

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

# APPLICATION FORM ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)

## SECTION A (To be completed by applicant)

1. Name of Development \_\_\_\_\_
2. Location of Development Mall Road
3. Total Acreage of Site 70±
4. Current Zoning C2-PD
5. Proposed Zoning (classification being requested) C2
6. Proposed Uses (please specify each use) \_\_\_\_\_  
Consistent with C-2
7. Name of Applicant(s) Joseph Clinton Berkshire  
Phone Number(s) 371-5653
8. Address of Applicant(s) 7414 U. S. 42  
Florence, KY 41042  
City State Zip
9. Name of Property Owner(s) Joseph Clinton & Sue Kate Berkshire  
Phone Number(s) 371-5653
10. Address of Property Owner(s) 7414 U. S. 42  
Florence, KY 41042  
City State Zip
11. Proposed Building Intensities (please specify) \_\_\_\_\_  
Consistent with C-2
12. Are there any existing buildings on the site? Yes  
How many? House and Barn
13. Deed Book 149 Page No. 120 Group No. \_\_\_\_\_
14. Have you had a pre-application meeting with BCPC staff? \_\_\_\_\_
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)

EXHIBIT "A"

## STAFF REPORT

#1

REQUEST OF JOSEPH CLINTON BERKSHIRE AND SUE KATE BERKSHIRE (OWNERS)  
FOR A ZONING MAP AMENDMENT ON A +70 ACRE SITE LOCATED  
ON THE EAST SIDE OF MALL ROAD AND WEST OF I-75,  
FLORENCE, KENTUCKY.

AUGUST 28, 1991

This is a request to re-zone a parcel of land located on the east side of Mall Road and west of I-75, Florence, Kentucky from Commercial Two/Planned Development (C-2/PD) to Commercial Two (C-2). No Concept Development Plan has been submitted. The site is located within the Florence water and sewer district. Connections are available on the site.

For the 1986 Boone County Zoning Regulations update, the area between Mall Road and I-75 south of the Florence Mall was proposed for Commercial Two/Planned Development (C-2/PD) while a small portion was proposed Commercial Services (C-3) on the west side. The Planned Development overlay was intended to address the important infrastructure concerns and need for cohesive development on the last major undeveloped portion of Mall Road.

The 1986 Comprehensive Plan concerned itself with ingress and egress to this property as the Mall Road interchange had not, as of the time, been built. The plan went on to state that direct tie-ins to the ramps from the Mall and any other future major development from both sides of the Interstate will effectively eliminate the current (1988) traffic congestion along U.S. 42 and KY 18.

### Site Characteristics and Surroundings

The site contains a few farm orientated wooden slat or metal buildings of some vintage and an older occupied brick home. The soil is of the Rossmoyne-Jessup association; the land fairly steeply slopes to well below grade of I-75 and Mall Road on its southern extremity although it is level to the north and central portions and low at the southern end near the commercial and multi-family development along U.S. 42 between I-75 and Mall Road. The soil is generally loamy to clayey. For any type of large scale commercial development, there appears to be a need for a significant amount of cut and fill. There is a moderate swale about midway between Mall Road and I-75 running north to south on the property.

### Immediate Surrounding Uses and Zoning

North:	The Florence Mall (C-2)
South:	Rolling Ridge Apartments, (UR-2), C-1, O-2), Mall Road Center (C-2/PD), Shell Station, Midas Muffler, Tire America
East:	I-75
West:	Florence Plaza and Swallen's Center (Y'All Subdivision Commercial Two (C-2)

### Relationship to the Comprehensive Plan

The 1990 Future Land Use plan suggests that regionally orientated commercial development should be confined to the Mall Road area. In fact, it states that the Berkshire tract, specifically, should be developed in a cohesive manner, both internally and as it relates to "other developments in the area." The 1991 Mall Road Study by the Boone County Planning Commission isolated several concerns that most commercial corridors experience such as numerous free-standing signs, large expanses of unscreened surface parking, traffic congestion, poorly designed access points, poor public improvement planning, inadequate landscaping and traffic congestion. Any development, especially one this size, should address these concerns and efforts should be made to alleviate these problems.

