

REQUEST OF JAMES A. GALLENSTEIN (APPLICANT)
FOR A CHANGE IN CONCEPT DEVELOPMENT PLAN AND
A ZONING MAP AMENDMENT FROM OFFICE TWO (O-2) TO
COMMERCIAL SERVICES, (C-3)

This is a Change in Concept Development Plan request and a Zoning Map Amendment for a 3.5 acre parcel of land and a 0.3 acre tract. The Change of Concept Development Plan request is for the 3.5 acre parcel, currently owned by James A. Gallenstein, and is zoned Commercial Services, (C-3). The 0.3 acre tract is currently owned by Susan Travis and the Zoning Map Amendment request is to change the zoning from Office Two (O-2) to Commercial Services (C-3). Both parcels of land are located east of Industrial Road and directly south of Columbia Drive and Sussex Drive, Florence, Kentucky.

HISTORY OF SITE

The 3.5 acre parcel or the portion of the request which pertains to the Change in Concept Development was part of a zone change request in 1984. The 1984 request consisted of Susan Travis (agent for Bob Strunk) applying for a zone change for a 9 acre site located on both sides of Industrial Road. The property owners at the time were O.G. and Sarah Loomis. On June 6, 1984, the Boone County Planning Commission recommended approval of the zone change from Urban Residential Two, UR-2 and Office Two, O-2 to Commercial Services, C-3. The City of Florence approved the 9 acre zone change request on July 10, 1984. (see copy of Concept Development Plan and Boone County Planning Commission's Committee Report).

SURROUNDING LAND USES AND ZONING

The surrounding land uses include multi-family residential to the north (Carriage Hill Apartments) and commercial to the south (World of Carpet Outlet), commercial/office to the east (Chuck's Heating and Air Conditioning and two office buildings) and commercial to the west (Mr. Transmission and Markesbery Moving and Storage). The existing zoning surrounding the site is Urban Residential Two, UR-2 to the north, Commercial Services, C-3 to the south, Office Two, O-2 to the east and Commercial Services, C-3 to the west or across Industrial Road.

NATURAL FEATURES OF THE TWO PARCELS

The 3.5 acre parcel is relatively flat towards Industrial Road and then gradually slopes east towards a natural drainage area. There are very few trees left on this parcel as nearly all were removed within the past few months. The 0.3 acre tract is flat and an electrical transmission line is located in the middle

of the property. An easement has been granted to Ohio Valley Electric Company. Soil types include Jessup Silt Loam (JeD) and Rossmoyne Silt Loam (RsB).

RELATIONSHIP TO COMPREHENSIVE PLAN

The proposed Change in Concept Development Plan and zone change request must be viewed in relation to the 1980 Comprehensive Plan and the 1986 Comprehensive Plan. The area is referred to in a number of ways.

1980 Future Land Use Map
-Commercial

1986 Future Land Use Map-
-Commercial

1980 BOONE COUNTY COMPREHENSIVE PLAN

Page 3.7 refers to the need for Commercial/Office uses.

"Highway commercial development is anticipated at most interstate interchanges in Boone County. Additional highway commercial uses exist and are planned to continue at U.S. 25 and Industrial Road in the Northern Kentucky Industrial Park.

Much local and community office development will take place in neighborhood or community commercial centers, but several areas are planned for predominant office development. These include existing office developments in Florence on U.S. 42 south of U.S. 25, on U.S. 25 south of U.S. 42, on Industrial Road east of U.S. 42, on Tanners Lane west of U.S. 42, and at Mall Road and U.S. 42."

Page 4.2 discusses certain types of road classifications. Industrial Road is described as a minor arterial road.

"Minor arterial roads and highways carry traffic between collectors and major arterials in the County and are most affected by the planned land use development in the County. The majority of circulation system improvements are planned for the minor arterial network. The expense of making these improvements will be substantial and they must be timed to making these improvements will be substantial and they must be timed to coordinate with land development. The creation of road improvements will be a stimulus to the development of adjacent areas. Planned minor arterial improvements are described below with a description of their impact on adjacent land development."

It should be noted that there are no specific reference of planned improvements to Industrial Road in the text of the 1980 Comprehensive Plan.

1986 BOONE COUNTY COMPREHENSIVE PLAN

Page L-19 refers to commercial land uses and coordinated planning in the immediate Florence area.

