

REQUEST OF DAVID A. KOENIG (APPLICANT) FOR  
SUBURBAN MOTORS, INC. (OWNER) FOR A ZONING MAP AMENDMENT  
FROM COMMERCIAL TWO (C-2) AND SUBURBAN RESIDENTIAL TWO (SR-2)  
TO COMMERCIAL SERVICES (C-3)

This request is a Zoning Map Amendment on a +3.72 acre site located at 6619 Dixie Highway, south side of Dixie Highway and on both sides of Goodridge Drive, Florence, Kentucky. The request is to rezone the site from Commercial Two (C-2) and Suburban Residential Two (SR-2) to Commercial Services (C-3). The +3.72 acre site consists of five (5) parcels as shown on the submitted Concept Development Plan. Parcels 1-4 are presently zoned Commercial Two (C-2), while Parcel five (5) is zoned Suburban Residential Two (SR-2). A single-family residence is located on Parcel five (5), while an existing automobile dealership is located on Parcels 1-4. Currently, the automobile dealership is a pre-existing non-conforming use in the Commercial Two (C-2) zone.

SURROUNDING LAND USES AND ZONING

The surrounding land uses near the +3.72 acre site consist of the following:

North - Commercial  
South - Residential (single-family and multi-family --  
Parkland Apartments)  
East - Commercial and residential (single-family)  
West - Commercial and residential (multi-family -- Parkland  
Apartments)

In addition, the surrounding zoning consists of Commercial Two (C-2) to the north, Suburban Residential Two (SR-2) to the south and both C-2 and SR-2 to the east and west of the +3.72 acre site.

NATURAL FEATURES OF THE SITE

Approximately 2.99 acres of the entire is presently used as an automobile dealership with the sales and service of new and used vehicles. The site slopes from north to south, where storm water runoff from the site is directed towards the southwest corner of the site. A existing slat wooden fence exists on the west property line next to Parkland Apartments.

RELATIONSHIP TO COMPREHENSIVE PLAN

The Zoning Map Amendment request is being examined in relation to the Boone County Comprehensive Plan to determine whether it is consistent with the Plan's objectives and recommendations. The general area is referred to in a number of

ways.

The 1986 Future Land Use Maps shows the ultimate development of this and all adjoining lands as High Density Residential, which is a general classification for residential developments ranging from eight (8) or more units per acre.

In addition, the text describes the following in reference to the area surrounding the site.

Page L-19 refers to the need to protect existing residential communities from inappropriate infilling and keeping commercial land uses near arterial roads.

"Overall, the existing residential communities must be protected from inappropriate infilling and remain buffered from the increasing industrial and commercial development within the city.

Commercial development in this section will remain near the arterial roads or close to the interstate. This 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."

Page B-14 discusses the dominance of commercial land uses in Florence in relation to the entire county.

"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."

Page G-3 states the objectives of the "Business Activity" section of the Comprehensive Plan.

Objectives:

Compact, efficient development patterns shall be encouraged for commercial and industrial development by maintaining buffer space between uses.

Commercial

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 practicable, to occur in the form of shopping

centers or other compact aggregations having an integrated design.

3. The mixing of commercial and non-commercial uses shall occur only in planned developments and replanned older areas where consideration can be given to minimizing harmful environmental influences.

In summary, the Boone County Comprehensive Plan recommends High Density Residential and Commercial land uses by reference to the text of the document for the area near U.S. 25.

#### SUBURBAN MOTORS, INC. CONCEPT DEVELOPMENT PLAN

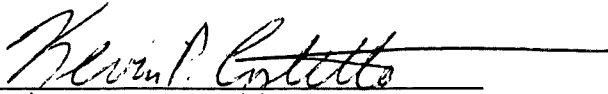
The applicant has submitted a Concept Development Plan showing the existing conditions of the +3.72 acre site. The planned improvements for the site include the construction of a slat wooden fence to be placed on the south side of the site and to screen both the multi-family development and the single-family residence. Other plantings and another type of fence are being planned on the west side of Goodridge Drive. The intent is for the applicant to remove the existing structures on Parcel five (5) and use this lot for additional storage. No additional structures are being planned for the +3.72 acre site.

