

REQUEST OF NANCY AND ELMER BAUTE (APPLICANT)
FOR UTILIZATION OF AN UNDERLYING ZONE IN A PLANNED DEVELOPMENT
FOR A SITE LOCATED AT 8511 U.S. 42, FLORENCE, KY

DECEMBER 7, 1988

This is a request for the Utilization of an Underlying Zone in a Planned Development. The applicant is seeking approval of a Concept Development Plan for the establishment of a tack shop in an existing unoccupied residential building located on the south side of U.S. 42, adjacent to the east property line of the Jimmer's Marine site, Florence, Kentucky. The 0.57 acre lot is zoned Commercial Two/Planned Development (C-2/PD) and is part of a larger parcel, which includes the Jimmer's Marine site, owned by William Crouch.

Background

This site is within the Florence City limits. The site contains lots 11 and 12 of the old Sugartit Subdivision. Lots 10, 11, and 12 of this subdivision were annexed by the City of Florence. The lots are zoned Commercial Two/Planned Development (C-2/PD).

Surrounding Zoning and Land Uses

- north: C-2/PD; north across U.S. 42 is a vacant triangle of land, then Old Toll Road. Beyond is the Storer Cable site, zoned PF. The new Florence Deposit Bank site is located just northeast of the site.
- south: C-2/PD; undeveloped land, SR-1 and I-1 zoning beyond
- east: C-2/PD; undeveloped lot with construction debris, beyond is the Boone-Kenton Tobacco Warehouse site
- west: C-2/PD; Jimmer's Marine, single-family residence beyond

Site Features

The site consists of two residential lots of an old subdivision. A single-family residence is located on the site approximately 30 feet from the edge of the paving of U.S. 42, and access is by a single curb cut with a gravel drive. The front portion of the site has undergone a fair amount of grading due to the widening of U.S. 42. The site slopes down from U.S. 42, then rises again to the south. The property has been cleared of vegetation near U.S. 42 due to construction, and the back portion of the site is grass covered. The parcel to the east of the site has a large pile of debris from construction on U.S. 42. Soils on this site are of the Jessup series, 6 to 12 percent slope, and Rossmoyne series, 0 to 6 percent slopes. These soils are moderately to severely erodible.

Concept Development Plan

The site is proposed to be used as a tack shop. The shop would sell horse riding equipment (saddles, harnesses, bridles, etc.), horse riding clothing, some veterinary supplies, and other equestrian gifts and accessories. The submitted Concept Development Plan indicates limited improvements to the site. These would include building a split rail fence in the front, paving the driveway and parking area behind the building, and eventually expanding the business by constructing

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a building at some point in the future for storing horse trailers for sale (the future building is not being considered as part of the current request).

Relationship to the Comprehensive Plan

The 1986 Boone County Comprehensive Plan Future Land Use Map indicates the future use of this property to be Commercial. The Land Use Element of the Plan makes the following statements about the general area:

"This section of the county will receive primarily residential development with commercial growth in the eastern portions... The intersection of US 42 and Pleasant Valley Road will eventually become a prime commercial area to serve community needs in this area... The Mall Road area will continue to grow as a regional shopping area and its spill over onto US 42, KY 18, and Houston Road will be evident, thus, needs to be substantially controlled... The existing residential areas on US 42 should remain protected from the development (p. L-14, L-15)."

The Business Activity Element of the Plan states:

"Since the immediate Florence area figures so prominently in the county's commercial activity, this region has the momentum to continue dominating construction of commercial structures. Many problems with the location and arrangement of commercial enterprises have emerged, however, especially along KY 18 and Route 42... The land surrounding the US 42 area, south of Florence, will experience additional growth towards the City of Union. Any developments in these areas should be limited in scale and clustered to serve growing residential neighborhoods. Ideally, these commercial clusters should not function as an extension of Florence and Mall Road, but as a distinct unit serving the Union area (p. B-14)."

Goals and Objectives for the Business Activity Element include:

- "1. Commercial uses shall be developed at strategic locations relative to their trade areas with direct access and ample parking space.
2. Future commercial development shall be encouraged, whenever practical, to occur in the form of shopping centers or other compact aggregations have an integrated design (p. G-3)."

The Transportation Elements states:

"The county contains minor arterial streets and collector streets within the urban area. The minor arterial streets include KY 18, U.S. 42, U.S. 15, Industrial Road, KY 212, and KY 236... The arterials should be regarded as the roadways most suitable for planned land use development in the county. Arterials close to the urbanized areas are prime for commercial development although intense development can impede through traffic (pp. T-1, T-3)."

