

**CITY OF FLORENCE, KENTUCKY
ORDINANCE O-22-22**

AN ORDINANCE ADOPTING AND APPROVING A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN OFFICE TWO/COMMERCIAL TWO / PLANNED DEVELOPMENT / HOUSTON-DONALDSON STUDY CORRIDOR OVERLAY (O-2/C-2/PD/HDO) DISTRICT FOR AN APPROXIMATE 1 ACRE SITE LOCATED ALONG THE SOUTH AND WEST SIDES OF MEIJER DRIVE, BETWEEN HOUSTON ROAD AND SPIRAL BOULEVARD, APPROXIMATELY 300 FEET SOUTHEAST OF HOUSTON ROAD AND BEING PART OF THE PROPERTY AT 4990 HOUSTON ROAD, FLORENCE, KENTUCKY, TO ALLOW AN EATING AND DRINKING ESTABLISHMENT. (FREDDY'S STEAKBURGERS)

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

WHEREAS, the Boone County Planning Commission by Resolution No. R-22-023-A recommended approval for a change in an approved Concept Development Plan, and

WHEREAS, the recommendation for approval by the Boone County Planning Commission is based upon certain findings and conditions attached to the Commission's Resolution, all of which have been reviewed by the City Council for the City of Florence, Kentucky.

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

SECTION I

That the request of Evans Engineering, for Plaza Street Partners (Applicant) for Meijer Stores Limited Partnership (Owner) for a change in an approved Concept Development Plan in an Office Two/ Commercial Two/ Planned Development/ Houston-Donaldson Study Corridor Overlay (O-2/C-2/PD/HDO) District for an approximate 1 acre site located along the south and west sides of Meijer Drive, between Houston Road and Spiral Boulevard, approximately 300 feet southeast of Houston Road and being part of the property at 4990 Houston Road, Florence, Kentucky, shall be and is hereby approved. The zoning map of Boone County, Kentucky, as it applies to the City of Florence, Kentucky, shall be designated to reflect the approval of this change in the Concept Development Plan for this subject property.

SECTION II

The approval of this change to the Concept Development Plan is granted subject to the terms and provisions of the Boone County Planning Commission recommendation, including its Committee Report, made a part of that recommendation, and all provisions comprising the development plan herein, a copy of that recommendation and Committee Report of the Boone County Planning Commission being attached, marked Exhibit "A" and incorporated herein as if

fully set out, this recommendation being in the form of Resolution No. R-22-023-A of the Boone County Planning Commission, including the exhibits referenced to that Resolution.

SECTION III

This approval is granted based on the Findings of Fact made by the Boone County Planning Commission and contained within its recommendation that is attached and part of the Commission's Resolution No. R-22-023-A, marked Exhibit "A", and attached hereto.

SECTION IV

If the approval for this change in the Concept Development Plan shall be held invalid, in whole or in part, by any Court of proper jurisdiction, that invalidity shall not affect the validity of any of the other zoning regulations, zoning map, comprehensive plan, or other portions, provisions or terms of the approved Concept Development Plan for this property as they are severable from this Ordinance and are intended to have full force and effect regardless of any invalidity relating to this particular Ordinance.

SECTION V

This Ordinance shall be published by posting on the City's internet website.

PASSED AND APPROVED ON FIRST READING THIS 18th DAY OF OCTOBER, 2022.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 1st DAY OF NOVEMBER, 2022.

APPROVED:

/s/ Diane E. Whalen
Diane E. Whalen, Mayor

ATTEST:

/s/ Melissa Kramer
Melissa Kramer, City Clerk