

REQUEST OF REGENCY PROPERTIES, INC.
FOR A ZONING MAP AMENDMENT ON PROPERTY OWNED BY CARDINAL INDUSTRIES
FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO URBAN RESIDENTIAL ONE (UR-1)

JUNE 22, 1988

This request is a Zoning Map Amendment on a 13.547 acre parcel located between Hopeful Road and the Florence Square Shopping Center. The request is to rezone the entire site from Suburban Residential Two (SR-2) to Urban Residential One (UR-1) to allow the development of 144 rental apartments. The submitted plan indicates 64 two story apartments with 80 townhouse style units. The townhouse units are located near Hopeful Road while the apartment units are located primarily at the rear of the site. A lake, clubhouse, and swimming pool are shown on the submitted plan. Additional written information regarding amenities, garages, and findings of fact has been submitted. One letter is attached to this report.

Proposed access to the site is near the current gravel drive on Hopeful Road. This is about the mid-way point of the site's frontage.

SURROUNDING LAND USES AND ZONING

North of the site is a large storm water detention basin constructed as part of the Zayre's development. This site is zoned Commercial Two (C-2) and includes some vacant property along the edge of this site. To the east is the rear of the Florence Square Shopping Center, zoned Commercial Two (C-2). South of the site, along Hopeful Road, are several single-family residences, zoned Suburban Residential One (SR-1) while the rear of the Colonial Heights Retirement Center is immediately to the southeast. The Retirement Center is zoned Urban Residential One (UR-1). Across Hopeful Road, or to the west, is vacant land zoned Suburban Residential One (SR-1).

RELATIONSHIP TO THE BOONE COUNTY COMPREHENSIVE PLAN

The Future Land Use Map depicts the site as future Medium Density Residential as well as most surrounding areas. In addition, the text of the Land Use Element discusses residential development of the area on Page L-14.

Development of both Pleasant Valley Road and Hopeful Road should be residential subdivisions which utilize the roads as collectors not the principle road for development. This is especially important for development along Hopeful Road as its functional service will be changing to more thoroughfare patterns as it becomes straightened and is extended across I-75 to alleviate industrial traffic. Restrictions on truck traffic should be imposed on this road to shelter the residential neighborhoods.

Pages H-17 and H-18 of the Housing Element discusses types of housing for the future in Boone County:

"Multi-family construction will take place increasingly in the Florence-Burlington-Hebron area because of easy access (KY 18, KY 237, and I-275) and the spread of urbanization. High density

developments should be close to the thoroughfares to achieve a gradation of densities outlined in the land use plan."

"Multi-family housing should have convenient access to commercial districts. The developments should be designed to offer the shortest trips to the most people."

Pages H-18 and H-19 discuss various densities of housing development in the county:

"High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. Between high density and low density there should be a gradation or a buffer. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips."

Several objectives of the Housing Element also describe future high density residential development:

10. High density development shall occur in locations with immediate or convenient access both to major streets or highways and to shopping and public facilities.
11. Progression of intensities shall be encouraged. Where traditional progressions of high density to low density development cannot be followed, adequate buffering must accompany high density usage.

FEATURES OF THE SITE

The current zoning (SR-2) of the site includes an approved Concept Development Plan that would permit townhouses to be developed on the site. The 13.5 acre site contains mostly scrub vegetation and immature woodland as well as a small pond near the north corner. There are several rapidly growing maple trees near the south edge. Drainage of the site proceeds mostly to Hopeful Road or the large detention area to the north. Soils present on the site include Jessup silty clay loam (JsD3) usually found on 12-20 percent slopes and two types of Rossmoyne silt loam (RsB and RsC) usually found on 0-12 percent slopes. These soils present limited risk of erosion. A sanitary sewer easement exists at the north corner of the site and crosses Hopeful Road.

STAFF CONCERNS

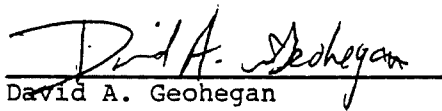
1. Access to the site is shown at the location of the existing access point. Sight distance along Hopeful Road is approximately 250 feet to the south and is restricted by a combination of change of grade, a sharp curve in the road, and steep, heavily vegetated road banks. In order to obtain safe access to this development, the entrance will either have to be

further north at the location of the future spur road to the proposed relocated Hopeful Road, or further south to the curve on Hopeful Road. The latter would also require some bank-cutting on the west side of the Hopeful Road right-of-way.