#### STAFF CONCERNS

1. Lack of Parking Layout for Parcel 5 - The plan does not show a preliminary layout of vehicles stored on Parcel five (5). Also, there is no capacity or limit to the number of vehicles stored on site, which may at times be a severe impact on the residential character of the neighborhood.
2. Sufficient Screening - A sufficient landscaping screen should be established along Sanders Drive and immediately next to the single-family residence south of the site. The residential character of the neighborhood should be protected as much as possible when vehicles are stored on Parcel 5. Lighting on the parcel should be kept at a minimum to protect abutting residential uses.
3. Stormwater Runoff and Paving the Site - The entire site should be analyzed for proper stormwater management. This is important because of the projected increase in paved surface.
4. Proper Circulation within the Site - An effort should be made to re-examine circulation including storage and display areas within the site especially along Goodridge Drive where the residential traffic mixes with the commercial traffic. Presently, customer traffic must have to "back out" from the body shop and parts department.

CONCLUSION

In conclusion, the Planning Commission should evaluate this request based upon the Comprehensive Plan, existing land uses and the criteria for granting a zone change. If the Planning Commission and the ~~Boone County~~ <sup>City of Florence</sup> Fiscal Court approve this request, the Zoning Map, and Land Use Map would need to be changed.



Kevin P. Costello  
Asst. Director/Sr. Planner

KPC/jdh



"EXHIBIT A"Legal Description  
SUBURBAN MOTORS INC.PARCEL IGroup No. 59 Plat Book 1, Page 50

Being all of Lots No. 1, 2, 3, 4, 5, 10, 11, and 12 of Non-Pareil Park Subdivision as same is shown of record on Plat recorded in Plat Book 1, page 50, of the Boone County Clerk's records at Burlington, Kentucky.

Being the same property conveyed to Suburban Motors, Inc. by deeds as follows: from Alader Sule and Elsa Marie Sule, husband and wife, dated February 28, 1959, and recorded in Deed Book 136, Page 146; from Clifford M. Heisel and Elsa Groll Heisel, husband and wife, dated February 28, 1959, and recorded in Deed Book 136, Page 150; from James A. Warman and Marjorie F. Warman, husband and wife, dated October 22, 1976, and recorded in Deed Book 223, Page 332; and from Nollcrest, Inc. dated January 31, 1986, and recorded in Deed Book 360, Page 262.

PARCEL IIGroup No. 61 Plat Book 1, Page 50

Situate in the City of Florence, County of Boone, and Commonwealth of Kentucky, and more particularly described as follows:

Beginning at the Northeast corner of the Dixie Highway and Goodridge Drive; thence extending Northwardly along the East line of the Dixie Highway 127.43 feet to the Southwest corner of the Hudson property, also a corner to Lots 41 and 42 of Non-Pareil Park Subdivision; thence extending along the South line of Lot 42 of said subdivision a distance of 185.25 feet to the alley in the rear; thence Southwardly along the West line of said alley to the North line of Goodridge Drive, a distance of 99.5 feet; thence Westwardly along the North line of Goodridge Drive to the Dixie Highway and place of beginning, a distance of 187.34 feet. Being Lots 42 and 40 of

the Non-Parcel Subdivision, excepting such part which was taken and is occupied by the right of way of the Dixie Highway.

Being the same property conveyed to Suburban Motors, Inc. by deed from C.D. Seiler and Lena R. Seiler, husband and wife, dated June 29, 1961, and recorded in Deed Book 149, Page 350.

PARCEL III

Group No. 59 Plat Book 1, Page 50

Situated in the State of Kentucky, County of Boone, City of Florence, and being part of Lots 13 and 14 of Non-Parcel Park Subdivision and being more particularly described as follows:

Beginning at a spike at the southwest corner of Dixie Highway (U.S.25) and Goodridge Drive; thence with the west line of said Goodridge Drive, south 31° 58' 48" east, 499.27' to an old concrete gate post; thence leaving the west line of said Goodridge Drive, south 60° 20' 12" west, 184.56' to a set iron pin and cap; thence north 39° 52' 41" west, 149.27' to a set iron pin and cap; thence north 60° 04' 00" east, 205.05' to a set iron pin and cap; thence south 31° 58' 48" east, 148.00' to the real place of beginning. Containing 0.6593 acres and being subject to all highways and easements of record.

