

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

APPLICATION FORM

CHANGE IN CONCEPT DEVELOPMENT PLAN OR

THE UTILIZATION OF AN UNDERLYING ZONE IN PLANNED DEVELOPMENT

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)

*Tom*

SECTION A (To be completed by applicant)

1. Check one:  
 Change in Concept Dev. Plan  
 Utilization of an Underlying Zone in Planned Development
2. Name of Development Heritage Hill Comm Center / Jake Sweeney Auto.
3. Location of Development 5969 Centennial Circle Florence Ky. 41042
4. Total Acreage of Site 4.23
5. Current Zoning Commercial
6. Date of Zone Change or Approved Concept Development Plan (if applicable) 6-3-87
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) \_\_\_\_\_
8. Proposed Uses (please specify each use) Automotive Sales and Service. Addit. Signage (one Aylon Sign for Front of Building).
9. Name of Applicant(s) JAKE SWEENEY Automotive (JAKE or GREG SWEENEY)  
 Phone Number(s) 371-1818 or 782-2800 fax 371-4936
10. Address of Applicant(s) # 33 W KEMPER RD.  
CIN. OH. 45246  
 City State Zip
11. Name of Property Owner(s) Sweeney Realty  
 Phone Number(s) JAKE SWEENEY OR Greg Sweeney  
371-1818 782-2800
12. Address of Property Owner(s) 33 W. Kemper Rd.  
CIN. OH. 45246  
 City State Zip
13. Proposed Building Intensities (please specify) None
14. Are there any existing buildings on the site? YES  
 How many? 1
15. Deed Book 357/383 Page No. 138/10 Group No. 1545 + 1577
16. Have you had a pre-application meeting with BCPC staff? YES

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

# STAFF REPORT

#2

Request of Jake Sweeney Automotive (applicant) for  
Change in Concept Development Plan and conditions  
for a 4.23 acre site located in Heritage Hill  
Commercial Center, Boone County, Kentucky

May 22, 1991

The applicant is requesting a Change in Concept Development Plan to allow the installation of a free-standing sign at the Sweeney Hyundai / Saturn of Florence site. The 4.23 acre development, located on lots 3 and 4 of the Heritage Hill Commercial Center, is zoned Commercial Services with a Planned Development overlay (C-3/PD) and is owned by Sweeney Realty.

## History

On July 21, 1987, the Boone County Fiscal Court approved American Heritage Realty's request for a Zoning Map Amendment and Utilization of an Underlying Zone. The Court approved the request subject to conditions recommended by the Boone County Planning Commission. Of particular interest here is condition #3, which reads:

The applicant shall be limited to have one free-standing sign advertising the entire subdivision and future commercial business. This free-standing sign shall be limited to a maximum height of 35 feet and a total signage area of 250 square feet. This condition is intended to protect the Florence-Burlington Corridor in terms of public visibility. This protection is warranted due to the residential zoning and land use on the south side of KY 18.

On December 16, 1987, and December 21, 1988, the Planning Commission approved Site Plans for the Sweeney site. On December 20, 1989, the existing free-standing sign which serves the entire development was approved (see attached drawing). Finally, on January 3, 1990, the applicant withdrew a Change in Concept Development Plan request which included in its package three free-standing signs.

## Surrounding Land Uses and Zoning

north -	C-2/PD	-	Liberty Hill Plaza commercial shopping center
south -	SR-1	-	church
east -	C-3/PD	-	undeveloped restaurant site
west -	C-3/PD	-	undeveloped auto dealership site

## Review

The applicant has proposed the installation of a free-standing "Saturn" sign at the site which is currently being used by Sweeney Hyundai (see attached drawing).

The standard sign is 100 square feet and is 34 feet high, although the applicant has indicated that smaller and lower signs are available. The proposed location of the sign is in the middle of the lot, in front of the sales building near the KY 18 right-of-way. The applicant has explained that the existing sign which serves the entire development is inadequate for an automobile sales facility, which traditionally has its own pylon sign. Also, the existing sign is obscured by the grade of the eastern half of the subdivision. Therefore, customers cannot see Sweeney's portion of the sign until it is too late for them to make the commitment to turn onto Centennial Circle. According to the applicant, a separate, free-standing sign located on the dealership property will adequately alert westbound traffic and make turns into the subdivision safer.

