

REQUEST OF CHELSEA MOORE CORPORATION (OWNER)  
FOR A ZONING MAP AMENDMENT ON A ±0.5 ACRE SITE  
LOCATED ON THE EAST SIDE OF UTTERBACK ROAD, FLORENCE, KENTUCKY

JUNE 28, 1989

This is a request of Chelsea Moore Corporation (owner) to change the zoning in order to correct a potential zoning map error. The request is to rezone a ±0.5 acre portion of the 20.44 acre Chelsea Moore property from Suburban Residential One (SR-1) to Commercial Two (C-2).

The site was the subject of an appeal to the Boone County Board of Adjustments of a zoning map interpretation made by the Zoning Administrator for Boone County that the ±0.5 acre site is zoned Suburban Residential One (SR-1). The appeal was withdrawn when it was decided that the proper method of obtaining the applicant's desired zoning on the site was to request a Zoning Map Amendment. If this request were approved, the entire 20.44 acre tract as shown in the applicant's submitted information would be zoned Commercial Two (C-2). The applicant contends that the 1980 Florence Zoning Map was incorrectly drawn and that the entire 20.44 acre property should have been zoned Commercial Two (C-2).

#### CHARACTERISTICS OF THE SITE

The ±0.5 acre site contains a creek and slopes from the east, down to Utterback Road. A Florence topographic map is attached to this report. The site is roughly triangular in shape with approximately 40 feet of frontage on Utterback Road.

Soils present on the site include Faywood Silty Clay (FdD3) usually found on 12-20 percent slopes and Rossmoyne Silt Loam (RsC) usually found on 6-12 percent slopes. Both soil types present moderate hazard of erosion.

#### SURROUNDING LAND USES AND ZONING

The ±19.94 acre remainder of the Chelsea Moore property is undeveloped and mostly wooded. This portion of the property is currently zoned Commercial Two (C-2). To the north is the Baird property, currently zoned Commercial Two (C-2) and Suburban Residential One (SR-1). The ±0.5 acre SR-1 portion of that property is also the subject of a Zoning Map Amendment request. South of the site is a small single-family residential area on Utterback Road that is zoned Suburban Residential One (SR-1). Southwest of the site is Surfwood Drive, also zoned SR-1. This subdivision is situated higher than Utterback Road and separated by a branch of Utterback Creek and dense woodland. Directly west of the site is Yealey Elementary School, zoned Public Facilities (PF). North of the site is Buckingham Woods Subdivision (Achates Avenue) that is zoned Residential One-Family (R1F).

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RELATIONSHIP TO COMPREHENSIVE PLAN

The 1986 Future Land Use Map depicts the subject  $\pm 0.5$  acre site and the western portion of the 20.44 acre Chelsea Moore property as Medium Density Residential, while most of the property nearest Mall Road development is shown as future commercial uses.

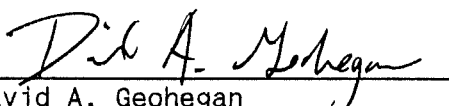
The Boone County Comprehensive Plan recommends in general that future commercial uses be developed at strategic locations and that buffer space be maintained between uses. The mixing of commercial and non-commercial uses is recommended to occur only in planned developments or replanned older areas. The Plan also calls for older residential areas with redeeming qualities to be preserved or rehabilitated where appropriate.

STAFF CONCERNS

1. The  $\pm 0.5$  acre site contains hilly topography and a small stream valley. Staff questions whether the site is suitable for commercial uses or for part of a commercial use. The original intent of the zoning map, in Staff's opinion, was to create and protect the small residential area along Utterback Road.
2. Utterback Road is extremely narrow and in poor condition. It is not suitable for any commercial traffic unless completely reconstructed.

CONCLUSION

The Planning Commission and City of Florence need to review this request in terms of the three criteria necessary for a Zoning Map Amendment. Should the request be approved, the Future Land Use Map would need to be adjusted.

  
\_\_\_\_\_  
David A. Geohegan  
Planner/Plans Examiner

DAG:jdh

ATTACHMENT TO  
CHELSEA MOORE CORPORATION'S APPLICATION  
FOR ZONING MAP AMENDMENT/CORRECTION

#4 and #5, continued.

This request is a companion to a similar request by Glenn F. Baird. The property which is the subject of this Zoning Map Amendment/Correction is the approximately one-half acre portion of Chelsea Moore's land highlighted in yellow on the attached plat (Exhibit "A"). Chelsea's property adjoins a similar approximately one-half acre portion of the Baird property, which is the subject of Dr. Baird's application for Zoning Map Amendment/Correction.

