

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)  
SECTION A (To be completed by applicant)

1. Name of Project Nissan Towne
2. Location of Project Burlington Pike at Hopeful Road, Florence, Kentucky
3. Total Acreage of Site \_\_\_\_\_
4. Current Zoning of Site C-2
5. Proposed Zoning (Classification being requested) C-3
6. Proposed Uses (please specify each use) \_\_\_\_\_  
New and Used Car Dealership (Nissan)  
Sales and Service of New and Used Motor Vehicles
7. Names of Applicant(s) The Patrick DeCastro Trust  
Phone Number 525-7797 (Attorney) Fax No. 525-7244 (Attorney)
8. Address of Applicant(s) c/o Bruce Krone - 508 Atlas Bank Building  
524 Walnut Street Cincinnati, Ohio 45202  
City State Zip
9. Name of Property Owner(s) Bruce A. Krone, Trustee of the Patrick DeCastro Trust  
Phone Number 241-1234 Fax No. 241-2731
10. Address of Property Owner(s) c/o Bruce Krone 508 Atlas Bank Building  
524 Walnut Street Cincinnati, Ohio 45202  
City State Zip
11. Proposed Building Intensities (please specify) See Original Development Plan  
Bread Store and Barber Shop lots acquired and are now being added to  
Original Site
12. Are there any existing buildings on the site? No  
How many? \_\_\_\_\_
13. Deed Book 601 Page No. 95 Group No. 2040A
14. Are you also applying for: Also Deed Book 633, page 210  
No Conditional Use Permit  
No Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

**EXHIBIT "A"**

## STAFF REPORT

Request of The Patrick DeCastro Trust (applicant) for Bruce A. Krone, Trustee of the Patrick DeCastro Trust (owner) to consider a Zoning Map Amendment for an approximate 0.58 acre parcel located on the southeast corner of the KY 18/Hopeful Church Road intersection, Florence, Kentucky. The request is for a zone change from Commercial Two (C-2) to Commercial Services (C-3) to allow an expansion of an adjoining auto dealership that is currently under construction.

April 30, 1997

### Proposal

The applicant is requesting a Zoning Map Amendment to allow the expansion of the Nissan Towne car dealership on a .58 acre site which is located at the corner of Hwy 18 and Hopeful Church Road. The site is the former location of Gordon's barber shop and the Hostess Wonder Bakery. The property is currently zoned Commercial Two (C-2). The amendment would change the zoning classification of the property to Commercial Services (C-3). The applicant has submitted a Concept Development Plan which indicates that the property would be for the storage and display of new automobiles only. In addition, the applicant has indicated that the ingress/egress locations on the corners of Hwy 18 and Hopeful Church Road are to be abandoned and/or removed.

The Nissan Towne site received a Zoning Map Amendment that was adopted and approved by the Florence City Council as Ordinance No. 0-26-95 on December 19, 1995. A Site Plan was approved by the Boone County Planning Commission for this site (C-3) on October 2, 1996.

### Surrounding Land Uses and Zoning

The site is surrounded by the Nissan Towne automobile dealership to the east and south. The property is zoned Commercial Services (C-3). West of the site is the Toyota Towne and Mazda automobile dealerships, which are also zoned Commercial Services (C-3). North of the site, across Hwy 18, on the west side of Houston Road, is Fuller Square and in particular the Fifth Third Bank office building. This property is zoned Commercial Two Planned Development (C-2/PD). North of the site, on the east side of Hopeful Road is property owned by Boone County Fiscal Court (property with the billboard) and the KMart shopping center, which are both zoned Commercial Two Planned Development (C-2/PD).

Relationship To The Comprehensive Plan

The 1995 Boone County Comprehensive Plan's Future Land Use Map indicates the site's future land use classification as "*Commercial*" which is defined as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.

The Land Use Element, page 227 of the Boone County Comprehensive Plan states that regionally-oriented commercial development should be confined to Mall Road and the Houston Road area.

The purpose of the Commercial Services (C-3) district is to provide, control, and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility, and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in Boone County Zoning Regulations (Section 1030).

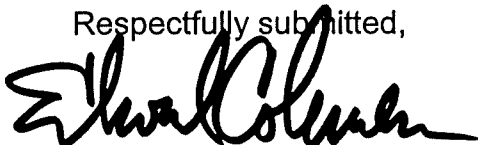
Staff Concerns/Comments

1. The property is required to participate in the Site Plan review process.
2. The ingress/egress location on Hwy 18, indicated by the applicant as to being abandoned, should also be removed.

Conclusion:

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations. If recommended by the Planning Commission and the City Council, the Future Land Use Map would not need to be amended.