It is therefore suggested that the Mall Road Study be referenced in developing this last major site on Mall Road. This is particularly important in light of the significant changes that have taken place on Mall Road in the last few years. These include widening of U.S. 42, the I-75/Mall Road ramps, opening of the Ames store, Florence Plaza, Village at the Mall, BP Oil, Big Sur and Hardees.

### Existing Transportation System

The property is an important site located along Mall Road and I-75/71. The other roadways that make up the site's boundaries are the I-75/71 ramps and U.S. 42. Currently there is one access point to the property, an existing driveway located opposite of Holiday Place on U.S. 42. The City of Florence does not have any recorded curb cut approved for this property along Mall Road.

### Staff Concerns

1. There is currently one access point to the property. It is unclear as to what the applicant intends to do about ingress and egress and what effect his development will have on traffic.
2. It is difficult to analyze land use impacts, traffic ramifications, infrastructure needs and effects on other property in the area without the applicant having clients or uses in mind.

### Conclusion

1. The Commercial Two (C-2) zone cannot be determined as inappropriate for the Berkshire tract as the Mall area itself is within a Commercial Two (C-2) zone as are Florence Square and Mall Road Square, directly to the west across Mall Road.
2. Commercial Two (C-2) is intended for the development of regionally orientated commercial enterprise as the 1986 zoning regulations call for Commercial Two (C-2) zoning to be located on suitable lands central to community or regional trade areas and provided direct access from expressways or arterial roads.

3. The 1990 Comprehensive Plan calls for regionally orientated commercial development for the Mall Road area.
4. There are no other properties in close proximity that are zoned Commercial Two/Planned Development (C-2/PD), other than the Mall Road Center at the extreme southern end of the area under consideration.
5. The original reason for Planned Development (PD) overlay, to address important infrastructure concerns, i.e. the exact locations of the I-75 ramp off Mall Road, is no longer an issue. The ramps are constructed and operational. The Mall Road area now has direct access from I-75.