The attached plat contains the Zoning Administrator's interpretation of the zoning map highlighted in pink. The zoning line which separates the C-2 zoning from the SR-1 zoning, as interpreted by the Zoning Administrator, reached into the Baird property far enough to include the farm house. That interpretation was later incorporated into the Zoning Administrator's letter dated March 21, 1989 (attached as Exhibit "B"). Both Chelsea Moore and Baird appealed the Zoning Administrator's interpretation to the Boone County Board of Adjustment, contending that all of their property was within the C-2 zoning district. It has now come to light that the Baird property had been annexed into the City of Florence in 1974 and it would appear that all of their property is within the C-2 zoning district. Baird's application seeks a map amendment/correction to clarify their zoning. If the one-half acre portion of the Baird property, including the farm house, is not zoned residential, there is no reason for the adjoining one-half acre of the Chelsea Moore property to be residential. There are no residential structures located on our property. The one-half acre portion in question is not suitable for construction of a residence--it contains less than 39 feet of road frontage and has a steep banked creek running through it. There apparently was never a conscious effort to zone this small portion of the Chelsea Moore property residential. The zoning maps historically have depicted the boundary between the commercial and the residential district a distance from the center line of Rosetta Drive which is approximately the distance to the boundary between the Chelsea Moore property and the adjacent residential property to the south. This Application simply seeks to clarify the zoning map so that the approximately one-half acre portion of the Chelsea Moore property is zoned consistently with the rest.





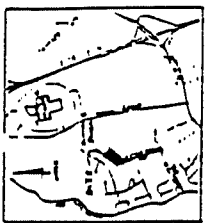
McGill Smith Punshon International, Inc.

Engineers, Architects, Planners, Surveyors, Landscape Architects

3248 Boone County Road 100 Boone County, Kentucky 40303-1007

BOONE COUNTY, KENTUCKY

Project No. 8710  
Date: 4/2/07  
Scale: 1" = 100'