Being the same property conveyed to Suburban Motors, Inc. by deed from Marcella M. Dressman dated August 24, 1977, and recorded in Deed Book 236, Page 22.

All references are to the Boone County Clerk's records at Burlington, Kentucky.

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #3  
May 27, 1987

Page One

Mr. David Martin, Vice Chairman, opened the Public Hearing for the third item on the agenda:

3. Applicant: David A. Koenig for Suburban Motors, Inc. (owner)  
Request: Zoning Map Amendment

This was a Public Hearing on the request of David A. Koenig (applicant) for Suburban Motors, Inc. (owner) for a Zoning Map Amendment on a 3.72-acre (approx.) site located at 5619 Dixie Highway in Florence, Kentucky. The request is to rezone the property from Commercial Two (C-2) and Suburban Residential Two (SR-2) to Commercial Services (C-3). The intended use is to expand the present automobile dealership.

Staff Member, Kevin Costello, presented slides of the site.

Mr. David Koenig stated that he is the applicant and also represents Suburban Motors, Inc.. He stated that the automobile industry is competitive and it is necessary to expand the inventory. Mr. Koenig distributed copies of a report entitled, "Suburban Motors, Inc., Application for Zoning Action Additional Information", to the Commission members. He reviewed the contents of the report which included financial information (number of employees, payroll, income, and taxes). Also included was a report indicating that the proposed zone change does not conflict with the Comprehensive Plan and reasons why the proposed zoning classification is appropriate for the site. A copy of Mr. Koenig's report is available in the Staff Office. Mr. Koenig stated that the proposed expansion site contains buildings which will be razed. The site will be paved and landscaped. He added that there will be no new access points on Goodrich Drive. The proposed rezoning will also relieve some of the traffic congestion on Goodrich Drive because it will provide additional space for car carriers.

Mr. Dave Roberts, architect, indicated the boundaries of the site and noted the traffic flow pattern within the site and also onto Dixie Highway. He stated that the owner will cooperate with the neighbors in regard to landscaping and buffering of the site.

Staff Member, Kevin Costello, presented the Staff Report, noting the Comprehensive Plan recommendations for the area. He also discussed Staff's concerns regarding parking, screening, stormwater management, and circulation within the site.

Vice Chairman Martin asked if there was anyone present who wished to comment on the request, or if there were any questions.

Mr. John Connelly, 6708 Dixie Highway, stated that his property is right across the street from the site. He stated that if the zone change would benefit the businesses on Dixie Highway, he would be in favor of it. However, he does not see how it would benefit the residents of Goodrich Drive. Mr. Connelly added that trucks come onto Goodrich Drive and get onto the residents' properties.

Mr. Bill Nie, 6 Goodrich Drive, stated that the police will not do anything about the situation with the trucks on Goodrich Drive. He stated that he worked for Suburban Motors, Inc. in 1978 and at that time employees would be requested to stop traffic on Dixie Highway to let the trucks back out. He asked why a buffer had not been put up to screen the body shop.

Mr. Bill Stanton, 35 Goodrich Drive, stated that parking is only allowed on one side of Goodrich Drive. He asked that Suburban Motors be requested not to park in the right-of-way.

Thelma Marksberry, 10 Goodrich Drive, stated that trucks pull right out in front of people on Goodrich Drive. She added that the police ignore her when she calls about the situation. Mrs. Marksberry asked who would see to it that the buffer area is provided.

Mr. Marksberry, also of 10 Goodrich Drive, asked if the additional lot would be paved. He noted that there is a lot of dust on the back lot, which is gravel. Mr. Marksberry asked for additional information regarding the screening. He stated that the trucks block traffic on Goodrich Drive and also back out onto Dixie Highway, and the police will do nothing about it. He commented that emergency equipment would not be able to get through on Goodrich Drive when the trucks are parked on the wrong side of the street.