"Commercial development in this section will remain near the arterial roads or close to the interstate. These consumer service and traffic oriented developments must be contained to specific areas adjacent to the arterials and interstate. The coordination of curb cuts and parking lot tie ins in the already developed areas must occur in order to maintain a reasonable ease of travel along these roads. Undeveloped tracts of commercial land need to tie in and coordinate with any adjoining commercial or industrial development if it exists. Where no commercial development has yet occurred, provisions for access control must be made for future development. This includes the above forementioned as well as the use of frontage roads."

Page T-1 and T-3 classifies Industrial Road as a minor arterial street.

"The functional road classification forms a general guideline for future development. 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."

Page T-8 discusses the importance of Access Management on high traffic roadways.

"One final aspect of the transportation element is traffic control or access management. In most cases major developments within the county need to be evaluated for trip generation, flow, patterns, and access points. New development needs to be designed so as to promote effective and efficient use of highway facilities while sustaining reasonable economic development of land. Traffic controls and evaluations should vary according to the functional classification of the roadway. Obviously, high traffic roadways need stricter control of access and frontage roads than low traffic roadways."

In summary, both the 1980 and 1986 Boone County Comprehensive Plan recognize that the subject area will eventually be commercial. However, both plans are sensitive to existing and future traffic problems in the area and emphasize the need to minimize or alleviate these problems.

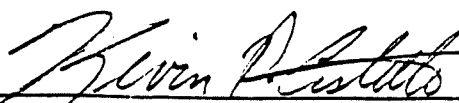
CONCEPT DEVELOPMENT PLAN

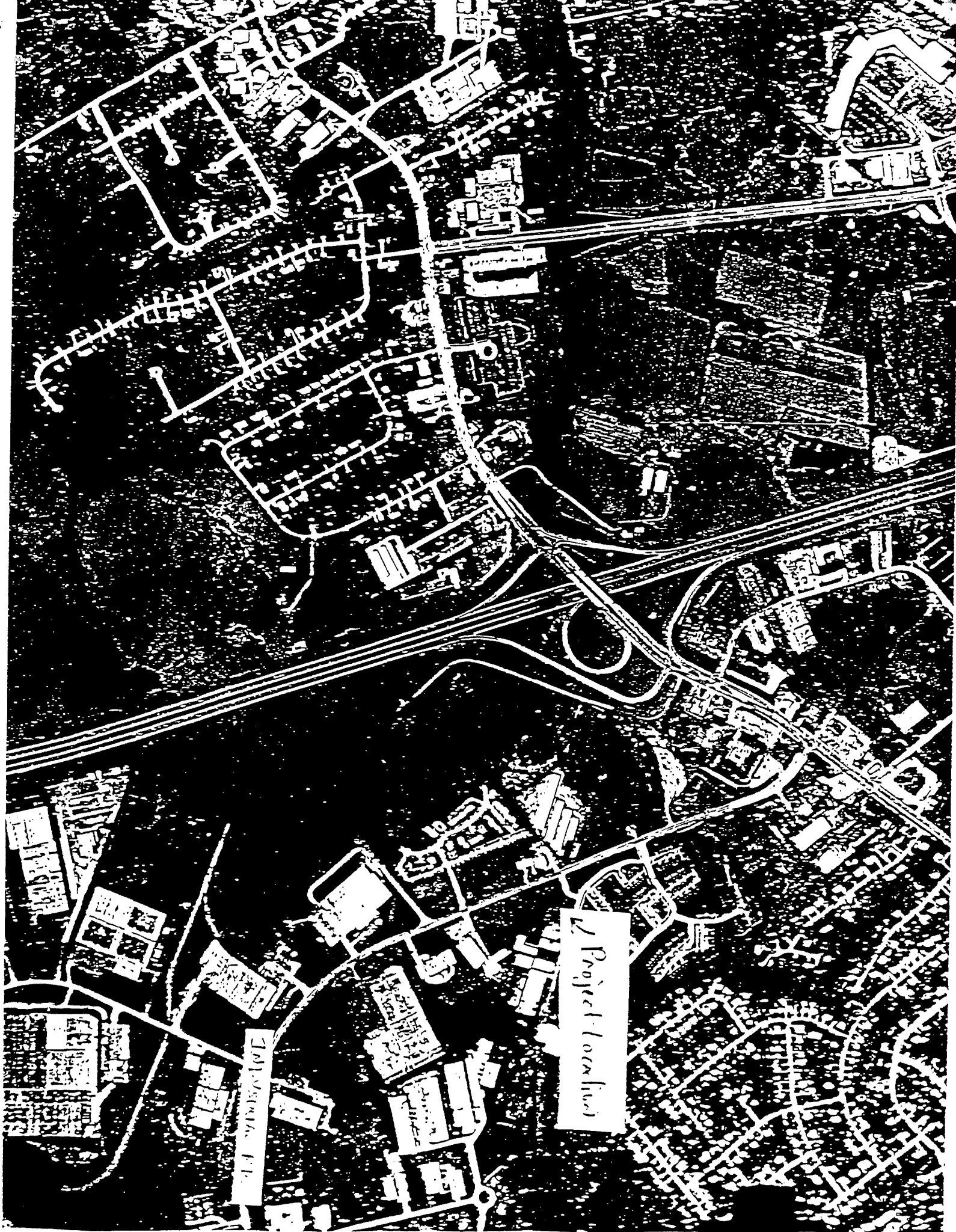
The submitted Concept Development Plan shows 48,776 square feet of Commercial Services, C-3 use. Approximately 176 parking spaces will be provided on the 3.8 acre site. The plan indicates that a general retail center will be constructed and no C-3 use has been identified. Access to the site will consist of a right turn in and out on Industrial Road and a connection into an existing drive which serves the World of Carpets property. Access is also being planned off Columbia Drive. The Concept Development Plan does not show the location of the electrical transmission line near the parking area off Sussex Drive.