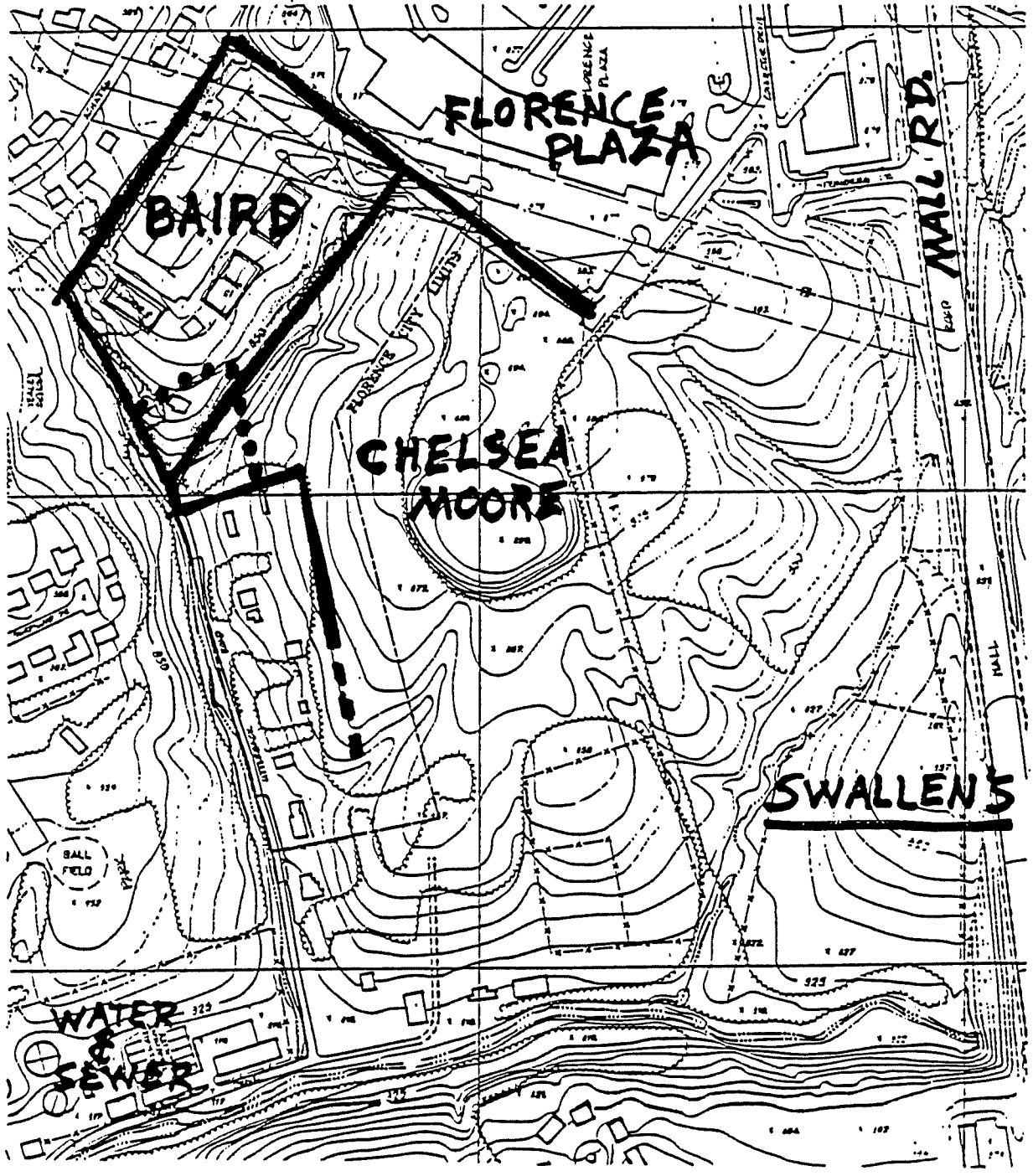
VICINITY MAP

OFFICE  
2,700 sq ft  
310 cars  
755 AL