Marcella Dressman, 7 Goodrich Drive, stated that she would like for Mr. Bob Noel to come forward and tell the Commission what he had told her.

Vice Chairman Martin asked if there were any further comments or questions.

Mr. Connelly added that there is a bad water condition at the entrance on Goodrich Drive. He stated that the water drains down onto his property. He has contacted the highway department. Mr. Connelly suggested that the issue of drainage be addressed before the zone change is allowed. He added that parking should be allowed on one side only of Goodrich Drive.

Mr. Bob Noel, 6619 Dixie Highway, stated that they would replace the fencing along Mrs. Dressman's property with a 10-foot high woven slat fence.

Vice Chairman Martin asked if there were any comments or questions from the Commission.

Mrs. Smith questioned the policy of unloading trucks on Goodrich Drive.

Mr. Noel stated that he does not employ the truck drivers and cannot control where they unload. He said there are signs up telling them where to unload, and the information is also on the Bills of Lading. In response to comments from Mr. Jones, Mr. Noel added that they want unloading done on the lot, but they do not know how to control the truck drivers.

In response to questions from Mr. Davis, Mr. Noel stated that the lot will be blacktopped. The paving will be done immediately following the razing of the buildings, weather permitting. In the meantime, they will continue to park vehicles on the grass area. Mr. Davis noted that this parking is in violation.

Mr. Barnett requested that the applicant address the concerns indicated in the Staff Report.

Mr. Koenig stated that the Staff's concerns will be addressed in the Site Plan Review.

Mr. Martin stated that this request will be on the Business Meeting Agenda on June 3, 1987 at 8 P.M.. He advised all interested parties to keep in contact with the Staff regarding this item.

Hearing no further comments or questions, Mr. Martin closed this Public Hearing.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval based on the findings of fact and subject to conditions (see Committee Report).

Vice Chairman Martin asked if the applicant wished to comment on the findings or the conditions.

Mr. Jim Woltermann, speaking in behalf of the applicant, stated that they have submitted a new plan indicating that the access to Ashcraft Lane has been removed to comply with the Committee's recommendation. He added that they are agreeable to the conditions contained in the Committee Report.

Vice Chairman Martin asked if there were any comments or questions from the floor or the Commission.

Mr. DeLong stated that the residents of the area are concerned about the buffering, drainage, and lighting of the site. He asked the applicant to provide extra landscaping so that the residents will be protected.

Mr. Burch moved, seconded by Mr. Davis, that the request be approved as recommended in the Committee Report, subject to the conditions. He added that a resolution to this effect should be sent to the appropriate legislative body. The motion carried unanimously.

### 3. Zoning Map Amendment

A request of David A. Koenig (applicant) for Suburban Motors, Inc. (owner) for a Zoning Map Amendment on a 3.72-acre (approx.) site located at 6619 Dixie Highway in Florence, Kentucky. The request is to rezone the property from Commercial Two (C-2) and Suburban Residential Two (SR-2) to Commercial Services (C-3). The intended use is to expand the present automobile dealership.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval based on the findings of fact and subject to conditions (see Committee Report).

Vice Chairman Martin asked if the applicant wished to comment on the Committee Report.

Mr. David Koenig stated that they are agreeable to the conditions in the Committee Report.

Vice Chairman Martin asked if there were any comments or questions from the floor or the Commission.

Mr. Neltner stated that the applicant had indicated at the Public Hearing that he could not control where the trucks unloaded. He noted that one of the conditions indicated in the Committee Report is that unloading be controlled. He asked the applicant for his comments.

Mr. Koenig stated that they will take whatever steps are necessary to get the car carriers off Goodrich Drive. He added that they will contact General Motors Transportation, which controls the carriers. They will also contact Chief Callen regarding police enforcement. He noted how traffic circulation within the site will be handled.

Mr. Davis moved that the request be approved as indicated in the Committee Report and subject to the conditions noted, with a recommendation to the local legislative body. Mr. Greene seconded the motion and it carried unanimously.