Respectfully submitted,

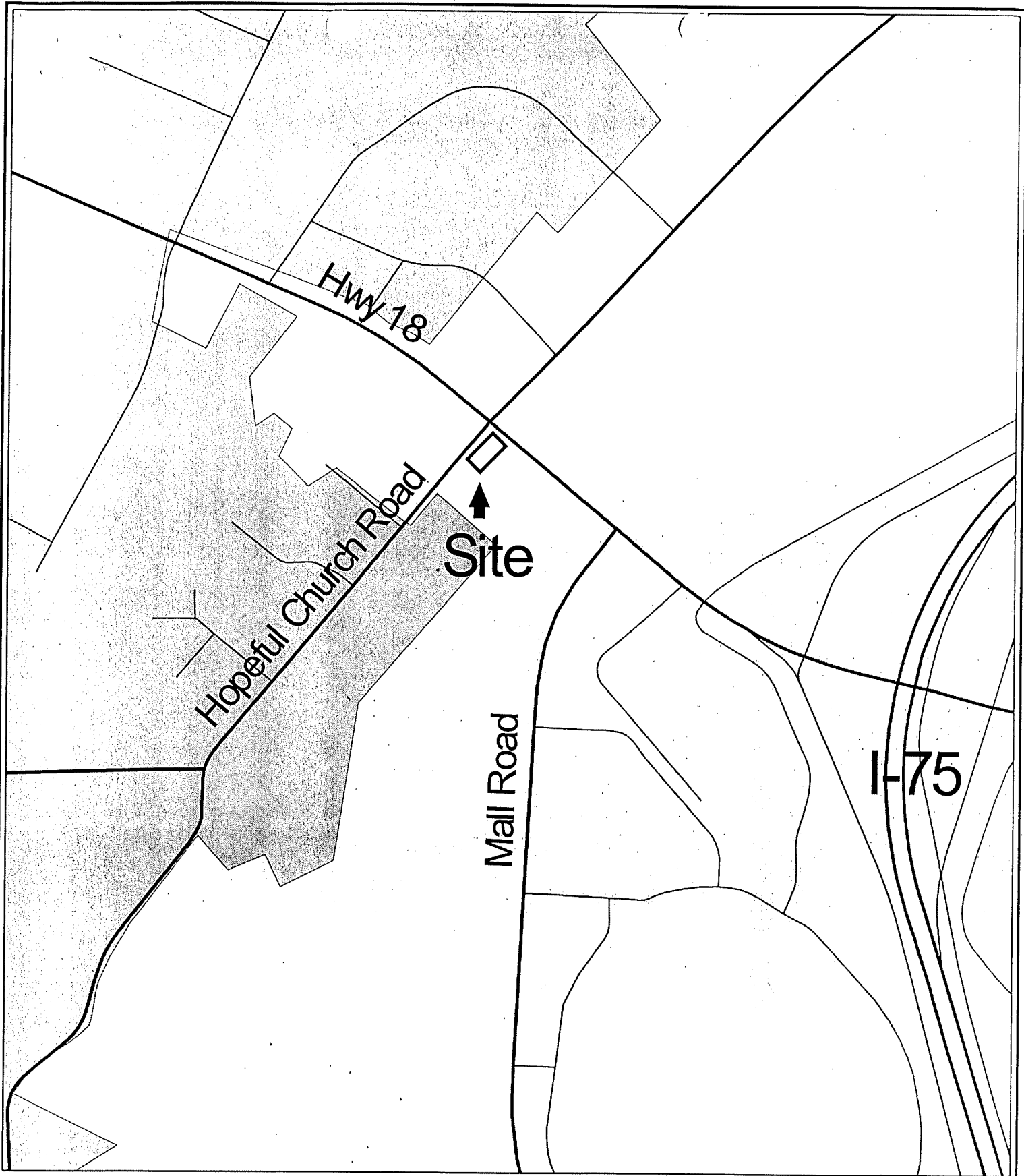


Edward Coleman  
Planner

EC\pr

Attachments:

- Location Map
- Site Map
- Proposed Concept Development Plan/Existing Site Plan
- Zoning Map