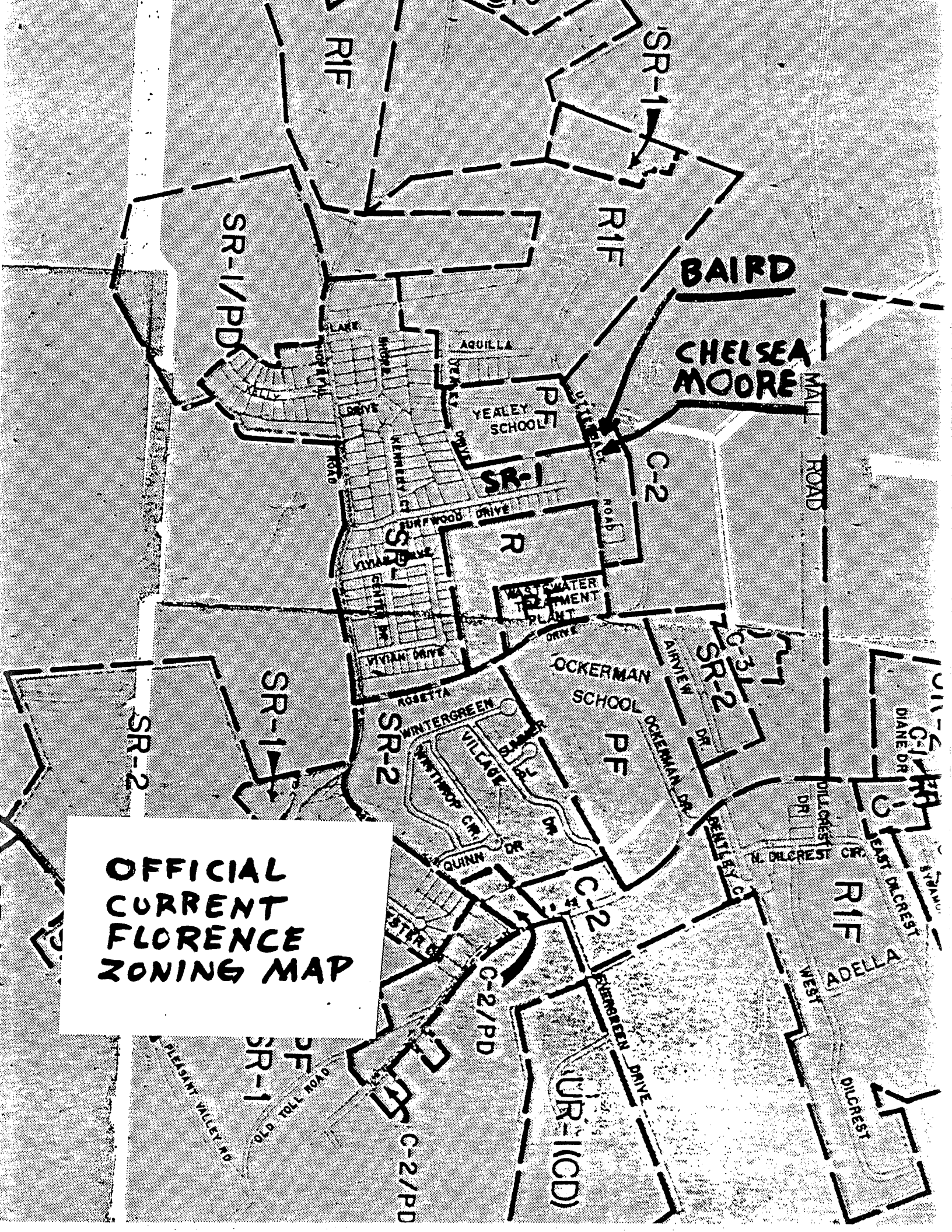
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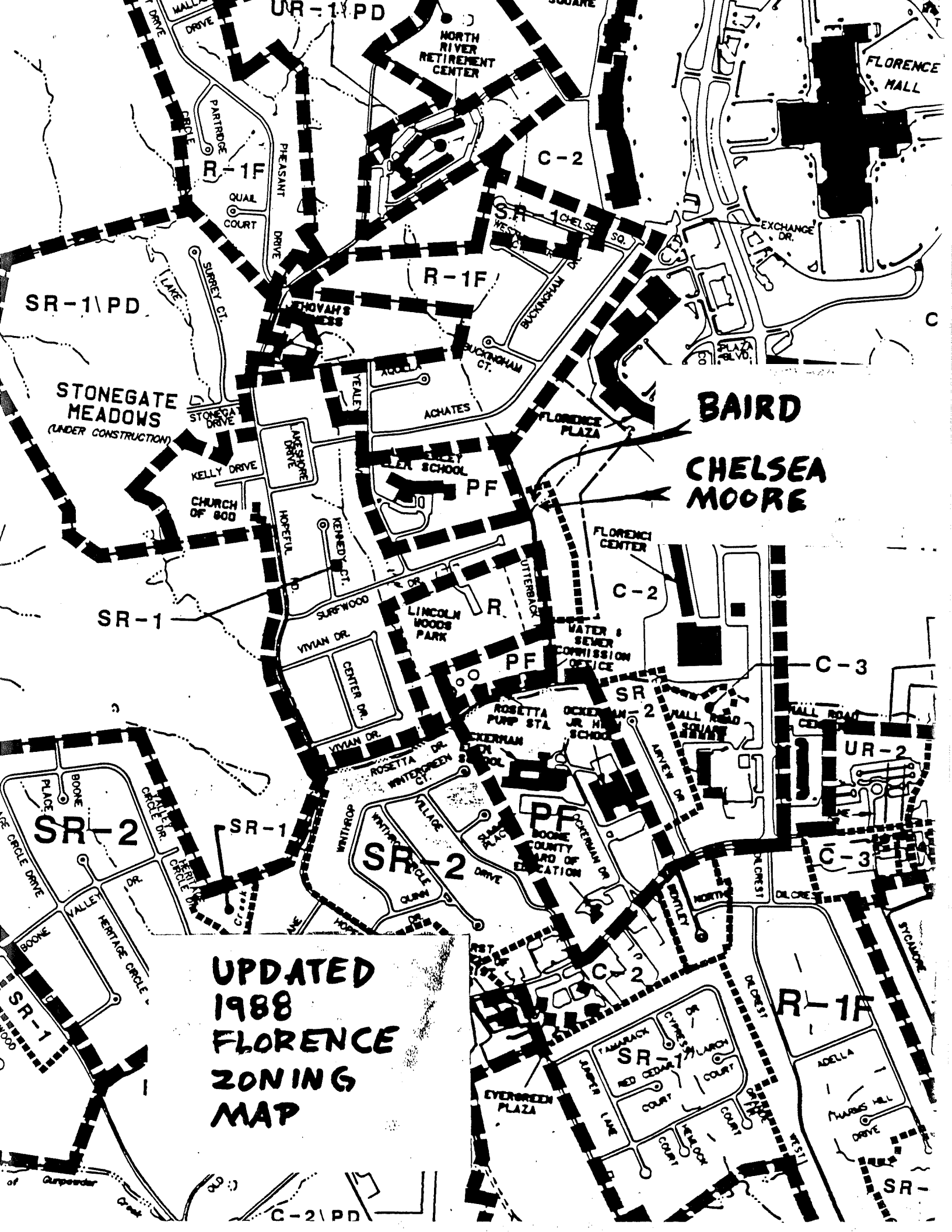