The Land Use Element of the 1990 Boone County Comprehensive Plan makes the following statement about signs:

Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. (p. 202)

This objective is at least partially achieved by Article 19, Section 1920(2)(a), which reads in part:

Shopping centers, mixed use commercial, and planned developments shall be permitted one on-premises free-standing sign for the purpose of identifying the name of the development and its major access point...No free-standing sign may be permitted for individual establishments or buildings located within, or accessible from, the entrance of a shopping center or mixed use development when such building or establishment, or the lot upon which such establishment is located is planned, designed, or marketed as a part of such development. (This requirement also applies to...any developments established under Article 15, Planned Development Overlay, of the zoning regulations.) (p. 19-4)

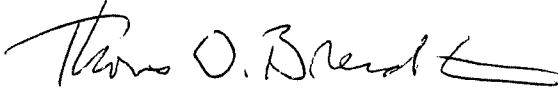
### **Staff Concerns**

1. The Heritage Hill Commercial Center has 6 lots - 2 used for the Sweeney car dealerships, 1 used for the Liberty Hill Plaza, 1 on which the basement has been poured for an office building, and 2 of which are vacant but have been approved for an office and a restaurant. Although this application is an attempt to change the previous condition of approval for Sweeney's lots only, if approved, the other property owners may expect the same consideration. Five individual signs would not be consistent with

the objective of the Land Use Element of the Comprehensive Plan or the intent of Article 19 of the Zoning Regulations.

2. The Commission should recall its previous concern for signs in the area when it approved the zone change in 1987. Specifically, the Commission sought to limit signs "to protect the Florence-Burlington Corridor in terms of public visibility. This protection is warranted due to the residential zoning and land use on the south side of KY 18."

Respectfully submitted,



Thomas W. Breidenstein  
Zoning Enforcement Officer

TWB:kat

INSTRUCTIONS: The plot plan should be a general diagram of the facilities and adjacent property and must show your recommendations, as to location of new signs.

Please indicate the approximate scale used on drawings. 1" = 120'

THE PLOT PLAN SHOULD SHOW THE FOLLOWING:

- The location of all buildings with their exterior dimensions, and the distance from the front edge of building(s) to P.L. and/or curb.
- Main Building(s) on adjoining property. It is important that these buildings be plotted accurately in relation to the customer's building(s).
- Any natural or man made obstructions, i.e. trees, traffic signals, sewer lines, etc.
- Indicate sidewalks, parking lots, entrances and driveways include any signs on neighboring property which are large enough to be considered.
- Designate streets which bound the property, and show directional flow of traffic.  Primary  Secondary  Residential
- The recommended location of the new signs. Label and circle each sign at its recommended site according to corresponding sign number shown in Section 1 of questionnaire i.e. ① ② ③ ④ ⑤
- Indicate north with an arrow.
- Indicate the location of the power source where electrical hook up will be made as (PS)
- Show location of existing signs and number them in sequence to coincide with the questionnaire - (E1) (E2) etc.
- Indicate by dotted line the approved route for exterior electrical conduit if program requires.

PLEASE PROVIDE THE FOLLOWING INFORMATION:

- | Street Name       | Distance to Street | Speed Limit |
|-------------------|--------------------|-------------|
| Route 18          | 370 Feet           | 40 MPH      |
| Centennial Circle | 300 Feet           | 25 MPH      |
- Identifiable from distance of:
 

Street Name	Distance to Street	Speed Limit
Route 18	370 Feet	40 MPH
Centennial Circle	300 Feet	25 MPH