2. A vehicular access to the rear of Florence Square should be considered as proposed in the RESEARCH PAPER ON POTENTIAL HOPEFUL ROAD TO MALL ROAD CONNECTIONS prepared by the Boone County Planning Commission Technical Committee and staff in February of 1988. This access connection could primarily affect the northern portion of the site, and if included in the development, should align with the previously-mentioned spur to relocated Hopeful Road. It may also involve future connection with the Retirement Home Property. Emergency access should be arranged in any case.
3. There are several rapidly-maturing maple trees along the south edge of the site that could be incorporated into a buffer area needed to screen the development from adjacent single-family residences and zoning.
4. Proposed recreation facilities should be specifically outlined for the development.
5. Landscaping and architectural features are important because the site lies higher than existing or relocated Hopeful Road. The applicant should provide detailed information on these items.

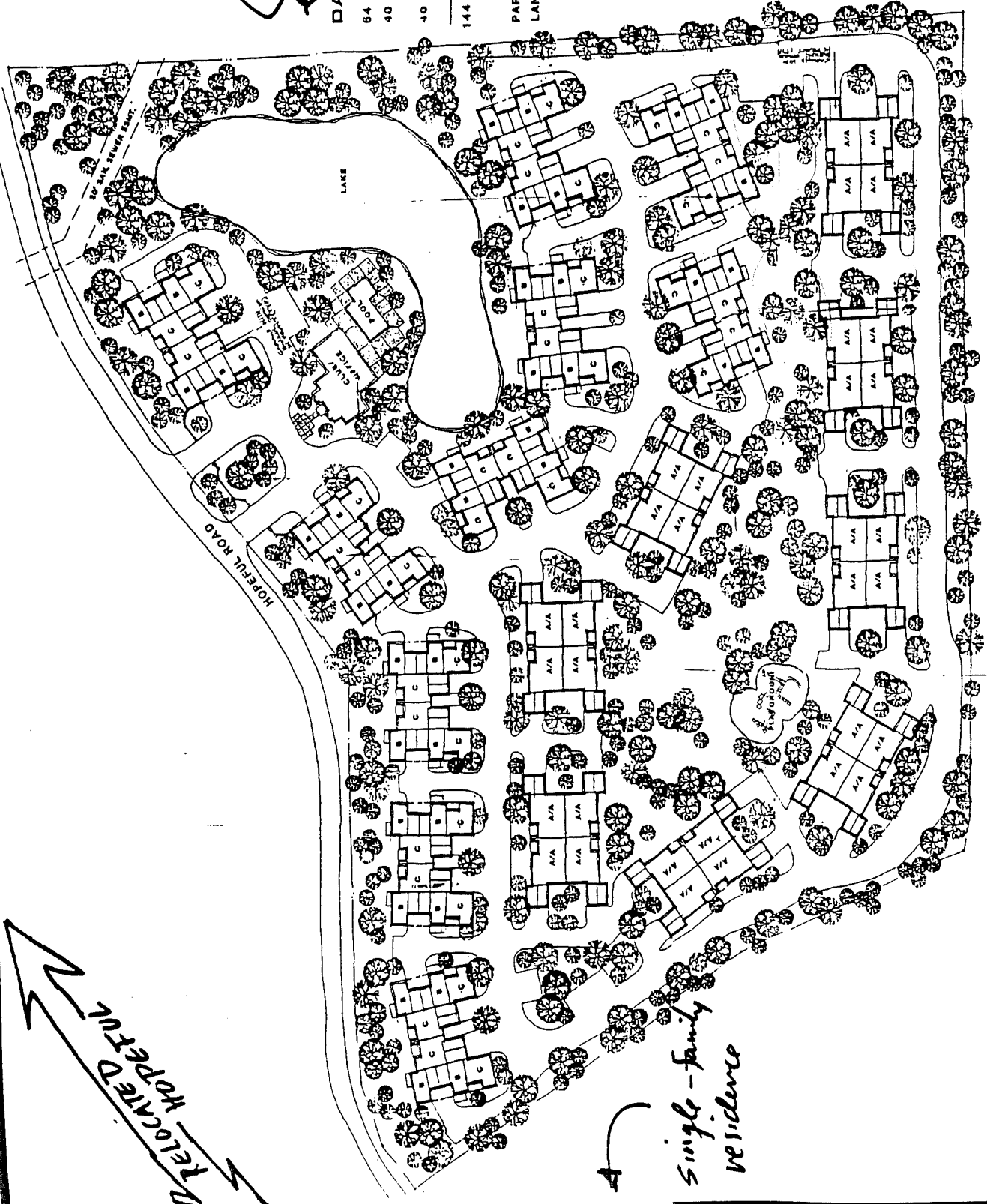
CONCLUSION

This request needs to be reviewed in terms of transition and compatibility of land uses as well as in terms of the three criteria necessary for a zone change. Should the request be approved, the Comprehensive Plan's Future Land Use Map would need minor adjustments.