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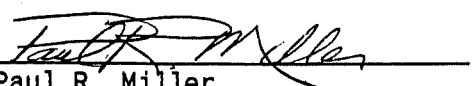
In conclusion, the submitted Concept Development Plan, while proposing a commercial development, is not proposing the site be developed in conjunction with surrounding properties as a planned or clustered development as recommended in the Comprehensive Plan. Further, the applicant has verbally stated that customers to the tack shop are anticipated to be largely drawn in from areas outside the south Florence area. The use, therefore, is not oriented toward the local area residents as recommended in the Comprehensive Plan.

Staff Concerns

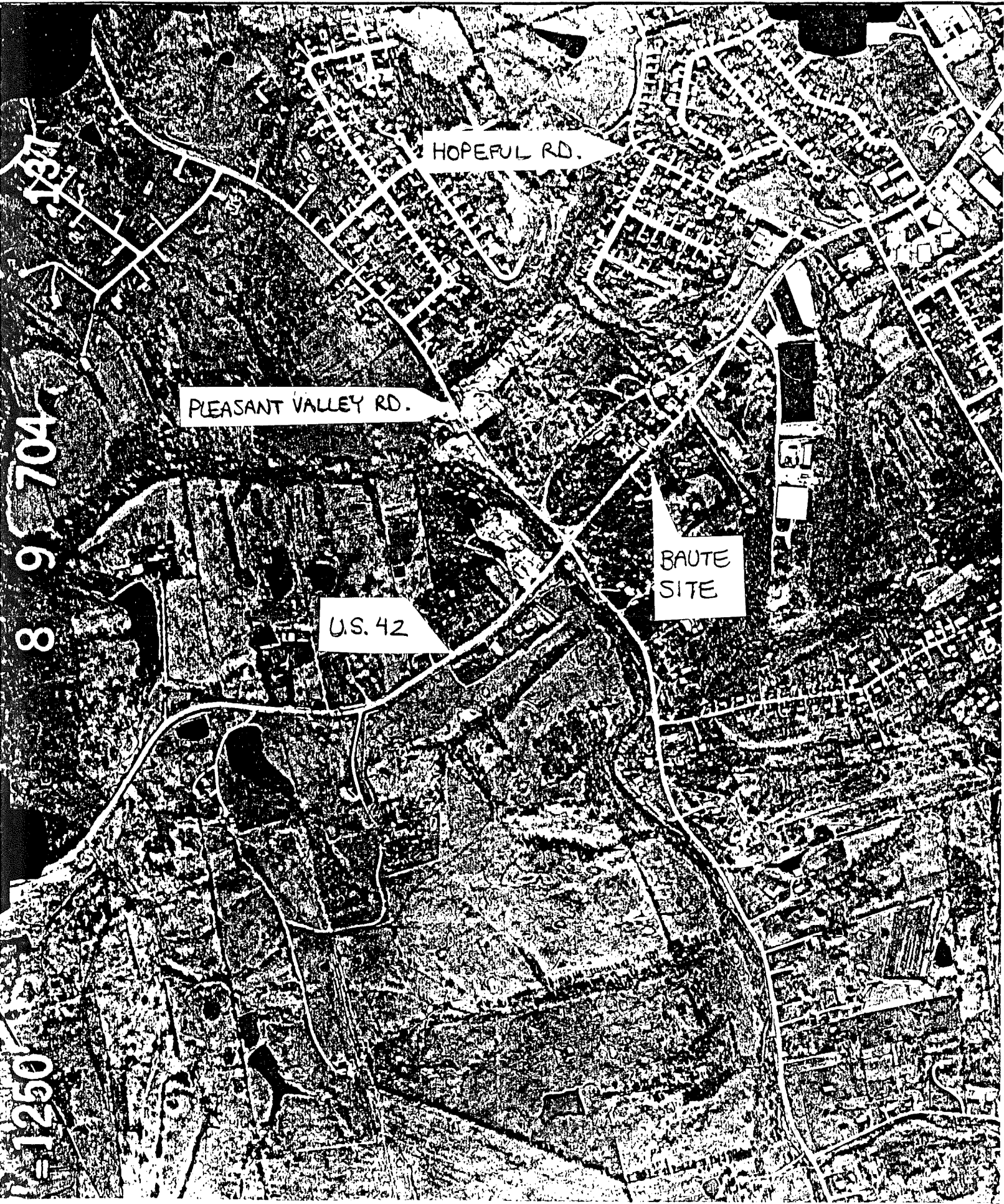
1. The site is located in a planned development area. The planned development overlay was placed on this area in part due to the changes resulting from the widening of U.S. 42. As U.S. 42 has widened, the area has changed physically and future changes in commercial establishments are anticipated, with commercial uses developing in a clustered, local area resident oriented, fashion. The intent of the planned development is to encourage "innovative" and "imaginative" uses and designs in the clustering of uses, and " a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets."