SPECIAL CONCERNS

1. Landscaping - A small portion of the plan is devoted to landscaping. Almost the entire site is either parking or building. Additional landscaping features would make the Concept Development Plan a better plan. Either a reduction in the amount of paved surface or square footage of the building would solve this minor problem.
2. Traffic - During peak hours, Industrial Road generates a lot of traffic. The applicant has demonstrated sufficient limited access to Industrial Road. However, as the area continues to develop, a third lane or turning lane will be needed. The Industrial Road - Columbia Drive or Industrial Road - Carole Lane intersection will become a major intersection as a result of this development.
3. Intensity - The intensity of the development has changed from approximately 30,650 square foot (1984) to 48,776 square feet. Not only has the intensity changed so has the amount of acreage from 3.49 to 3.8 acres.
4. Utility Transmission Line - Because some of the parking is being proposed to be located under an existing utility transmission line, proper approval from the utility company is needed to permit the parking spaces.

This Concept Development Plan must be evaluated in relation to the 1980 and 1986 Boone County Comprehensive Plan. A coordinated and well-planned approach to future commercial development is by far more productive than individual tract development as indicated on the previously approved Concept Development Plan. If the Planning Commission and the City of Florence approves both the Change in Concept Development Plan and the Zone Change request, the future land use map would not need to be changed.