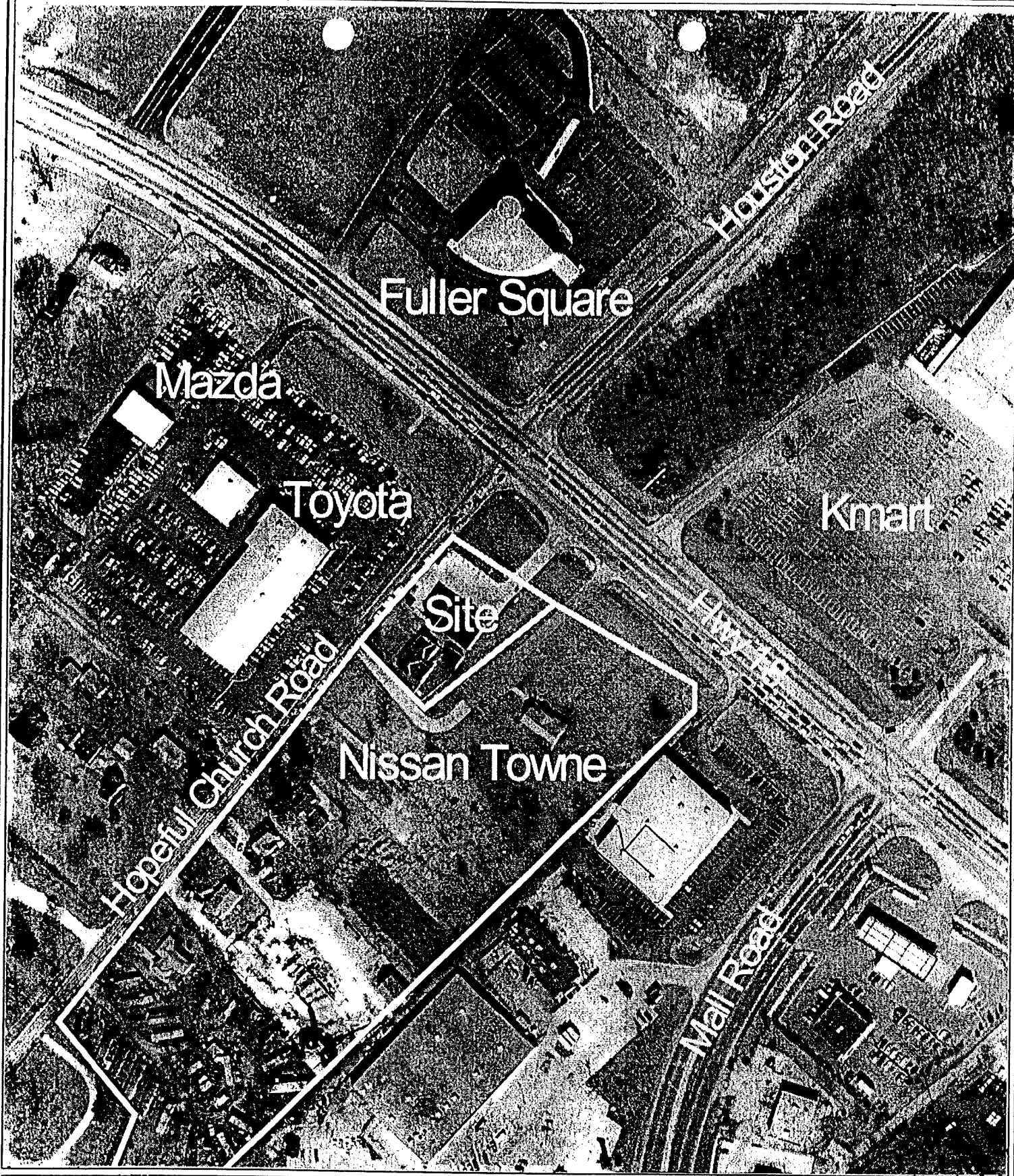


# Location Map

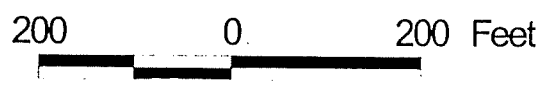
600 0 600 Feet

1 inch equals 600 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
March 29, 1997



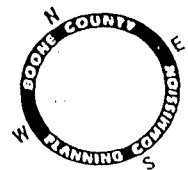


Nissan Site



1 inch equals 200 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
March 29, 1997





GURLINGTON PIKE (KY 18)

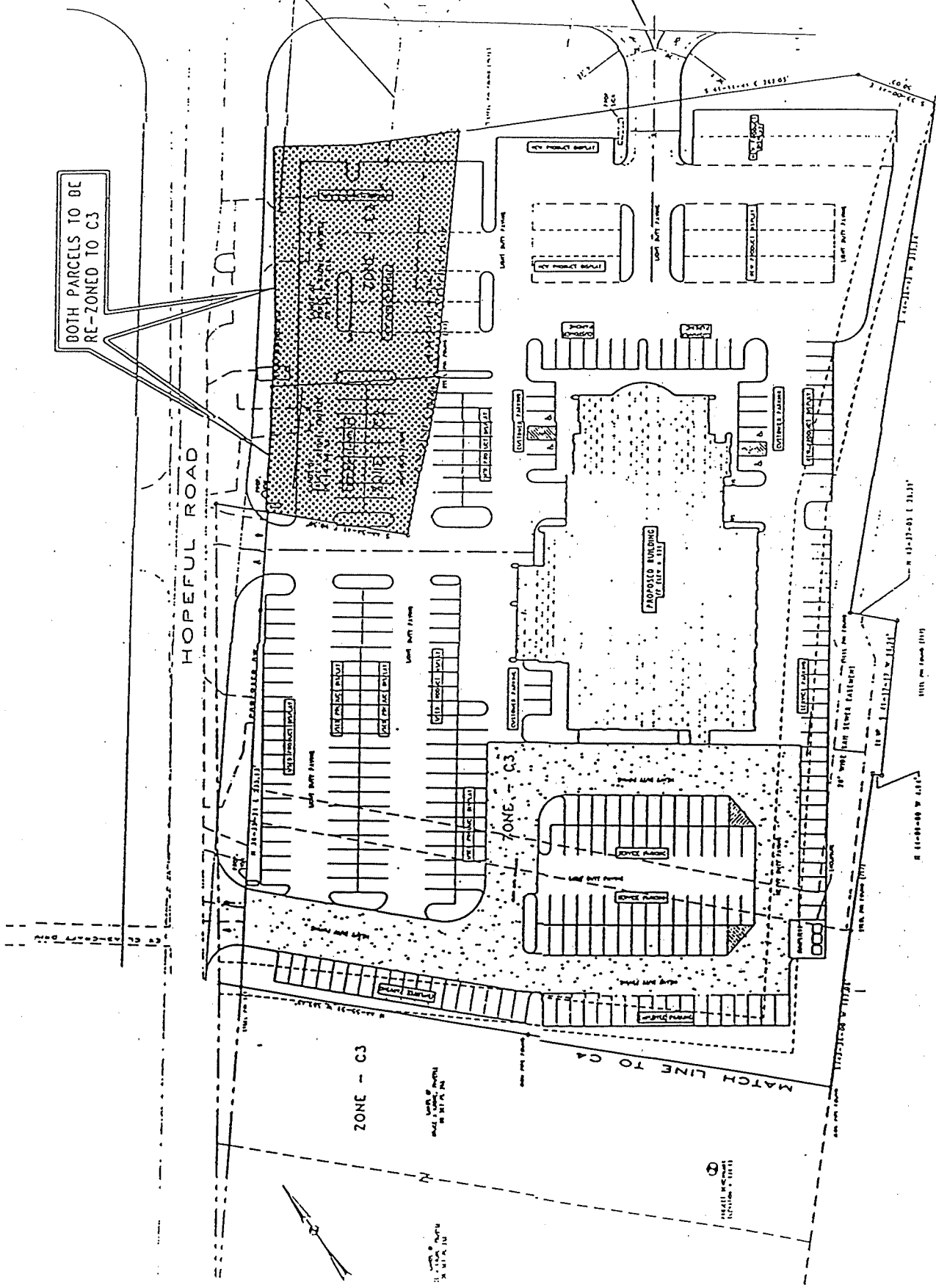
BOTH PARCELS TO BE RE-ZONED TO C3

HOPEFUL ROAD

EXISTING CONTRACT TO BE RE-ZONED TO PROPOSED ZONE C-3 AS A CONDITION OF THE CONTRACT IN THIS PARCEL

RIGHT OF WAY ONLY

SECTION AREA PAISISTO ISLAND DIST.