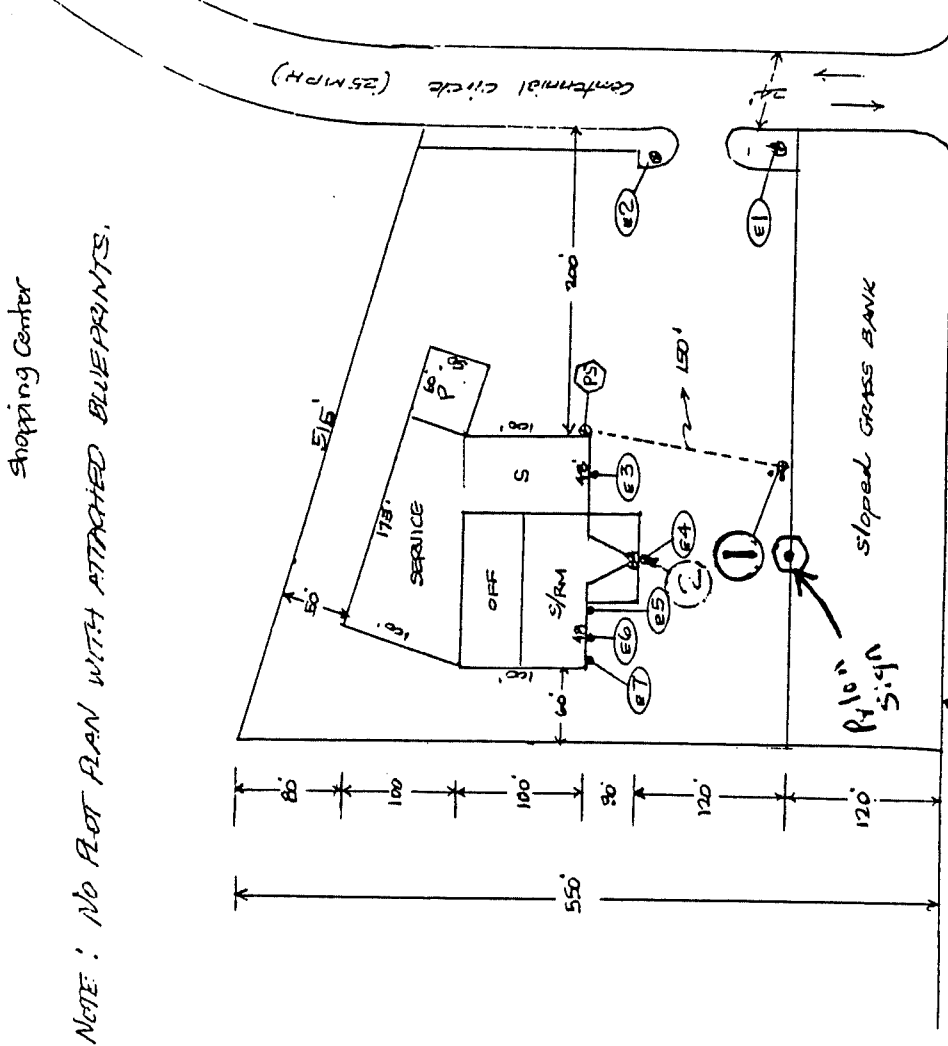
16' X 9' 6" Location, Transmitters Exposure.

Very Good Location, Transmitters Exposure.