David A. Geohegan
Planner/Plans Examiner

DAG:jdh

REGENCY PROPERTIES



ATTENTION

DATA

84 A	2 BDRM. 2 BA.	975 S.F.
40 B	2 BDRM. 2 BA.	1200 S.F.
40 C	3 BDRM. 3 BA.	1300 S.F.
144	TOTAL	162,400 S.F.

PARKING .314 SPACES
LAND 25,577 AC.

SITE PLAN
SCALE 1"=40'-0"

RELOCATED
HOPEFUL

single-family residence

Colonial Heights Retirement Home



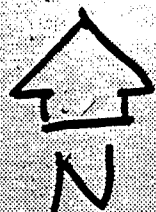
PROJECT NO. 88-17
DATE DRAWN: 4/22/88
DRAWN BY:

ROOMS:
(CHECK) MARK
REVISION:

FLORENCE, KY
HOPEFUL RD.



ARCHITECT



To Burlington KY18

CURRENT ZONING 6/22/88



C-2

C-3
WOODSPORN

CAYTON RD.
WATSON ROAD

KOPPELA ROAD

MALL RD.

SR-1

DETENTION AREA

SR-2
(ICD)

SITE

FLORENCE SQUARE

RIF

SR-1

SR-1

SR-1

SR-1

SR-1/PD

RIF

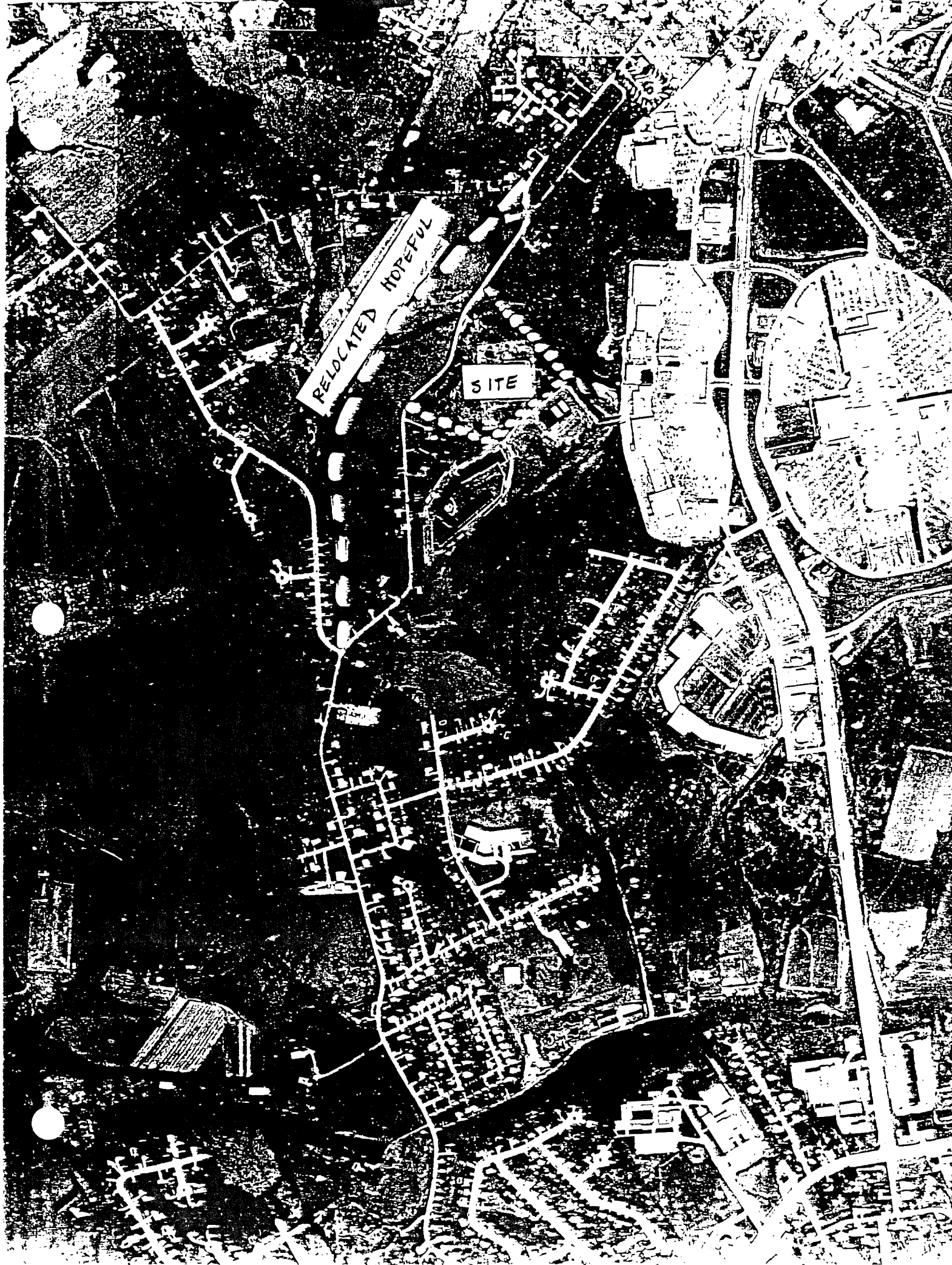
MALL

ARQUELA

YEALEY SCHOOL

STILLER

LAKE
GRIVE



PROPOSED HOPEFUL RD.

