

REQUEST OF T.L. ENTERPRISES (TIM TIMBERMAN)  
FOR A ZONING MAP AMENDMENT FROM COMMERCIAL TWO (C-2)  
TO COMMERCIAL SERVICES (C-3)

This is a request of T.L. Enterprises to change the existing zoning of property located at 7827 Tanners Lane, Florence, Kentucky (the vacant Wrangler Restaurant lot) from C-2 to C-3 to allow the retail sales and services of automobiles and boats. The 1.5428 acre site, located on the west side of Tanners Lane, just south of Tim Timberman Used Car Sales lot, is currently owned by T.L. Enterprises and is proposed to be leased to Tim Timberman, Inc.

SURROUNDING LAND USES

The zoning and use of property surrounding the subject lot are:

- north: C-3, Tim Timberman Mazda, Pontiac, AMC/Jeep Renault new car sales and Tim Timberman used car sales.
- south: C-2, Florence Business Plex (predominantly office/showroom.
- west: C-2, office building, AAA Automobile Club office.
- east: Interstate 75/71, Florence Mall.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 1986 Boone County Comprehensive Plan Land Use map indicates the future land use of this site to be Commercial. The Land Use element of Comprehensive Plan describes this area:

"Commercial development in this section will remain near the arterial roads or close to the interstate. This consumer service and traffic oriented development must be contained to specific areas adjacent to the arterials and interstate." (p. L-19)

"Underdeveloped tracts of commercial land need to tie in and coordinate with any adjoining commercial or industrial development if it exists." (p. L-19)

"The area east of the interstate, north of US 42 and south of KY 18 shall be developed in a cohesive manner to form a city center for Florence. A genuine mixture of office, retail, commercial and residential development will create a unique center for Florence. Paramount to development of this area is the development of a new roadway. If that is unfeasible major road improvements to Tanners Lane and a new termination of the road on KY 18 will eventually be required.

The Goals element of the plan states:

"Commercial uses shall develop at strategic locations relative to their trade areas with direct access and ample parking." (p. G-3)

#### CONCEPT DEVELOPMENT PLAN

The Concept Development Plan reflects the existing features on the lot. An 8,500 square foot (approximate) vacant restaurant building is surrounded by landscaping and by parking and driveway aisles. The plan was not drawn to speculate what is proposed for the lot if it were developed for new automobile and boat sales.

#### RELATIONSHIP TO PARKWAY CORRIDOR STUDY

At the time of writing, the Florence City Council had not acted upon "The Parkway Corridor Study" rezoning which was recommended to them by the Planning Commission on June 19, 1986. This study recommends that property surrounding the Wrangler restaurant site be rezoned from C-2 to C-2/PD. The report as it relates to the general vicinity of the subject lot reads:

The Parkway will improve access to this site by way of its intersection with the north end of Tanners Lane. However, given its location, shape, and the road configuration of this part of the study area, development in this area needs to be carefully planned in order to maintain an adequate relationship with the capability of the local road system. Unless the existing conditions were to change in a significant way, high density development is not recommended for this parcel.

#### SPECIAL CONCERNS

1. The building is at present attractively landscaped. There should be an effort on the part of the owner to maintain this landscaping and to add even more to this highly visible sight.
2. Lot lights should be of an intensity and direction that does not create a hazard to interstate traffic.
3. Signage should be restricted to the existing free-standing sign and limited building-mounted signs.
4. Further development and revisions to the site should occur with the proposed Mall Road partial ramp in mind.

#### CONCLUSION


This request should be evaluated on its compatibility with the 1986 Comprehensive Plan, which is to be implemented by the

zoning regulations. The purpose of the C-3 zoning district, found on page 9-8 of the zoning regulations, is:

...to provide, control and centralize those types of commercial activities which: a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 10. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major materials, District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible. (p. 9-8)

Should the Planning Commission recommend and Florence City Council approve this request, the 1986 Future Land Map will not need to be adjusted.

