

**CITY OF HIGHLAND HEIGHTS, KENTUCKY**

**ORDINANCE NO. 01-2012**

AN ORDINANCE AMENDING ORDINANCE NO. 16-83, THE CITY OF HIGHLAND HEIGHTS ZONING ORDINANCE BY CHANGING THE PREMISES KNOWN AS 515 MAIN AVENUE IN HIGHLAND HEIGHTS FROM RESIDENTIAL (R1G) (SINGLE FAMILY) TO RESIDENTIAL 3 (PUD) (MULTI-FAMILY).

WHEREAS, the Highland Heights Planning Commission held a public hearing on January 10, 2012 to consider amending the map of the City's zoning ordinance.

WHEREAS, said public hearing was held pursuant to KRS 100.207, 100.211, 100.212 and 100.213 with all conditions prerequisite thereto being met; and;

WHEREAS, the Highland Heights Planning Commission decided to recommend to the City Council to amend the map of the City's zoning ordinance.

WHEREAS, the Highland Heights City Council has considered the findings and recommendations of the Planning Commission as reflected in its minutes and staff reports from the aforementioned public hearing and incorporate them herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HIGHLAND HEIGHTS, KENTUCKY:

Section I

That the City of Highland Heights, Kentucky having considered the findings of the Planning Commission as reflected in its minutes and the reports adopted by the Planning Commission pursuant to those findings from the city staff and its actions and recommendations, as well as reviewing the minutes of said public hearing and the report from the city staff does hereby concur and adopt the reasons, recommendations and findings of the Planning Commission as set forth at its January 10, 2012 meeting, including, but not limited to the finding that the application for a zone change is not in agreement with the city's current comprehensive plan, but that there have been major social, economic and physical changes in the area of the proposed zone change that were not anticipated by the current comprehensive plan that have substantially altered the basic character of the area and makes the existing zoning inappropriate and the proposed zoning appropriate.

Section II

That the official zoning map of Highland Heights, Kentucky is hereby amended as it pertains to the property described below, from Residential 1 (R1G) (Single Family) to Residential 3 (R-3 PUD) (Multi-Family) zone. The property so affected is described as follows:

Parcel I -Tracts Two and Three are subject to sewer easements to the City of Highland Heights as set forth in Deed Book 332, Page 349 and Deed Book 332, Page 430.

Parcel I Tracts Two and Three are subject to the agreement to erect a fence and to maintain a slope and to construct and maintain a drain for the septic tank all as is set forth in Deed Book 334, Page 193 and Deed Book 334, Page 195.

Parcel I-Tract Four is subject to sewer easement to the City of Highland Heights as set forth in Deed Book 333, Page 465.

Property Address: 515 Main Avenue, Highland Heights, Kentucky 41076

Parcel I:

Group Nos for Parcel I: 30433/A4 & 30433/Z      Plat: Cabinet A, Slide 193B  
PIDN for Parcel I: 999-99-35-855.00

Tract One:

Starting at the NE corner of the building, thence SW 24° 2' a distance of 26'-0", thence NW 65° 58' a distance of 11'-1", thence SW 24° 2' a distance of 66'-2 ¼", thence SE 65° 58' a distance of 11 ½", thence SE 20° 58' a distance of 5' -10 1/2" to the point of beginning: thence SE 65° 58' a distance of 2' -0", thence NE 69° 2' a distance of 5' -8", thence SE 65° 58' a distance of 10" thence NE 24° 2" a distance of 12' -8" thence SE 65° 58' a distance of 33' -0", thence SW 24° 2' a distance of 56' -4", thence NW 65° 58' a distance of 33' -0", thence NE 24° 2' a distance of 12' 8", thence NW 65° 58' a distance of 10", thence NW 20° 58' a distance of 5' -8", thence NW 65° 58" a distance of 2' -0", thence NE 24° 2' a distance of 23' -0" to the point of beginning.

Parcel I-Tract One above being all of the same property conveyed to the Campbell County School District, a political subdivision of the Commonwealth of Kentucky, by deed from the Campbell County School District Finance Corporation, a Kentucky Non-Profit Corporation, dated January 30, 2007 and recorded on even date herewith of the Campbell County Clerk's records at Newport, Kentucky.