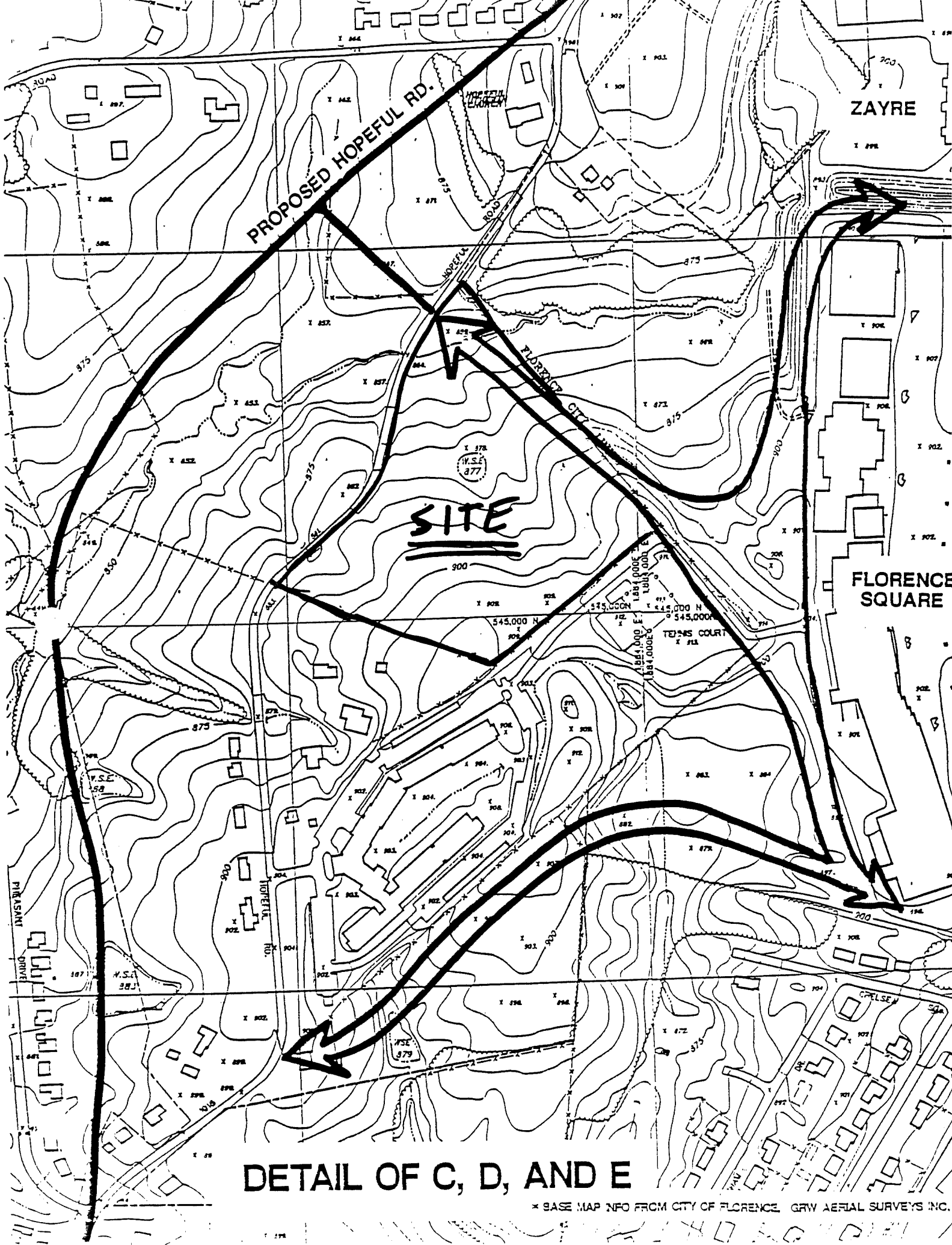
ZAYRE

SITE

FLORENCE SQUARE

DETAIL OF C, D, AND E

* BASE MAP INFO FROM CITY OF FLORENCE, GRW AERIAL SURVEYS INC.



May 31, 1988

Boone County Planning
and Zoning Commission
County Building
P.O. Box 697
Burlington, Kentucky 41005

Dear Members of the Commission:

Please find attached our application for zoning action and all required information including a concept development plan and our option to purchase the parcel. The property in question is located just north of the retirement center on Hopeful Road. We are requesting a zoning change from SR-2 to UR-1.

Our proposal calls for changing this 13.5 acre parcel from an 8 unit per acre density to a planned community of approximately 10.6 units per acre. We are anticipating building a family oriented project consisting of townhouses and two story buildings. All units will have a full amenity package and enclosed garages. The on-site amenities will also include a clubhouse, swimming pool, playground for young children and substantial landscaping.

It is our feeling that this zone change conforms with and compliments the Boone County development plan. Next door to the very large multi-family retirement center, the site is also adjacent to the heavy commercial district that fronts along Mall Road. This project will act as an excellent transitional zone or buffer between the often less than desirable service side of the commercial buildings and new single family homes being built in the area.

It should also be pointed out that this site is uniquely located. With the exception of three single family homes next to the retirement center this site is isolated from other single family zones by Hopeful Road, a water detention area, a cemetery and, again, Mall Road commercial buildings. It appears not to be a good location for single family houses.