YEALY SCHOOL



**OFFICIAL  
CURRENT  
FLORENCE  
ZONING MAP**





**UPDATED  
1988  
FLORENCE  
ZONING  
MAP**

SR-1/PD

R-1F

C-2

R-1F

**STONEGATE  
MEADOWS  
(UNDER CONSTRUCTION)**

**BAIRD**

**CHELSEA  
MOORE**

SR-1

SR-2

SR-1

SR-2

**UPDATED  
1988  
FLORENCE  
ZONING  
MAP**

SR-1

C-2

C-3

UR-2

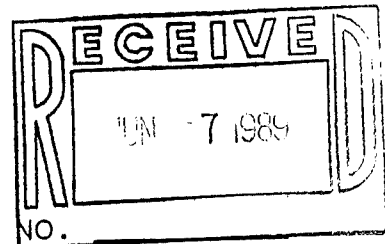
C-3

C-2

R-1F

C-2/PD

SR-



REVIEW NO. \_\_\_\_\_

# APPLICATION FORM ZONING MAP AMENDMENTS / MAP CORRECTION

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)

## SECTION A (To be completed by applicant)

1. Name of Development No development proposed at this time
2. Location of Development Between Utterback Road (Rosetta Lane) & Connector D
3. Total Acreage of Site approximately 1/2 acre (part of larger tract of 20.44 acres)
4. Current Zoning Unclear, either SR-1 or C-2\*
5. Proposed Zoning (classification being requested) C-2\*  
\*See attached
6. Proposed Uses (please specify each use) C-2; no specific use  
proposed at this time.
7. Name of Applicant(s) Chelsea Moore Corporation  
Phone Number(s) 621-1161
8. Address of Applicant(s) 105 West Fourth Street, Cincinnati, Ohio 45202
9. Name of Property Owner(s) Chelsea Moore Corporation  
Phone Number(s) 621-1161
10. Address of Property Owner(s) 105 West Fourth Street  
Cincinnati, Ohio 45202
11. Proposed Building Intensities (please specify) N/A
12. Are there any existing buildings on the site? No  
How many? \_\_\_\_\_
13. Deed Book 299 Page No. 189 Group No. 2040
14. Have you had a pre-application meeting with BCPC staff? Yes
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

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

(COMPLETE OTHER SIDE OF APPLICATION)

APPLICATION FORM  
ZONING-MAP AMENDMENTS

16. Are you also applying for:  
No Conditional Use Permit  
No Dimensional Variance
17. Applicant's Signature: X Chelsea Moore Corp. President
18. Property Owner's Signature: X Chelsea Moore Corp. President
19. Have you submitted a Concept Development Plan? No

SECTION B (To be completed by BCPC Staff)

1. Date Received 6-7-89
2. Fee Received \$903.00 (#) 99811
3. Check what has been submitted:  
 Application  Fee  Legal Description  
 Concept Development Plan  Addresses of Adjoining Property Owners
- No. of copies of plan received\*\*
4. Is application complete?          Yes          No
5. Staff Reviewer D. Grechogan
6. Committee Chairman Larry Barnett
7. Scheduled Public Hearing Date 6/28/89
8. Boone County Planning Commission Action:  
 Approval 6/7/89  
         Approval With Conditions  
         Disapproval
9. Other:

\*\* FIVE (5) COPIES ARE REQUIRED

BCPC:7/11/88

EXHIBIT "A"



N 17° 28' 28" W, a distance of 125 feet, to a point, thence  
N 16° 04' 01" W, a distance of 150 feet, to a point, thence  
N 79° 00' 21" E, a distance of 150 feet, to a point, thence  
N 15° 00' 21" W, a distance of 400 feet, to a point, thence  
S 78° 42' 11" W, a distance of 300 feet, to a point, thence  
N 15° 00' 21" W, a distance of 38.65 feet, to a point, thence  
N 36° 16' 46" E, a distance of 810.86 feet, to a point, thence  
S 52° 19' 46" E, a distance of 548.58 feet, to the place of  
beginning, and containing 20.44 acres more or less.



EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Items #3 and #4  
June 28, 1989 - 8:00 P.M.

Page 1

Mr. Fred Burch, Vice Chairman, stated that Public Hearings Items #3 and #4 could be conducted simultaneously. Mr. Duncan and Mr. Nienaber, attorneys, were in agreement.

Mr. Burch introduced Agenda Items #3 and #4:

3. Applicant: Glenn F. Baird, et al (owners)  
Request: Zoning Map Amendment

The request of Glenn F. Baird, et al (owners) for a Zoning Map Amendment on a 7.8-acre site located off Connector Drive and Utterback Road, Florence, Kentucky. The purpose of the request is to change the current zoning of Suburban Residential One (SR-1) to Commercial Two (C-2) on an approximate 0.5-acre portion of the 7.8-acre site.

4. Applicant: Chelsea Moore Corporation (owner)  
Request: Zoning Map Amendment

The request of Chelsea Moore Corporation (owner) for a Zoning Map Amendment on a 20.44-acre site between Utterback Road and Connector Drive, Florence, Kentucky. The purpose of the request is to change the current zoning of Suburban Residential One (SR-1) to Commercial Two (C-2) on an approximate 0.5-acre portion of the 20.44-acre site.

