

ORDINANCE NUMBER 921.0

AN ORDINANCE RELATED TO PENDLETON COUNTY ZONING ORDINANCE 920.0B WHEREBY PROPERTY ADJACENT TO HIGHWAY 27 AND HIGHWAY 177 IS BEING CHANGED FROM RURAL ZONE TO BUSINESS ZONE.

WHEREAS, Wolfe Enterprises, LLC has purchased property at the intersection of Highway 177 and Highway 27 directly behind the Flour Creek BP Service Station and along Highway 27, and

WHEREAS, Marvin Wolfe, on behalf of Wolfe Enterprises, LLC requests that the Pendleton County Joint Planning Commission along with the Pendleton County Fiscal Court change the Pendleton County Zoning Map to show the parcel of vacant property behind the Flour Creek BP Station, from Residential zone to Business zone, and

WHEREAS, The Pendleton County Fiscal Court is aware of the need for small business in Pendleton County as defined in the Pendleton County Comprehensive Plan and further feel that this request assists in the development of such small businesses, and that the request is thus in compliance with the Comprehensive Plan, and

WHEREAS, The Pendleton County Joint Planning Commission has reviewed the request made by Wolfe Enterprises, LLC and with some restrictions has approved the request, and part of their minutes indicate that they agree that Mr. Wolfe's request should be granted through their actions taken on July 25, 2011 during a meeting of the Pendleton County Planning Commission dealing with this matter.

NOW THEREFORE, be it ordained by the Pendleton County Fiscal Court that the following described parcel of property hereto attached is hereby rezoned and remapped from the Rural zone to the Business zone, subject to all conditions recommended by the Pendleton County Joint Planning Commission and agreed upon by the Pendleton County Fiscal Court, also hereto attached:

LOT DESCRIPTION 1:

The Front 4.598 Acre Division of the Remaining 11.774 Acre Tract (Deed Book 142 at Page 227)

Situated in Pendleton County Commonwealth of Kentucky and Being a division of land lying on the west side of the U.S. Highway #27, approximately a distance of 400.00 feet south of the junction with the Kentucky Highway #177 and being part of the original 12.561 acre tract owned by William M. Johnston and Vickie R. Johnston, husband and wife, as described in Deed Book 142 at Page 227 of the Pendleton County Court Clerks Records at the Falmouth, Kentucky Office and is bound and described as follows;

Beginning at a set iron pin in the south line of a 1.229 acre division to be conveyed to Jamie Pierce and Jennifer Johnston Pierce, husband and wife, an existing iron pin in the west line of the original 12.561 acre tract and common corner to the 7.174 acre division and the 1.229 acre division bears north 77-24'-55" west a distance of 60.0 feet; thence continuing with the lines of the 1.229 acre division, south 77-24'55" east a distance of 198.65 feet to an iron pin in the center of a drain and up drain, north 64-45'-50" east a distance of 51.21 feet to a set iron pin and north 17-27'-05" east a distance of 87.83 feet to a clump of willows; thence leaving said drain north 14-13'-40" east a distance of 98.28 feet to a set iron pin in the south right of way of the Kentucky Highway #177; thence with said right of way line, a line a distance of 30.0 feet south and parallel with the center of the asphalt pavement, south 78-27'.35" east a distance of 10.43 feet and south 80-13'-25" east a distance of 80.86 feet to a set iron pin, a common corner to a parcel as described in Deed Book 149 at page 192; thence with the lines of the above parcel, south 9-39'-20" west a distance of 84.31 feet to an existing iron pin; south 20-37'-45" east a distance of 210.37 feet to an existing fence post and north 83-38'-25" east a distance of 94.09 feet to an existing post set in the west right of way of the U.S. Highway #27; thence with said right of way line, a line a distance of 50.0 feet west and parallel with the center line, south 20-37'-45" east a distance of 360.12 feet to a set iron pin; thence with the east line of the said original 12.561 acre tract, south 16-22'-50" west a distance of 41.9 feet to a set iron pin, a new division corner; thence with new division lines, north 83-48'-00" west a distance of 216.98 feet to a set iron pin; north 50-06'-10" west a distance of 214.28 feet to a set iron pin near the center of an old farm pond; thence in or near the center of said old filled in pond, north 51-22'-05" west a distance of 345.46 feet to a set iron pin and north 0-22'-05" west a distance of 128.47 feet to the point of beginning, containing a 4.598 acres and being Parcel 'B' on the attached plat.

SOURCE: This being the same property conveyed to Vickie R. Johnston by virtue of a deed appearing of record on August 28, 1997 in Deed Book 206, Page 2 at the office of the Pendleton County Clerk.

EXCEPTION:

Fryer Cemetery Description (Division of 4.914 acre parcel "B"-D.B. 206, Page 02.

