 30.9 acre parcel owned by David Schneider. The current zoning of the subject property is Agricultural Estate (A-2) and Rural Suburban (RS) is being reviewed for a possible change.

Staff member, Dave Geohegan, presented the Staff Report.

Chairman Viox asked if there was anyone present who wished to speak on behalf of the applicant. David Schneider introduced himself and stated that he had no development plans at this time but would like to have his property annexed into the City of Florence because he would like public water service.


Mr. Viox asked if there were any questions or if anyone wished to address this item. Mr. Viox closed the Public Hearing.

ATTEST:


Angela Brewer, Reporter

APPROVED:


William Viox, Chairman


William D. Fromm, Director

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

November 20, 1991 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:05 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Don McMillian, Secretary/Treasurer
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Lawrence Collins
Mr. Robert Kirby, Jr.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received copies of the Minutes of the Public Hearings of October 30, 1991 and the Business Meeting of November 6, 1991. 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. Mr. Jones seconded the motion and it carried unanimously.

Mr. Burch stated that he would abstain from voting in regard to this request as he has property involved in a zone change.

Chairman Viox asked for a roll call vote on the motion made by Mr. Neltner which found Mr. Damstrom, Mr. Greene, Mr. Jones, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Ries, Mr. Rush, Mr. Sharp, Mrs. Smith and Chairman Viox in favor. Mr. DeLong was opposed. Mr. Burch abstained. The motion carried.

Mr. Neltner thanked those who had worked on the zoning update for their time and effort.

2. Change in Concept Development Plan

The request of James W. Berling (applicant) for Waco Oil Company (option holder for Erpenbeck Commercial Enterprise, Inc. and Trans Ohio Savings Bank, owners) for a change in a previously approved Concept Development Plan for a 15-acre site zone Commercial Services/Planned Development (C-3/PD). The site is located west of Centennial Circle and north of KY 18, Boone County, Kentucky.

Staff Member, Amy Moore, stated that the applicant has requested deferral of the request until the December 18, 1991 Business Meeting to allow time to address the concerns.

Mrs. Moore read the Committee Report which recommended deferral of the request until the December 18, 1991 Business Meeting to allow the applicant to address the concerns of the Zone Change Committee (see Committee Report).

There being no discussion, Mr. Rush moved that the request be deferred until the December 18, 1991 Business Meeting based on the Committee Report. Mrs. Smith seconded the motion and it carried unanimously.

3. Annexation Request by City of Florence

The request of the City of Florence for the Boone County Planning Commission to hear comments regarding the effect of annexation on the current zoning of a 30.9-acre parcel owned by David Schneider. The current zoning of the subject property is Agricultural Estate (A-2) and Rural Suburban (RS) is being reviewed for a possible change.

Staff Member, Dave Geohegan, presented the Committee Report which recommended that the zoning of the 30.9-acre site be changed to RS as a result of the annexation, based on the findings of fact (see Committee Report).

Mr. Burch moved by resolution to the City of Florence that the zoning of the 30.9-acre parcel be changed to RS as a result of the

annexation. Mr. Greene seconded the motion and it carried unanimously.

4. Site Plan Review

The request of James W. Berling (applicant) for Waco Oil Company (owner) for Site Plan Review to construct a 3,000 sq. ft. gasoline station with a food mart on the south side of Mt. Zion Road, Boone County, Kentucky. The 1-acre site is zoned Commercial Services (C-3).

Mr. Costello presented the Staff Report which recommended deferral of the request until the December 18, 1991 Business Meeting. Time limitations have been waived. (See Staff Report.)

Mr. Costello read the Committee Report which recommended deferral of the request based on the Staff Report (see Committee Report).

Mr. McMillian moved that the request be deferred until the December 18, 1991 Business Meeting based on the Staff and Committee Reports. Mr. Neltner seconded the motion and it carried unanimously.

5. Site Plan Review

The request of Century Construction Incorporated (applicant) for Richard Ehlen (owner) for Site Plan Review to construct a 2,112 sq. ft. building addition for Shoemaker Autobody at 123 Shoemaker Lane, Boone County, Kentucky. The 1.15-acre site is zoned Commercial Services (C-3).

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

Mrs. Moore read the Committee Report which recommended approval of the request based on the Staff Report (see Committee Report).

Mr. Sharp moved that the request be approved based on the Staff and Committee Reports. Mr. Owens seconded the motion and it carried unanimously.

6. Site Plan Review

The request of Elwood Jee (applicant) for Dragon Inn Restaurant, Inc. (owner) for Site Plan Review to make minor site improvements to a parcel located at 7450 Woodspoint Drive, Florence, Kentucky. The site is zoned Commercial Services/Planned Development (C-3/PD).