Tract Two:

Being a part of Lot 20, of Fort Thomas Park Third Subdivision, in the City of Highland Heights, Campbell County, Kentucky, bounded and described as follows:

Beginning at a granite monument, a common corner of Campbell County Board of Education and Kentrup, in George Evans' line; thence S. 55° 05' W, along the dividing line between Campbell County Board of Education and George Evans, a distance of 40.28 feet to a stake; thence N. 35° 04' 15" W. a distance of 41.62 feet to a stake in the dividing line between Evans and Vermillion, the real point of beginning of this conveyance: thence N. 35° 07' 04" W. through Vermillion's land, a

distance of 41.72 feet to a point in the dividing line between Vermillion and Crawford; thence S. 50° 54' 03" W. along said dividing line, a distance of 49.68 feet to the common rear corner of Crawford and Vermillion in the line of the Campbell County Board of Education; thence S. 34° 58' 55" E., along the present dividing line between Vermillion and Campbell County Board of Education, a distance of 39.86 feet; thence N. 53° 03' E. a distance of 49.68 feet to the real point of beginning, containing 2023 square feet.

Tract Three:

Situated in the City of Highland Heights, Campbell County, Kentucky, being a part of lot twenty (20) in the Fort Thomas Park Third Subdivision, and is more particularly described as follows:

Beginning at a granite monument, a common corner of Campbell County Board of Education and Kentrup, in George Evans line; thence S. 55° 05' W. along the dividing line between Campbell County Board of Education and George Evans, a distance of 40.28 feet to a stake, the real point of beginning of this conveyance; thence N. 35° 04' 15" W. through said Evans land, a distance of 41.62 feet to a stake in the dividing line between Evans and Vermillion; thence S. 53° 03' W. along said dividing line, a distance of 49.68 feet to the common rear corner of Vermillion and Evans in the line of the Campbell County Board of Education; thence S. 34° 58' 55" E. along the present dividing line between George Evans and the Campbell County Board of Education, a distance of 39.86 feet; thence N. 55° 05' E. a distance of 49.72 feet to the real point of beginning, containing 2024 square feet.

Tract Four:

Situated in John's Hill District, Campbell County, Kentucky and being part of lot #20 of the Fort Thomas Land Company's Third Subdivision, said part of lot 20 is bounded as follows:

Beginning at a point in the center of Main Avenue, corner to lot #19 and #20; thence with the line between lots 19 and 20 N. 35° 22' W. 632.18 feet to a point in Westerly line of lot 21; thence with the dividing line between lots 20 and 21 N. 63° 01' E. 312.70 feet to a point; thence S. 35° 22' E. 587 feet to a point in center of Main Avenue, thence with center line of Main Avenue, S. 53° 10' W. 308 feet to the place of beginning, containing four acres in all.

Parcel I-Tracts Two, Three and Four above being all of the same property conveyed to the Campbell County School District, a political subdivision of the Commonwealth of Kentucky, by deed from Campbell County, Kentucky, a political subdivision of the Commonwealth of Kentucky dated January 25, 2007 and recorded on even date herewith of the Campbell County Clerk's records at Newport, Kentucky.

Tract Five:

Situated in the City of Highland Heights, Campbell County, Kentucky, and being part of Lot Number Twenty (20) of the Third Subdivision of lands formerly belonging to the Fort Thomas Land Company and being part of Lot Twenty (20) in the Fort Thomas Park Third Subdivision, bounded and described as follows:

Beginning at a stone, the southeast corner of the Dale School Lot on the north side of Main Street; thence with said Main Street N. 53 E. 50 feet to a stake; thence N. 36° 20' W. 208 feet to a stake; thence S. 55° 05' W. 45 feet to a stake; thence with the Dale School Line S. 35 E. 210.3 feet to the place of beginning.

Tract Six:

Situated in the City of Highland Heights, Campbell County, Kentucky, and being part of Lot Number Twenty (20) of the Third Subdivision of lands formerly belonging to the Fort Thomas Land Company and being part of Lot Twenty (20) in the Fort Thomas Park Third Subdivision, bounded and described as follows:

Beginning at a stake on the North side of Main Street, N. 53 E. 50 feet from the southeast corner of the Dale School Lot; thence with the north side of Main Street N. 53 E. 50 feet to a stake; thence N. 37° 50' W. 206 feet to a stake; thence S. 55° 05' W. 45 feet to a stake; thence S. 36° 20' E. 208 feet to the place of beginning.