Kevin P. Costello
Asst. Director/Sr. Planner



Project location

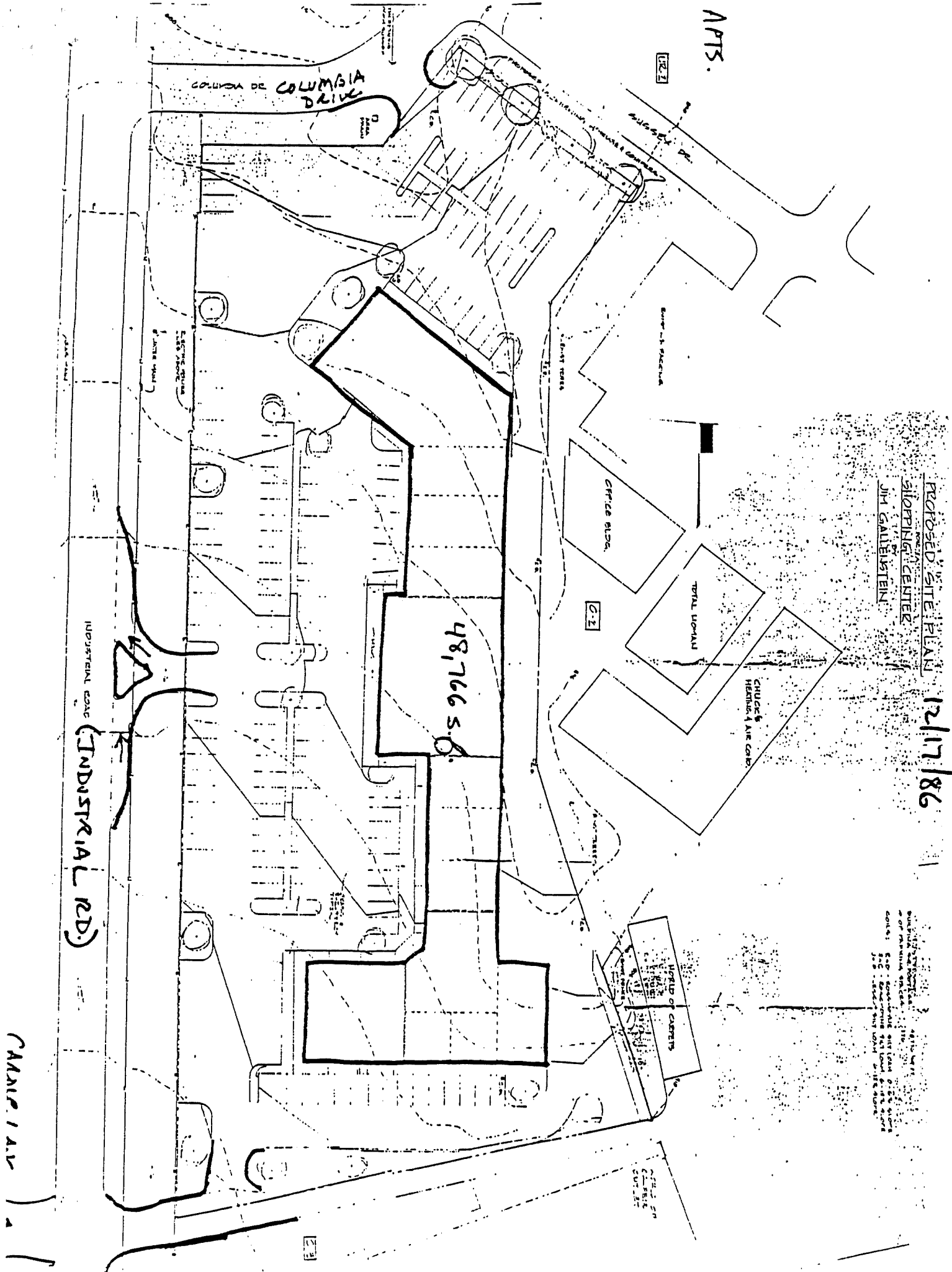
701 N. ...

CONCEPT Development PLAN

12/17/86

PROPOSED SITE PLAN
SHOPPING CENTER
JIM GALENSTEIN

APTS.



Building on footprint...
of previous structure...
S&P - 500,000 sq ft total...
S&P - 500,000 sq ft total...
S&P - 500,000 sq ft total...

MAIN ST

Beginning at a point in the Eastern right of way line at a point where the grantors Southern property line joins with the Columbia Development Corporation thence along the Eastern right of way line of Industrial Highway, said right of way line being 60 feet from center line; N 21-50 W a distance of 684.65 feet to a pin in the Southern right of way line of Columbia Drive; thence along Columbia Drive N 68-15 a distance of 95.53 feet to a pin in the property line of Susan K. Travis; thence along the Travis property S 75-51 E a distance of 161.93 feet thence continuing along the Travis line S 21-45 E a distance of 291.05 feet to a pin; thence continuing along grantors rear line SOUTH 38°33'47" east 245.45 feet to pin in the property line of the Columbia Development Corporation; thence S 56-08-05 W a distance of 303.46 feet to a place of beginning. Said parcel containing 3.4907 ACRES

To be reserved is an easement for common ingress and egress described as follows:

Beginning at aforementioned beginning point, thence along Industrial Highway N 21-50 W a distance of 15 feet to a point; thence N 63-07-17 E a distance of 40.16 feet to a point; thence S 21-45 E a distance of 10 feet to a point in the property line of Columbia Development Corporation; thence S 21-45 E a distance of 25 feet to a point; thence S 70-16-08 W a distance of 40.02 feet to a point in the right of way line of Industrial Highway; thence N 21-50 W a distance of 15 feet to place of beginning.

Also to be reserved is an easement previously granted to the Ohio Valley Electric Corporation within 75 feet of the center line of their power lines.