The Mayerson Company


Suite 1900 • 105 East Fourth Street • Cincinnati, Ohio 45202 • (513) 621-7500

Boone County Planning
and Zoning Commission
Page two
May 31, 1988

In our own examination of the Boone County/Florence market and in discussions with planning and administrative personnel, we have found that there is a need for high quality family housing. Our project is intended to address this need. These 2 and 3 bedroom units will take on the characteristics or style of single family homes (including outside entrances for every unit) while still allowing for the economies of scale that can make them affordable to young families.

We appreciate your consideration of this matter. Please let us know if there is any additional information you require.

Very truly yours,
THE MAYERSON COMPANY


Steven Bloomfield
Managing Partner

SFB/prw

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: Regency Properties, Inc. Owner

Address: 105 East Fourth Street, Suite 1900, Cincinnati, Ohio 45202 Agent

Telephone: (513) 621-7500

Location: Hopeful Road (Meets & Bounds Legal Description attached)

Name of Property Owner: Cardinal Industries (Under contract with Regency Prop)

Address of Property Owner: 2040 South Hamilton Road, Columbus, Ohio 43232

Zoning District: SR-2 Area in Acres: 13.547

Deed Book: 326 Page Number: 43 Group Number: 332/51

Description of Request: Change of zoning for this parcel only from SR-2 to UR-1.

X Applicant's Signature: *Sam Blomfi*

Property Owner's Signature: _____

Application Fee: \$439.19 FOR PLANNING COMMISSION USE ONLY Date Received: 5/31/88 By: K. Costello

Referred To: Dave G. Meeting Date: 6/22/88 possible p.H.