4. Concept Development Plan and Zoning Map Amendment

A request of TRP Associates (applicant) and Mary Ellen Foltz (owner) for the Utilization of an Underlying Zone in Planned Development and for a Zoning Map Amendment on a 36-acre (approx.) site located on the southwest corner of Houston Road and the Turfway Connector in Florence, Kentucky. The request is to utilize the current C-2/PD and I-1/PD zones for approximately 24 acres and change the zone on a 12-acre site from I-1/PD to C-2/PD.

Mr. Gerald Newton, Director, and Mr. Kevin Costello, Staff Member, read the Committee Report which recommended approval based on the findings of fact and subject to conditions (see Committee Report).

Vice Chairman Martin asked if the applicant wished to comment on the Committee Report.

Mr. Bob Gramann of GBBN Architects stated that they have met with the Staff and the Committee and agree to all the conditions in the Committee Report.

Vice Chairman Martin asked if there were any comments or questions from the floor or the Commission.

Mr. DeLong suggested that some pedestrian traffic alignment provisions be made when development occurs.

Mr. DeLong moved that the request be approved as recommended in the Committee Report, subject to the conditions, and that a resolution be sent to the appropriate legislative body. Mr. Jones seconded the motion. Mr. Hemmer abstained from voting as he is connected to the partnership developing the project. The motion carried unanimously.

6. Concept Development Plan

A request of Gary Herrmann (applicant) for Marathon Petroleum Co. (owner) for Utilization of an Underlying Zone. The 1.48-acre site is on the northeast corner of KY 18 and Commerce Drive in Florence, Kentucky, and is zoned Commercial Services/Planned Development (C-3/PD).

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Larry Barnett, Chairman

DATE: June 3, 1987

RE: Request of David A. Koenig (applicant) for Suburban Motors, Inc. (owner) for a Zoning Map Amendment on a +3.72 acre site located at 6619 Dixie Highway, Florence, Kentucky. The request is to rezone the property from Commercial Two (C-2) and Suburban Residential Two (SR-2) to Commercial Services (C-3). The intended use is to expand the present automobile dealership.

REMARKS:

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

FINDINGS OF FACT

1. The submitted Concept Development Plan and zone change request is consistent or in agreement with the text of the 1986 Boone County Comprehensive Plan.

"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."

Also, the Comprehensive Plan suggests that compact, efficient development patterns with appropriate buffer space between uses shall be encouraged. The Comprehensive Plan mentions that commercial uses shall be located at strategic locations or next to trade areas or parking areas. The mixing of commercial and non-commercial uses shall occur in replanned older areas. References to the Comprehensive Plan are made in the Staff Report.

2. The proposed zoning classification (C-3) is appropriate because of its close proximity to Dixie Highway and to existing commercial land uses. The proposed zoning classification also allows the present use of the property to be conforming.

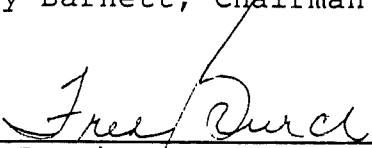
CONDITIONS

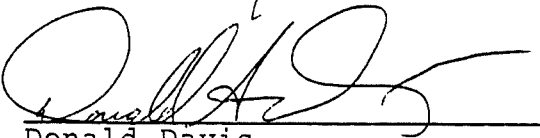
1. Both the Concept Development Plans submitted at the Public Hearing and at the Committee meeting will be part of this record.
2. The unloading of vehicles from auto/truck carriers shall only be allowed on the 3.72 acre site (not on Goodridge Drive) designated on the Concept Development Plan dated June 1, 1987.
3. Specific landscaping features such as tree plantings and fencing, parking lot resurfacing and arrangement, improving vehicle circulation and storm water management within the site shall be addressed at Site Plan Review. If the zone change request is approved by the City Council of Florence, then the owner shall be required to submit a Site Plan to the Boone County Planning Commission within one year of the final approval date by the City of Florence. If for some reason this time period is unachievable, then the owner may seek an extension from the Zone Change Request Committee. The Committee wishes to emphasize that the south lot line on Parcel #2 and the east and south lot line on Parcel #5 need to be properly landscaped to visually separate the residential and commercial land uses. A combination of tree plantings, fence, and a possible berm will help mitigate any intrusion.
4. Any proposed lighting on Parcel #5 shall be limited so as to not visually impair neighboring residential uses.