Lying and being in the State of Kentucky, County of Boone, and City of Florence, located on the east side of Columbia Drive and south side of Sussex Drive and is described thus:

BEGINNING at the point of intersection of the east right-of-way of Columbia Drive with the south right-of-way of Sussex Drive; thence with the right-of-way Sussex Drive S 73-51 E, 302.77 feet; thence S 16-09 W, 289.66 feet to a stake in the line of O.G. Loomis; thence with his line for 2 calls; N 21-45 W, 251.19 feet to a post; thence N 73-51 W, 163.56 feet to a point in the tangent of Columbia Drive thence with the tangent of the right-of-way of Columbia Drive for 2 calls; N 68-15 E, 19.13 feet; thence N 16-09 E, 79.69 feet to the beginning and containing 0.98 acres. SAID conveyance is subject to Electrical Transmission Easements granted to Ohio Valley Electric.

Subject to easements and restrictions of record.

This legal description given above has been supplied by the applicant for this application and represents a part of or the complete tract as recorded in DEED BOOK 338, 142, 208 PAGE 155, 59, 598 of the Boone County Clerk's office. This Public Hearing is to serve as a due process, trial type hearing where all persons may be heard regarding this map amendment.

The Boone County Comprehensive Plan, including its Land Use Plan Map, will be reviewed to determine whether the map amendment, if approved, would be consistent with the Comprehensive Plan. If such a map amendment would be inconsistent with the Comprehensive Plan, then any changes to the Comprehensive Plan to make it consistent with the requested map amendment, if approved, will be reviewed.

All interested persons are encouraged to attend and be heard.

BCRIT

PUBLIC HEARING #5

Vice-Chairman David Martin opened the Public Hearing on the request of James W. Gallenstein (owner) for a Change in Concept Development Plan on a 3.5 acre tract and a Zoning Map Amendment for a 0.3 acre parcel. The 3.5 acre parcel is currently zoned Commercial Services, C-3 and the zone change request is to change the zoning on the 9.3 acre tract from Office Two, O-2 to Commercial Services, C-3. Both parcels are located on the east side of Industrial Road and south of Columbia Drive, Florence, Kentucky.

Staff member Kevin Costello presented the Staff Report. (See Staff Report)

Mr. Dan Corbin with Century Construction Company and representative for the applicant made himself available for any questions. Mr. Corbin stated they had added more greenery and noted they had received a letter from Kentucky Department of Transportation which stated the right turn in and right turn out of the access was acceptable to them. Mr. Corbin stated the applicant would provide three access points to the property which should provide for a good flow of traffic. Mr. Corbin noted the entire floor of the development would be 73,000 square feet. Mr. Corbin described the utility provisions.

Mr. Martin inquired of audience's support, opposition or comments on the proposed request. Hearing none, Mr. Martin referred to the Commission for discussion.

Mr. Delong referred to the access across from Carole Lane and stated he felt that was very dangerous and noted he would like to see more greenery.

Mr. Costello requested the applicant to state the uses intended for the development. Mr. Corbin stated the owner did not have a lot of commitments but he did have a commitment for a liquor store, they were looking at a restaurant at one end and at the other end a Savings & Loan establishment. Mr. Corbin further stated they were looking in general terms of a sporting goods store, fast mercantile type stores.

Mr. Martin stated the request would be on the agenda of the Business Meeting of January 7, 1987 at 8:00 P.M. Hearing no further questions or comments, Mr. Martin closed the Public

Hearing.

* * * * *

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

January 21, 1987

8:00 P.M.

Chairman Kroger called the Business Meeting to order. Roll call was taken by staff member Barbara Reffitt. 14 members present. Absent: Mr. Slusher. All staff members were present. Atty. Dale Wilson was also present.

The Minutes of the January 7, 1987 Business Meeting were considered. Mr. Davis moved to approve the January 7, 1987 Business Meeting Minutes as reviewed. The motion was seconded by Mr. Burch. The motion carried unanimously.

Administration

Chairman Kroger inquired of Staff Salaries and Benefits to be paid. Staff member Dee Ann Brewer stated Staff Salaries and Benefits for the previous two-week period were \$4,751.55. Mr. Jones moved that all Staff Salaries and Benefits be paid as presented. The motion was seconded by Mr. Burch. The motion carried unanimously.

Chairman Kroger noted correspondence received from O.K.I. regarding Inter-governmental review, a letter from Atty. Dale Wilson regarding a lawsuit, and a letter from the Legislative Research Commission.

Reports

Chairman Kroger noted the Zoning Enforcement Officer's Report; Building Inspector's Report; Comparative Budget Report; and the Convenience Plat Report for the Commission's review. Hearing no comments on the above noted reports, Chairman Kroger proceeded to the items on the agenda.

