

Sponsored By: Planning and Zoning Commission

**CITY OF HIGHLAND HEIGHTS, KENTUCKY**

**ORDINANCE NO. 06-2000**

AN ORDINANCE OF THE CITY OF HIGHLAND HEIGHTS, CAMPBELL COUNTY, KENTUCKY, APPROVING A RECOMMENDATION OF THE HIGHLAND HEIGHTS PLANNING COMMISSION TO APPROVE A ZONING MAP AMENDMENT FOR THE JERRY KREMER PROPERTY KNOWN AS LOTS 103 THRU 106 AND 117 THRU 120 OF HIGHLAND BABY FARMS SECTION 9, FROM THE CURRENT ZONING CLASSIFICATION OF R-1G TO ROD, TO PROVIDE FOR MORE PARKING TO SERVE THE EXISTING AND PROPOSED BUILDINGS IN THIS ROD DISTRICT, SUBJECT TO THE SUBMITTED DEVELOPMENT PLAN AND TO THE CONDITIONS OF APPROVAL AS DESIGNATED BY THE HIGHLAND HEIGHTS PLANNING COMMISSION.

WHEREAS, Jerry Kremer has submitted an application to the City of Highland Heights for a zoning map amendment to rezone his property located at lots 103 thru 106 and 117 thru 120 of the Highland Baby Farms Section 9 from the current zoning classification of R-1G (residential-1G) to the requested zoning classification of ROD (redevelopment overlay district) so that he may provide parking to the existing buildings in the ROD district as well as the proposed Applebee's building;

WHEREAS, Jerry Kremer has submitted a development plan with the rezoning application;

WHEREAS, the Highland Heights Planning and Zoning Commission held a public hearing on July 11, 2000;

WHEREAS, said public hearing was held pursuant to KRS 100.211, 212 and 213, with all conditions and prerequisites thereto being met, at which Mr. Kremer, through his agents, presented the zoning map amendment, and the public was heard;

WHEREAS, at the close of the public hearing, the Highland Heights Planning Commission considered the evidence presented, debated the issues, and then recommended approval of Mr. Kremer's requested zoning map amendment, subject to conditions;

WHEREAS, zoning administrator, David Whitacre, has prepared a report and recommendations containing the basis for the planning commissions recommendation in favor of the zoning map amendment, and;

WHEREAS, the Mayor and City Council of the City of Highland Heights have reviewed the record of the zoning map amendment and is now prepared to adopt this ordinance changing this zone and classification of the Kremer property from R-1G to ROD, subject to the conditions recommended by the Highland Heights Planning Commission.

BE IT HEREBY 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 and its actions and recommendations as well as reviewing the minutes of said public hearing does hereby concur and adopt the reasons, recommendations and findings of the Planning Commission and does further incorporate the minutes of the Planning Commissions public hearing held on July 11, 2000, herein by reference.

Section II

That the recommendation of the Highland Heights Planning Commission as evidenced by the record developed in this case, is hereby adopted and approved.

Section III

The official zoning map of the City of Highland Heights, Kentucky is hereby amended as it affects the property described below, from (R-1G) single family residential to redevelopment overlay district (ROD). The property so effected is described as follows:

Lying in the City of Highland Heights, Campbell County, Kentucky and being part the vacated portion of Myrtle Avenue and Campbell Avenue and of Lots 103-106 & 117-120 of the Highland Baby Farms, Section 9, more particularly described as follows:

BEGINNING at the northwest corner of Lot 2 of the Bluegrass Center (Plat cabinet E, Slide 242B), said point being at the southeast intersection of Myrtle Avenue and Orchard.

THENCE through said right of way of Myrtle Avenue, along the westerly line of said vacated portion North 59 degrees 21'26" West a distance of 65.92 feet to a point in the center of Campbell Avenue (now vacated);

THENCE with the centerline of Campbell Avenue, North 24 degrees 17'20" West a distance of 120.94 feet to a point in the centerline at the extension of the common line of Lots 103 and 120;

THENCE with the extension of Lots 103 & 120 North 70 degrees 39'54" East a distance of 25.09 feet to a point at the common

corner of said Lots 103 and 120;

THENCE with the west line of Lot 120 North 24 degrees 17'20" West a distance of 45.01 feet to a point;

THENCE through Lots 117, 118, 119 and 120 North 71 degrees 49'40" East a distance of 149.99 feet to a point;

THENCE continuing through Lots 117 for two (2) calls:

South 09 degrees 38'47" East a distance of 27.08 feet;  
Along a curve to the left with a radius of 100.00 feet  
( $\Delta=07$  degrees 24'05", Chord Bearing = South 13 degrees 20'49" East a chord distance of 12.91 feet) an arc distance of 12.92 feet to a point in common line of Lots 106 and 117 and at the corner of Lot 3 of the Bluegrass Center.

THENCE continuing along said curve to the left (through Lot 106 and along the west line of Lot 3 of said Bluegrass Center) with a radius of 100.00 feet ( $\Delta=01$  degrees 07'28", Chord Bearing = South 17 degrees 36'36" East a chord distance of 1.96 feet) an arc distance of 1.96 feet to a point;

THENCE continuing with the west line of said Lot 3 South 18 degrees 10'20" East a distance of 78.39 feet to a corner of said Lot 3;

THENCE through lot 3, South 18 degrees 10'20" East a distance of 94.15 feet to the northeast corner of Lot 2 of the Bluegrass Center;

THENCE with the north line of said Lot 2, South 71 degrees 18'44" West a distance of 108.87 feet to the POINT OF BEGINNING.

Said parcel contains 0.7359 acres.

Being part of the property conveyed to J.W. Enterprises, LLC in Deed Book 620 Page 105 and Deed Book 614 Page 338 and to Bluegrass Carryout, Inc in Deed Book 572 Page 495 and recorded at the Campbell County Clerks Records at Newport, Kentucky.

#### Section IV

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

#### Section V

That the development plans submitted for the project as part of this map amendment is hereby approved provided it complies with the conditions imposed by the Planning Commission at the public

hearing therein. This zone change is contingent upon the development plan submitted for the project and the conditions imposed by the Planning Commission at the public hearing therein being complied with.

Section VI

That all ordinances or parts of ordinances in conflict herewith are to the extent of such conflict, hereby repealed.

Section VII

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

First Reading this 18th day of July, 2000.

Second Reading this 1st day of August, 2000.

  
MAYOR CHARLES ROETTGER, III

ATTEST:

  
CITY CLERK/TREASURER

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