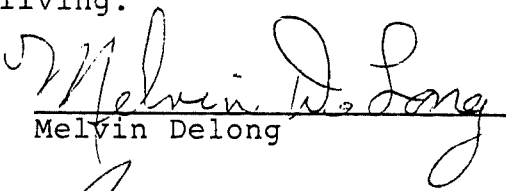
CONCLUSION

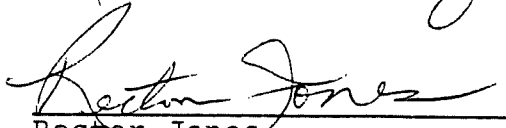
The Committee wishes to emphasize the need to properly screen this development and protect the neighboring residential uses. The Committee appreciates the owner's desire to expand its present business and to improve circulation both within the development and on Goodridge Drive. The Committee would like the owner to work with the staff and the City of Florence in finalizing plans to improve the site and continue making the general area suitable for residential living.

\_\_\_\_\_  
Larry Barnett, Chairman

  
\_\_\_\_\_  
Fred Burch

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

  
\_\_\_\_\_  
Melvin Delong

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

\_\_\_\_\_  
William Viox

**D. DRIGHAM ROBERTS**  
 ARCHITECT & ASSOC. INC.  
 3126 Dixie Hwy. Erlanger, Kentucky  
 606-341-4000  
 41018

date	5/2/77
drawn by	RWB
no. revision	
date	

**Suburban Chevrollet, Inc.**  
 6217 Dixie Highway,  
 Florence, Kentucky

**ZONE CHANGE REVIEW**  
 CONCEPT DEVELOPMENT PLAN

Sheet No. C-1  
 of 1



Approved: *John Roberts*  
 JOHN ROBERTS  
 PLANNING COUNTY ENGINEER

**SITE PLAN**  
 1/8" = 1'-0"

U.S. 25  
 DIXIE HIGHWAY

Sheet  
 10-2

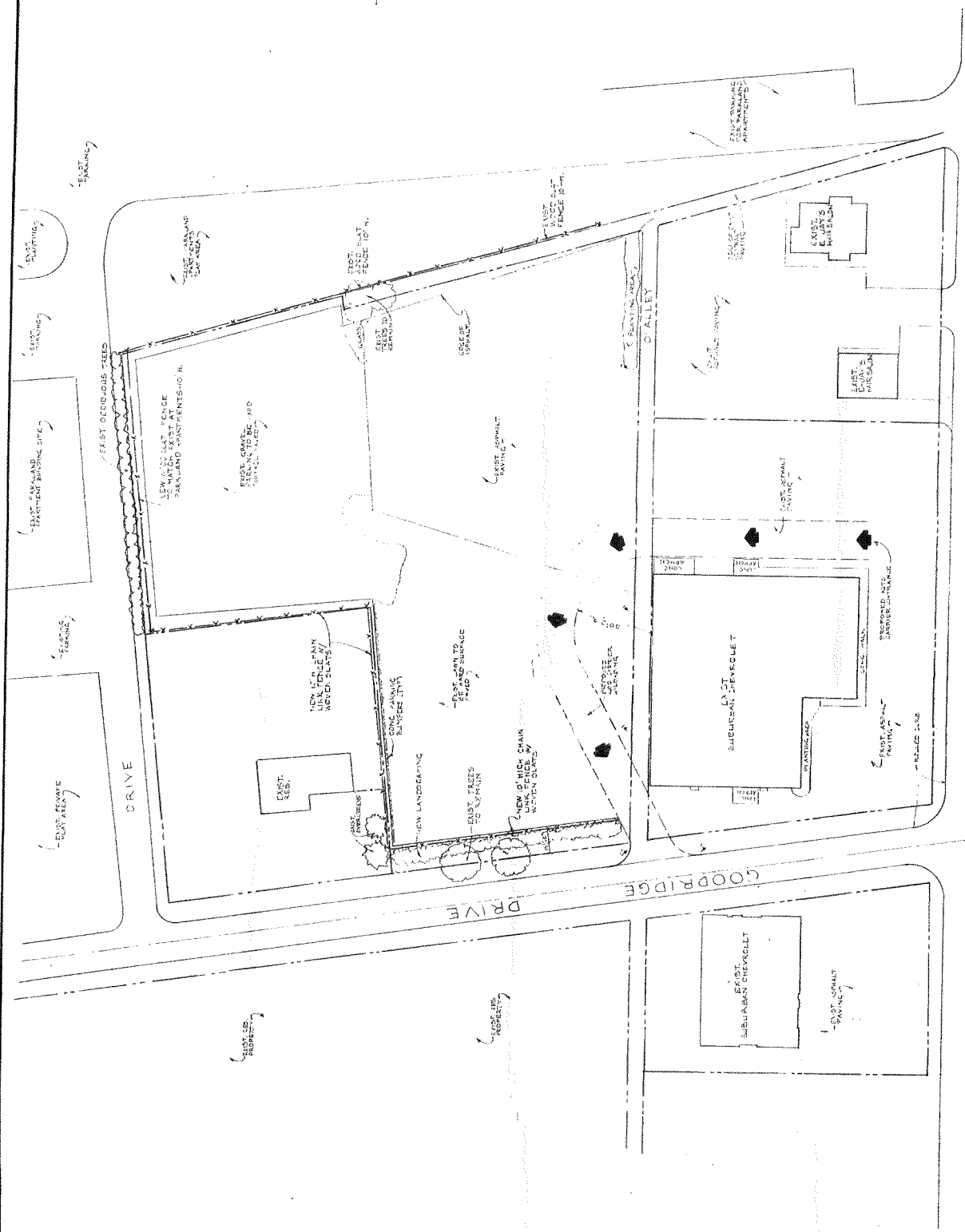
Title  
 SITE PLAN

Description  
 SUBURBAN CHEVROLET, INC.  
 419 DIXIE HIGHWAYS  
 FLORENCE, KENTUCKY

no.	revision	date
		6/1/87

Drawn by  
 RWP

D. DRIGHAM ROBERTS  
 ARCHITECT & ASSOC. INC.  
 3126 Dixie Hwy. • Erlanger, Kentucky  
 606-341-4000  
 41018



DIXIE HIGHWAY

SITE PLAN  
 1" = 30' 0"

U. S. 25

ORDINANCE NO. 0-25-87