UNFINISHED BUSINESS

Zoning Map Amendment

A request of SSC Trust (applicant for R. C. Durr (owner) for a Zoning Map Amendment located on the north side of Old Toll Road and east of Pleasant Valley Road, Boone County, Kentucky. The two (2) acre site is currently zoned Industrial One (I-1) and the

require a review by the appropriate Committee of the Boone County Planning Commission. If a change is deemed major, then a new public hearing and application will be required for a change in Concept Development Plan. If a change is interpreted to be minor, then the applicant will either submit a site plan or a subdivision plan.

Chairman Kroger referred to the Commission for discussion.

Hearing no questions or comments, Mr. Barnett moved to recommend approval by Resolution to the Boone County Fiscal Court for the request of James W. Berling (owner by Option) for a Zoning Map Amendment on a 550 acre site located north of Richwood Road, south of Frogtown Road and west of I-75, Boone County, Kentucky. Mr. Viox seconded the motion.

Chairman Kroger asked Mr. Berling if had understood the Conditions within the Committee Report. Mr. Berling stated yes he did agree with all the statements indicated in the report.

Chairman Kroger stated since there was no further discussion, this item would be turned over to the Boone County Fiscal Court based on the Finding of Fact and Committee Report. Motion carried unanimously.

Zoning Map Amendment

A request of James W. Gallenstein (owner) for a Change in Concept Development Plan on a 3.5 acre tract and a Zoning Map Amendment for a 0.3 acre parcel. The 3.5 acre parcel is currently zoned Commercial Services (C-3) and the zone change request is to change the zoning on the 0.3 acre tract from Office Two (O-2) to Commercial Services (C-3). Both parcels are located on the east side of Industrial Road and south of Columbia Drive, Florence, Kentucky.

Mr. Gerald Newton read the Committee Report and recommended approval based upon the Finding of Facts and subject to the conditions below:

CONDITIONS

1. The maximum square footage shall be reduced from 48,776 square feet to 40,000 square feet in order to reduce the amount of paved surface parking spaces and building area. A reduction in building square footage and will result in additional landscaped areas and will improve the visual effect of the proposed development as seen from Industrial Road.
2. Because the submitted Concept Development Plan showed very

little landscaping on the subject property, the Committee recommends that most of the parking be eliminated along the western lot line and be replaced with suitable landscaping features (e.g., trees and shrubs). Appropriate landscaping shall also be required along Columbia Drive and Sussex Drive to screen the Commercial use from multi-family residential use.

3. The allowable uses shall be limited to the following:

Principally Permitted

- a. Major furniture, floor coverings, household appliances and home furnishing outlets;
 - b. Eating and drinking establishments including alcoholic beverages and entertainment;
 - c. Specialized sporting goods and accessories;
 - d. Liquor and beverage sales;
 - e. Grocery stores and supermarkets;
 - f. Convenience stores;
 - g. Banking services (including drive-thru facilities), savings and loan associations, credit unions and other credit services;
 - h. Postal services;
 - i. Florists including greenhouses;
 - j. General dry goods and merchandise stores;
 - k. Department stores, mail order houses, direct retail selling organizations of general merchandise;
 - l. Household appliances, china, glassware and metal ware;
 - m. Farm and garden supply outlets including equipment and vehicles (no outside storage or display).
4. The applicant shall be limited to the access points indicated on the Concept Development Plan. Two access points off Industrial Road will be allowed - one with right turn in and out only in the middle of the development and one located directly across Carole Lane. The final design of each curb cut will also be subject to the review and approval of the State Department of Transportation. One

additional access point shall be granted off Columbia Drive. It is also recommended that the entrance located to the southwest shall be moved to the east in order to prevent any future stacking problems.

5. The applicant shall be limited to one multi-tenant, free-standing sign, 25 feet in maximum height and 100 square feet of signage and one building mounted sign for each retail establishment.
6. Finally, the applicant shall receive the necessary approval from the owner of the utility transmission line located on the site before construction begins.

Mr. Viox moved by Resolution that the request of James Gallenstein for a Change in Concept Development Plan on a 3.5 acre tract and Zoning Map Amendment for a 0.13 acre parcel located on the east side of Industrial Road and south of Columbia Drive, Florence, Kentucky be forwarded to the City of Florence. The motion was seconded by Mr. McMillian.