The request should also be evaluated in terms of its proximity to and compatibility with the guidelines of The Parkway Corridor Study, an approved document of the Boone County Planning Commission.

  
Thomas W. Breidenstein  
Zoning Enforcement Officer

TWB:mcb



EXHIBIT "A"

7827 Tanners Lane

Group 2041A

Lying and being in the State of Kentucky, County of Boone, and City of Florence located on the southwest side of Tanners Lane approximately 4/10 miles from its intersection with Kentucky 18 and is described thus:

**BEGINNING** at a point in the right of way of Tanners Lane, said point being the northeast corner of the lands conveyed by Acres For Development-Kentucky, Inc. to Robert L. Bakst (and occupied by The Richter Phillips Company as Lessee) by deed recorded in Deed Book 227, Page 214, of the Boone County, Kentucky Clerk's Records, and being North 50 degrees 52' West 242.0 feet from Carpenter's corner as measured along the right of way of Tanners Lane; thence with the Bakst line South 39 degrees 08' West 219.08 feet to the point of curvature of a curve to the left having a radius of 64.23 feet and a deflection angle of 57 degrees, 10 minutes, and 30 seconds; thence with the arc of said curve an arc distance of 5.61 feet, the chord being South 36 degrees 37' 54" West 5.60 feet; thence from this point of beginning continuing with the arc of said curve, an arc distance of 58.49 feet, the chord having a bearing of South 8 degrees 02' 39" West 56.49 feet to the point of tangency; thence South 18 degrees 02' 30" East 315.49 feet; thence leaving the center of the proposed street South 71 degrees 57' 30" West 205.2 feet to a point in the right of way of I-75; thence with said right of way North 18 degrees 02' 30" West 293.95 feet to a corner with Bakst; thence with the line of Bakst North 54 degrees 30' 45" East 241.12 feet to the beginning and containing 1.5428 acres.

**SUBJECT** to a restriction against the sale of "prescription drugs" as set forth in Deed Book 214, page 248, Boone County, Kentucky Deed Records.

**SUBJECT** to and together with easements for the continued use, maintenance, operation and repair of a sanitary sewer and lift station as set forth in Deed Book 231, page 290, Boone County, Kentucky Deed Records.

**TOGETHER** with and subject to a non-exclusive easement for ingress and egress over a strip of land 25 feet in width as set forth in Deed Book 231, page 290, Boone County, Kentucky Deed Records.

**SUBJECT** to easements to the Union Light & Power Co. as recorded in Miscellaneous Book 61, page 195, Easement Book 4, page 292 and Easement Book 5, page 173 of the Boone County, Kentucky records.

**TOGETHER** with an easement for extension of overhead electric lines as reserved in the deed recorded in Deed Book 227, page 214, Boone County, Kentucky Deed Records.

**SUBJECT** to an easement to the City of Florence, Kentucky as recorded in Easement Book 2, page 230, Boone County, Kentucky Records.

**TOGETHER** with a non-exclusive easement for off-street parking purposes over certain lands as described in Deed Book 231, page 290, Boone County, Kentucky Records.

1-28-87

## PUBLIC HEARING

#4

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Vice-Chairman David Martin opened the Public Hearing on the request of T. L. Enterprises to change the existing zoning of property located at 7827 Tanners Lane, Florence, Kentucky (the vacant Wrangler Restaurant lot) from C-2 to C-3 to allow the retail sales and services of automobiles and boats. The 1.5428 acre site, located on the west side of Tanners Lane, just south of Tim Timberman Used Car Sales lot, is currently owned by T. L. Enterprises and is proposed to be leased to Tim Timberman, Inc.

Staff member Tom Breidenstein presented a brief history of the request along with a slide presentation and Staff Report. (See Staff Report)

Mr. Martin inquired if there were any questions or comments from the audience at this time.