Surveyor's Signature *[Signature]* Date 3/4/91

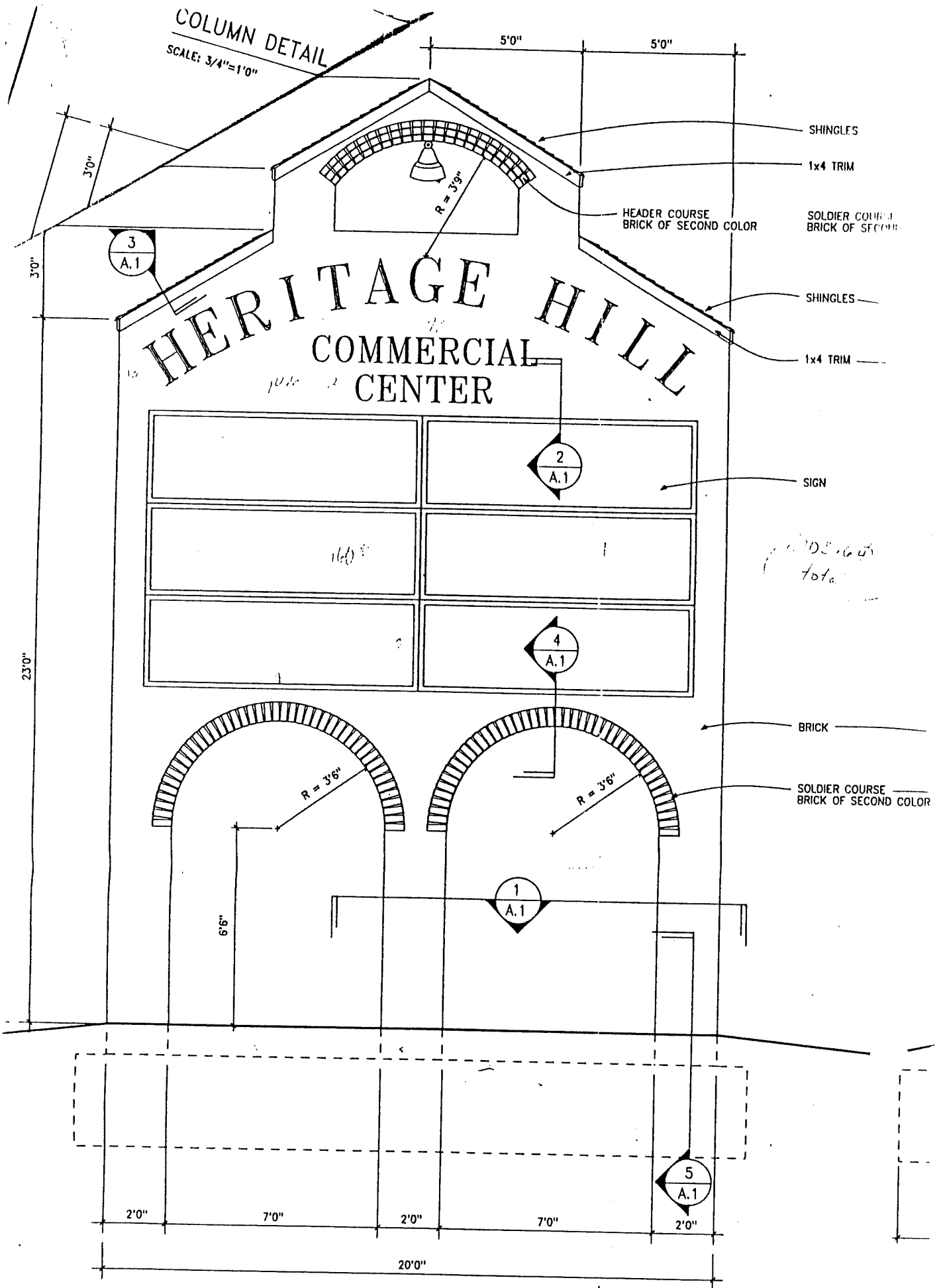
NOTE: NO PLOT PLAN WITH ATTACHED BLUEPRINTS.

Shopping Center



ROUTE 18 (40 MPH)  
30' MEDIAN (GRASS)  
ROUTE 18

COLUMN DETAIL  
SCALE: 3/4"=1'0"

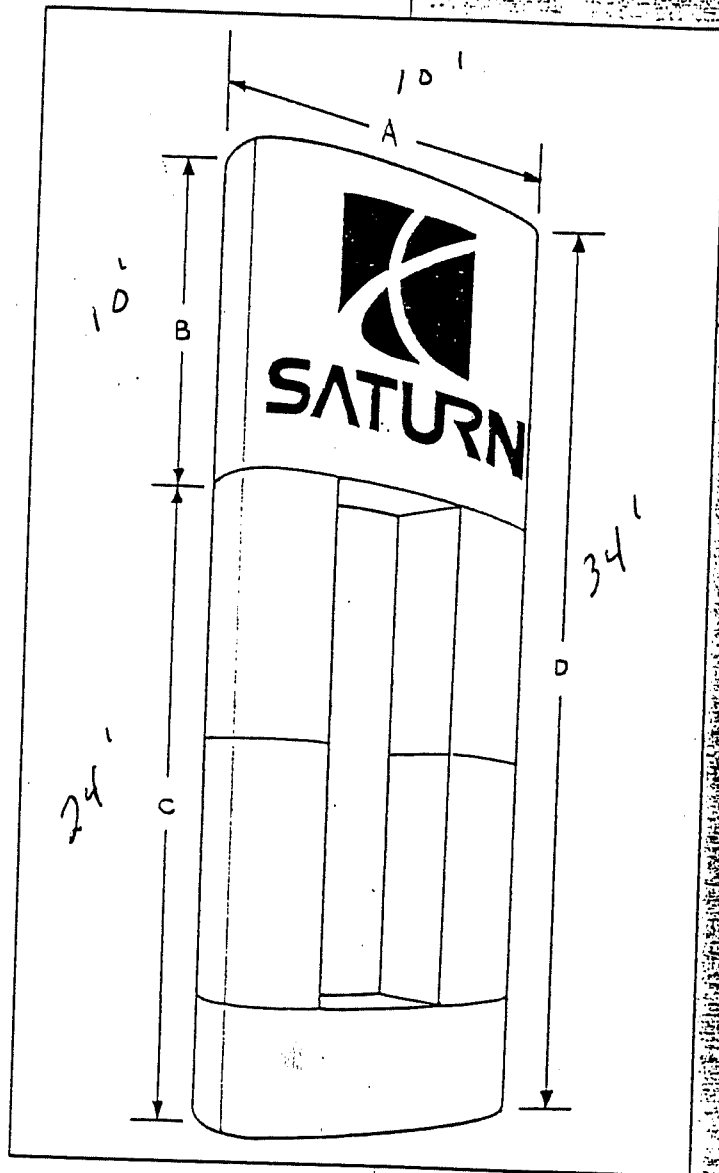
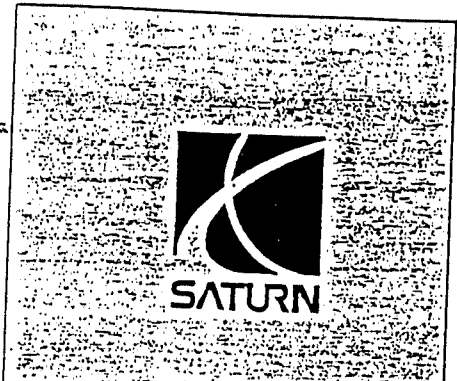