Parcel I-Tracts Five and Six above being all of the same property conveyed to the Campbell County Board of Education by deed from James Nassano and Emma Nassano, husband and wife, dated March 16, 1953 and recorded on March 17, 1953 in Deed Book 291, Page 227 of the Campbell County Clerk's records at Newport, Kentucky.

Parcel II:

PIDN for Parcel II: 999-99-34-991.00

Tract One:

Group Nos.: 30622/A1 & A4 & AS Plat: Deed Book 56, Page 245 & Cabinet A, Slide 161A

Situate in the City of Highland Heights, Campbell County, Kentucky, and known and designated on Section Number Two (2) of a certain map or plat of Highland Baby Farms, made by Renshaw & Breece, Engineers of Huntington, West Virginia, on the 27<sup>th</sup> day of June, 1914, which said Section Number 2 of said map or plat is recorded in the office of the Clerk of the Campbell County Court of Campbell County, Kentucky, in Plat Book No. 56 at Pages 244 to 247, inclusive, as Farms Numbers One Hundred Eighty-Five (185), One Hundred Eighty-Six (186), Two Hundred Three (203), Two Hundred Four (204), Two Hundred Five (205), Two Hundred Six (206), and Two Hundred Seven (207).

Parcel II-Tract One above being all of the same property conveyed to the Campbell County School District of Campbell County, Kentucky by deed from Clifford F. Bossong and Thomasa Jane Bossong, his wife, dated September 25, 1964 and recorded on October 6, 1964 in Deed Book 364, Page 698 of the Campbell County Clerk's records at Newport, Kentucky.

Tract Two:

Group No.: 30622/A1

Plat: Deed Book 56, Page 245 &  
Cabinet A, Slide 161A

Situate in the City of Highland Heights, Campbell County, Kentucky, and known and designated as Section Number Two (2) of a certain map or plat of Highland Baby Farms, made by Renshaw & Breece, Engineers of Huntington, West Virginia, on the 27<sup>th</sup> day of June, 1914, which said Section Number 2 of said map or plat is recorded in the office of the Clerk of the Campbell County Court of Campbell County, Kentucky, in Plat Book No. 56 at Pages 244 to 247, inclusive, as Farm Number One Hundred Eighty-Seven (187).

Parcel II- Tract Two above being all of the same property conveyed to the Campbell County School District of Campbell County, Kentucky, by deed from Vincent Grawe and Lorraine Grawe, husband and wife, dated January 9, 1965 and recorded on January 11, 1965 in Deed Book 366, Page 149 of the Campbell County Clerk's records at Newport, Kentucky.

Tract Three:

Group No.: 30622/A1 Plat: Deed Book 56, Page 245 &  
Cabinet A, Slide 161 A

Situate in the City of Highland Heights, Campbell County, Kentucky, and known and designated as Lot One Hundred Eighty-Nine (189) of Section Number Two (2) of a certain map or plat of Highland Baby Farms, said map or plat is recorded in the office of the Clerk of the Campbell County Court of Campbell County, Kentucky, in Plat Book No. 56 at Pages 244 to 247, inclusive.

Parcel II-Tract Three above being all of the same property conveyed to the Campbell County School District of Campbell County, Kentucky by deed from Pauline Hartke and Lee Hartke, husband and wife, and Mary Evelyn Walsh and Maurice R. Walsh, her husband, dated May 2, 1966 and recorded on May 3, 1966 in Deed Book 372, Page 324 of the Campbell County Clerk's records at Newport, Kentucky.

Tract Four:

Group No.: 30622/A2  
Cabinet A, Slide 161A

Plat: Deed Book 56, Page 245 &

Situate in Campbell County, Kentucky, and known and designated on Section Number 2 of a certain map or plat of Highland Baby Farms made by Renshaw and Breece, Engineers of Huntington, West Virginia, on the 27<sup>th</sup> day of June, 1914, which said Section Number 2 of said map or plat is recorded in the office of the Clerk of the Campbell County Court of Campbell County, Kentucky, in Plat Book No. 56 at Pages 244 to 247, inclusive, as Farm Number One Hundred Ninety (190).

Parcel II-Tract Four above being all of the same property conveyed to the Campbell County School District of Campbell County, Kentucky, by deed from Edward J. Blau, Master Commissioner, Campbell Circuit Court, dated February 8, 1965 and recorded on February 9, 1965 in Deed Book 366, Page 413 of the Campbell County Clerk's records at Newport, Kentucky.

