

CITY OF HIGHLAND HEIGHTS, KENTUCKY

ORDINANCE NO. 11 - 2012

AN ORDINANCE AMENDING ORDINANCE NO. 16-83, THE CITY OF HIGHLAND HEIGHTS ZONING ORDINANCE BY CHANGING THE PREMISES KNOWN AS 2700 ALEXANDRIA PIKE IN HIGHLAND HEIGHTS FROM RESIDENTIAL (R1E) (SINGLE FAMILY) TO ROD (REDEVELOPMENT OVERLAY DISTRICT ZONE).

WHEREAS, the Highland Heights Planning Commission held a public hearing on June 12, 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 June 12, 2012 meeting, including, but not limited to the finding that the application for a zone change is in agreement with the city's current comprehensive plan.

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 (R1E) (Single Family) to ROD (Redevelopment Overlay District) zone. The property so affected is described as follows:

Parcel I: Situated in the City of Highland Heights, Campbell County, Kentucky, and being part of

Lots 11, 12, 33, 34 and 35, of the Highland Baby Farms, Section 9 and being all of the remaining land of Wilbur Gasdorf, Jr. and Shirley Ann Gasdorf, as recorded in Deed Book 567, page 374-A of the Campbell County Clerk's records at Newport, Kentucky and more particularly described as follows:

Beginning at a point in the northerly line of Myrtle Avenue, said point lying North 70-00-00 East 50.00 feet from the southwesterly corner of said Lot 35, Highland Baby Farms, Section 9; thence North 20-0-00 West a distance of 115.78 feet to a point in the northerly line of Lot 33; thence with the northerly line of Lot 33, North 70-00-00 East a distance of 88.00 feet to a point in the common line with the lands of Enos Real Estate Agency, Inc. as recorded in Deed Book 477, Page 498; thence through Lots 11, 12, 34 and 35 and with the common line of Enos Real Estate Agency, Inc. South 07-34-36 East a distance of 118.66 feet to the North line of Myrtle Avenue; thence leaving the common line with Enos Real Estate Agency, Inc. and with the North line of Myrtle Avenue South 70-00-00 West a distance of 62.00 feet to the point of beginning.

Parcel II: Situated in the City of Highland Heights, Campbell County, Kentucky, and being part of Lots 33, 34 and 35 of the Highland Baby Farms, Section 9, and being all of the remaining land of Evelyn Gasdorf, as recorded in Deed Book 242, Page 207, and Deed Book 242, page 210, of the Campbell County Clerk's records at Newport, and more fully described as follows:

Beginning at a point in the Northerly line of Myrtle Avenue, said point lying North 70-00-00 East 50.00 feet from the southwesterly corner of said lot 35, Highland Baby Farms, Section 9, and at the Southwest corner of Parcel One herein; thence with the Northerly line of Myrtle Avenue South 70-00-00 West a distance of 7.26 feet to the Easterly right of way line of relocated US 27; thence leaving the Northerly line of Myrtle Avenue, and with the Easterly line of relocated US 27 North 25-19-01 West a distance of 116.27 feet to the North line of Lot 33 of Highland Baby Farms, Section 9; thence with the North line of Lot 33 North 70-00-00 East a distance of 17.75 feet to the common line of the lands of Wilbur Gasdorf, Jr and Shirley Ann Gasdorf, as recorded in Deed Book 567, Page 374-A of the Campbell County Clerk's Records at Newport, Kentucky; thence with the line of Wilbur Gasdorf, Jr. and Shirley Ann Gasdorf, South 20-00-00 West a distance of 115.78 feet to the North line of Myrtle Avenue and the point of beginning of the herein described parcel.