FRONT ELEVATION

SIDE

Brand Pylon Signs

- Variable heights
- Aluminum face with routed graphics
- Illuminated logo and typeface
- Contoured faces require one (1) 20 amp. circuit



BOONE COUNTY PLANNING COMMISSION

May 22, 1991

Public Hearing Item #2

Page 1

Following a short recess, the Chairman introduced the second item on the Agenda:

2. Applicant: Jake Sweeney Automotive for  
Sweeney Realty (owner)  
Request: Change in Concept Development Plan

The request of Jake Sweeney Automotive (applicant) for Sweeney Realty (owner) for a Change in Concept Development Plan and conditions for a 4.23-acre site located in Heritage Hill Commercial Center, Boone County, Kentucky. The site is zoned Commercial Services/Planned Development (C-3/PD).

Staff Member, Tom Breidenstein, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Jake Sweeney, Jr., President of Jake Sweeney Automotive, which operates on Route 18, and will soon operate Saturn of Florence, stated that three years ago their company was awarded a Hyundai franchise and they were asked to located in the Boone County/Florence area on Route 18. They found a site available in the Heritage Hill Development, which was represented by American Heritage and Don Streck. One of the most important issues was signage. When he advised Mr. Streck that he needed a sign to satisfy Hyundai, he was assured this would happen. He made a mistake in that there was enough square footage available to put their sign there, but it had to be on a common sign with others that would be part of the Heritage Hill Development. They have lived with this for two years and it has been a real negative for them. To be competitive with others in the automotive market, they at least have to have one manufactured sign. He showed a model of the sign they propose to put up for their new car line "Saturn". He stated that it is a clean, good-looking sign. It is 10' x 10' and can be 26', 30' or 34' high. They would prefer a 34-foot high sign. Forty feet would be the maximum height. They want to have proper signage to present the Saturn product line.

Chairman Viox asked if there were any further comments or any questions.

Mr. Damstrom questioned the lighting and Mr. Sweeney advised that it will be back-lit. The letters turn white at night. Mr. Sweeney passed around a picture of a similar sign in Cincinnati.

Mr. Ries stated that they are right across from a residential area and the residents would be concerned about looking at the sign.

Mr. Sweeney stated that they looked at the property that adjoins this site going west and if they had purchased that property, there would be nothing to make them stay within the codes of the PUD and they could put the sign up. He assumed going in that the sign would not be a problem.