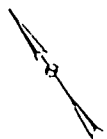


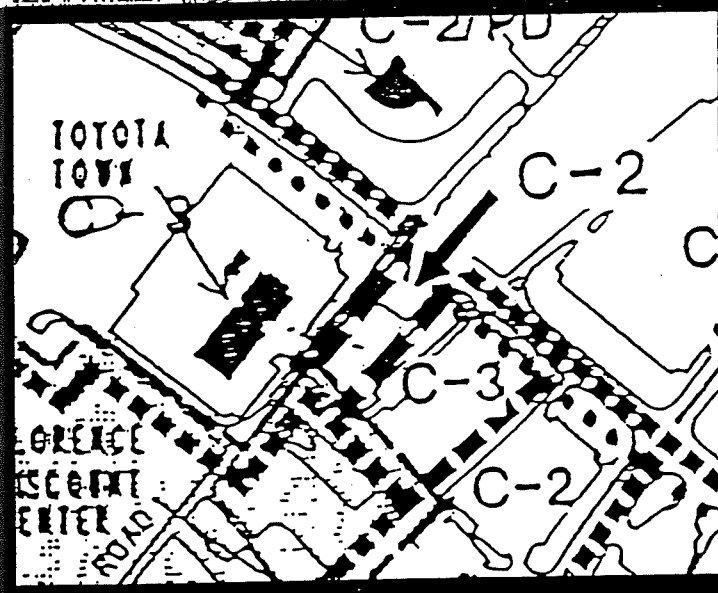
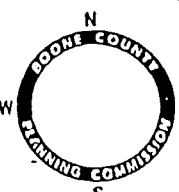
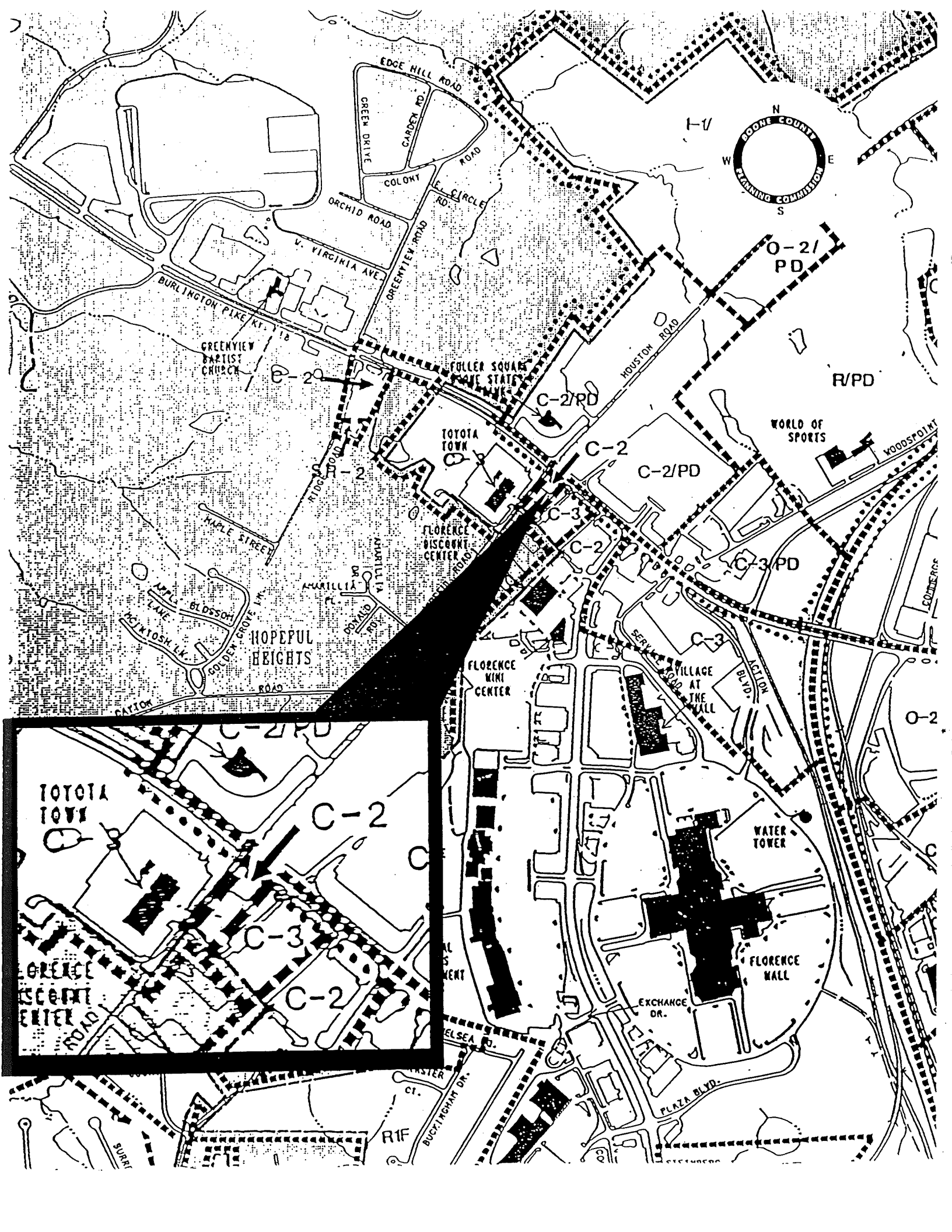
ZONE - C3

ZONE - C3

MATCH LINE TO CA

8





BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
April 30, 1997  
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mr. Brown, Mr. Caddell, Mr. McKinney - Chairman, Mr. Millay, Mr. Ries - Vice Chairman, Mr. Viox, and Mr. White.

Mr. Michael McKinney, Chairman, called the meeting to order at 7 P.M.. Following an explanation of the Public Hearing process, Mr. McKinney introduced the first item on the Agenda:

2. Applicant: The Patrick DeCastro Trust for  
Bruce A. Krone, Trustee of the Patrick  
DeCastro Trust (owner)  
Request: Zoning Map Amendment

The request of The Patrick DeCastro Trust (applicant) for Bruce A. Krone, Trustee of the Patrick DeCastro Trust (owner) to consider a Zoning Map Amendment for an approximate 0.58 acre parcel located on the southeast corner of the KY 18/Hopeful Road intersection, Florence, Kentucky. The request is for a zone change to allow an expansion of an adjoining auto dealership that is currently under construction.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. David Schneider, attorney with Ziegler & Schneider, speaking on behalf of the applicant, introduced Mr. Bruce Krone, the trustee and owner of the property. Mr. Schneider stated that they were before the Planning Commission last October and their zone change request was approved by the City of Florence in December, 1996. They had hoped to have the entire parcel before the Planning Commission in October, 1996, but they did not have ownership of the barber shop and bread shop at that time. They were successful in acquiring those properties in the last three to four months. Mr. Schneider incorporated into evidence from the prior hearing in regard to the Comprehensive Plan. He stated that they agree with the Staff position that the request is in agreement with the Comprehensive Plan.