Situated in Pendleton County, Commonwealth of Kentucky, and being a division of land lying near the junction of the U.S. Highway #27 and the Kentucky Highway #177 and known as the Old Fryer Cemetery and being part of the 4.598 Acre Parcel "B" division owned by Vickie R. Johnston as described in Deed Book 206 at Page 02 of the Pendleton County Court Clerk's Records at the Falmouth, Kentucky Office and is bound and described as follows:

Note; unless stated otherwise, any monument referred to herein as an iron pin is 1/2" x 24" Rebar with a yellow plastic cap stamped Johnston #1041. All bearings stated

herein refer to the magnetic meridian as observed along the center line of the asphalt pave U.S. Highway #27 on July 21, 1997 and was computed to be north 20.37'-45" west.

Beginning at an existing iron pin set in the south line of the 1.229 acre division as described in Deed Book 205 at Page 722, Pendleton County, Kentucky Records, an existing iron pin in the west line of the original 12.561 acre tract and common corner to the 7.174 Acre Parcel "A" and the 1.229 acre division bears north 77-24'-55" west a distance of 60.0 feet; thence continuing with the south line of the 1.229 acre division south 77..24'-55" east a distance of 132.74 feet to a set iron pin in a drain, a new division corner; thence with new division lines through the original 4.914 acre division south 5-12'.50" west a distance of 103.53 feet to a set iron pin, corner, and north 88-12'-10" west a distance of 132.70feet to a set iron pin comer in the common line between Parcel "A" and Parcel "B"; thence with said common line north 5-35'-50" east a distance of 128.47 feet to the point of beginning containing 0.352 acres as per the attached plat. Access to the above parcel shall be granted for ingress and egress as long as it does not interfere with normal activities on the land to the Fryer Cemetery.

SOURCE: This exception being the same land transferred to William M. Johnston by deed appearing of record June 9, 2009 in Deed Book 297, Page 624 at the Office of the Pendleton County Clerk, Falmouth, Kentucky.

LOT DESCRIPTION 2:

Division of 7.174 Acre Parcel "A" to the 4.914 Acre Parcel 'B" To replace Fryer Cemetery Parcel.

Situated in Pendleton County, Commonwealth of Kentucky, and being a division of the land lying near the junction of the U.S. Highway #27 and the Kentucky Highway #177 and being part of the 7.174 Acre Parcel "A" division owned by William M. Johnston as described in Deed Book 206 at Page 304 of the Pendleton County Court Clerks' Records at the Falmouth, Kentucky Office and is bound described as follows;

Note; unless stated otherwise, any monument referred to herein as an iron pin is '1/2" x 24" Rebar with a yellow plastic cap stamped Johnston #1041. All bearings stated herein refer to the magnetic meridian as observed along the center line of the asphalt pave U.S. Highway #27 on July 21, 1997 and was-computed to be north 20-37'-45" west.