Mr. Neltner questioned how many of the six parcels in this subdivision front on KY 18. Mr. Breidenstein advised that there are two -- the Hyundai site and a site across Centennial Drive which is designated for restaurant use. Mr. Neltner questioned why, if this request is granted, the restaurant would not want a sign also. Mr. Sweeney stated that if he had a restaurant, he would want a sign. Mr. Sweeney added that he bought the most expensive lot in the development because it had three times as much frontage as the other lot. He paid for the frontage and visibility. He added that there was to be a sign at the intersection of Centennial Circle and KY 18 to identify the lots not within view of the road.

Mr. Neltner questioned if there would be a change in grade with the building of a restaurant that would improve the visibility of the Heritage Hill sign. Mr. Breidenstein advised that this is possible, but this is state right-of-way out of Mr. Sweeney's control.

Chairman Viox determined that if the restaurant were to develop it would not have a curb cut off KY 18 and they would have to grade the lot to correspond with the side street, so they could not take the site down a lot. Mr. Breidenstein agreed and noted that they would want to lower the grade to give visibility to their own lot.

In response to a question from Mr. Damstrom, Mr. Sweeney advised that the new sign would be directly in front of the building, but out far enough to be seen. He added that when going west on KY 18 they want the sign to be seen so that people know the dealership is there and are prepared to stop. The sign would be in front of the existing sign.

Mr. Neltner noted that when the Bigg's development was reviewed, there was a road intended to be wrapped around this and join KY 18. He questioned that if that road existed, wouldn't the people who went by the site realize it soon enough to turn into the next drive. Mr. Sweeney agreed that this would help and indicated that the road was proposed to loop out. He added that they have lost a lot of money in their Hyundai operation, in part due to economic conditions, but also because they are not competitive in the marketplace. He stated that there are mounds of dirt along their property that hide their project and the shopping area behind them. He does not know when the looped road will go in. He emphasized that they are bringing a new market to their facility and want to stay open. If they did not have the rights to this franchise, he would be looking at closing up, which would not help the 30 people that work there. He emphasized that the signage is very important to them.

Chairman Viox commented that a lot of signs are attractive. He noted that he has seen structures that are less attractive than a sign. The sign Mr. Sweeney proposes is attractive. If it were a building, it would be attractive. He stated that he is not sure the sign will detract from the corridor and it is a necessity for them to do business. Mr. Sharp commented that the next person will also want a sign and it might not be as attractive. Chairman Viox agreed.

Mr. Rush noted that the speed limit in the area is 55 MPH. Chairman Viox added that the problem with the existing sign is that you cannot read what is on it.

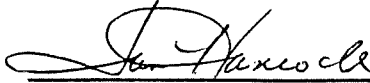
There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on June 5, 1991 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

June 19, 1991 8:00 P.M.

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Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:05 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman  
Mr. Lawrence Collins  
Mr. Melvin DeLong  
Mr. R. N. Greene  
Mr. Rector Jones  
Mr. Robert Kirby, Jr.  
Mr. Don McMillian, Secretary/Treasurer  
Mr. Barry Neltner  
Mr. Thurman Owens  
Mr. Robert Ries  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mrs. Carol Smith

COMMISSION MEMBERS NOT PRESENT:

Mr. Phil Damstrom  
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Burch stated that each member had received copies of the Minutes of the Jake Sweeney Public Hearing of May 22, 1991 and the Business Meeting of June 5, 1991. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Kirby moved that they be approved as written. Mr. Owens seconded the motion and it carried unanimously.

Counselor Wilson asked if the developer had agreed to all of the conditions. He noted that the developer agreed to some of the conditions at the Public Hearing.

Mr. Costello stated that the request was made by the City of Walton and that Mr. Mike Duncan, attorney, represents the developer. Mr. Duncan stated that most of the conditions are agreeable and they will work with the City of Walton to fine tune the language of some of them.

Mr. Neltner questioned if a condition could be tied to the Committee Report that there will be no discharge from the manufacturing processes, cleaning of equipment, etc. into the lake. He noted that the EPA standards allow some contaminants to be discharged.

Mr. Duncan stated that they would accept such a condition. He stated that the discharge from this type of operation would go into the sanitary sewer system and be pre-treated before it goes into the Walton system. Mr. Rush asked if this was a commitment from them and Mr. Duncan replied, "yes".

Mr. Owens questioned if CSX is agreeable to this project. Mr. Duncan stated that he does not represent CSX in this matter. He stated that CSX would have the right to oppose the annexation, but they have not indicated that they are opposed. He added that the development area is not CSX property and they do not need to be in agreement.