Mr. Schneider stated that these are very small parcels (the barber shop and the bread shop) and, in their current stance, they should be C-3 consistent with the remaining portion of the property. The curb cuts that were there for the bread stop are being abandoned as they are no longer necessary, which will make a significant improvement from when there were entrances to Nissan and the bread store. These entrances will be incorporated into the existing entrances. He stated that since the last hearing, all of the Hopeful Road improvements have been completed so that there are five lanes, the road is well-signalized, and can handle the traffic that has been approved by the Planning Commission and the City of Florence.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition or to ask questions. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.

Mr. Caddell stated that the applicant has addressed the KY 18 ingress/egress. He stated that he does not have the Site Plan for Nissan, but knows there was an entry and exit for the old barber shop, and questioned if that was already configured into Nissan's entry/exit off Hopeful Road.

Mr. Bruce Krone responded "yes" and advised that when the state went to rebuild and reinstall the curb cuts on Hopeful Road, they owned the barber shop and were able to eliminate all the curb cuts on Hopeful Road. He believes there were six curb cuts which were consolidated into two curb cuts. They were not the owner of the bread store at that time and had to pay to take those curb cuts out. The bread store owner at that time was not willing not to have the curb cuts and they were not able to stop the construction of those access points. He stated that except for the two curb cuts that the state approved and installed, all the others on Hopeful Road have been eliminated.

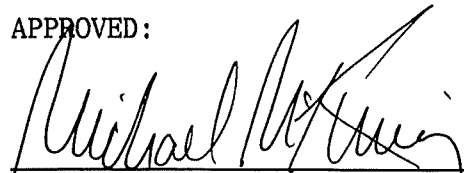
Mr. Caddell asked Staff to bring the approved Site Plan for Nissan Towne to the Committee Meeting.

Mr. Ries stated that there are only two entrances/exits on Hopeful Road and none on KY 18. Mr. Coleman advised that the plan indicates the two ingress/egress points on Hopeful Road and what has been approved on KY 18. Mr. Krone advised that the curb cut is "in only/east only". The triangle in the middle of the road will prohibit turns to the west.

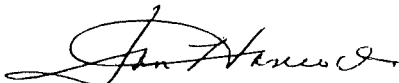
There being no further comments, Mr. McKinney advised that the Committee Meeting for this item will be on May 12, 1997 at 5:30 P.M. in the second floor conference room. This item will be on the Agenda for the Business Meeting on May 21, 1997 at 7:30 P.M..

The Chairman closed this Public Hearing.

APPROVED:

  
Michael McKinney, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
May 21, 1997  
7:30 P.M.

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Mr. Michael McKinney, Chairman, called the meeting to order at 7:44 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer  
Mr. Larry Brown  
Mr. Fred Burch  
Mr. Arnold Caddeffl  
Mr. Mike McKinney, Chairman  
Mr. Don McMillian  
Mr. Bob Millay  
Mr. Robert Ries, Vice Chairman  
Mr. Ralph Rush  
Mrs. Linda Schaffer  
Mrs. Carol Smith  
Mr. William Viox  
Mr. Earl White, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Phil Damstrom  
Mr. Barry Neltner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director  
Mr. Ed Coleman  
Ms. Jan Hancock, Secretary  
Mr. John Huth  
Mr. Mitch Light  
Mr. Kevin Wall, AICP

3. Change in Concept Development Plan

The request of Specialty Automotive Services, Inc. (applicant) for DCKY 18 Partnership (owner) to consider a Change in Concept Development Plan for a 1.4 acre parcel located on Merchant Street, Merchant's Square Subdivision, Boone County, Kentucky. The request is for a change in an approved Concept Development Plan to allow a vehicular oil change establishment and an additional automotive repair/services establishment.

Staff Member Ed Coleman presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

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

4. Zoning Map Amendment

The request of The Patrick DeCastro Trust (applicant) for Bruce A. Krone, Trustee of the Patrick DeCastro Trust (owner) to consider a Zoning Map amendment for an approximate 0.58 acre parcel located on the southeast corner of the KY 18/Hopeful Church Road intersection, Florence, Kentucky. The request is for a zone change from Commercial Two (C-2) to Commercial Services (C-3) to allow an expansion of an adjoining auto dealership that is currently under construction.

Staff Member Ed Coleman presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

There being no discussion, Mr. Ries moved by resolution to the City of Florence that the request be approved based on the Committee Report. Mr. McMillian seconded the motion.

Mrs. Schaffer asked if the limited access on KY 18 is part of the resubmitted plan. Mr. Coleman advised that that access has already been eliminated. Mrs. Schaffer asked if this is part of the Site Plan. She noted that even though the access is gone now, they could put it back. Mr. Costello stated by the access is eliminated by the approval of the Concept Plan.

There being no further comments, Mr. McKinney asked for a vote on the motion made by Mr. Ries and it carried unanimously.

EXHIBIT "B"

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Robert Ries, Chairman

DATE: May 21, 1997

RE: Request of The Patrick DeCastro Trust (applicant) for Bruce A. Krone, Trustee of the Patrick DeCastro Trust (owner) to consider a Zoning Map Amendment for an approximate 0.58 acre parcel located on the southeast corner of the KY 18/Hopeful Church Road intersection, Florence, Kentucky. The request is for a zone change from Commercial Two (C-2) to Commercial Services (C-3) to allow an expansion of an adjoining auto dealership that is currently under construction.