Action Taken: Approved w/ conditions Date of Action: 7/6/88 *date*

EXHIBIT "A"

Set Pin B
Cap

LEGAL DESCRIPTION

Lying in the State of Kentucky, County of Boone, City of Florence, group no 2040, located on the east side of Kentucky Highway no. 1018 (Hopeful Road) approximately 0.6 miles south of Kentucky Highway no. 18 and is described as follows:

Beginning at an iron pipe at the intersection of the northeast line of the A. L. Fisher Farm property (Deed Book 61, page 391) with the southeast right of way line (20 feet from the centerline) of Kentucky Highway no. 1018; thence with the northeast line of said property S 40° 18' 28" E, 854.78 feet to an iron pin; thence with the south line of said property S 52° 17' 27" W, 711.62 feet to an iron pin; thence S 61° 35' W, 32.25 feet to an iron pin and corner to a 0.419 acre parcel to be conveyed by Kenneth Judd to David Mikkelsen; thence with said parcel N 61° 20' 29" W, 226.57 feet to a hub; thence N 72° 45' 34" W, 360.24 feet to an iron pin in the easterly right of way line of Kentucky Highway no. 1018; thence with said right of way the following seven calls: N 15° 03' 33" E, 50.00 feet, N 32° 33' 33" E, 60.00 feet, N 47° 13' 33" E, 60.00 feet to an iron pin, N 51° 32' 59" E, 314.08 feet to an iron pin, N 15° 00' 35" E, 293.71 feet, N 24° 43' 26" E, 141.20 feet, N 38° 20' 09" E, 178.70 feet to the place of beginning containing 13.547 acres and subject to all legal rightof ways and easements of record.

Being part of the property conveyed to Kenneth E. Judd and Thelma Judd by deed recorded in Deed Book 168, page 363 of the Boone County Clerk's Office at Burlington, Kentucky.

S 32° 17' 27" W

UR - 1 Zone
Existing Use Multi-family

SURVEYOR'S CERTIFICATE
I hereby certify that I personally made the premises shown on this plat on the date that this plat is a correct representation determined by said survey. I further certify encroachments either way across any boundaries premises except as shown hereon.

Signed *[Signature]*
day of June 1984

This property does not appear on the map of H.U.D. Flood Insurance Boundary

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

June 22, 1988

PUBLIC HEARINGS

Mr. Larry Barnett, Vice Chairman, called the meeting to order at 8:00 P.M.. Following an explanation of the public hearing process, Mr. Barnett introduced the first item on the agenda:

1. Applicant: Regency Properties, Inc. for Cardinal Industries (owner)
Request: Zoning Map Amendment

This was a Public Hearing on the request of Regency Properties, Inc. (applicant) for Cardinal Industries (owner) for a Zoning Map Amendment on a 13.5-acre site located east of Hopeful Road and behind Florence Square Shopping Center, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Urban Residential One (UR-1).

Staff Member, Dave Geohegan, presented slides of the site and adjacent areas.

Mr. Barnett asked for comments from a representative of the applicant.

Mr. Steven Bloomfield, a partner in the Mayerson Company and Regency Properties, stated that UR-1 zoning allows for twelve units per acre, but they are proposing a maximum of 10.6 units per acre. The development will be for middle-income families with two and three bedroom townhomes and apartments. Each building will be limited to two stories. There will be a total of 144 units with rents in excess of \$500 per month. Each unit will have an attached garage. He presented an artist's rendering of the proposed buildings. They intend to provide a buffer area between the commercial area to the east and the single-family homes to the west. The site will be well-landscaped. There will be a pool, clubhouse, and playgrounds. He presented a drawing indicating the proposed approximate location of the new Hopeful Road. He stated that when the new road is built, existing Hopeful Road will become a deadend street. They are willing to put the right-of-way for the new street from Mall Road to Hopeful Road on their property and are willing to build their streets to accommodate that access. He stated that it would be wise to line up the connector with the border of their property. Mr. Bloomfield stated that this site is adjacent to the retirement center, which is a UR-1 Zone. There is C-2 zoning on two other sides, and a heavy commercial area to the rear. He stated that a transitional zone might be

appropriate for this site. He stated that they intend to be a good neighbor by building a high-quality community that is well-landscaped and by becoming a buffer zone for adjacent activities. They have met with the Boone County School Board and they have indicated that they are capable of handling any additional school children from this development. Mr. Bloomfield stated that he has a letter from the School Board to this effect.

Mr. Barnett asked if there was anyone else present who wished to speak in regard to this request.