There being no further discussion, Mr. Burch asked for a vote on the motion made by Mr. Collins and it carried unanimously.

### 3. Change in Concept Development Plan

The request of Jake Sweeney Automotive (applicant) for Sweeney Realty (owner) for a Change in Concept Development Plan and conditions for a 4.23-acre site located in Heritage Hill Commercial Center, Boone County, Kentucky. The site is zoned Commercial Services/Planned Development (C-3/PD).

Staff Member, Tom Breidenstein, presented the Committee Report advising that the Committee was unable to recommend action on this request and presented findings of fact for approval and findings of fact for denial (see Committee Report).

Mr. McMillian moved that the request be approved based on the findings of fact for approval. He stated that the topography is such that it is very difficult to see the site and, therefore, he would like to see this change made. Mr. Owens seconded the motion.

Mr. Sharp stated that it is a nice sign, but it conflicts with the plans for that area and may open the door for signs that are less attractive. Mr. Owens commented that there are controls over the type, height, and location of signs and an unattractive sign could be prevented in the future. Mr. Breidenstein advised that Article 19 is in regard to sign regulations, but an unattractive sign cannot be avoided by the regulations. Mr. Owens agreed that "unattractive" would be in the eyes of the beholder.

Mr. Ries questioned if there could eventually be four or five signs with all of the other sites behind this site putting a sign out if a precedent is set. Mr.

Breidenstein advised that this particular request only applies to Mr. Sweeney's lots. He is asking for a change in an original condition of approval, and does not have the authority to change the other lots. Also, the Zoning Regulations would not allow any of the other lots to place a sign on the front two lots as they would be off-premise signs, which are not allowed in this zone.

Mr. Owens asked if the lot to the east of Mr. Sweeney's lot would be able to put up a sign. Mr. Burch advised that they would have to make a special application like Mr. Sweeney did. Mr. Owens then asked if the lot to the west of Mr. Sweeney's lot would be able to put up a sign. Mr. Burch advised that the lot to the west is not in this special sign district and they could put a sign up in front of their business.

Mr. Greene questioned how far away from the Heritage Hill sign this sign would be. Mr. Breidenstein advised that there would be over 200 feet between the signs. Mr. Sweeney stated that they have aligned this sign with the front of the building, but would not be opposed to moving it further west if the Commission wants it moved. He stated that the frontage is 563 feet and the sign would be more than half way across the frontage from the Heritage Hill sign.

Mr. Neltner advised that the properties on either side of this site are in Planned Development and would have to go through the Public Hearing process, at which time restrictions could be imposed, including signage restrictions, so that they could not automatically put up a free-standing sign. He stated that the Commission has tried to keep this area of KY 18 uncluttered. He added that Mr. Sweeney's sign is a beautiful sign, but decisions cannot be made based on the aesthetics of the sign. He does not agree that the sign should be approved.

Mr. Burch stated that the houses that are near KY 18 can be protected to a degree, but when the buyers bought close to a four-lane highway they should have expected some businesses on it. If we are going to allow businesses, then they should be allowed to do business. He stated that he is convinced that Mr. Sweeney has been hurt in the past because of the sign. He is in favor of the request.

Mr. McMillian stated that he is in favor of the sign, but not in favor of the banners that are there now. He added that this sign would upgrade the site to a new car lot from a used car lot. Mr. Sweeney stated that if the sign is approved, the banners will come down tomorrow.

There being no further discussion, Mr. Burch asked for a vote on the motion made by Mr. McMillian to approve the request which found Mr. Burch, Mr. Greene, Mr. Jones, Mr. Kirby, Mr. McMillian, Mr. Owens, Mr. Ries, Mr. Rush, and Mrs. Smith in favor. Mr. Collins, Mr. DeLong, Mr. Neltner, and Mr. Sharp were opposed. The motion carried by a vote of 9 to 4. Mr. Burch advised that this is a recommendation to the Fiscal Court, not final action.

#### 4. Site Plan Review

The request of North American Properties (applicant) for B & J Development Company (owner) for Site Plan Review to construct a 4,000 sq. ft. addition to the Village at the Mall project located on the east side of Mall Road, Florence, Kentucky. The one-acre site is zoned Commercial Two (C-2).