Remarks:

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact and with the following condition:

Findings of Fact:

The Committee has determined that the applicant's proposed Zoning Map Amendment is appropriate and congruous with the intent of the 1995 Boone County Comprehensive Plan which indicates that this property should redevelop with regionally oriented commercial uses. The Committee has also determined that the proposed expansion of Nissan Towne at the corner of Hopeful Church Road and Burlington Pike is the most appropriate and logical use for the site based on the surrounding uses of the adjacent properties, in particular Nissan Towne.

The Committee has concluded that the following condition is necessary for the purpose of facilitating the Goals and Objectives stated in the 1995 Boone County Comprehensive Plan. The Applicant has signed a letter of agreement with this condition and understands that the submitted Concept Development Plan, public hearing testimony, and supporting documentation presented by the applicant, along with this condition, serves as the basis for this recommendation.

CONDITION

1. The applicant shall resubmit a Site Plan for Nissan Towne which includes the .58 acre tract at the corner of Hopeful Church Road and Burlington Pike as submitted in concept at the Public Hearing and to the Zone Change Committee.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

*Robert Ries*  
Robert Ries, Chairman

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

*Arnold Caddell*  
Arnold Caddell

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

*Don McMillian*  
Don McMillian

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

*Linda Schaffer*  
Linda Schaffer

For	<input checked="" type="checkbox"/>	Against	<input type="checkbox"/>
Abstain	<input type="checkbox"/>	Absent	<input type="checkbox"/>

TOTAL:	<u>4</u>	FOR	<u>0</u>	AGAINST	<u>0</u>	ABSTAIN	<u>0</u>	ABSENT
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That certain tract or parcel of Land located on the northeast side of Kentucky Highway 1018 and the southwest side of Kentucky Highway 18 at their intersection and is described thus: BEGINNING at an iron pin in the right of way of Kentucky Highway 1018, said pin being 20 feet from the center line of said Highway and N 39 - 08 E. 67.3 feet from a stone, the northwest corner of the original tract of which this conveyance is a part; thence with the right of way of Kentucky Highway 1018 N. 39 - 08 E. 123.0 feet to a railroad spike, said spike being 30 feet from the center line of Kentucky Highway 18; thence with the right of way of said Highway 18, S. 34 - 30 E. 150.00 feet to an iron pin, said pin being 8.3 feet from the original tract line; thence S. 43 - 53 W. 127.0 feet to an iron pin, said pin being N. 49 - 15 E. 100.03 feet and N. 34 - 30 W. 2.4 feet from the southeast corner of the original tract; thence N. 34 - 30 W. 113 feet to the beginning.

This conveyance is expressly made subject to that certain Easement granted by ASHLAND to Boone County Water District, dated August 25, 1967, and is further subject to all legal highways, zoning laws, ordinances, and regulations and to all other restrictions, easements, rights of way, exceptions, reservations and conditions contained in prior instruments of record in the chain of title to the properties conveyed hereby.

Except for the following parcel which is to be acquired by the Kentucky Transportation Cabinet. See Lis Pendens Notice recorded in Enc. Book 66, Page 211 entered in Case No. 96-C1-00185 Boone Circuit Court.

GROUP NO. 2448A

PARCEL NO. 114

Situated in the City of Florence, Boone County, Kentucky approximately 293 feet southwest of the intersection of Hopeful Road and KY 18 and being more particularly described as follows:

Beginning at a point in the existing right of way line 26.88 feet right of Hopeful Road station 161+31.68; thence with the existing right of way line N 18 deg. 33' 12" E, 128.34 feet to a point in the northeast property line 23.14 feet right of Hopeful Road station 162+16.97; thence with the northeast property line S 84 deg. 16' 48" E, 42.18 feet to a point in the proposed right of way line 48.00 feet right of Hopeful Road station 163+18.37; thence with the proposed right of way line S 40 deg. 07' 32" W, 82.33 feet to a point in the proposed right of way line 48.00 feet right of Hopeful Road station 162+37.38; thence with the proposed right of way line S 43 deg. 04' 43" W, 42.68 feet to a point in the southwest property line 43.17 feet right of Hopeful Road station 161+35.47; thence N 34 deg. 04' 44" W, 38.47 feet to the point of beginning.

The above described parcel contains 8,146 square feet to be acquired in fee simple.

Being the same premises conveyed to Wilton Enterprises by Deed from South Gate Federal Savings and Loan Association, of Newport, Kentucky, dated April 30, 1982 and recorded in Deed Book 293, Page 127 in the Boone County Clerk's Office.

State of Kentucky, County of Boone  
JERRY W. ROUSE, Clerk of the Boone County  
Court, do certify that the foregoing  
Deed was, on the 18 day of Dec

1996, at 11:47 A.M. lodged in my office  
for record, and that it has been duly recorded in  
my said office, together with this and the  
certificate thereon endorsed.  
Given under my hand this 18 day of Dec  
1996.

JERRY W. ROUSE, CLERK

By Jerry Rouse D.C.

EXHIBIT "A"PARCEL NO. 107A

Also, the following parcel of land lying East of Parcel No. 107 on the Right side of the centerline of said proposed public road, and being more particularly described as follows:

Beginning at a point in the proposed right of way line 60.14 feet right of Hopeful Road station 261+20.01; thence with the proposed right of way line N 43 deg. 56' 43" E, 75.63 feet to a point in the northeast property line 65.17 feet right of Hopeful Road station 261+95.47; thence with the northeast property line S 54 deg. 04' 48" E, 102.00 feet to a point in the proposed easement line 166.90 feet right of Hopeful Road station 262+02.96; thence with the proposed easement line S 48 deg. 14' 38" W, 99.11 feet to a point in the proposed easement line 152.91 feet right of Hopeful Road station 261+04.84; thence N 40 deg. 34' 48" W, 94.00 feet to the point of beginning.