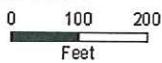
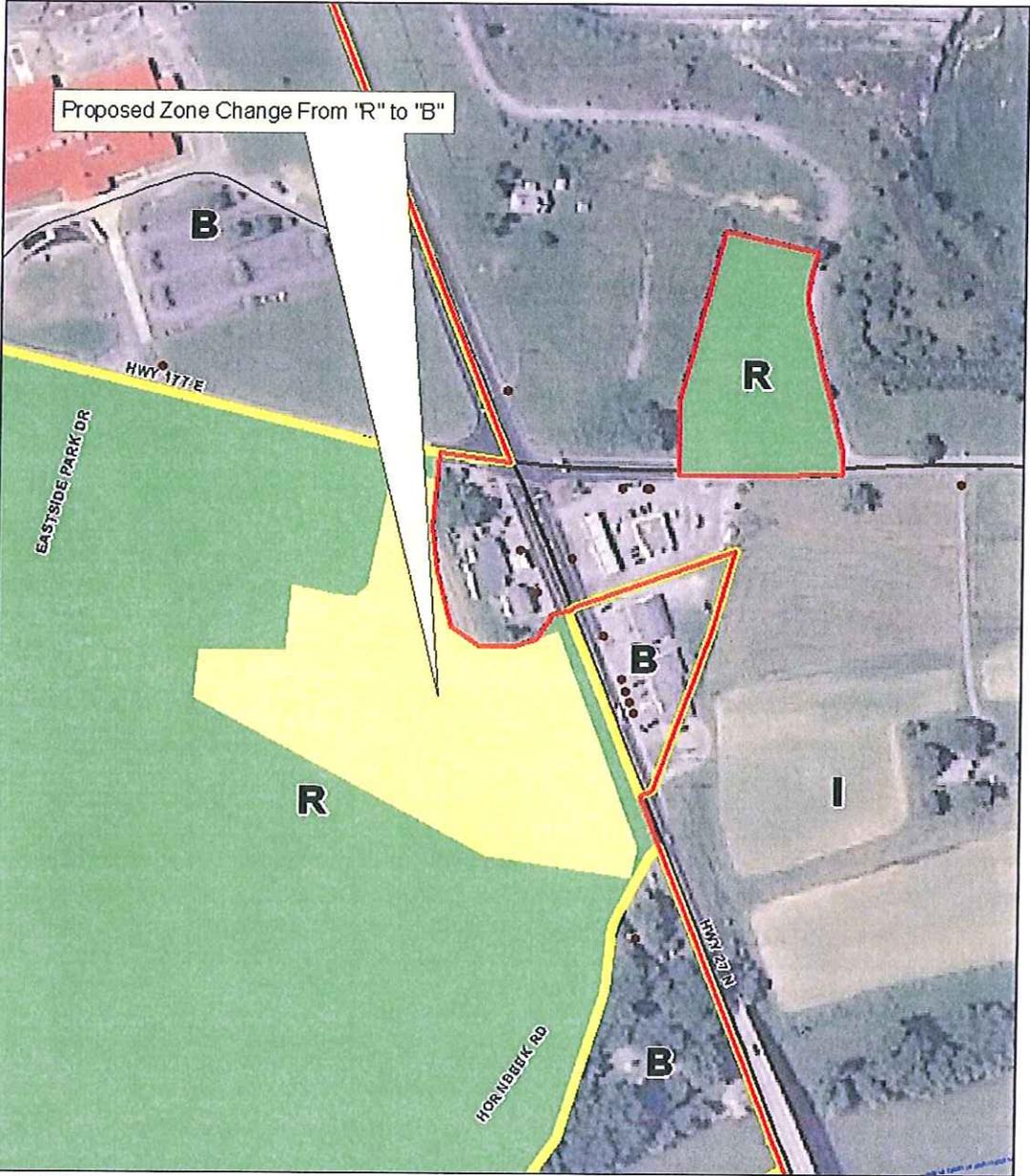
From an existing iron pin set in the south line of the 1.299 acre division as described in Deed Book 205 at page 722, Pendleton County, Kentucky Records, an existing iron pin in the west line of the original 12.561 acre tract and common corner to the 7.174 Acre Parcel "A" and the 1.229 Acre division bears north 77-24'-55" west a distance of 60.0 feet, south 5-34'-50" west a distance of 207.08 feet to an existing iron pin (line revised from south 0-22'-00" west a distance of 128.47 feet) and the real point of beginning of this description; thence continuing with the common lines of the Parcel "A" and Parcel "B" south 64-28'-56" east a distance of 320.44 feet to an existing iron pin (line revised from south 51-22'-05" east a distance of 345.46 feet) and south 50-06'10" east a distance of 214.28 feet to an existing iron pin; thence with a new division line through the 7.174 acre Parcel "A", north 62-01'-42', west a distance of 517.21 feet to the point of beginning, containing 0.352 acres as per the attached plat.

The above description is subject to an electric utility line easement as described in Deed Book 76 at Page 62, Pendleton County Kentucky Records.

SOURCE: Being the same property conveyed to Vickie R. Courtney by virtue of a deed appearing of record in Deed Book 297, Page 619 at the office of the Pendleton County Clerk Falmouth, Kentucky.

Conditions:

1. A traffic study be conducted and submitted prior to the submission of a Stage II Development Plan to verify if any turn lanes are needed for the development or if the proposed access point is safe. If the access point is deemed safe it should be classified as temporary as stated in 8.3, G,c of the Pendleton County Zoning Ordinance;
2. A waiver of the buffering requirements for this 0.7-acre one-store aspect of the development is approved, but buffering will be required if any of the rest of the development is undertaken;
3. That the 125-foot front setback be met or a variance be obtained as a condition of approval;
4. That any future development within the 4.5 acres not currently being developed be reviewed through a formal site review. Any calculations on storm water runoff and traffic count should include the calculations of the original plan.



**Pendleton County
Wolfe Enterprises, LLC
Zone Change Application**

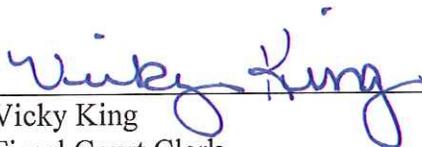
Legend

- Intensive Zone
- Business Zone
- Parcel to be Rezoned
- Rural Zone

This Ordinance shall be in full force and effect from and after its passage, publication and recording, according to law.

Dated this 9 day of August 2011.


Henry W. Bertram
Pendleton County Judge/Executive


Vicky King
Fiscal Court Clerk

First Reading: July 26, 2011

Second Reading: August 9, 2011

Passage: August 9, 2011

Publication: August 16, 2011