The submitted Concept Development Plan indicates the use of an existing structure, with a single access point and limited parking area and an additional structure to be built at some point in the future. Because of the limitations of the site under review, which includes the small size of the lot and the close setback of the existing residential building from U.S. 42, the Staff believes the Concept Development Plan is not innovative in design, especially since the site is not being planned in conjunction with the adjoining properties. Should this use be approved, it will functionally create a single-use commercial "island" surrounded on all sides by property ripe for clustered commercial development of the kind anticipated by the Comprehensive Plan and encouraged by Article 15, Planned Development, of the Zoning Regulations.

Should the Planning Commission recommend, and the City of Florence ultimately approve, this Concept Development Plan, the 1986 Boone County Comprehensive Plan need not be amended. Since the Concept Plan does indicate improvements to the site, the applicant would be required to go through formal Site Plan Review before the Planning Commission prior to occupying the site.


Paul R. Miller,
Plans Examiner/Planner

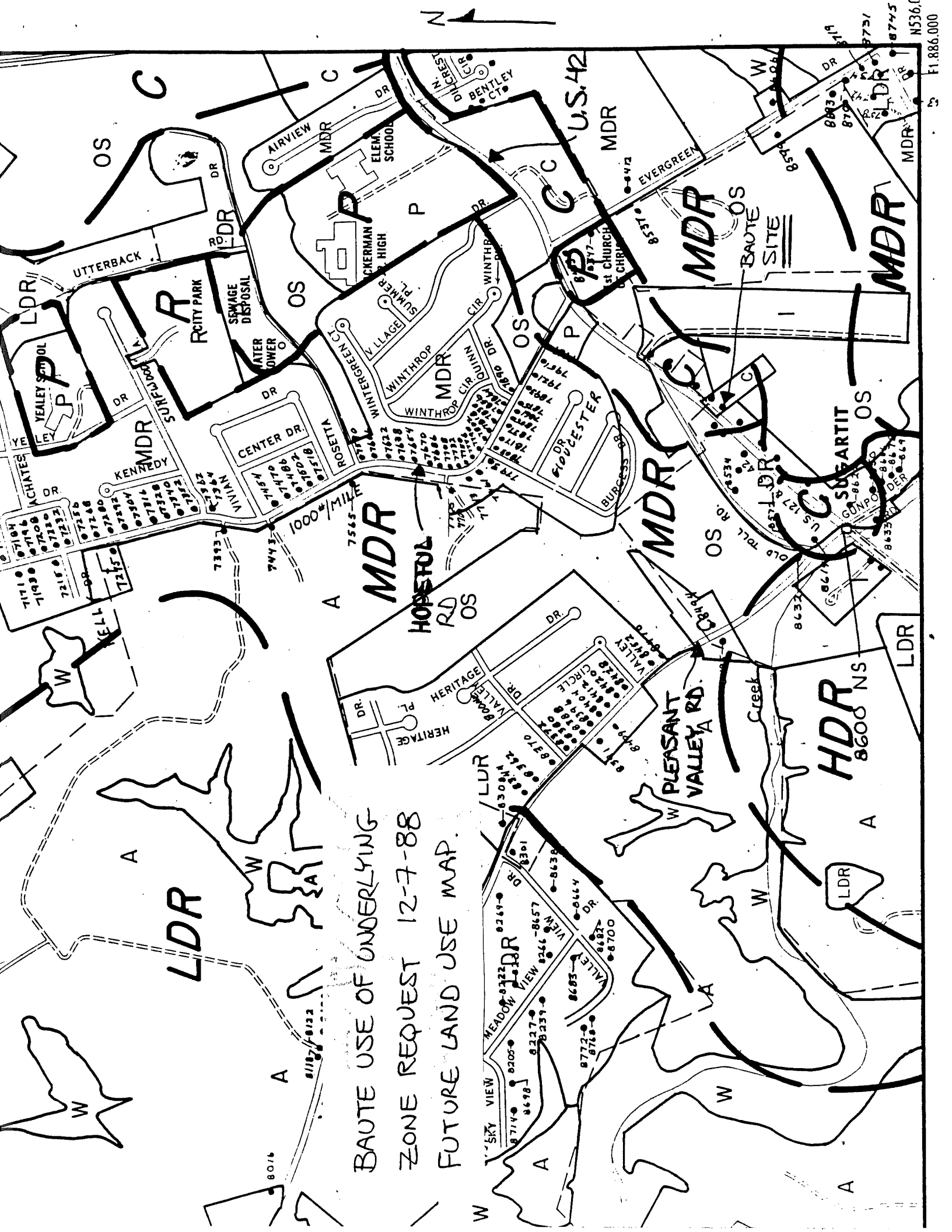
BAUTE USE OF UNDERLYING ZONE 12-9-88



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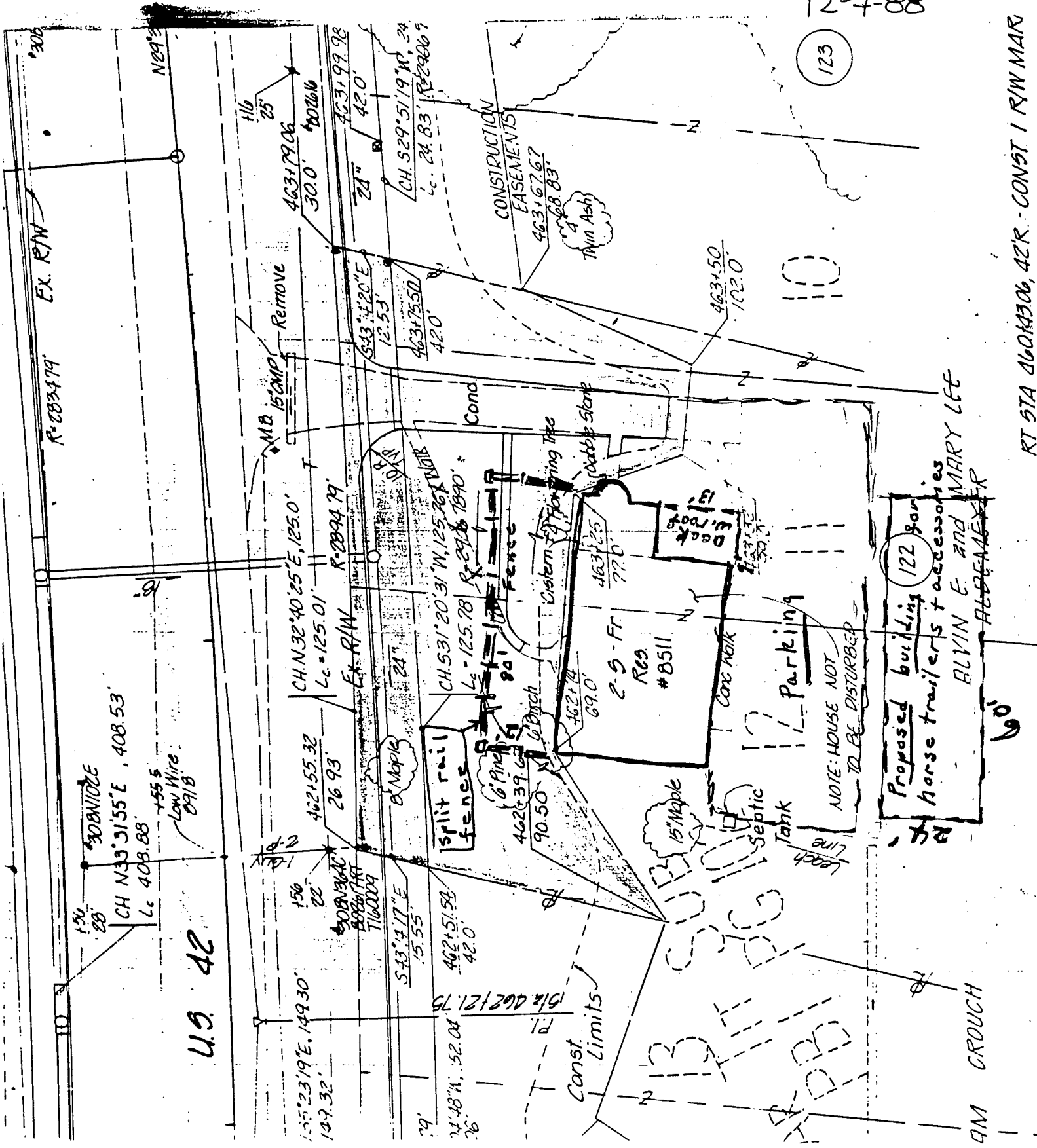
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BAUTE USE OF UNDERLYING
 ZONE REQUEST 12-7-88
 FUTURE LAND USE MAP.

BAUTE TACK SHOP CONCEPT DEVELOPMENT PLAN

12-7-88



RT STA 46014306, 42R - CONST. / R/W MARK

AM CROUCH

Site Plan Review

Property Location 8511 U.S. 42 Florence Ky.
Owner: Wm. Crouch home phone: 525-7004
work phone: 283-1611

Building to be remodeled from private residence to a tack shop.