Atty. Maureen Moore, representing Tim Timberman, detailed the three lots on Tanners Lane as being zoned C-3. Adjacent to this is property zoned C-2. They request this be rezoned to C-3 in order to allow their used cars and boat sales display. She stated the parcel was visible from I-75, they were presently getting the building ready on the inside. She noted there would be nothing done to the outside structure.

Mr. Martin asked for any comments or questions from the audience or the Commission.

Mr. Viox stated he wanted to address the applicant and stated that since Mr. Timberman had been coming before the Commission on previous requests, once regarding the Richter Phillips building and then the Scanlon Drug building. He stated the traffic on the interstate looked at the back of Tim Timberman's business and felt it was very unattractive. He felt that an overall plan to make this site along I-75 look more attractive, would be helpful to the community. Mr. Viox referred to the upper lot filled with gravel and stated it was originally supposed to be used for golf carts to transport new car prospects to show them the cars. However, it has ended up as a storage lot filled with cars. Also, behind Richter Phillips there was gravel and quite a bit debris and runoff, which makes this area quite unattractive. He felt maybe the owner did not realize how unsightly it was from the rear.

Mr. Don McMillian stated Tim Timberman had come before the Commission before and said the landscaping would be done, but never did it.

Mr. Don Davis agreed with both gentlemen. He noted that it was stated on the Concept Development Plan existing buildings and paving to be used for new automobiles and boat sales and service. He felt that everything on other sites of the applicant had been developed to the maximum intensity, and felt because of this, the attractiveness had been spoiled.

Mr. Larry Barnett asked if there would be a Site Plan for this zone change area. Mr. Costello stated yes, that they were making site changes. Mr. Barnett stated he would like to see the whole side, (Tim Timberman's entire car dealership) on Site Plan Review.

Mr. DeLong wanted to know if Tim Timberman was going to move any portion of the site across the street. Mr. Dan Crawford, Asst. Mgr. of Tim Timberman, Inc. stated he did not know anything about this.

Atty. Maureen Moore stated she would agree the property needed landscaping in the area, and would present this to the applicant.

Mr. Martin inquired for further discussion or comments, there being none, the Public Hearing #4 was closed. He stated the request would have action taken on it February 4, 1987 at 8:00 P.M., and anyone had any questions to come to the Planning Office.

There being no further discussion Mr. Martin closed the Public Hearing.

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

FEBRUARY 4, 1987

8:00 P.M.

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Chairman Kroger called the Business Meeting to order. Roll call was taken by staff member Barbara Reffitt. 12 members were present. Absent: Messrs. Burch, Martin and Slusher. All staff members were present. Atty. Dale Wilson was also present.

Minutes of the January 21, 1987 Business Meeting and the January 28, 1987 Public Hearing were considered. Mr. Rector Jones made a motion that the minutes be approved. Mr. William Viox seconded the motion. There being no further discussion, the motion carried unanimously.

Administration

Chairman Kroger inquired of bills to be paid. Mrs. Reffitt read bills to be paid: Staff Salaries and Benefits, \$2,334.53; Greg Sketch (engineer), \$332.50; Skees and Wilson, \$1,666.66; Tower Services Corp. (Harvey Pelley), \$500.00; County Employee Retirement System, \$915.84; Kentucky State Treasurer, \$490.10; Mileage, \$218.28; The Boone County Recorder (Legal Notices), \$863.65; Univ. of Kentucky - Ky. Geo. Survey (maps), \$71.25; Dixie Vending, \$9.00; American Planning Association, \$97.00; American Planning Association, \$87.00; Pflum, Klausmeier, & Wagner, \$1,420.00; GRW Engineers, Inc., \$500.00; EDM Business Interiors (office supplies), \$11.20; Jerry Rouse, County Clerk (recording fees), \$163.00; American Assoc. for State & Local History, \$195.60; H-Q Services & Offices (zone regs diskette), \$22.00; Ohio Blue Print, \$96.90; for a total of bills to be paid \$9,994.51. The bills paid were; Ky. State Treasurer (1-21-87), \$1,663.54; Ky. State Treasurer (1-21-87), \$40.03; Huntington Bank (People's Deposit), \$1,608.64; Huntington Bank, \$1,848.58; Staff Salaries (1-12-87 through 1-30-87), \$7,129.27; Joy Hacker (reimburse for gift for M. Cox), \$32.93; Mathis, Dallas, Frohlich (refund fees), \$167.00; Boone Co. Fiscal Court (Ordinance #19), \$311.86, for a grand total of \$22,796.36. Mr. Jones moved that all bills be paid as presented. The motion was seconded by Mr. Viox. The motion carried unanimously.