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, SUCH ZONE CHANGE BEING FOR PROPERTY LOCATED, GENERALLY, ON GOODRIDGE DRIVE NEAR ITS INTERSECTION WITH DIXIE HIGHWAY, THIS ZONING CHANGE BEING FROM ITS PRESENT ZONE OF COMMERCIAL TWO, C-2, AND SUBURBAN RESIDENTIAL TWO, SR-2, TO A COMMERCIAL SERVICES, C-3, ZONE, SUBJECT TO A CONCEPT DEVELOPMENT PLAN. (SUBURBAN MOTORS, INC. 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 located, generally, on Goodridge Drive near its intersection with Dixie Highway in Florence, Kentucky, should be rezoned from its present Commercial Two and Suburban Residential Two, C-2 and SR-2, Zones to a Commercial Services, C-3, Zone subject to an agreed Concept Development Plan, 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.

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

#### SECTION I

That certain real estate located on Goodridge Drive near its intersection with Dixie Highway in Florence, Kentucky, shall be and the same is hereby rezoned from its present Commercial Two and Suburban Residential Two, C-2 and SR-2, Zones, to a Commercial Services, C-3, Zone, subject to an agreed Concept Development Plan, such real estate being more particularly described in Exhibit "A", attached hereto and incorporated herein by reference as if fully set out.

#### 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 and Exhibit "A" 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 and the Boone County Planning Commission recommendation which are agreed to by applicant/property owner.

SECTION V

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 relating to this particular zoning.

PASSED AND APPROVED ON FIRST READING THIS 14<sup>th</sup> DAY OF July, 1987.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 28<sup>th</sup> DAY OF July, 1987.

APPROVED:

Boyer R. Polfer  
MAYOR

ATTEST:

Steve Conrad  
CITY CLERK