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

Mr. Mike Duncan, attorney with Ziegler & Schneider in Florence, stated that he represents Chelsea Moore Corporation.

Mr. Tom Nienaber, attorney, stated that he represents the group owning the 7.8-acre site.

Mr. Duncan stated that approximately a year ago, Chelsea Moore requested a zoning determination. They have 20.44 acres of property left that remain undeveloped. The property lies generally behind the various centers on Mall Road, with access off Connector Road next to Damon's. They understood the property to be commercial and marketed it as commercial. Last year, a prospective buyer wanted to be sure that all the property was commercial. Mr. Duncan indicated the location of the property on the drawing. He stated that zoning maps are drawn to such a scale that it is difficult to be precise. Mr. Corielle of Chelsea Moore came to the Zoning Commission with a plat and asked that the zoning lines be drawn. He indicated on the drawing a green line drawn by Dave Geohegan of the Staff indicating where the lines are. Mr. Corielle produced overlays and enlarged transparencies to convince the Zoning Administrator that the line should be where the pink line is shown on the drawing. They appealed to the Boone County Board of Adjustments. The city-map shows the area to

be in the City of Florence. At the Board of Adjustment meeting, they were shown an Ordinance indicating the property was annexed into the City in 1974. They do not know if the rest of the tract was annexed. They pay city assessments. They figure there must have been a mistake somewhere along the line.

Mr. Nienaber stated that they adopt what was said by Mr. Duncan about the zoning line. He advised that Dr. Booth was present. He has ownership in the property and was on the Commission previously. He stated that their property was shown in pink on the drawing. The site is 7.8 acres with about .4 or .5 of an acre in question. He distributed copies of a plat showing the dimensions of their property. They have been trying to sell the property and were recently advised that the property may not be all C-2. They want to clarify the zoning in advance of getting a buyer. Mr. Nienaber stated that he has a letter from Jerry Newton to Barb Conley, who was marketing the property in 1986, indicating that the property is C-2.

Dr. Booth stated that he has a proprietary interest in the property. He has had an interest in the property since the early 1970's. The property was rezoned by Ron Kinner at the suggestion of the Mayor of Florence to make it conform with the mall. Their group then bought the property. He was on the Planning and Zoning Commission through 1979. He reviewed the written documentation and the map of the Comprehensive Plan to see if there had been any change to the parcels. The Staff had indicated that there was no change to the area in which he had ownership. They relied on that information. It is his opinion that there was a slippage and that the property was never intended to have two zones, but is in the C-2 Zone.

Mr. Nienaber stated that the Staff indicates that the tract is not suitable for commercial traffic on Utterback Road. He stated that Chelsea Moore and F.M.A.C. have negotiated to bring the road around which would probably be the ingress/egress for this development. They do not intend to have a road through to Achates, but would intend to use the road that would go behind the mall. He stated that the site is suitable for a buffer area. The property is not suitable for residential use. The existing house needs extensive repair.

Mr. Duncan stated that their site is a triangular portion of property with 38.5 feet of frontage on Utterback. The site is split by a creek with steep walls. It is not suitable for residential development. The current zoning, if it is SR-1, is not suitable. The site is not big enough or wide enough for a commercial building, but it is suitable as a natural barrier. It is also a place of natural drainage. The current zoning is inappropriate and the proposed zoning is more appropriate as it is part of a larger tract and can be used for accessory uses, such as buffer and drainage. They do not have development plans at this time. It appears that the zoning line has crept far enough north over the years to include the house. He reviewed the measurements he had made on the full scale plan from Rosetta Lane to the end of the zone on both the Boone County Zoning Map and the Florence Zoning Map. The maps have different scales and using the length of the zone you do not end up in the same place on both. He stated that they recognize that there are residences on the other side of the property.

There being no one else present in favor of the request, Mr. Burch asked if there was anyone present in opposition to the request or having questions.

Ruth Tilley, a property owner to the west of the site on Surfwood, stated that she has road frontage on Utterback Road. She questioned if there could be a stipulation that there would be no ingress/egress.

Mr. Duncan stated that it would not be legal on their 38 feet. He noted that the regulations require a buffer between the commercial and residential uses. If there were to be an access road, it would be one that was required by the Commission for emergency access.

In response to a question from Counselor Wilson, Mr. Newton advised that the required buffer between commercial and residential uses is 25 feet.