Staff Member, Dave Geohegan, presented the Staff Report (see Staff Report).

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: November 20, 1991

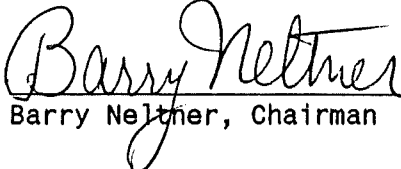
RE: Request of the City of Florence for the Boone County Planning Commission to hear comments regarding the effect of annexation on the current zoning of a 30.9 acre parcel owned by David Schneider. The current zoning of the subject property is Agricultural Estate (A-2) and Rural Suburban (RS) is being reviewed for a possible change.

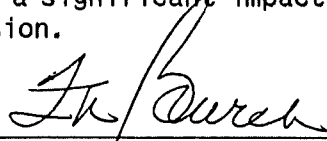
REMARKS:

We, the Committee, recommend that the zoning of the 30.9 acre site be changed from Agricultural Estate (A-2) and Rural Suburban (RS) to Rural Suburban (RS) as a result of the proposed annexation into the City of Florence. The following findings of fact support the Committee's recommendation.

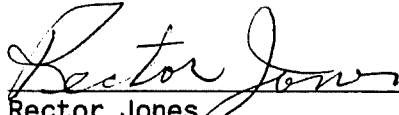
Findings of Fact

- 1) The requested change to RS zoning is in conformance with the Boone County Comprehensive Plan in that the 1990 Future Land Use Map indicates Suburban Density Residential of up to four dwelling units per acre for a portion of the site and Rural Lands for the remainder of the site, which roughly corresponds to the steep portions of the site. Consistent with the Goals and Objectives of the Housing Element, the requested RS zoning district provides a transition of densities from the SR-1 and SR-1/PD zoning districts in adjoining Farmview and Pleasant Valley Meadows Subdivisions to the A-2 zoning of Pleasant Valley Acres. In addition, the Comprehensive Plan notes that areas that will be served by public infrastructure should generally support more dense development than those areas without such services. Specific references to the Comprehensive Plan are made in the 10/30/91 Staff Report.
- 2) The Committee believes that since large portions of the site contain rough topography, the entire site would likely never be developed near the density permitted by the RS zoning district. Therefore, the Committee believes that any future development of the 30.9 acre site under the RS zoning should not have a significant impact on the existing Pleasant Valley Acres Subdivision.



 Barry Neltner, Chairman


 Fred Burch

 Larry Collins


 Rector Jones


 Phil Damstrom


 Carol Smith

 Melvin Delong

ORDINANCE NO. 0-2-92

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 30.9 ACRES LOCATED NORTH OF VALLEY VIEW DRIVE, ADJACENT TO THE CITY LIMITS. (THE SCHNEIDER PROPERTY)

WHEREAS, the City has previously enacted Ordinance No. 0-21-91 stating its intention to annex the hereinafter described unincorporated territory (the "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 made the election that after adoption of Ordinance No. 0-21-91 it would request that the Boone County Planning Commission hold a public hearing and make a recommendation as to zoning or other land use regulations for the territory after annexation, and

WHEREAS, in response to that request the Boone County Planning Commission has recommended a zone change for the territory, this zone change being from the current zoning of Agricultural Estate (A-2) and Rural Suburban (RS) to Rural Suburban (RS).

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

SECTION I

That the territory described in Exhibit "A" and shown on Exhibit "B" each of 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 recommendation of the Boone County Planning Commission regarding such zone change is hereby adopted and approved.

SECTION III

Pursuant to K.R.S. 100.209 the territory which is presently zoned Agricultural Estate (A-2) and Rural Suburban (RS) shall be and the same is hereby rezoned to Rural Suburban (RS).

SECTION IV

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 territory set forth herein.

SECTION V

This ordinance shall be published in full.

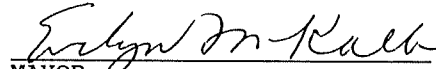
PASSED AND APPROVED ON FIRST READING THIS 14th DAY OF JANUARY, 1992.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 21st DAY OF JANUARY, 1992.

