

## ORDINANCE 2023-17

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT, KENTUCKY RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF TONY BERLING (APPLICANT) FOR IRELAND PROPERTIES, LLC (OWNER) FOR A CHANGE OF CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) DISTRICT FOR AN APPROXIMATE 3.26 ACRE AREA LOCATED AT 5765 CONSTITUTION DRIVE, BOONE COUNTY, KENTUCKY.**

**WHEREAS**, the Boone County Planning Commission received a request for a Change of Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) district for an approximate 3.26 acre area located at 5765 Constitution Drive, Boone County, Kentucky, which is more particularly described below; and

**WHEREAS**, the Boone County Planning 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, with conditions, for the Change of Concept Development Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:**

### **Section One**

That the request for a Change of Concept Development Plan for the real estate which is more particularly described below shall be and is hereby approved, with conditions, for a Commercial Two/Planned Development (C-2/PD) district for an approximate 3.26 acre area located at 5765 Constitution Drive, Boone County, Kentucky. The real estate, which is the subject of this request for a Change of Concept Development Plan and is more particularly described in DEED BOOK: 783, PAGE NO: 305 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

### **Section Two**

That as a basis for the recommendation of approval for a Change of Concept Development Plan request are the Findings of Fact, and Conditions, 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 Boone County Planning Commission 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 Three**

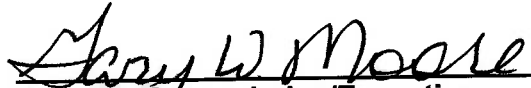
This Ordinance shall be in effect and in full force from and after its passage, publication and adoption, according to law.

First Reading the 22<sup>nd</sup> day of August 2023

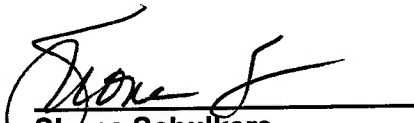
Second Reading the 5<sup>th</sup> day of September 2023

Adopted this 5<sup>th</sup> day of September 2023

Yes 4 No 0

  
Gary W. Moore, Judge/Executive  
Boone County Fiscal Court

ATTEST:

  
Shona Schulkers,  
Fiscal Court Clerk