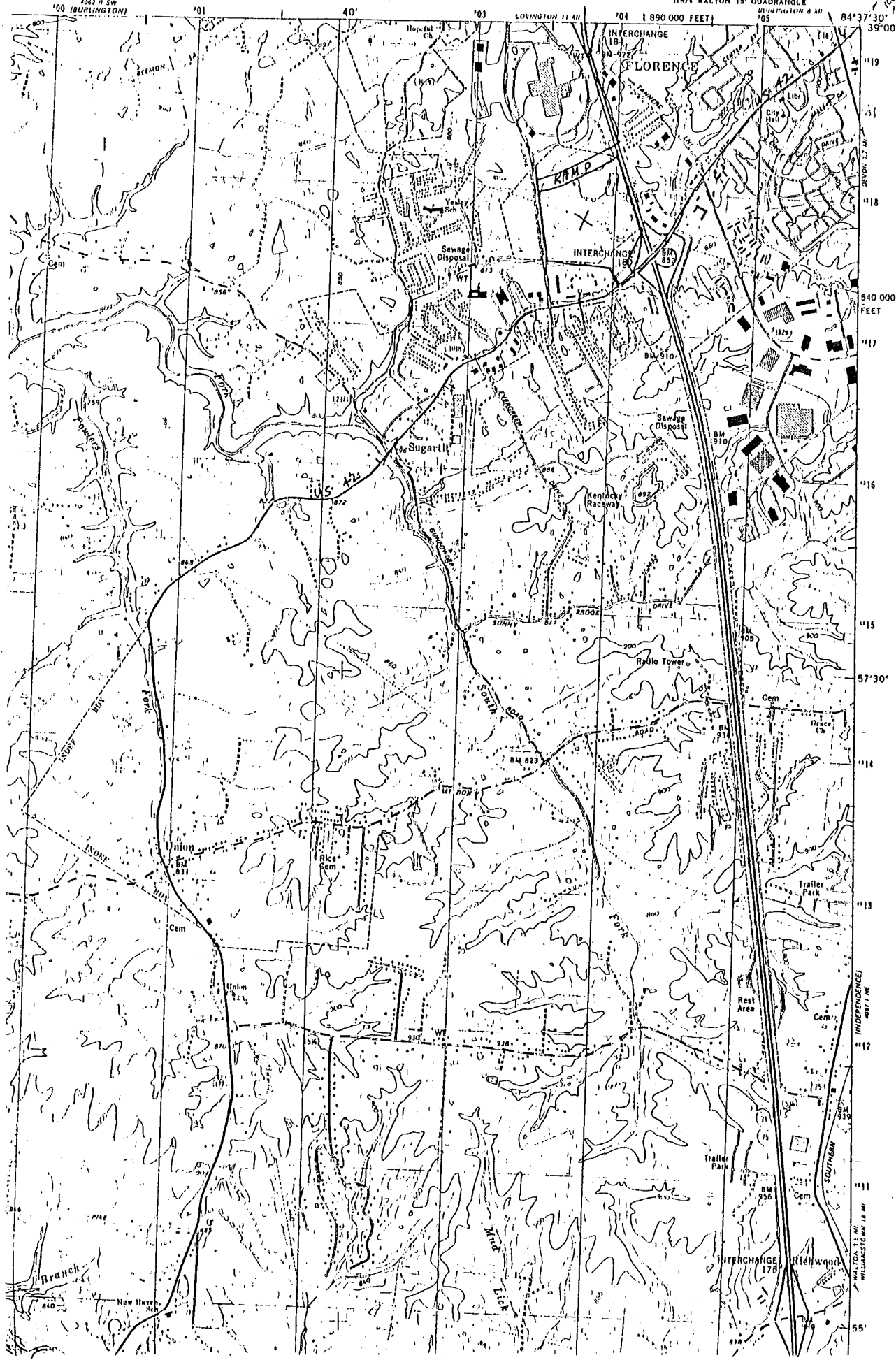
Respectfully submitted,

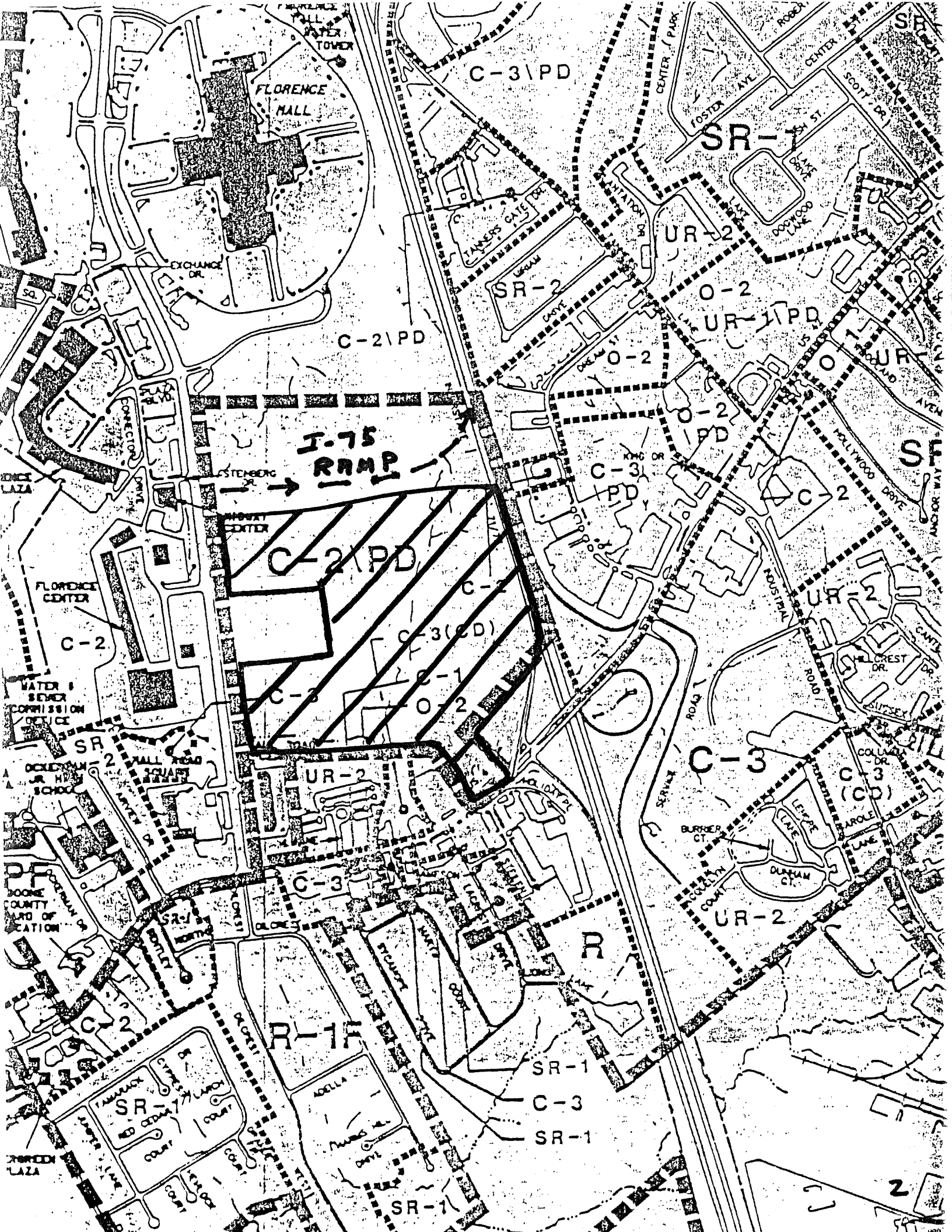


William D. Fromm, AICP  
Director

WCF:kat

1:250,000  
CONNECTION 1 & 2  
CONNECTION 2 & 3





FLORENCE MALL

C-3(PD)

SR-1

I-75 RAMP

C-2(PD)

SR-2

O-2

UR-1(PD)

C-2(PD)

C-3(PD)

FLORENCE CENTER

C-2

C-3(CD)

WATER & SEWER COMMISSION OFFICE

C-3

O-2

BOONE COUNTY BOARD OF EDUCATION

UR-2

C-3

C-3

UR-2

R-1A

SR-1

C-3

SR-1

SR-1

2



Where no development has yet occurred, provisions for Access Management must be made for future development. This includes the use of frontage roads as well as parking lot connections and shared curb cuts.

Regionally-oriented commercial development should be confined to the Mall Road area. A large tract potential commercially land remains undeveloped on Mall Road. This property, called the Berkshire Farm, should be developed in a cohesive manner, both internally and as it relates to other developments in the area. Ingress to the site should be encouraged primarily from Mall Road, with access from U.S. 42 limited to right-turn-in only. Direct connections to the ramps from the Mall Road Interchange will also aid in effectively reducing the traffic congestion on U.S. 42 and KY 18. To maintain the ease of traffic on Mall Road, frontage roads, common parking areas, and shared curb cuts should occur in the undeveloped areas. The visual appearance of commercial areas in general, and of Mall Road in particular, should be enhanced through the design of buildings, landscaping, signs, and arrangement of buildings. Attention to aesthetic impacts of proposed developments should be part of all phases of the review process.

Development along U.S. 42 from Mall Road to the Tanners Lane area should continue to be a mixture of professional and local, traffic-oriented commercial activity. The area east of I -75, north of U.S. 42 and south of KY 18 shall be developed in a cohesive manner to form a city center for Florence. A mixture of office, retail, commercial, recreation, and residential development is the goal. Integral to obtaining this goal is the construction of a parkway realigning Tanners Lane. If, however, this does

not prove feasible, major road improvements to Tanners Lane and a new termination of the road on KY 18 will eventually be required.

The city contains a valuable asset in its Main Street area. With careful planning and protection, development of old Stringtown could transform this area into a pedestrian-oriented center. A detailed study should be conducted to examine the future of this area in terms of the revitalization of historic buildings, the appearance of the corridor, and the interaction of pedestrian and vehicular traffic.