Being a portion of the same property conveyed to Clarence A. Gordon and Barbara A. Gordon, his wife, by deed from Jake Davis and Lois M. Davis, his wife, dated July 12, 1967 and recorded in Deed Book 176, Page 587 in the Boone County Clerk's office.

\* This is the remainder of the property described in Deed Book 176, Page 587 after the taking by the Kentucky Transportation Cabinet. See Lis Pendens notice recorded in Enc. Book 65 page 275 and Agreed Interlocutory Order & Judgment and Agreed Order entered in Case No. 95-CI-01116 Boone Circuit Court. \*

State of Kentucky, County of Boone  
 JERRY W. ROUSE, Clerk of the Boone County  
 Court, do certify that the foregoing  
 Deed was, on the 21 day of Feb.  
 1996, at 8:51 A.M. lodged in my office  
 for record, and that it has been duly recorded in  
 my said office, together with this and the  
 certificate thereon endorsed.  
 Given under my hand this 21 day of Feb.  
 1996.

JERRY W. ROUSE, CLERK  
 By Jerry Rouse D.C.

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
April 30, 1997  
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mr. Brown, Mr. Caddell, Mr. McKinney - Chairman, Mr. Millay, Mr. Ries - Vice Chairman, Mr. Viox, and Mr. White.

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Request:           Zoning Map Amendment

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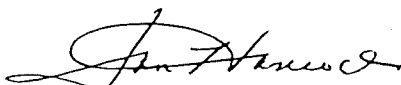
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The Chairman closed this Public Hearing.

APPROVED:

  
Michael McKinney, Chairman

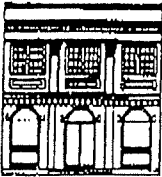
Attest:



Jan Hancock, Recording Secretary

SUPPORTING  
INFORMATION

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005  
606-334-2196 FAX 606-334-2264

May 20, 1997

Mr. David Schneider  
Ziegler & Schneider, P.S.C.  
505 Turfway Ridge Office Park  
7300 Turfway Road  
Florence, KY 41042

RE: Recommended Condition of Approval for a Zone Change from C-2 to C-3 for the .58 acre site located on the corner of Burlington Pike and Hopeful Church Road

Mr. Schneider:

The following represents the condition of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the applicant agree to the following condition, please indicate so by signing at the space provided below and returning this letter to the Planning Commission office by 4:00 P.M. Wednesday, May 21, 1997.

## Condition of Approval

1. The applicant shall resubmit a Site Plan for Nissan Towne which includes the .58 acre tract at the corner of Hopeful Church Road and Burlington Pike as submitted in concept at the Public Hearing and to the Zone Change Committee.

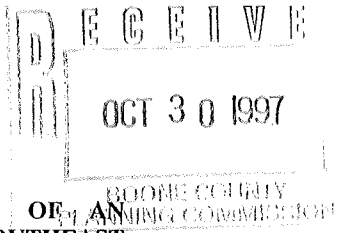
Sincerely,

Edward Coleman  
Planner

AEC\par

I, the applicant, agree to the above listed condition of approval for the requested Zoning Map Amendment from C-2 to C-3 for the .58 site, located at the corner of Burlington Pike and Hopeful Church Road.

David Schneider, Applicant  
Ziegler & Schneider, P.S.C.



ORDINANCE NO. 0-16-97

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF AN APPROXIMATE 0.58 ACRE SITE GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE KENTUCKY 18 AND HOPEFUL CHURCH ROAD INTERSECTION IN THE CITY OF FLORENCE, KENTUCKY, FROM ITS PRESENT ZONING OF COMMERCIAL TWO (C-2) TO COMMERCIAL SERVICES (C-3), SUBJECT TO AN AGREED DEVELOPMENT PLAN. (PATRICK DECASTRO TRUST PROPERTY).

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

WHEREAS, the Boone County Planning Commission has recommended that the requested zone change be approved for an approximate 0.58 acre site located on the southeast corner of the Kentucky 18 and Hopeful Church Road intersection in the City of Florence, Kentucky, from its present zoning of Commercial Two (C-2) to Commercial Services (C-3), subject to an agreed development plan, and

WHEREAS, the recommendation of the Boone County Planning Commission is based upon certain findings and agreed conditions of the submitted development plan, 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 the requested zone change for the approximate 0.58 acre site more particularly described below shall be and is hereby approved to rezone this property generally located on the southeast corner of the Kentucky 18 and Hopeful Church Road intersection from its present zoning of Commercial Two (C-2) to Commercial Services (C-3), subject to an agreed development plan. This real estate is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference 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 subject property.

SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change shall be and is hereby adopted and approved by the City Council of Florence, Kentucky, including the findings and conditions of the Commission and the development plan

to which the owner/applicant has agreed.

**SECTION IV**

In the event that 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, zoning map and comprehensive plan provisions as they are severable from this rezoning of this approximate 0.58 acre site and are intended to continue to have effect regardless of any invalidity regarding this particular rezoning.


**SECTION V**

Publication of this Ordinance is hereby authorized to be by summary publication, in accordance with Kentucky law.

PASSED AND APPROVED ON FIRST READING THIS 10<sup>th</sup> DAY OF June, 1997.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 24<sup>th</sup> DAY OF June, 1997.