Chairman Kroger noted the Zoning Officer's Report; the Convenience Plat Report; and Building Permits for the Commission's review and comment. Hearing no questions or comments

1986 Boone County Comprehensive Plan. Reference to the Plan is made in the Staff Report.

Conditions

1. The applicant shall consider in subsequent subdivision reviews, a possible connection to the property located on the east and west sides of the proposed subdivision. Land on both sides may be suited for future expansion of the proposed subdivision or may be a similar type of development and an interconnection on either side may be appropriate to provide a secondary access.

2. The applicant shall carefully design the final layout of the subdivision in order to preserve the existing topography and avoid major grading of the two drainage basins.

3. The applicant shall be required to carefully locate the two major access points off Pleasant Valley Road and any other minor access points from individual lots. The proper location should be based upon traffic management control, safety and visibility.

Chairman Kroger asked Mr. Ray Erpenbeck if he was representing Paul Kahmann. Mr. Erpenbeck stated yes and that he was agreeable with the conditions.

Chairman Kroger referred to the Commission for discussion.

Mr. DeLong made a motion to approve the request by Resolution to the Boone County Fiscal Court. Mrs. Smith seconded. The motion carried unanimously.

Chairman Kroger made note for the record that each one of these motions were based on Findings of Facts contained in the Committee and Staff Reports.

Zoning Map Amendment - William Viox, Chairman; Tom Breidenstein, Staff

Request of T. L. Enterprises (owner) for a Zoning Map Amendment located at 7827 Tanners Lane, Florence, Kentucky. The 1.54 acre site is currently zoned Commercial Two and the request is to rezone the property Commercial Services (C-3). The intended use is for a Tim Timberman car and boat dealership.

Mr. Gerald Newton read the Committee Report requesting approval based upon Findings of Facts and subject to the following conditions:

REMARKS:

The Land Use element of the 1986 Boone County Comprehensive Plan states:

The visual appearance of the Mall Road in particular, and all commercial areas in general, needs to be high validity in terms of landscaping, buildings, signs, and overall site lay out. Careful attention at any review stage for the aesthetical impact must occur in conjunction with technical reviews.

The visual appearance of the City that is presented to travelers along Interstate 75 is very important to the image of the City. The Committee would like to take the opportunity, during this review stage, to stress to the applicant its view of the entire Tim Timberman automobile complex.

The lack of quality landscaping and the apparent overcrowding of these lots are the Committee's major concerns. We would urge the applicant to independently, as not a part of the zone change request, improve the visual appearance of the existing new and used car lots.

Concerning the zone change request, we, the Committee, recommend approval based upon the following findings of fact and subject to the following conditions:

#### Findings of Facts

1. The proposed rezoning is in compliance with the 1986 Boone County Comprehensive Plan, especially page L-19 which states:

Underdeveloped tracts of commercial land need to tie in and coordinate with any adjoining commercial or industrial development if it exists.

Other references to the Comprehensive Plan can be found in the Staff Report.

2. The 1986 Future Land Use map indicates the future use of this property to be commercial.

#### Conditions

1. That the applicant agree to limit free-standing signage to the existing Wrangler sign or to a new sign with the same (or smaller) square footage and height (or shorter). Building mounted signage should be as permitted in Article 19 of the Boone County Zoning Regulations.