Norma Rayburn stated that she is a property owner across from the development. She questioned the possibility of there being a buffer zone in the front of the development, the type of construction, and the types of shrubs that would be planted.

Mr. John McNab asked what type of experience the Mayerson Company has with this type of development, from both a building and managing standpoint. He asked if the development would be sold.

Mr. Bloomfield stated that they are willing to submit the landscaping plan when it is developed. He noted that in other instances they have even planted trees on adjacent properties to help screen the development and this would be a possibility. He stated that the Mayerson Company is forty years old and noted examples of buildings they own and have managed including the Central Trust Tower and the Clopay Building. They currently manage about 500 apartment units. He stated that they are not a "merchant builder" and do not build and sell off to an absentee investor. He stated that the buildings would be of standard frame construction.

At this time, Mr. Geohegan completed the Staff Report (see Staff Report). He submitted a letter received from an adjacent property owner to the south, Mr. William C. and Maxine Marsh. Mr. Newton read the letter which indicated their concerns in regard to the development. The letter is on file in the Staff Office.

In response to questions from Mr. Neltner, Mr. Bloomfield stated that there will be a play area for young children. Each unit will have a private courtyard appropriate for toddlers. There will be a clubhouse with an office for administration. He presented a drawing of a similar recreational facility and stated that they are still discussing what facilities will be provided for this project, but they will be at least equal to what was indicated in the drawing.

Mr. Damstrom asked if the lake area would be part of the detention area.

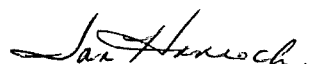
Mr. Bloomfield stated that it would not and that their lake is a detention area specifically for their property and the size of it may change based on engineering requirements.

There being no further discussion, Mr. Barnett advised that this item will be on the Agenda for the Business Meeting on July 6, 1988 at 8:00 P.M. and closed this Public Hearing.

APPROVED:


Larry Barnett, Vice Chairman

ATTEST:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

July 6, 1988

8:00 P.M.

Mr. Larry Barnett, Vice Chairman, called the meeting to order at 8:20 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman
Mr. Fred Burch
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
Mrs. Carol Smith

COMMISSION MEMBERS NOT PRESENT:

Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Barnett noted that each member had received a copy of the Minutes of the Business Meeting of June 15, 1988 and the Public Hearings of June 22, 1988 and June 29, 1988 and 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. Moore seconded the motion and it carried unanimously.

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Regency Properties, Inc. (applicant) for Cardinal Industries (owner) for a Zoning Map Amendment on a 13.5-acre site located east of Hopeful Road and behind Florence Square Shopping Center, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Urban Residential One (UR-1).

Mr. Kevin Costello, Assistant Director, read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

Mr. Barnett asked if there was a representative of the applicant present.

Mr. Bloomfield, representing the applicant, stated that they are in agreement with the conditions.

Mr. Barnett asked if there was anyone else present who wished to comment in regard to this request.

Norma Raebourn, who owns property across Hopeful Road, asked that the record show that Mr. Bloomfield had agreed at the Public Hearing that they would meet with her after the development if she wanted a buffer of trees.

Mr. Bloomfield agreed that he had indicated to Mrs. Raebourn that they would meet with her and accommodate her property. He stated that they will submit a letter to the Staff indicating that they have met with Mrs. Raebourn after their meeting.

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

2. Zoning Map Amendment

The request of Towne Land Company (applicant) for Banklick Corporation (owner) for a Zoning Map Amendment for a 130-acre (approx.) site located on both sides of the U.S. 42/25 Connector and west of I-75 (former Kentucky Raceway site), Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) and Recreation (R) to Suburban Residential Two/Planned Development (SR-2/PD) and Commercial Two (C-2).

EXHIBIT "C"

COMMITTEE REPORT

1

TO: Boone County Planning Commission

FROM: Larry Barnett, Chairman

DATE: July 6, 1988

RE: Request of Regency Properties, Inc. (applicant) for Cardinal Industries (owner) for a Zoning Map Amendment on a 13.5 acre site located east of Hopeful Road and behind Florence Square Shopping Center, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Urban Residential One (UR-1).

REMARKS:

We, the Committee, recommend approval based upon the following findings of fact and with the following conditions.