Development of the Turfway Road area between U.S. 25 and KY 18 should remain much the same, while major development should occur in the Turfway Interchange area, along KY 18 and Houston Road. Development in these areas should follow the guidelines of the Houston-Donaldson Study.

The southern portion of this section contains the Northern Kentucky Industrial Park. Expansion and continued development of this employment center is expected to continue over the study period of this Plan. The residential areas to the north of the Park prohibit any expansion in that direction, and industrial expansion should not occur west of the interstate. The short term movement of industries should be along Industrial Road into Kenton County, along the length of Empire Drive, and north on Industrial Road with very light industries which are primarily consumer-oriented. The Park should be encouraged to expand to the south, along U.S. 25 and Weaver Road, and near the railways. Large tracts of developable land exist in the area and development depends only upon public utility expansion, and an improved road network, including

DESCRIPTION OF 82.705 ACRES PARCEL-JOE C. BERKSHIRE PROPERTY,  
U. S. HIGHWAY #42

Located generally in Boone County Group #2040B, in the Northeast quadrant of U. S. Highway #42 and Mall Road, about 0.2 mile North of U. S. Highway #42 and described thus; BEGINNING at the intersection, of the East line of Mall Road (100 feet from centerline) with the South line of the Mall Road-Interstate Highway #75 northbound ramp, said point being opposite station 400+99.78 base line station and 100 feet right of Mall Road centerline station 48+47.89; thence with the South line of the Mall Road-Interstate Highway 75 northbound ramp (and lines of a 20.409 acres parcel conveyed to the Commonwealth of Kentucky-D.O.T.), N 83-18-57 E 400.34 feet, N 79-2-12 E 100.5 feet, N 65-27-26 E 105.95 feet, N 84-44-50 E 850.0 feet, S 73-27-4 E 107.7 feet, N 82-14-49 E 59.55 feet, S 77-38-15 E 257.57 feet; thence with West lines of said 20.409 acres tract and with the revised right-of-way line of Interstate Highway 75, S 9-50-00 E 703.49 feet to a rebar, S 9-24 E 201.21 feet to a found hub, S 15-9 E 150 feet to a found hub, S 24-35 E 363.25 feet to a found hub; thence with lines of the right-of-way of relocated U. S. Highway #42, S 5-51 W 74.9 feet to a found hub, S 29-3 W 129.75 feet to a found rebar, S 14-16 W 68.8 feet to a post, S 37-56 W 201.74 feet to a post, S 17-10 W 403.16 feet to a found rebar, S 53-11-35 W 148.48 feet and S 39-5-44 E 39.02 feet to the Northwest line of U. S. Highway #42; thence therewith, S 50-56 W 54.9 feet to a found stake; thence with lines of a parcel of 3.022 acres (D.B. 276 page 170), N 26-28-40 W 414.39 feet to a found pipe in the creek, N 81-49-20 W 305.05 feet to a found #4 rebar; thence with lines of a parcel of 13.49

acres described in D.B. 195 at page 173, N 83-58-48 W 317.91 feet, N 84-17-18 W 413.43 feet to a found post; thence with lines of a parcel of 5.533 acres (D.B. 240 page 257), S 85-40-36 W 277.72 feet, N 5-19-1 W 42.5 feet, and S 84-40-59 W 100 feet to the East line of Mall Road (75 feet from centerline); thence therewith, N 5-19-1 W 648.44 feet to a found pipe; thence with lines of a 4.00 acres parcel (D.B. 281 page 156), N 84-40-59 E 435.6 feet to a rebar, N 5-19-1 W 400.0 feet to a rebar, S 84-40-59 W 435.6 feet to a found pipe in the East line (75 feet from centerline) of Mall Road; thence with right-of-way lines of Mall Road, N 5-19-1 W 302.27 feet, N 84-40-59 E 25.0 feet, and N 5-19-1 W 363.02 feet to the place of beginning containing 82.705 acres and subject to legal easements of record and in existence.