2. That the applicant retain the existing lighting fixtures whose design has been integrated with the building design.

Wattage of these lights should be of an intensity so as not to create a nuisance or hazard to adjoining uses, especially Interstate 75.

3. That the applicant agree to park or store all cars and boats for sale or awaiting service on areas paved with blacktop or concrete.

4. That changes in parking requirements, display areas, driveway aisles and parking lot connections be finalized during Site Plan Review.

5. That the applicant make an effort to retain the existing landscaping near the building and to increase the amount of landscaping along property lines to buffer adjoining land use.

Chairman Kroger asked if there were comments or questions regarding this request.

Ms. Maureen Moore, Atty. for Tim Timberman stated she had no objections and agreed with the conditions of the Committee Report. She discussed the lighting problems along with the crowded conditions, and stated they would be taken care of.

Chairman Kroger asked if there were further comments or questions.

Chairman Kroger referred the request to the Commission. Mr. Viox moved by Resolution the request be granted based on Staff and Committee Reports and be sent to the City of Florence. Mr. McMillian seconded the motion.

Chairman Kroger asked if there was any further discussion.

Mr. McMillian stated that the wording in the Public Hearing stated this to be a used car and boat facility, and asked if there was a difference. Chairman Kroger questioned Mr. Newton as to there being compatible uses in the same zone and are they permitted to be utilized together. Mr. Newton stated yes. Chairman Kroger asked Ms. Moore what she thought the use would be of the particular site. She stated new and used cars and boats.

Mr. Tom Breidenstein stated this subject matter was brought to the attention of Staff because the applicant was parking employee and used cars on the site. At the Public Hearing it was stated that the request was for new and used cars and boats.

Chairman Kroger stated the minutes of the Public Hearing, particularly paragraph 4, reflect that Ms. Moore indicated the request was for the sale of new and used cars and boats, and they requested to rezone the property C-3 in order to allow their used cars and boat sale display. The presented request is from the

## Staff Report.

Chairman Kroger referred to the Commission and stated there was a motion and second on the floor for approval of the request based on the conditions in the Committee Report and those Conditions have been agreed upon. Chairman Kroger asked if there was any further discussion. There being none, the motion carried unanimously.

Chairman Kroger stated the next item was a Site Plan Review. He stated he would like to go through Items 6 through 12, all being Site Plan Reviews reviewing only the Committee Reports. If Staff does not object and if members of the Commission did not object, the Staff Reports would not be read on these requests. He felt we could move quickly through the items. He also stated if there were any questions or conditions, staff should alert the Commission. He referred to the copies of the Staff Reports, which each one had in their packet. Mr. Newton stated he would like to have the Staff Report read on Item #8.

Site Plan Review - Lawrence Collins, Chairman; Jim Sturdevant, Staff

Request of America's Choice, Inc. (applicant) for Carl Jackson (owner) for Site Plan Review to construct a 1,104 square foot mobile home sales building off KY 14 & 16, Walton, Kentucky. The 1.07 acre site is zoned Commercial Services (C-3).

Mr. Gerald Newton read the Committee Report and recommended approval based upon Staff and Engineer's Reports.

Mr. Barnett moved the request be approved. Mr. Davis seconded this motion.

Chairman Kroger asked for any further discussion.

Mr. Sturdevant stated he wanted to inform the Commission that on the America's Choice site, the applicant has indicated that the temporary office will be a mobile home unit. The applicant has submitted a letter stating that this will not be a permanent part of the site once the future building is completed.

Chairman Kroger asked for any further discussion. There being none the motion carried unanimously.

Site Plan Review - David Martin, Chairman; Kevin Costello, Staff

Request of Pete D. Sharpe (applicant) for John Robertson (owner) for Site Plan Review to construct warehouse addition on Lot 17, Distribution Drive off Limaburg Road, Boone County, Kentucky. The 2.30 acre site is zoned Industrial One (I-1).