Mr. Nienaber stated that they do not have a development plan and do not see using the property at this time, other than perhaps for emergency access. He stated that Utterback Road would have to be repaved. He stated that they have shown access coming in around the back of Damon's.

Thelma Weber, Rosetta Lane, stated that she went before the Fiscal Court 15 years ago to change the name of the street to Rosetta Lane. This was confirmed five years ago. She questioned if the site would have to be zoned commercial to be used as a buffer zone.

Mr. Newton explained that the most intense use, i.e., the commercial use, has to provide the buffer. If it were zoned residential, there would be no buffer required. A commercial zone provides a 25-foot buffer.

Mrs. Weber questioned whether it mattered if the property were zoned residential or commercial if it is used for buffer. Mr. Burch explained that the zoning line goes to a certain point and then the buffer would have to go from that point.

Mr. Duncan indicated on a slide where the buffer area would be provided if the site were zoned Commercial and where it would be if this piece were zoned residential.

Mrs. Weber stated that they have problems with water in the creek and questioned if paving the site would increase the problem.

Mr. Newton advised that the City of Florence has detention and retention requirements that would have to be met when the site is developed.

Mr. Duncan advised that they would have to meet the requirements and would have to make sure the problem is not worse. The situation may get better.

Mrs. Weber submitted a petition signed by residents in the area in opposition to the request. She stated that her concerns have lessened.

Mr. Arnold Sneider stated that they cannot cross the creek with a car due to the drainage. They sometimes have to wait for the creek to go down.

Clara Sneider stated that Rosetta Lane is a county road. It is 12 feet wide. Some of the residents had to give up frontage for the road to be built. They get an excessive overflow of water from the shopping plaza on Mall Road. She is opposed to the change.

Mr. Newton advised that these two items are under the definition of a Zoning Map Amendment, but perhaps this is a correction to the Zoning Map. What led to the problem is complex. A 1974 annexation into the City of Florence hinged on the property being one zone. The current maps do not show that. When the county map and the city map are combined, there is an area that is vague. The interpretation by the planners has been residential. The interpretation by those who remember what happened has been commercial. The city and county boundaries do not match. The official city map does not show all of the property being in the city.

Dr. Booth stated that zoning lines usually follow property or creek lines and, if you follow those lines, all the property is C-2.

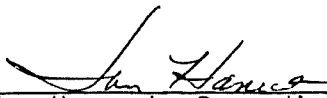
In response to a question from Mr. McMillian, Dr. Booth stated that he has paid city taxes for 15 years on the property. Mr. Duncan stated that they believe all of the property is in the city.

There being no further comments, Mr. Burch stated that these items will be on the Agenda for the Business Meeting on July 5, 1989 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
Fred Burch, Vice Chairman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

July 5, 1989

8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:45 P.M..

COMMISSION MEMBERS PRESENT:

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

COMMISSION MEMBERS NOT PRESENT:

Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received copies of the Minutes of the Business Meeting of June 21, 1989 and the Public Hearings of June 28, 1989. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mr. Jones seconded the motion and it carried unanimously.

5. Zoning Map Amendment

The request of Glenn F. Baird, et al (owners) for a Zoning Map Amendment on a 7.8-acre site located off Connector Drive and Utterback Road, Florence, Kentucky. The purpose of the request is to change the current zoning of Suburban Residential One (SR-1) to Commercial Two (C-2) on a one-half acre (approx.) portion of the 7.8-acre site.

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request based on the findings of fact, without conditions (see Committee Report).

Mr. Barnett moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. DeLong seconded the motion and it carried unanimously.

6. Zoning Map Amendment

The request of Chelsea Moore Corporation (owner) for a Zoning Map Amendment on a 20.44-acre site between Utterback Road and Connector Drive, Florence, Kentucky. The purpose of the request is to change the current zoning of Suburban Residential One (SR-1) to Commercial Two (C-2) on a one-half acre (approx.) portion of the 20.44-acre site.

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

Mr. Barnett moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. Jones seconded the motion and it carried unanimously.

7. Site Plan Review

The request of James W. Berling for Dean C. Stallings (owner) for Site Plan Review to make site improvements to the Richwood Flea Market. The 18-acre (approx.) site is located south of Frogtown Road on U.S. 25, Boone County, Kentucky and is zoned Industrial One (I-1).

Staff Member, Tom Breidenstein, presented the Staff Report (see Staff Report).

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

Mr. Damstrom moved that the request be approved based on the Staff and Committee Reports. Mr. Rush seconded the motion.

Mrs. Thelma Castellini stated that this used to be a weekend market and is now open almost everyday. The traffic is backed up southbound and northbound on U.S. 25. She stated that it is a two-lane road with a hill and questioned if a holding lane on U.S. 25 had been considered.