APPROVED:

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

Mayor Kalb then read the following Summary of the Ordinance: This Ordinance adopts the fiscal year 1997-98 budget of the City including the General Fund, the Capital Improvement Fund, the Municipal Aid Road Fund, and the Local Government Economic Assistance Fund. Budgeted resources and expenditures are as follows:

1997-98 BUDGET	General Fund	Capital Improvement Fund	Municipal Aid Road Fund	Loc.Gov't Econ.Aid Fund
<b>RESOURCES AVAILABLE:</b>				
Estimated Revenues & Transfers	11,403,100	2,979,400	325,000	20,500
Fund Balance				
Bgng Bal.	1,546,300	1,281,151	141,298	26,385
<b>TOTAL RESOURCES AVAILABLE FOR APPROPRIATION</b>	<b>12,949,400</b>	<b>4,260,551</b>	<b>466,298</b>	<b>46,885</b>
<b>TOTAL EXPNDTRS:</b>	<b>9,100,000</b>	<b>3,791,600</b>	<b>325,600</b>	<b>15,000</b>
Transfers	2,849,400	0	0	0
Estimated Fund Bal. at Year End	1,000,000	468,951	140,698	31,885
<b>TOTAL BUDGET</b>	<b>12,949,400</b>	<b>4,260,551</b>	<b>466,298</b>	<b>46,885</b>

Councilmember Whalen moved, with second from Councilmember Osborne, that Ordinance No. O-15-97 be approved on second reading and be published in accordance with the law. Council approved by unanimous vote.

Mayor Kalb presented the following Ordinance for second reading:

**ORDINANCE NO. O-16-97: AN ORDINANCE ADOPTING AND APPROVING A REZONING OF AN APPROXIMATE 0.58 ACRE SITE GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE KENTUCKY 18 AND HOPEFUL CHURCH ROAD INTERSECTION IN THE CITY OF FLORENCE, KENTUCKY, FROM ITS PRESENT ZONING OF COMMERCIAL TWO (C-2) TO COMMERCIAL SERVICES (C-3), SUBJECT TO AN AGREED DEVELOPMENT PLAN. (PATRICK DECASTRO TRUST PROPERTY).**

Mayor Kalb then read the following Summary of the Ordinance: By enacting this Ordinance, City Council of Florence, Kentucky, has rezoned this 0.58 acre site from its current zoning classification to Commercial Services (C-3). This rezoning is subject to the agreed development plan submitted by the owner/applicant, including conditions to which the owner/applicant has agreed. By granting this zone change, the expansion of an auto dealership on the 0.58 acre site is an allowed use.

Councilmember Metzger moved, with second from Councilmember Stephens, that Ordinance No. O-16-97 be approved on second reading and be published in accordance with the law. Council approved by unanimous vote.

Mayor Kalb presented the following Ordinance for first reading:

**ORDINANCE NO. O-17-97: AN ORDINANCE AMENDING ORDINANCE NO. O-11-95 TO ADOPT AND APPROVE A REVISED COMPENSATION PLAN FOR CITY OFFICERS AND EMPLOYEES.**

Mayor Kalb then read the following Summary of the Ordinance: This Ordinance contains a general revision of the Compensation Plan for City officers and employees. The Compensation Plan is the document by which salaries are established for City officers and employees.

Councilmember Osborne moved, with second from Councilmember Stephens, that Ordinance No. O-17-97 be approved on first reading and be held for second and final reading at the next meeting of Council. Council approved by unanimous vote.

(C-2) to Commercial Services (C-3) to allow an expansion of an adjoining auto dealership that is currently under construction.

Councilmember Metzger moved, with second from Councilmember Schaffer, that this request be placed on the Agenda for consideration. Council approved by unanimous vote.

Mayor Kalb presented the following Ordinance for first reading:

ORDINANCE NO. O-16-97: AN ORDINANCE ADOPTING AND APPROVING A REZONING OF AN APPROXIMATE 0.58 ACRE SITE GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE KENTUCKY 18 AND HOPEFUL CHURCH ROAD INTERSECTION IN THE CITY OF FLORENCE, KENTUCKY, FROM ITS PRESENT ZONING OF COMMERCIAL TWO (C-2) TO COMMERCIAL SERVICES (C-3), SUBJECT TO AN AGREED DEVELOPMENT PLAN. (PATRICK DECASTRO TRUST PROPERTY).

Mayor Kalb then read the following Summary of the Ordinance: By enacting this Ordinance, City Council of Florence, Kentucky, has rezoned this 0.58 acre site from its current zoning classification to Commercial Services (C-3). This rezoning is subject to the agreed development plan submitted by the owner/applicant, including conditions to which the owner/applicant has agreed. By granting this zone change, the expansion of an auto dealership on the 0.58 acre site is an allowed use.

Councilmember Metzger moved, with second from Councilmember Stephens, that Ordinance No. O-16-97 be approved on first reading and be held for second and final reading at the next meeting of Council. Councilmember Schaffer asked for a clarification on the access from KY 18; Attorney Dave Schneider responded that the access from KY 18 had been abandoned as part of the development plan. Mayor Kalb called for a roll call vote. Voting Yes: Councilmembers Carroll, Metzger, Osborne, Schaffer, Stephens and Whalen. Voting No: None. Council approved by unanimous vote.

Mayor Kalb recognized Police Chief Buelterman, who requested that the "Cops More" grant funding of \$33,236 be used to hire a civilian person in the Police Department. He related that this new hire would replace a Police administrative officer, thus putting an additional officer back on the street. Chief Buelterman related that the \$33,236 dollars represents seventy-five percent of a police officer's salary, benefits and equipment. Councilmember Whalen moved, with second from Councilmember Stephens, that this recommendation from Chief Buelterman be approved. Council approved by unanimous vote.

Mayor Kalb stated that Jeff Koenig, at a prior meeting, explained and distributed copies of the proposed Five Year Street Repair Plan and requested a motion that Council adopt this Five Year Street Repair Plan in principle. Councilmember Stephens so moved, with second from Councilmember Osborne and unanimous approval of Council.

Mayor Kalb informed Council that the City had not received the needed information for further discussion of the state's widening of Houston Road.

MAYOR'S REPORT:

Mayor Kalb recognized Betsy Conrad, who reminded everyone that Saturday, June 14 at high noon as the church bells chime the City will have a "pause for the pledge" Flag Day Celebration in front of the City Building. Mrs. Conrad related that Gary Griesser, guest soloist, will lead the National Anthem, Becky Ledden will play a trumpet prelude, the Florence Community Chorus will sing, Florence Police Honor Guard will present the colors and Jim Collins will be the guest speaker.