Parking lot in rear and side is to be improved by filling and paving. Approximately 24 spaces.

Utilities: Water line has just been added to front of properties. Owner is planning ^{for} apply and connect city water when available and before shop is open.

Electric - to be improved by new main box and wiring.

Phone - Phone services have already been in this building in past.

Owners of Adjacent Properties:

Wm. Crouch on the Southwest side (Jimmer Mann)
Commercial, C-2 P/D

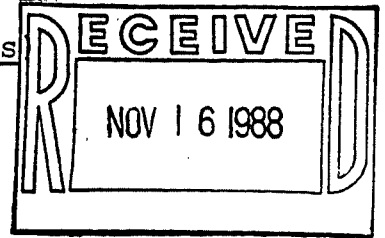
Russell Rankin - ^{and wife} east and south property is open land between A+Z Store and this building - have been contacted and are not opposed to the use of this property as a tack shop. - Commercial C-2 P.D.

Paul Schweet ^{Shenav} - north property owner has been contacted and 385-3195
and owner Jim Bartlett - OK - 232-3641
3rd owner Mary Ellen Tressler - OK 993-7791

APPLICATION FORM

CHANGE IN CONCEPT DEVELOPMENT PLAN
OR
THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Check one:
 - Change in Concept Dev. Plan
 - Utilization of an Underlying Zone in Boone Co., not the city of Florence Planned Development
2. Name of Development Chocolate Drop Tack Shop
3. Location of Development 8511 U.S. 42, Florence, Ky
4. Total Acreage of Site 125' X 200'
5. Current Zoning C2 / P.D.
6. Date of Zone Change or Approved Concept Development Plan (if applicable) _____
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) _____
8. Proposed Uses (please specify each use) To be used as a tack shop - i.e. equipment for horses - clothing for riders - grooming + vet. supplies, Equine Books + Videos - and Gift section. Portable horse stalls. Proposed: Building for sales of horse trailers + repairs + accessories.
~~not part of this report at this time - at least one year from now.~~
9. Name of Applicant(s) Nancy + Elmer Baute
Phone Number(s) 606-384-3354
10. Address of Applicant(s) 2976 Long Branch Rd
Union, Ky 41091
City State Zip
11. Name of Property Owner(s) William Proch
Phone Number(s) h. 525-7004
w. 283-1611
12. Address of Property Owner(s) 1573 Englewood Pl
Florence KY 41042
City State Zip
13. Proposed Building Intensities (please specify) Typical Cape Cod Building on 125' X 200' lot
14. Are there any existing buildings on the site? yes
How many? 1
15. Deed Book Plat Book I Page No. 102 Group No. 171
16. Have you had a pre-application meeting with BCPC staff? yes

(COMPLETE OTHER SIDE OF APPLICATION)

17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

88812

<input checked="" type="checkbox"/>	Boone County Water and Sewer District
<input checked="" type="checkbox"/>	Florence Water and Sewer Commission
<input checked="" type="checkbox"/>	Union Light Heat and Power
<input checked="" type="checkbox"/>	Cincinnati Bell
<input checked="" type="checkbox"/>	Owen County Rural Electric
<input checked="" type="checkbox"/>	Boone County Road Department
<input type="checkbox"/>	Kentucky Transportation Cabinet
<input type="checkbox"/>	City of Florence Public Works Department
<input type="checkbox"/>	City of Walton Public Works Department
<input type="checkbox"/>	Northern Kentucky Health District
<input type="checkbox"/>	U.S. Soil Conservation Service
<input type="checkbox"/>	Local School District
<input checked="" type="checkbox"/>	Local Fire District
<input type="checkbox"/>	Other: _____

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Road Department
- Kentucky Transportation Cabinet
- City of Florence Public Works Department
- City of Walton Public Works Department
- Northern Kentucky Health District
- U.S. Soil Conservation Service
- Local School District
- Local Fire District
- Other: _____

- 18. Are you also applying for:
 - Conditional Use Permit
 - Dimensional Variance
- 19. Applicant's Signature(s): Nancy Bantz
- 20. Property Owner's Signature(s): [Signature]
- 21. Have you submitted a Concept Development Plan? yes

SECTION B (To be completed by BCPC Staff)

- 1. Date Received 11/16/88
- 2. Fee Received \$385.00 R# 791720
- 3. Check what has been submitted:

<input checked="" type="checkbox"/> Application	<input checked="" type="checkbox"/> Fee	<input type="checkbox"/> Legal Description
<input checked="" type="checkbox"/> Concept Development Plan	<input type="checkbox"/> Addresses of Adjoining Property Owners	
- 3 No. of copies of plan received**
- 4. Is application complete? Yes No
- 5. Staff Reviewer _____
- 6. Committee Chairman BARRY NEUMER
- 7. Scheduled Public Hearing Date _____
- 8. Boone County Planning Commission Action:
 - Approval
 - Approval With Conditions
 - Disapproval
- 9. Other: _____

to be supplied

to be supplied

** FIVE (5) COPIES REQUIRED
 BCPC: 7/11/88

EXHIBIT "A"

GROUP#: 171

Being part of Lots Nos. Ten (10), Eleven (11) and Twelve (12), Sugar Tit Subdivision as shown in Plat Book 1, page 102 of the Boone county Clerk's records at Burlington, Kentucky and more particularly described as follows:

*From Mary Bank
Florence Worp
Jack Sharp*

BEGINNING at a point in the south east right-of-way of U.S. #42 Highway at the common corner of Lots 10 and 11, above named subdivision, thence in a southwesterly direction along the line of U.S.# 42 Highway a distance of 100 feet to the common corner of Lots 12 and 13, same subdivision; thence back along the dividing line between Lots 12 and 13, in a southeasterly direction a distance of 200 feet to a point; thence in a northwesterly direction 100 feet to a point in the dividing line between Lots 10 and 11, same subdivision, thence continuing along the same line for 25 feet to a point 200 feet from the southeast right-of-way line of U.S. #42 Highway; thence in a northwesterly direction 200 feet to a point in the southeast right-of-way of U.S #42 Highway; thence along said right-of-way line in a southwesterly direction 25 feet to the place of beginning. Being the north (front) 200 feet of Lots 11 and 12 and the northwesterly corner of Lot 10 forming together a parcel facing 125 feet on U.S. #42 Highway and extending back between parallel lines, or nearly so 200 feet.

LEGAL Description

Being the same property conveyed to mortgagors by Alvin Aldemeyer and wife by deed recorded in Deed Book 254 page 305 of the Boone County Clerk's 85FF99ds. #42 of the _____ Florence _____ which has the address of _____ (City) _____ Kentucky41042..... ("Property Address"); (Street) (Zip Code)

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right to mortgage, grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

KENTUCKY—Single Family—FNMA/FHLMG UNIFORM INSTRUMENT

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

December 7, 1988

SPECIAL PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 7:00 P.M. The Chairman advised that Agenda Item No. 2, an annexation request by the City of Florence in regard to an approximate three acre site owned by Pond Realty Company, Inc. had been postponed.

Following an explanation of the Public Hearing process, the Chairman introduced the remaining item on the Agenda:

1. Applicant: Nancy and Elmer Baute for William Crouch (owner)
Request: Utilization of an Underlying Zone

This was a Public Hearing on the request of Nancy and Elmer Baute (applicants) for William Crouch (owner) for Utilization of an Underlying Zone and Approval of a Concept Development Plan on a 0.5-acre site located at 3511 U.S. 42, Boone County, Kentucky. The current zoning of the property is Commercial Two/Planned Development (C-2/PD). The request is to convert a residential site into a tack shop.

Staff Member, Paul Miller, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked the applicants for their comments at this time.

Mrs. Nancy Baute stated that they have a horse farm behind the power station. They put up a barn fifteen years ago. They board and train horses, as well as giving riding lessons. For the past eight years, they have had a small tack shop and they have outgrown it. She stated that they have customers that come from many states and this would be an asset to Boone County. Mrs. Baute stated that Planning and Zoning had suggested that the buildings be torn down, but Mr. Crouch does not agree with that suggestion.

The Chairman asked if anyone else wished to comment or if there were any questions.

Mr. Neltner noted that the Staff Report indicates that the building is to be remodeled and questioned the nature of the remodeling.

Mrs. Baute advised that the house is a cape cod and was previously used as a church. They plan to remove the center wall, brace the bearing wall, and place a covered deck on the outside to be used as a portable stable using a plastic horse. There will be a split rail fence in the front. She stated that Mr. Crouch will have the level raised at the back and it will be paved. They will put in city water and commercial-type electric. Some windows will also be replaced.

Mr. Neltner asked if there would be outside storage of items such as trailers or surreys for sale. Mrs. Baute stated that there would not be at this time. They will not be brought to the lot until the other building is available.

In response to a question from Mr. Damstrom, Mrs. Baute stated that there would be forty parking spaces. Mrs. Baute then corrected this figure to 24 parking spaces.

Mr. McMillian questioned the owner's objection to a strip center on the property. Mrs. Baute advised that he would like to keep the house. He is opposed to a commercial building and does not want any problems.