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Viox, Chairman

DATE: February 4, 1987

RE: Request of T.L. Enterprises (owners) for a Zoning Map Amendment located at 7827 Tanners Lane, Florence, Kentucky. The 1.54 acre site is currently zoned Commercial Two and the request is to rezone the property Commercial Services (C-3). The intended use is for a Tim Timberman car and boat dealership.

REMARKS:

The Land Use element of the 1986 Boone County Comprehensive Plan states:

The visual appearance of the Mall Road in particular, and all commercial areas in general, needs to be high quality in terms of landscaping, buildings, signs, and overall site lay out. Careful attention at any review stage for the aesthetical impact must occur in conjunction with technical reviews.

The visual appearance of the City that is presented to travelers along Interstate 75 is very important to the image of the City. The Committee would like to take the opportunity, during this review stage, to stress to the applicant its view of the entire Tim Timberman automobile complex.

The lack of quality landscaping and the apparent over-crowding of these lots are the Committee's major concerns. We would urge the applicant to independently, as not a part of the zone change request, improve the visual appearance of the existing new and used car lots.

Concerning the zone change request, we, the Committee, recommend approval based upon the following findings of fact and subject to the following conditions:

Findings of Fact

1. The proposed rezoning is in compliance with the 1986 Boone County Comprehensive Plan, especially page L-19 which states:

Underdeveloped tracts of commercial land need to tie in and coordinate with any adjoining commercial or industrial development if it exists."

Other references to the Comprehensive Plan can be found in the Staff Report.

2. The 1986 Future Land Use map indicates the future use of this property to be commercial.

Conditions

1. That the applicant agree to limit free-standing signage to the existing Wrangler sign or to a new sign with the same (or smaller) square footage and height (or shorter). Building mounted signage should be as permitted in Article 19 of the Boone County Zoning Regulations.

2. That the applicant retain the existing lighting fixtures whose design has been integrated with the building design. Wattage of these lights should be of an intensity so as not to create a nuisance or hazard to adjoining uses, especially Interstate 75.

3. That the applicant agree to park or store all cars and boats for sale or awaiting service on areas paved with blacktop or concrete.


4. That changes in parking requirements, display areas, driveway aisles and parking lot connections be finalized during Site Plan Review.

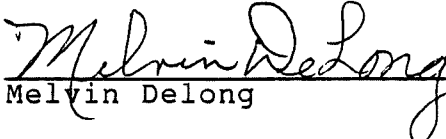
5. That the applicant make an effort to retain the existing landscaping near the building and to increase the amount of landscaping along property lines to buffer adjoining land use.

  
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William Viox, Chairman

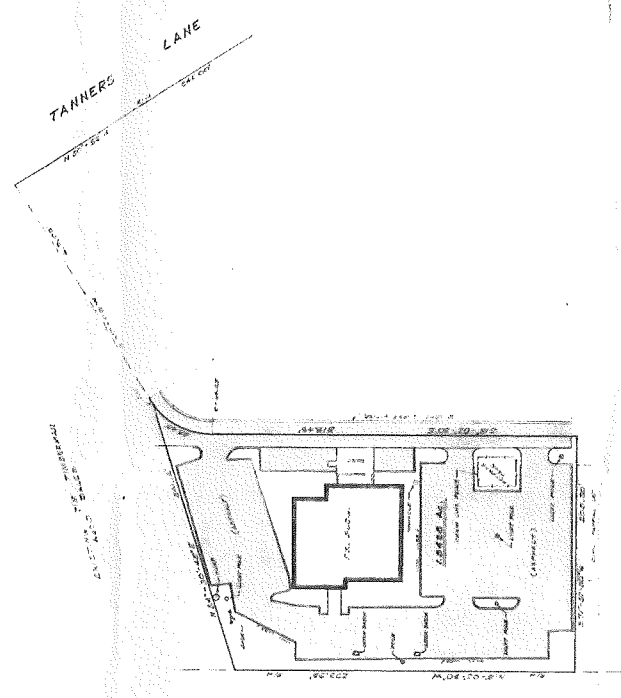
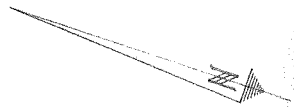
  