Situated in the City of Highland Heights, Campbell County, Commonwealth of Kentucky, and being all of Lots 10, 13 and part of Lots 11, 12, 34 and 35 Highland Baby Farms, Section 9 and being more particularly described as follows:

Beginning at the Southeasterly corner of said Lot 10, thence along the northerly line of Myrtle Avenue S. 70° 00' W, 101.33 feet to a point, thence leaving Myrtle Avenue N 7° 34' 36" W. 118.66 feet to a point; thence S. 70° 00' W., 23.89 feet to the common corner of Lots 32, 33, 12 and 13, thence N. 25° 40' W., 40.00 feet to the corner of Lot 13; thence along the Northerly line of Lot 13, N. 70° 00' E., 125.6 feet to the Westerly line of Alexandria Pike, thence along the Westerly line of Alexandria Pike S. 25° 39' E. 30.52 feet to a point; thence S. 11° 10' E. 93.20 feet to a point; thence S. 0° 37' W., 34.20 feet to the point of beginning.

Exhibit A

Those certain lots or parcels of land in Campbell County, Kentucky, and known and designated on Section No. 9 of a certain plat or map of Highlands Baby Farms, made by Renshaw and Breece, Engineers of Huntington, West Virginia, on the 27th day of June, 1914, which said Section No. 9 of said map or Plat is recorded in the office of the Clerk of the Campbell County, Kentucky, in Plat Book No. 56, Page 252, and the lots or farms herein conveyed being known as farms nos 8 and 9 of said Section and each of said lots front forty (40) feet on the West side of the Alexandria Pike by 133.55 feet deep.

LESS AND EXCEPT THE FOLLOWING TWO TRACTS:

TRACT 1 (PARCEL NO.77):

A certain tract of land lying and being in Campbell County, Kentucky, and being a portion of the same tract of land conveyed to the party of the first part by _____, by deed bearing date of ____ day of ____, ____, which is duly recorded in Deed Book No. ____ at Page _____, in the office of the County Clerk of ____ County, Kentucky and more fully bounded and described as follows:

Beginning at a point in the boundary line of the right of way of the existing Fort Thomas-Cold Springs Road, the said point of beginning being twenty-eight (28) feet more or less right and opposite Station 92-11 in the center line of the survey made by the Kentucky State Highway Department, thence running with said existing boundary line in a Southerly direction Eighty (80) feet more or less to a point in the property line between the said party of the first part and Lawrence Bertsch, the last named point being twenty-eight (28) feet more or less right and opposite Station 92+91, thence running with the said property line in a westerly direction two (2) feet more or less to a point, thirty (30) feet right and opposite station 92+92, thence running thirty (30) feet from and parallel with the center line N. 2°-09' E. Eighty (80) feet more or less to a point in the property line between the said party of the first part and Campbell County property, thence running with the last named property line in an Easterly direction two (2) feet more or less to the point of beginning, as shown by plans at the Office of the State Highway department, Frankfort, Kentucky.

TRACT 2(PARCEL NO. 84):

A tract of land situated in the City of Highland Heights, Campbell County, Kentucky, lying on the easterly side of proposed Alexandria Pike (US Route 27) approximately 274 feet North of the intersection of proposed US Route 27 connector-South and proposed Alexandria Pike (US Route 27) and being more particularly described as follows:

Beginning at the Grantors Southwesterly corner 20.67 feet right of proposed US Route 27 centerline Station 424+67.64; thence along the Grantors' Westerly line North 01° 34' 21" East, 54.43 feet to a point in the proposed Easterly right-of-way line of US Route 27, 44.00 feet right of proposed US Route 27 centerline Station 425+16.81; thence along said proposed right-of-way line South 23° 48' 44" East, 51.03 feet to a point in the Grantors' Southerly line 44.00 feet right-of-way of the proposed US Route 27 centerline Station 424+65.78; thence along the Grantors' Southerly line South 70° 44'

46" West, 23.41 feet to the place of beginning.

The above described parcel contains 595 sq. ft.

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 June 12, 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, including but not limited to the developers agreement to exclude certain uses in this development in the attached letter from the developer.

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 7th day of August, 2012.

Passed on second reading this 21st day of August 2012.


MAYOR GREGORY V. MEYERS

ATTEST:


JEAN A. RAUF
CITY CLERK/TREASURER

Ord12.11

Publish CCR: 9/6/2012