ATTEST:


CITY CLERK

APPROVED:


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. 1781

DESCRIPTION

Parcel to be Annexed to The City of Florence
David A. and Rosalind Schneider

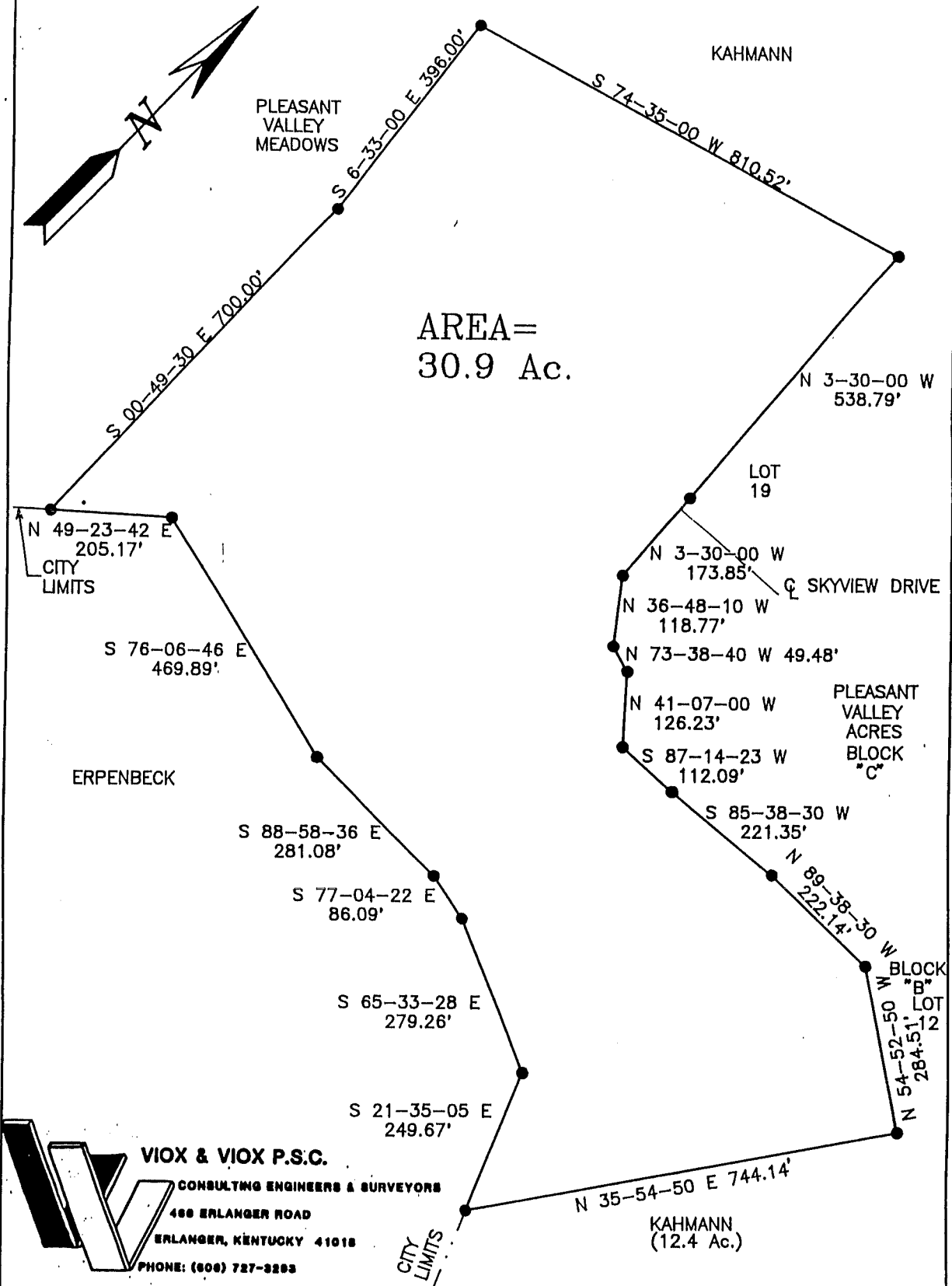
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BEGINNING at a point in the present northeasterly City Limits of The City of Florence, said point also being the common corner of David A. and Rosalind Schneider and Pleasant Valley Acres, Block D, Subdivision (Paul J. Kahmann), and running thence:

N 35-54-50 E, along the dividing line between Schneider and Kahmann, a distance of 744.14 feet, to a point, thence
N 54-52-50 W, a distance of 284.51 feet, to a point, thence
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S 21-35-05 E, a distance of 249.67 feet, to the place of beginning, and containing 30.9 acres more or less.

7/24/91

Exhibit "A"



VIOX & VIOX P.S.C.
 CONSULTING ENGINEERS & SURVEYORS
 460 ERLANGER ROAD
 ERLANGER, KENTUCKY 41018
 PHONE: (606) 727-9283

**PARCEL TO BE
 ANNEXED BY THE
 CITY OF FLORENCE
 SCHNEIDER PROPERTY**

BOONE COUNTY, KENTUCKY
 SCALE 1"=200' JULY 18, 1991

Exhibit "B"