\_\_\_\_\_  
Larry Barnett

\_\_\_\_\_  
Rector Jones

  
\_\_\_\_\_  
Donald Davis

  
\_\_\_\_\_  
Melvin DeLong

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Fred Burch



PROJECT: THE TIMBERMAN INC.  
 100 TANNERS LANE  
 FLORENCE, KY  
 KY 40302  
 TEL: 502-338-2000

NOTE: EXISTING BUILDING AND DRIVE TO BE USED FOR NEW AUTOMOBILE AND BOAT SALES & SERVICE.

PROPOSED ADDITION		TIMBERMAN SALES & SERVICE	
TANNER	1-20	1-20	1-20
1-20	1-20	1-20	1-20
TANNER, LANE		FLORENCE, KY	
1-20-86		1-20-86	

842  
R-10-87

ORDINANCE NO. 0-5-87

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE COMPRISING A 1.5428 ACRE TRACT LOCATED IN THE CITY OF FLORENCE, KENTUCKY, SUCH ZONE CHANGE BEING FOR PROPERTY LOCATED ON THE WEST SIDE OF TANNERS LANE, AT 7827 TANNERS LANE, THIS ZONE CHANGE BEING FROM ITS PRESENT ZONE OF COMMERCIAL TWO (C-2) TO A COMMERCIAL SERVICES (C-3) ZONE, SUBJECT TO AND CONDITIONED UPON AN AGREED CONCEPT DEVELOPMENT PLAN. (T. L. ENTERPRISES PROPERTY)

WHEREAS, the City of Florence, Kentucky is a member of a county-wide planning unit, known as the Boone County Planning Commission, and

WHEREAS, the Boone County Planning Commission has recommended that certain real estate comprising 1.5428 acres located, generally, on the west side of Tanners Lane, such property being in Florence, Kentucky should be rezoned from its present Commercial Two Zone to a Commercial Services (C-3) Zone, and

WHEREAS, this recommendation from the Boone County Planning Commission is based upon certain findings which have been reviewed by the City Council of Florence, Kentucky and is subject to and conditioned upon an agreed concept development plan.

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

SECTION I

That certain real estate comprising a 1.5428 acre tract located within Florence, Kentucky located on the west side of Tanners Lane, at 7827 Tanners Lane, shall be and the same is hereby rezoned from its present Commercial Two (C-2) Zone to a Commercial Services (C-3) Zone, subject to and conditioned upon an agreed concept development plan, such real estate being more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference.

SECTION II

That the zoning map of Boone County, Kentucky as it applies to the City of Florence, Kentucky shall be amended or changed to reflect the rezoning of the real estate set forth in Section I of this Ordinance.

SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change matter shall be and is hereby adopted and approved by the City Council of Florence, Kentucky, which accepts the findings of the Boone County Planning Commission for this zone change.

SECTION IV

That this rezoning is subject to the conditions and provisions of the zone change request, including its development plan, which are agreed to by applicant/property owner.

SECTION V

This rezoning is subject to and conditioned upon the Committee Report of the Boone County Planning Commission which was accepted by the applicant/owner for the rezoning request and became part of the development plan for this rezoning. A copy of this Committee Report is attached, marked Exhibit "B" and incorporated by reference herein as if fully set out.

SECTION VI

That in the event the rezoning of this property 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 this rezoning on this particular piece of property, and are intended to continue to have effect irregardless of any invalidity to this particular rezoning.

PASSED AND APPROVED ON FIRST READING THIS 10<sup>th</sup> DAY OF March, 1987.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 24<sup>th</sup> DAY OF March, 1987.

APPROVED:

Boyer A. Polja  
MAYOR

ATTEST:

Steph Conrad  
CITY CLERK