There being no further comments, Chairman Viox advised that this item will be on the agenda for the Business Meeting on December 21, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

ATTEST:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

December 21, 1988 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman
Mr. Fred Burch
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Don McMillian
Mr. Charles Moore
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mrs. Rita Bushelman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Business Meeting and the Public Hearing of December 7, 1988 and asked if there were any comments or corrections.

Mr. Moore noted the correction at the last meeting of the name of Dr. Lynn Baird to Dr. Len Baird. This should have been Dr. Glen Baird.

Mr. McMillian moved that the Minutes be approved with the above change. Mrs. Smith seconded the motion and it carried unanimously.

Agenda Item
No.

- 12 Site Plan Review
The request of James W. Berling (applicant) for Don Conrad (owner) for Site Plan Review to construct a 4,350 sq. ft. gasoline station and car wash located at KY 18 and Ridge Road, Boone County, Kentucky. The 1.25-acre site is zoned Commercial Two (C-2).
- 13 Preliminary Plat Review
The request of Riegler Properties (owner) for Preliminary Plat Review to make public improvements to an 8.8-acre site located off Pleasant Valley Road, Boone County, Kentucky. The proposed Pleasant Valley Industrial Park Subdivision is zoned Industrial One (I-1).
- 14 Site Plan Review
The request of Riegler Properties (owner) for Site Plan Review to construct a 6,000 sq. ft. building on a 1.61-acre site located off Pleasant Valley Road, Boone County, Kentucky. The site is zoned Industrial One (I-1).
- 15 Preliminary Development Plan Review and Site Plan Review
The request of James W. Berling (applicant) for Charles Deters (owner) for Preliminary Development Plan Review and Site Plan Review to construct a 7,440 sq. ft. retail building, car wash, and fuel pumps located at Hopeful Road and U.S. 42, Florence, Kentucky. The 1.50-acre site is zoned Commercial Two/Planned Development (C-2/PD).

Mr. Newton advised that the above requests are all within the 40-day time limit.

Mr. McMillian moved that Agenda Items #10 - #15 be deferred until the January 4, 1989 Business Meeting. Mr. Burch seconded the motion and it carried unanimously.

1. Utilization of Underlying Zone

The request of Nancy and Elmer Baute (applicant) for William Crouch (owner) for Utilization of an Underlying Zone and Approval of a Concept Development Plan on a 0.5-acre site located at 3511 U.S. 42, Florence, Kentucky. The current zoning of the property is Commercial Two/Planned Development (C-2/PD). The request is to convert a residential site into a tack shop.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to four conditions (see Committee Report). He noted that the applicant has agreed to the conditions.

There being no discussion, Mr. Barnett moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports, subject to the conditions. Mrs. Smith seconded the motion and it carried unanimously.

7. Site Plan Review

The request of Samuel G. and Kay Bailey (owners) for Site Plan Review to construct a 2,560 sq. ft. building located at Bailey Lumber Yard, north of KY 14/16 (Mary Grubbs Highway), Walton, Kentucky. The 12-acre site is zoned Commercial Services (C-3) and Suburban Residential Two (SR-2).

Staff Member, Dave Geohegan, presented the Staff Report (see Staff Report).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the Staff Report.

There being no discussion, Mr. Sharp moved that the request be approved based on the Staff and Committee Reports. Mr. Collins seconded the motion and it carried unanimously.

8. Site Plan Review

The request of Jake Sweeney and Mike Kelsey (owners) for a revision of a previously approved Site Plan for a proposed automobile dealership located at 5969 Centennial Circle, Boone County, Kentucky. The 4.23-acre site is zoned Commercial Services/Planned Development (C-3/PD).

Staff Member, Jim Sturdevant, presented the Staff Report (see Staff Report).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the Staff Report.

There being no discussion, Mr. DeLong moved that the request be approved based on the Staff and Committee Reports. Mr. Rush seconded the motion and it carried unanimously.

9. Site Plan Review

The request of Bill Bramble Realty, Inc. (owner) for Site Plan Review for paving and site improvements to allow a realty office on a 0.25-acre site located at 828 Donaldson Road, Boone County, Kentucky. The property is zoned Office One (O-1).

Staff Member, Paul Miller, presented the Staff Report (see Staff Report).

EXHIBIT "C"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: December 21, 1988

RE: Request of Nancy and Elmer Baute (applicant) for William Crouch (owner) for Utilization of an Underlying Zone and Approval of a Concept Development Plan on a 0.5 acre site located at 3511 U.S. 42, *Florence* Boone County, Kentucky. The current zoning of the property is Commercial Two/Planned Development (C-2/PD). The request is to convert a residential site into a tack shop.