The above described tract comprises part of Parcel #1 described as 158 acres in a deed recorded in D.B. 149 at page 120, Group #2040B of the Boone County Clerk's records at Burlington, Kentucky.

This description was prepared by Noel Walton, Ky. Reg. P.E. & L.S., August 15, 1991, from surveys made by David G. Walton, Ky. Reg. P.E. & L.S.

BOONE COUNTY PLANNING COMMISSION

August 28, 1991  
7:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 7:05 P.M..

Following an explanation of the Public Hearing process, Chairman Viox introduced the first item on the Agenda:

1. Applicant: Joseph Clinton Berkshire and Sue Kate Berkshire (owners)  
Request: Zoning Map Amendment

The request of Joseph Clinton Berkshire and Sue Kate Berkshire (owners) for a Zoning Map Amendment on a 7-acre (approx.) site located on the east side of Mall Road, west of I-75, Florence, Kentucky. The request is to rezone the site from Commercial Two/Planned Development (C-2/PD) to Commercial Two (C-2).

Mr. William Fromm, Director, presented the Staff Report which included a slide presentation (see Staff Report). Mr. Fromm advised that the site is approximately 82 acres, which is greater than what was originally indicated.

Chairman Viox asked if the applicant was present.

Mr. Tom Warndorf of CB Commercial Real Estate Group, Inc. stated that he was representing Mr. Berkshire in the potential sale of the property and was present in behalf of Mr. Berkshire. Mr. Warndorf stated that the application speaks for itself.

Chairman Viox asked if there was anyone else present who wished to speak in regard to this application. There being no response, he asked if there were any comments or questions from the Commission.

Mr. Sharp asked if they had any idea as to who this property would be marketed to and if there was anyone with a particular interest in the property. Mr. Warndorf advised that they do not have any specific information. He stated that they have had people approach them and it would be a commercial-type user.

Mr. Sharp questioned the outparcel of approximately four acres. Mr. Warndorf stated that the outparcel is owned by Luck Realty, which is a group of individuals that owns Leuger's Furniture. Mr. Sharp asked if there was a Site Plan for the outparcel and Mr. Warndorf advised that there was a Site Plan in the 1970's for the outparcel.

Mr. Neltner questioned if they could get access to Mall Road for the subject site. Mr. Kirby noted that there is a drive on the west side of Mall Road

and questioned if it went to the four-acre parcel. Mr. Warndorf stated that they did not have information about the access.

Mr. Greene stated that the access drive described by Mr. Kirby was used for access to the land when it was farm land.

Mr. Collins noted that the surrounding uses were indicated in the Staff Report. However, Union Oil had come in for rezoning and took in part of the Berkshire property at that time. He noted that Union Oil was not indicated and questioned if all of the adjoining property owners had been notified.

Chairman Viox reviewed the application and the list of adjoining property owners, noting that there were 20 adjoining property owners. Mr. Collins reviewed the list and stated that his concerns had been satisfied.

Mr. Burch noted that there is no current access to the site from Mall Road and questioned if there was access to the four-acre parcel. Mr. Doug Powell, Transportation Planner, stated that he had talked to the city about this and they do not know of any access points along this portion of Mall Road. There are two curb cuts -- one across from Swallen's and one where the guardrail stops, which may involve the four-acre parcel.

Mr. Burch stated that he believes access from Mall Road would be preferable to access from U.S. 42. He questioned if there were any plans for the Leuger's site at this time.

Mr. Warndorf stated that he tried to get in touch with the owners of Leuger's but they have not responded. One of them indicated that the property may someday be developed, but there are no definite plans at this time. Mr. Burch commented that many years ago they intended to put a furniture store there. Mr. Warndorf stated that this had been their plan in the 1970's.

Mr. Burch stated that access to the site is critical. He noted that in the last several years for many of the zone change requests people had indicated that "that is not Mall road and it will not take a big user". It was his belief that regional uses were to be on Mall Road. He would not have a problem with the request if the access could be addressed.