Tract Five:

Group No.: 30622/A2

Plat: Deed Book 56, Page 245 &  
Cabinet A, Slide 161A

Situate in the City of Highland Heights, Campbell County, Kentucky, and known and designated on Section Number Two (2) of a certain map or plat of Highland Baby Farms, made by Renshaw & Breece, Engineers of Huntington, West Virginia, on the 27<sup>th</sup> day of June, 1914, which said Section Number 2 of said map or plat is recorded in the office of the Clerk of the Campbell County Court of Campbell County, Kentucky, in Plat Book No. 56 at Pages 244 to 247, inclusive, as Farm Numbers One Hundred Ninety-One (191) and One Hundred Ninety-Two (192).

Parcel II-Tract Five above being all of the same property conveyed to the Campbell County School District of Campbell County, Kentucky by deed from Nellie G. Klein, a widow, and Oscar P. Howe, an unmarried man, dated November 2, 1964 and recorded on November 25, 1964 in Deed Book 365, Page 412 of the Campbell County Clerk's records at Newport, Kentucky.

Tract Six:

Group No.: 306221A2

Plat: Deed Book 56, Page 245 &  
Cabinet A. Slide 161A

Situate in the City of Highland Heights, Campbell County, Kentucky, and known and designated on Section Number Two (2) of a certain map or plat of Highland Baby Farms, made by Renshaw & Breece, Engineers of Huntington, West Virginia, on the 27<sup>th</sup> day of June, 1914, which said Section Number 2 of said map or plat is recorded in the office of the Clerk of the Campbell County Court of Campbell County, Kentucky, in Plat Book No. 56 at Pages 244 to 247, inclusive, as Farm Number One Hundred Ninety-Three (193).

Parcel II-Tract Six above being all of the same property conveyed to the Campbell County School District of Campbell County, Kentucky, by deed from H. C. Langebrake and Inez Langebrake, his wife, dated August 25, 1964 and recorded on September 8, 1964 in Deed Book 364, Page 347 of the Campbell County Clerk's records at Newport, Kentucky.

Tract Seven:

Group No.: 306221A2

Plat: Deed Book 56, Page 245 &  
Cabinet A, Slide 161A

Situate in the City of Highland Heights, Campbell County, Kentucky, and known and designated on Section Number Two (2) of a certain map or plat of Highland Baby Farms, made by Renshaw & Breece, Engineers of Huntington, West Virginia, on the 27<sup>th</sup> day of June, 1914, which said Section Number 2 of said map or plat is recorded in the office of the Clerk of the Campbell County Court of Campbell County, Kentucky, in Plat Book No. 56 at Pages 244 to 247, inclusive, as Farm Number One Hundred Ninety-Four (194).

Parcel II-Tract Seven above being all of the same property conveyed to the Campbell County School District of Campbell County, Kentucky by deed from Alma E. Murphy and Ray L. Murphy, her husband, dated September 29, 1964 and recorded on October 1, 1964 in Deed Book 364, Page 634 of the Campbell County Clerk's records at Newport, Kentucky.

Tract Eight:  
Group No.: 306221A3

Plat: Deed Book 56, Page 245 &  
Cabinet At Slide 161 A

All of Lots 198, 199 and 199-1/2 of Section 2 in the Highland Baby Farm Subdivision, in the City of Highland Heights, Campbell County, Kentucky, as shown on plat recorded in Deed Book 56, Page 245 of the records of Campbell County, Newport, Kentucky.

Parcel II-Tract Eight above being all of the same property conveyed to the Campbell County School District of Campbell County, Kentucky by deed from Marcella Kremer and Albert Kremer, her husband; Gladys L. Kremer and Leo J. Kremer, her husband; and Hilda West and Darrell West, her husband, dated March 12, 1965 and recorded on March 12, 1965 in Deed Book 367, Page 17 of the Campbell County Clerk's records at Newport, Kentucky.

Tract Nine:  
Group No.: 30622/A4

Plat: Deed Book 56, Page 245 &  
Cabinet A, Slide 161A

Situate in the City of Highland Heights, Campbell County, Kentucky, and known and designated as Lot Number Two Hundred (200) of Section Number Two (2) of a certain map or plat of Highland Baby Farms, said map or plat being recorded in the office of the Clerk of the Campbell County Court of Campbell County, Kentucky, in Deed Book No. 56 at Pages 244 to 247, inclusive.