REMARKS:

We, the Committee, recommend approval of the proposed Concept Development Plan presented at the December 7, 1988 Public Hearing, based upon the following findings of fact and subject to the following conditions:

Findings of Fact

1. While the Committee believes the subject property and adjoining properties will eventually develop in a clustered commercial fashion as anticipated by the 1986 Boone County Comprehensive Plan and encouraged by Article 15, Planned Development, of the Boone County Zoning Regulations, the Committee believes this development will not occur until such time as the improvements to U.S. 42 are completed. In the interim, the proposed tack shop, being principally permitted in the underlying Commercial Two zone, is an appropriate use for the site.
2. The proposed use is consistent with the 1986 Boone County Comprehensive Plan, which calls for Commercial development on this site and adjoining properties. As an interim commercial use, the proposed tack shop is appropriate on this site.
3. Given the nature of horse-oriented activity in Boone County and the current level of service for those activities, the proposed tack shop would be a viable commercial endeavor, which could service the needs of the immediate community as well as the county in general.

Conditions

1. If in the future the use on the subject property expands or changes, the applicant shall be required to come before the full Boone County Planning Commission for a Public Hearing to review the proposed changes.
2. Prior to occupation of the site, the applicant shall apply for full Site Plan Review before the Boone County Planning Commission.
3. Should adjoining properties to the east, west or south of the subject property develop in a commercial nature, access management shall be provided through the subject property.

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4. The applicant shall not be permitted outside storage of horse equipment or trailers.

Barry Nettner
Barry Nettner, Chairman

Fred Burcitt
~~R. N. Greene~~
FRED BURCITT

Don McMillan
~~Floyd Sharp~~
DON McMILLAN
BN:kat

Larry Barnett
~~Lawrence Collins~~
LARRY BARNETT

RA Jones
~~Charles Moore~~
RA JONES

Carol Smith
CAROL SMITH

ORDINANCE NO. 0-5-89

AN ORDINANCE ADOPTING AND APPROVING A DEVELOPMENT PLAN FOR THE USE OF AN UNDERLYING ZONE WHICH IS COMMERCIAL TWO PLANNED DEVELOPMENT (C-2/PD), WHICH IS LOCATED ON A 0.5 ACRE SITE LOCATED AT 3511 U. S. HIGHWAY 42, FLORENCE, KENTUCKY. (WILLIAM CROUCH - BAUTE PROPERTY).

WHEREAS, certain property consisting of approximately 0.5 acres, more particularly described in Exhibit "A", is presently zoned Commercial Two with a planned development overlay (C-2/PD), and

WHEREAS, the Planned Development Overlay as a floating zone requires submittal of a concept development plan for review and approval in principle as to land use types and intensities under applicable zoning regulations, and

WHEREAS, the Boone County Planning Commission has reviewed the submitted concept development plan for the property described in Exhibit "A" and recommended approval in principle subject to conditions agreed to and accepted by the owner and applicant for the approval in principle to utilize the underlying zone, and

WHEREAS, the City Council of Florence, Kentucky has reviewed the Commission recommendation and presentation of the owner and applicant.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY AS FOLLOWS:

SECTION I

That approval in principle of the concept development plan of William Crouch and Nancy and Elmer Baute as owners and applicants of property more particularly described in Exhibit "A" to utilize the underlying zone as a tack shop shall be and the same is hereby granted, subject to the conditions, terms and provisions of the Boone County Planning Commission recommendation, including the committee report made a part of that recommendation, a copy of that recommendation and committee report being attached, marked Exhibit "B" and incorporated herein as if fully set out, such recommendation being in the form of Resolution No. R-01-89 of the Boone County Planning Commission,

along with the committee report, both of which are dated 12/21/88. This approval is for use of the underlying zone for the 0.5 acre site located in a Commercial Two classification with a planned development overlay (C-2/PD).

SECTION II

That the owner and applicant of the subject property have agreed to these terms and provisions of Exhibit "B" and made them a part of their concept development plan. This approval of use of the underlying zone is subject to and conditioned upon these terms, provisions and conditions as set forth in Exhibit "B" as part of the concept development plan.

SECTION III

That this approval in principle of the concept development plan is not final approval and owners and applicant must meet and satisfy all requirements in Article 15 relating to preliminary development plan, improvement plans and final plats or site plan review where no subdivision of land is involved, and any other applicable zoning or land use regulations.

SECTION IV

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

PASSED AND APPROVED ON FIRST READING THIS 24th DAY OF January, 1989.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 4th DAY OF February, 1989.

APPROVED:

Roger A. Pope
MAYOR

ATTEST:

Steph Conrad
CITY CLERK