EXHIBIT "C"

COMMITTEE REPORT

#6

TO: Boone County Planning Commission  
FROM: Larry Barnett, Committee Chairman  
DATE: July 5, 1989  
RE: Request of Chelsea Moore Corporation (owner) for a Zoning Map Amendment on a 20.44 acre site between Utterback Road and Connector Drive, Florence, Kentucky. The purpose of the request is to change the current zoning of Suburban Residential One (SR-1) to Commercial Two (C-2) on a  $\pm$  0.5 acre portion of the 20.44 acre site.

REMARKS:


We, the Committee, recommend approval of the request based upon the following findings of fact ~~with the following condition.~~


Findings of Fact

- 1) The applicant has sufficiently shown that the existing zoning of Suburban Residential One (SR-1) is inappropriate and that the requested zoning of Commercial Two (C-2) is appropriate on the  $\pm$  0.5 acre site. The requested Commercial Two zoning would enable the entire Chelsea Moore Corporation property to be developed under one development plan and to have consistent buffer yard provisions for its perimeter. The applicant has proposed that no vehicular access other than potential emergency vehicle access would occur onto Rosetta Lane (Utterback Road). The existing zoning of Suburban Residential One (SR-1) would not allow for new residential development of the  $\pm$  0.5 acre site by itself because of the significant topographic constraints.

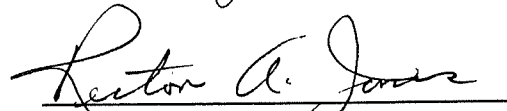
Conditions

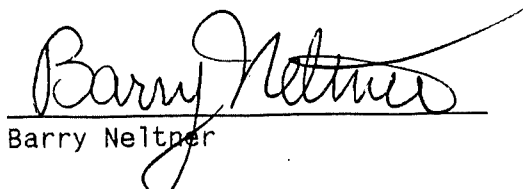
- 1) ~~The subject property is to be used as a buffer area between the residential zones and any future commercial development.~~

  
Larry Barnett, Chairman

  
Fred Burch

  
Phil Damstrom

  
Rector Jones

  
Barry Neltner

\_\_\_\_\_  
Carol Smith

LB:bds

P+2

ORDINANCE NO. 0-24-89

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, SUCH ZONE CHANGE BEING FOR A 0.5 ACRE PORTION OF A 20.44 ACRE SITE LOCATED ALONG OR NEAR UTTERBACK ROAD, THIS ZONE CHANGE BEING FROM ITS PRESENT ZONE OF SUBURBAN RESIDENTIAL ONE (SR-1) TO COMMERCIAL TWO (C-2), AND BEING SUBJECT TO AGREED CONDITIONS AS PART OF A DEVELOPMENT PLAN FOR THE SUBJECT PROPERTY. (CHELSEA MOORE CORPORATION) 0-31-89

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 a requested zone change for certain property within the city limits of Florence, Kentucky, be granted, this zone change being from the current zoning of Suburban Residential One (SR-1) to Commercial Two (C-2), and

WHEREAS, the property owner has agreed to a condition for this rezoning as part of a development plan and City Council of Florence, Kentucky, has reviewed this request along with certain findings of the Commission.

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

SECTION I

That certain real estate located in the City of Florence, Kentucky, which is presently zoned Suburban Residential One (SR-1), located along or near Utterback Road shall be and the same is hereby rezoned to Commercial Two (C-2), subject to the agreed condition by the property owner as part of its development plan, such real estate being more particularly described in Exhibit "A", and the condition being more particularly set forth in Exhibit "B", both such exhibits being attached hereto and incorporated 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 subject property.

SECTION III

That the recommendation of the Boone County Planning Commission regarding this zone change 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 this zone change.

SECTION IV

That this Council is aware and acknowledges that the Commission has recommended and approved a change in the land use map of the comprehensive plan upon this City Council approving this zone change application. To the extent required by law, this City Council approves the change to the land use map as set forth in the recommendation and approval by the Commission, such change to the land use map to make this property designated as commercial.

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 rezoning.

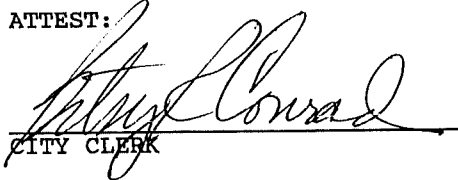
PASSED AND APPROVED ON FIRST READING THIS 22 DAY OF August, 1989.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 12<sup>th</sup> DAY OF Sept., 1989.

APPROVED:

  
MAYOR

ATTEST:

  
CITY CLERK