Mr. Powell quoted from the text of the Comprehensive Plan in regard to the Berkshire farms indicating that the land should have access from Mall Road with limited access from U.S. 42. He commented that the property does not have a curb cut on Mall Road at this time, but might have one in the future.

Mr. Burch commented that since the owner wants a change to C-2, his thoughts are probably that there will be a large user and it would make better sense for that user to have access on Mall Road.

Counselor Wilson stated that Mall Road is city-owned public right-of-way and the city has control over granting the access points. They have granted access points in other locations, but not here -- possibly because the use has been a farm and that use did not generate talk about an access point.

Mr. Burch questioned the traffic count on the new ramp from I-75. Mr. Powell advised that counts were taken the beginning of this year and that information is in the office. Mr. Burch commented that he passes there

everyday and does not feel that it is crowded. Mr. Powell stated that he believes this is correct. He added that they intend to go back and count the traffic again after the traffic reestablishes itself. He stated that he feels that count should be done now. He added that he does not believe there is a current problem on this end of Mall Road.

Mr. DeLong stated that a PD offers some benefits and questioned if they had considered those benefits. Mr. Warndorf stated that Mr. Berkshire feels that the PD confuses the issue and he would rather have C-2 zoning.

Mr. Fromm read a letter from Mr. Charles S. Tappath, President, CST Management Company, in opposition to the request (see Mr. Tappath's letter which was received on August 16, 1991 and is on file in the Staff Office).

Mr. Kirby noted that Mr. Tappath's letter indicates that just about everything on Mall Road is PD, but the Staff Report indicates that there are very few PD's on Mall Road. Mr. Viox stated that Mr. Tappath is mistaken. Mr. Neltner noted that there are other inconsistencies in Mr. Tappath's letter and asked that a reply be sent to Mr. Tappath to correct his understanding. Mr. Fromm stated that they will respond to Mr. Tappath.

There being no further discussion, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on September 4, 1991 at 8 P.M.\* and closed this Public Hearing.

\*Following the second Public Hearing Mr. Warndorf agreed that this item would be on the Agenda for the Business Meeting on September 18, 1991 at 8 P.M. due to the Labor Day Holiday affecting the Committee Meeting date.

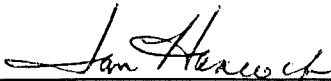
APPROVED:



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William R. Viox, Chairman

Attest:



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Jan Hancock, Recording Secretary

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Fred Burch, Acting Chairman

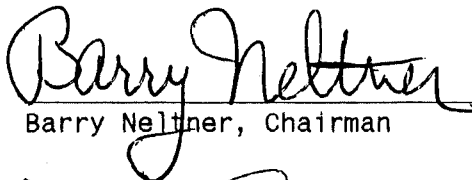
DATE: September 18, 1991

RE: Request of Joseph Clinton Berkshire and Sue Kate Berkshire (owners) for a Zoning Map Amendment on a ±70 acre site located on the east side of Mall Road and west of I-75, Florence, Kentucky. The request is to rezone the site from Commercial Two/Planned Development (C-2/PD) to Commercial Two (C-2).

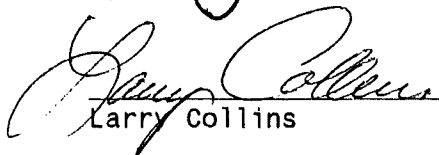
REMARKS:

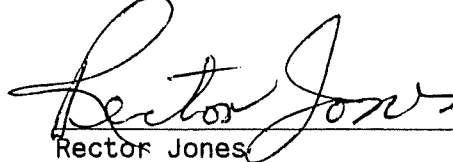
We, the Committee, find that:

1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question in that the Comprehensive Plan encourages the Mall Road area to develop as a regional shopping district, with those kinds of implied activities as are permitted in the C-2 zone. The C-2 zone dictates that districts will be located on suitable lands central to community or regional trade areas and provided direct access from expressways or arterial roads.
2. ~~The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate.~~ BN
3. Based on the above, and the Staff Report dated August 28, 1991, the committee recommends approval.