Chairman Kroger asked Mr. Gallenstein (the applicant) if he agreed to the conditions within the Committee Report. Mr. Gallenstein stated yes, he was in agreement within the Committee Report.

After further discussion, the motion carried unanimously.

Site Plan Review

A request of Mahavir Enterprises Inc. (owner) for a revised Site Plan, Safi Plaza, located at 8400 U.S. 42, Florence, Kentucky. The 1.5 acre site is zoned Commercial Two (C-2).

Mr. Breidenstein stated at the last meeting of the Florence Board of Adjustments the proposed request was denied for a rear yard variance, therefore, Staff recommended that the Site Plan which was before the Planning Commission November 5, 1986 be denied.

Mr. Newton read the Committee Report which recommended denial based upon staff's report.

Atty. Dale Wilson clarified for the record that the Staff and Committee Reports were based on the fact that since the variance was not granted by the Florence Board of Adjustments, then the application for Site Plan Review being submitted does not comply with the Florence Zoning Regulations. Mr. Newton concurred with Atty. Wilson.

Chairman Kroger referred to the Commission for discussion.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: January 21, 1987

RE: Request of James W. Gallenstein (owner) for a Change in Concept Development Plan on a 3.5 acre tract and a Zoning Map Amendment for a 0.3 acre parcel. The 3.5 acre parcel is currently zoned Commercial Services (C-3) and the zone change request is to change the zoning on the 0.3 acres tract from Office Two (O-2) to Commercial Services (C-3). Both parcels are located on the east side of Industrial Road and south of Columbia Drive, Florence, Kentucky.

REMARKS:

We, the Committee, recommend approval based upon the following findings of fact and subject to the conditions below.

FINDINGS OF FACT

1. The proposed zoning classification and land use is generally in agreement and consistent with the 1980 Comprehensive Plan and the 1986 Comprehensive Plan, which recommends that the subject area will be commercial. References to each Comprehensive plan are mentioned in the Staff Report.
2. Both the 1980 Comprehensive Plan and the 1986 Comprehensive Plan are sensitive to existing and future traffic problems in the area and emphasize the need to minimize or alleviate these problems. The submitted Concept Development Plan demonstrates a commitment to limit access to the site.


CONDITIONS

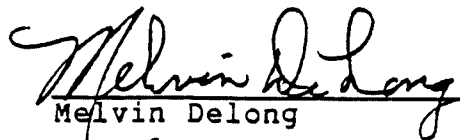
1. The maximum square footage shall be reduced from 48,776 square feet to 40,000 square feet in order to reduce the amount of paved surface parking spaces and building area. A reduction in building square footage will result in additional landscaped areas and will improve the visual effect of the proposed development as seen from Industrial Road.
2. Because the submitted Concept Development Plan showed very little landscaping on the subject property, the Committee recommends that most of the parking be eliminated along the western lot line and be replaced with suitable landscaping features (e.g., trees and shrubs). Appropriate landscaping shall also be required along Columbia Drive and Sussex Drive to screen the Commercial use from multi-family residential use.

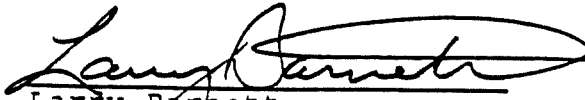
3. The allowable uses shall be limited to the following:

Principally Permitted

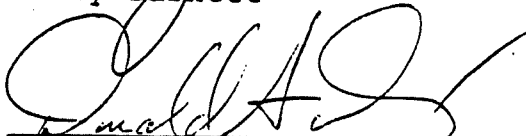
- a. Major furniture, floor coverings, household appliances and home furnishing outlets;
 - b. Eating and drinking establishments including alcoholic beverages and entertainment;
 - c. Specialized sporting goods and accessories;
 - d. Liquor and beverage sales;
 - e. Grocery stores and supermarkets;
 - f. Convenience stores;
 - g. Banking services (including drive-thru facilities), savings and loan associations, credit unions and other credit services;
 - h. Postal services;
 - i. Florists including greenhouses;
 - j. General dry goods and merchandise stores;
 - k. Department stores, mail order houses, direct retail selling organizations of general merchandise;
 - l. Household appliances, china, glassware and metal ware;
 - m. Farm and garden supply outlets including equipment and vehicles (no outside storage or display).
4. The applicant shall be limited to the access points indicated on the Concept Development Plan. Two access points off Industrial Road will be allowed - one with right turn in and out only in the middle of the development and one located directly across Carole Lane. The final design of each curb cut will also be subject to the review and approval of the State Department of Transportation. One additional access point shall be granted off Columbia Drive. It is also recommended that the entrance located to the southwest shall be moved to the east in order to prevent any future stacking problems.
5. The applicant shall be limited to one multi-tenant, free-standing sign, 25 feet in maximum height and 100 square feet of signage and one building mounted sign for each retail establishment.
6. Finally, the applicant shall receive the necessary approval from the owner of the utility transmission line located on the site before construction begins.