Parcel II-Tract Nine above being all of the same property conveyed to the Campbell County School District of Campbell County, Kentucky, by deed from Michael E. Heister and Evelyn D. Heister, husband and wife, dated December 18, 1964 and recorded on December 18, 1964 in Deed Book 365, Page 622 of the Campbell Clerk's records at Newport, Kentucky.

Tract Ten:  
Group No.: 30622/A4

Plat: Deed Book 56, Page 245 &  
Cabinet A, Slide 161 A

Situate in the City of Highland Heights, Campbell County, Kentucky, and known and designated on Section Number 2 of a certain map or plat of Highland Baby Farms made by Renshaw & Breece, Engineers of Huntington, West Virginia, on the 27<sup>th</sup> day of June, 1914, which said Section Number 2 of said map or plat being recorded in the office of the Clerk of the Campbell County Court of Campbell County, Kentucky, in Plat Book No. 56 at Pages 244 to 247, inclusive as Farm Number Two Hundred One (201).

Parcel II-Tract Ten above being all of the same property conveyed to the Campbell County School District of Campbell County, Kentucky, by deed from Edward J. Blau, Master Commissioner, Campbell Circuit Court, dated February 8, 1965 and recorded on February 9, 1965 in Deed Book 366, Page 415 of the Campbell County Clerk's records at Newport, Kentucky.

Tract Eleven:

Group No.: 30622/A4

Plat: Deed Book 56, Page 245 &  
Cabinet A, Slide 161A

That certain lot or parcel of land situate in the City of Highland Heights, Campbell County, Kentucky, and known and designated on Section Number Two (2) of a certain map or plat of Highland Baby Farms made by Renshaw & Breece, Engineers of Huntington, West Virginia, on the 27<sup>th</sup> day of June, 1914, which said Section Number 2 of said map or plat being recorded in the office of the Clerk of the Campbell County Court of Campbell County, Kentucky, in Plat Book No. 56 at Pages 244 to 247, inclusive as Farm Number Two Hundred Two (202).

Parcel II-Tract Eleven above being all of the same property conveyed to the Campbell County School District of Campbell County, Kentucky, by deed from Hansford Robinson and Cleda Robinson, husband and wife, dated July 25, 1961 and recorded on July 25, 1961 in Deed Book 346, Page 277 of the Campbell County Clerk's records at Newport, Kentucky.

Tract Twelve:

Group No.: 30622/A1

Plat: Deed Book 56, Page 245 &  
Cabinet A, Slide 161A

Lot No. 188 in Section Number Two (2) of a certain map or plat of Highland Baby Farms, Campbell County, Kentucky, as recorded in plat recorded in Deed Book No. 56 at Pages 244 to 247, inclusive, Campbell County records, at Newport, Kentucky.

Parcel II-Tract Twelve above being all of the same property conveyed to the Independent School District of Campbell County, Kentucky, by deed from Richard Hedger, a single man, and Marcella E. Hedger, a single woman, dated March 8, 1961 and recorded on April 18, 1961 in Deed Book 344, Page 483 of the Campbell County Clerk's records at Newport, Kentucky.

### Section III

That the map referred to in Section II herein is hereby made a part of this Ordinance and same shall remain on file and be retained by the City Clerk/Treasurer at the Highland Heights City building for a record and inspection by the public.

### Section IV

That the development plan submitted for this project as part of this map amendment and as amended by the applicant at the January 10, 2012 Planning Commission is made part of this Ordinance and is hereby approved so long as it complies with any amendments or conditions imposed or approved by the Planning Commission at any public hearings or planning commission meetings.

### Section V

That all ordinances or parts of ordinances in conflict herewith are to the extent of such



conflict, hereby repealed.

Section VI

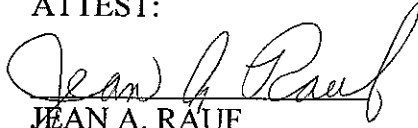
That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer and recorded. Same shall be in effect at the earliest time provided by law.

First reading this 17th day of January, 2012

Passed on second reading this 21<sup>st</sup> day of February, 2012.

  
MAYOR GREGORY V. MEYERS

ATTEST:

  
JEAN A. RAUF  
CITY CLERK/TREASURER

Ord12.01