  
 Barry Nellner, Chairman

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

  
 Larry Collins

  
 Rector Jones

  
 Phil Damstrom

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

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

BN:kat

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

September 18, 1991 8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch  
Mr. Lawrence Collins  
Mr. Phil Damstrom  
Mr. R. N. Greene  
Mr. Rector Jones  
Mr. Robert Kirby, Jr.,  
Mr. Barry Neltner  
Mr. Thurman Owens  
Mr. Robert Ries  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Melvin DeLong  
Mr. Don McMillian  
Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received a copy of the Minutes of the September 4, 1991 Business Meeting and asked if there were any comments or corrections.

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

REPORTS:

Chairman Viox stated that the Zoning Enforcement Officer's Report had been distributed for the Commissioners to review.

Mr. Sharp referred to the Sign Permit for Saturn of Florence and advised that the sign is being placed to the west of center. Mr. Owens noted that the footers have been put in. Chairman Viox stated that the sign was to be dead center and asked Mr. Fromm to check the location of the sign the following day.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Joseph Clinton Berkshire and Sue Kate Berkshire (owners) for a Zoning Map Amendment on a 70-acre (approx.) site located on the east side of Mall Road and west of I-75, Florence, Kentucky. The request is to rezone the site from Commercial Two/Planned Development (C-2/PD) to Commercial Two (C-2).

Mr. William Fromm, Director, read the Committee Report which recommended approval of the request (see Committee Report).

There being no discussion, Mr. Jones moved by resolution, with a letter being sent to the City of Florence, that the request be approved based on the Staff and Committee Reports. Mr. Damstrom seconded the motion and it carried unanimously.

2. Utilization of an Underlying Zone in Planned Development

The request of GBBN Architects (applicant) for TRP Associates and Mary Ellen Foltz (owners) for the Utilization of an Underlying Zone in Planned Development on an 8-acre tract located west of Turfway Road and Houston Road, in Unincorporated Boone County and Florence, Kentucky. The site is currently zoned Commercial Two/Planned Development and an 88,050 sq. ft. Home Quarters store is being proposed.

Staff Member, Dave Geohegan, advised that the signed Committee Report is very slightly different than the one contained in the packets. Mr. Geohegan read the signed Committee Report which recommended approval of the request based on the findings of fact, but subject to seven conditions (see Committee Report). There is a letter on file signed by the applicant and two property owners agreeing to all of the conditions.

Mr. Collins moved by resolution to the proper authorities that the request be approved based on the Staff Report and signed Committee Report. Mr. Kirby seconded the motion and it carried unanimously. Mr. Geohegan advised that they are in the process of annexation and a courtesy copy to the county would be appropriate. Counselor Wilson suggested that the Staff determine which legislative body(ies) should be notified.

ORDINANCE NO. 0-44-91

AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, SUCH ZONE CHANGE BEING FOR PROPERTY LOCATED ON THE EAST SIDE OF MALL ROAD, THE ZONE CHANGE BEING FROM ITS PRESENT ZONE OF COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) TO A COMMERCIAL TWO (C-2) ZONE. (BERKSHIRE PROPERTY)

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

WHEREAS, the Boone County Planning Commission has recommended that a requested zone change for property along the east side of Mall Road, within the city limits of Florence, Kentucky, be granted, this zone change being from the current zoning of Commercial Two/Planned Development (C-2/PD) to a Commercial Two (C-2) 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 property located on the east side of Mall Road in the City of Florence, Kentucky, which is presently zoned Commercial Two/Planned Development (C-2/PD) shall be and the same is hereby rezoned to Commercial Two (C-2) zoning classification, 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 in the event the rezoning of this property should 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 regardless of any invalidity relating to this particular rezoning.

SECTION V

Publication of this Ordinance is hereby authorized to be by summary publication, in accordance with Kentucky law.

PASSED AND APPROVED ON FIRST READING THIS 12<sup>th</sup> DAY OF November, 1991.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 26<sup>th</sup> DAY OF November, 1991.

APPROVED:

*Erlynn M. Kelt*  
MAYOR

ATTEST:

*Patricia Conrad*  
CITY CLERK