FINDINGS OF FACT

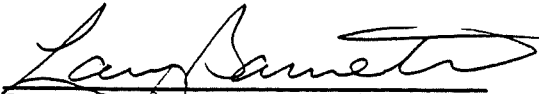
1. Although the Future Land Use Map indicates medium density residential for the site, the Committee believes that the request is in conformance with the text of the Boone County Comprehensive Plan. Specifically, the Comprehensive Plan calls for multi-family housing to have convenient access to commercial areas and public facilities, and to offer the shortest trips to the most people by being located near major streets, but with access not directly onto major thoroughfares. The Comprehensive Plan shows that existing Hopeful Road acts as this type of collector road, and will continue to do so with the proposed relocation of Hopeful Road. Specific references to the Boone County Comprehensive Plan are made in the June 22, 1988 Staff Report.
2. The applicant has shown that the existing zoning classification of Suburban Residential Two (SR-2) is inappropriate to reflect the site's proximity to a major commercial center the large retirement home to the south. The applicant has shown that the impact of the rear of the commercial center and the large retirement have building make appropriate a gradation from apartment units on the east and south of the site to townhouse units along Hopeful Road, and therefore, that the requested zoning of Urban Residential One (UR-1) is appropriate. The Committee believes that this represents a suitable transition of types of housing that respects the single-family character and zoning of the Hopeful Road corridor. The proposed zoning classification is compatible with the adjacent zoning of the large retirement center, which is zoned Urban Residential One (UR-1). The

proposed zoning also allows for a transition from the adjoining Commercial Two (C-2) zoning district of the Florence Square Shopping Center.

CONDITIONS


The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the June 22, 1988 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

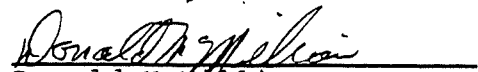
1. The development of the site shall be designed to include a sufficient future public right-of-way along the northeast border of the site that would align with the proposed spur to relocated Hopeful Road. The owner or developer shall be required to negotiate with the adjoining property owners and City officials to properly locate and design the future public or private access road which would serve the local residents in the Hopeful Road area to have access to Mall Road. The proposed entrance to the Regency Properties development shall be relocated to this area to achieve adequate sight distance as well as coordination with the future roadway system of the area. The design and specific location of the access to Hopeful Road shall be accomplished at site plan review.
2. The owner or developer shall participate in achieving adequate emergency access through the rear of the site.
3. Detailed landscaping drawings shall be submitted during Site Plan Review and shall include retaining the existing maple trees along the southwest border of the site as well as utilize as much existing vegetation in the eastern portion of the site as possible.
4. The level of recreation proposed by the applicant shall constitute a minimum to be shown at Site Plan Review regardless of the specific recreation facilities to be provided.


Larry Barnett, Chairman

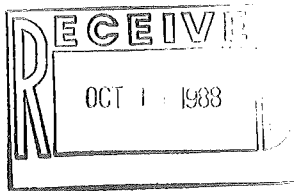

Rector Jones


Carol Smith


Fred Burch


Donald McMillian

ORDINANCE NO. 0-24-88



AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, SUCH ZONE CHANGE BEING FOR THAT PORTION OF A 13.5 ACRE TRACT LOCATED IN THE CITY LIMITS, GENERALLY, ON THE EAST SIDE OF HOPEFUL ROAD, THIS ZONE CHANGE BEING FROM ITS PRESENT ZONE OF SUBURBAN RESIDENTIAL TWO, (SR-2), TO AN URBAN RESIDENTIAL ONE, (UR-1) ZONE, SUBJECT TO A CONCEPT DEVELOPMENT PLAN. (REGENCY PROPERTIES)

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, subject to an agreed Concept Development Plan, this zone change being from the current zoning of Suburban Residential Two, (SR-2), to an Urban Residential One, (UR-1) zoning classification, and

WHEREAS, the 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 presently located in the City of Florence, Kentucky which is presently zoned Suburban Residential Two, (SR-2), located generally on the east side of Hopeful Road, shall be and the same is hereby rezoned to an Urban Residential One, (UR-1) zoning classification, 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 herein.

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 the development plan as presented before the Boone County Planning Commission and those conditions agreed to by the applicant/property owner before the Commission as well as this City Council of Florence, Kentucky. This zone change is conditioned upon the foregoing as provisions agreed to as part of the development plan.

SECTION V

That in the event the rezoning of this property would be held invalid by any court of property 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 15th DAY OF September, 1988.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 27th DAY OF September, 1988.

APPROVED:

Raymond Hoffer
MAYOR

ATTEST:

Patsy Conrad
CITY CLERK