Fred Burch, Chairman


Melvin DeLong


Larry Barnett


Rector Jones


Donald Davis


William Viox

Related to K-03-87
R-04-87

ORDINANCE NO. 0-4-87

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN CONCEPT DEVELOPMENT PLAN AS CONDITIONS TO A COMMERCIAL SERVICES (C-3) ZONING CLASSIFICATION FOR A 3.5 ACRE TRACT; AND ADOPTING AND APPROVING A REZONING OF AN ADJACENT 0.3 ACRE PARCEL FROM ITS CURRENT ZONING OF OFFICE TWO (O-2) TO A COMMERCIAL SERVICES (C-3) ZONING CLASSIFICATION, SUBJECT TO AN AGREED CONCEPT DEVELOPMENT PLAN, BOTH OF THESE PARCELS TO BE DEVELOPED AS ONE PROJECT AND ARE LOCATED ON THE EAST SIDE OF INDUSTRIAL ROAD AND SOUTH OF COLUMBIA DRIVE IN THE CITY OF FLORENCE, KENTUCKY. (JAMES W. GALLENSTEIN PROPERTY)

WHEREAS, a certain 3.5 acre tract has current zoning of Commercial Services (C-3), subject to a concept development plan for said tract, and

WHEREAS, it has been requested that a change in the concept development plan for this 3.5 acre tract be approved, and

WHEREAS, an additional 0.3 acre parcel with current zoning of Office Two (O-2) has been requested to have its zoning classification changed to Commercial Services (C-3), subject to a concept development plan allowing it to be developed as part of a project in conjunction with the 3.5 acre tract referred to herein, and

WHEREAS, the Boone County Planning Commission has reviewed these submitted requests and recommended their approval, subject to certain conditions which have been accepted and agreed to as part of the concept development plan for the submittal, and

WHEREAS, the City Council of Florence, Kentucky has reviewed the Planning 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 the change in concept development plan for the 3.5 acre tract, more particularly described herein in Exhibit "A" shall be and the same is hereby adopted and approved, subject to all terms and provisions of the agreed to concept development plan as changed, a copy of which is attached, marked Exhibit "B" and incorporated herein as if fully set out.

SECTION II

That the 0.3 acre parcel immediately joining the 3.5 acre tract referred to above and which is more particularly described in Exhibit "C", a copy of which is attached and incorporated herein by reference as if fully set out, shall be and the same is hereby rezoned from its present Office Two (O-2) Zoning to a Commercial Services

(C-3) zoning classification, subject to a concept development plan, the terms and provisions of which have been agreed to by the owner and applicant and a copy of which is attached, marked as Exhibit "D" and incorporated herein as if fully set out.

SECTION III

That the zoning map of Boone County, Kentucky as applies to the City of Florence, Kentucky shall be amended or changed to reflect the approvals herein.

SECTION IV

That the recommendation of the Boone County Planning Commission regarding these approvals shall be and is hereby adopted and approved by City Council of Florence, Kentucky, which accepts the findings of the Boone County Planning Commission for these issues.

SECTION V

It is hereby expressly stated and acknowledged that these approvals, including the rezoning of the 0.3 acre parcel, are subject to the conditions and provisions of the agreed concept development plans relating to these requests, including the Boone County Planning Commission recommendations which have been agreed to by the applicant/property owner.

SECTION VI

That in the event these approvals, or either of them, would be held invalid by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map and comprehensive plan provisions as they are severable from these particular issues, and are intended to continue to have effect regardless of any invalidity relating to this change in concept development plan for the 3.5 acre tract or the rezoning of the adjacent 0.3 acre parcel.


PASSED AND APPROVED ON FIRST READING THIS 24th DAY OF February 1987.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 19th DAY OF May, 1987.

APPROVED:

MAYOR

ATTEST:



CITY CLERK