**EXHIBIT "B"**

## COMMITTEE REPORT

#3

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman, Zone Change Committee

DATE: June 19, 1991

RE: Request of Jake Sweeney Automotive (applicant) for Sweeney Realty (owner) for a Change in Concept Development Plan and conditions for a 4.23 acre site located in the Heritage Hill Commercial Center, Boone County, Kentucky. The site is zoned Commercial Services/Planned Development (C-3/PD).

### REMARKS:

We, the Committee, are unable to recommend action on this request. The following Findings of Fact are submitted for consideration by all members of the Boone County Planning Commission:

#### Findings of Fact for Denial

1. The request is not in agreement with the Land Use element of the 1991 Boone County Comprehensive Plan, which reads, in part:

The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. (p. 202)

This statement is consistent with the intent of the existing condition of approval for American Heritage Realty's Zoning Map Amendment and Utilization of an Underlying Zone, which is:

...to protect the Florence-Burlington Corridor in terms of public visibility. This protection is warranted due to the residential zoning and land use on the south side of KY 18.

2. If this Change in Concept Development Plan is approved, the Commission may be faced with additional requests for the same favorable consideration. The precedent set for future applicants, who may not present such attractive signs, will be difficult for the Commission to reverse.

Findings of Fact for Approval

1. The request is in agreement with the Land Use element of the 1991 Boone County Comprehensive Plan, which reads, in part:

Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. (p. 202)


The applicant has presented an attractively designed sign which will not have a negative aesthetic impact on the Florence-Burlington corridor or on nearby residential areas.

2. The topography of the area lessens the visibility of the applicant's property. A traffic hazard is created by the failure of motorists traveling west on KY 18 to identify the development before they must make the decision to turn into the Heritage Hill Commercial Center. Also, the lack of identification at the roadside decreases the applicant's opportunity to successfully compete in the retail automotive industry. Finally, the existing free-standing sign inadequately identifies the applicant's property.


A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

  
Barry Neltner, Chairman

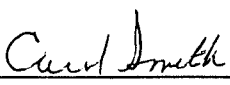
  
Fred Burch

  
Larry Collins

\_\_\_\_\_  
Phil Damstrom

  
Floyd Sharp

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

  
Carol Smith

ORDINANCE 920.227

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A REQUEST OF JAKE SWEENEY AUTOMOTIVE (APPLICANT) FOR SWEENEY REALTY (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL SERVICES/PLANNED DEVELOPMENT (C-3/PD) ZONE ON A 4.23 ACRE SITE LOCATED IN HERITAGE HILL COMMERCIAL CENTER, BOONE COUNTY, KENTUCKY, AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION ON A 9-4 VOTE VIA RESOLUTION R-91-015-A.

WHEREAS, the Boone County Fiscal Court received a request for a change in an approved Concept Development Plan and Conditions in a Commercial Services/Planned Development (C-3/PD) zone for a 4.23 acre site located in the Heritages Hill Commercial Center, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planing Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public hearing serving as a due process trial type hearing and made findings recommending approval for a change in an approved Concept Development Plan and Conditions in a Commercial Services/Planned Development (C-3/PD) zone for a 4.23 acre site located in the Heritage Hill Commercial Center, Boone County, Kentucky.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the request for a change in an approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval in a Commercial Services/Planned Development (C-3/PD) zone for a 4.23 acre site located in the Heritage Hill Commercial center, Boone County, Kentucky. The real estate which is the subject of this request for a change in an approved Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone is more particularly described in DEED BOOK 357/383, PAGE NOS. 235/246 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION II

That as a basis for the recommendation of approval for the Zoning Map Amendment request is the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this ordinance and marked as "Exhibit A".

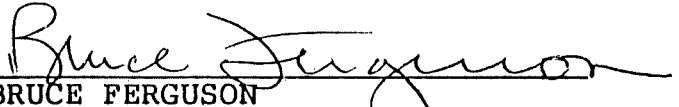
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B".

SECTION III


That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the  
23rd day of July, 1991.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 20th day of August, 1991, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.

  
BRUCE FERGUSON  
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST

  
CAROLYN A. RUDICILL  
FISCAL COURT CLERK

SUBMITTED BY:

  
LARRY CRIGLER  
BOONE COUNTY ATTORNEY

Sept 4 1991  
DATE PUBLISHED