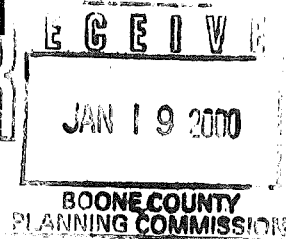


APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations
SECTION A (To be completed by applicant)

- 1. (Check One)
 Boone _____ Florence _____ Walton _____ Union _____
- 2. (Check One)
 Conditional Use Permit _____ Variance _____ Appeal _____
_____ Change in Non-Conforming Use _____
- 3. Applicant's Name WILLIAM KREUTZJANS FOR GODDARD SCHOOL
Phone Number 606 341-0050 Fax No. 606 341-4625
Applicant's Address 3005 DIXIE HWY
EDGEWOOD KY 41017
City State Zip
- 4. Description of Request: CONDITIONAL USE PERMIT TO
DEVELOP / BUILD A DAY CARE CENTER IN SR-1 ZONE
- 5. Name of Development HIGHLANDS OF OAKBROOK
- 6. Location of Development EAST SIDE OF OAKBROOK ROAD BETWEEN
OAKBROOK SWIM CLUB & FOX RUN LANE
- 7. Acreage Under Review ONE ACRE PLUS
- 8. Lot Number and Name of Subdivision (if part of a subdivision)
PRELIMINARY PLAT LOTS 61, 62, 63 OF HIGHLANDS OF OAKBROOK
- 9. Owner of Property KREUTZJANS YEAGER PROPERTIES, LLC
Phone Number of Owner 606 341-0050 10.
Address of Property Owner 3005 DIXIE HWY, EDGEWOOD, KY 41017
City State Zip
- 11. Proposed Use(s) on Site DAY CARE CENTER
- 12. Total Square/Footage of Existing and/or Proposed Buildings 8,000 SF
- 13. Current Zoning on Property SR-1
- 14. Deed Book 657 Page No. 213 Group No. 2032 12039
- 15. Is the site subject to a zone change? NO
If yes, give date of approval _____
- 16. Have you submitted a Site Plan with this request? YES - CONCEPTUAL
- 17. Have you submitted a list of adjoining property owners with this request? YES
- 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: *William Kreutzjans*

Property Owner's Signature: *John Yeager*

(over)

BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 1-19-00 Fee Received 470.00 # 20974
2. Is application complete? _____ Yes _____ No _____
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
_____ **Approved**
_____ **Approved with Conditions (See #6)**
_____ **Denial (See #7)**
6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2196 Phone
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

APPLICANT: William Kreutzjans on behalf of the Goddard School

LOCATION: Lots 61, 62, and 63 of the Highlands of Oakbrook Subdivision, Oakbrook Road, Boone County Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: February 9, 2000

Proposal

The applicant has applied for a Conditional Use Permit to allow a day care center at Lots 61, 62, and 63 of the Highlands of Oakbrook Subdivision, Oakbrook Road, Boone County Kentucky. The enclosed Concept Development Plan indicates that the lot would contain an 84' x 84' building (7,000 square feet) and 20 parking spaces.

History

This is the second time a Conditional Use Permit has been applied for by the applicant to use this property for day care facilities. The prior application was denied at the November 10, 1999 Board of adjustment meeting, please see attached staff report and meeting minutes.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Article 2, Section 262 and Article 9, Section 933 of the Boone County Zoning Regulations.

Article 2, Section 262

Article 2, Section 262 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the authority to grant Conditional Use Permits and may prescribe appropriate conditions and safeguards as part of the terms under which a Conditional Use Permit is granted. The Board shall consider whether or not, the intended use:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objectives of the County's comprehensive plan, a specific corridor plan and/or the zoning order;

2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Article 9, Section 933

Article 9, Section 933 of the Boone County Zoning Regulations lists Nursery or day care centers within a Suburban Residential One (SR-1) zone as a Conditional Use. The following uses and appropriate accessories subject to the approval and qualifications of the Board of adjustment and Zoning Appeals provided:

- a. the activity is an integral and subordinate function of a permitted use; or
- b. the activity will not contradict the low density character of the district; and
- c. the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Staff Comments

1. Staff is concerned about the prominence of the building considering the existing elevation of the proposed property. If grading took place to reduce the overall elevation, leaving a berm to buffer the property from surrounding residences, the visual impact of the building would be kept to a minimum.

2. Should a non-residential use be located within the Highlands of Oakbrook Subdivision, it would be ideal to locate it adjacent to an existing non-residential use such as The Oakbrook Swim and Tennis Club.
3. Should the Conditional Use Permit be approved, the applicant will be required to submit and obtain approval of a Major Site Plan from the Planning Commission staff.

Conclusion

K.R.S. 100.237 gives the Boone County Board of Adjustment and Zoning Appeals the authority to approve the applicant's request for a Conditional Use Permit to allow a day care center at Lots 61, 62, and 63 of the Highlands of Oakbrook Subdivision, Oakbrook Road, Boone County Kentucky. The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit, stated in Article 2, Section 262 of the Boone County Zoning Regulations.

Respectfully Submitted,

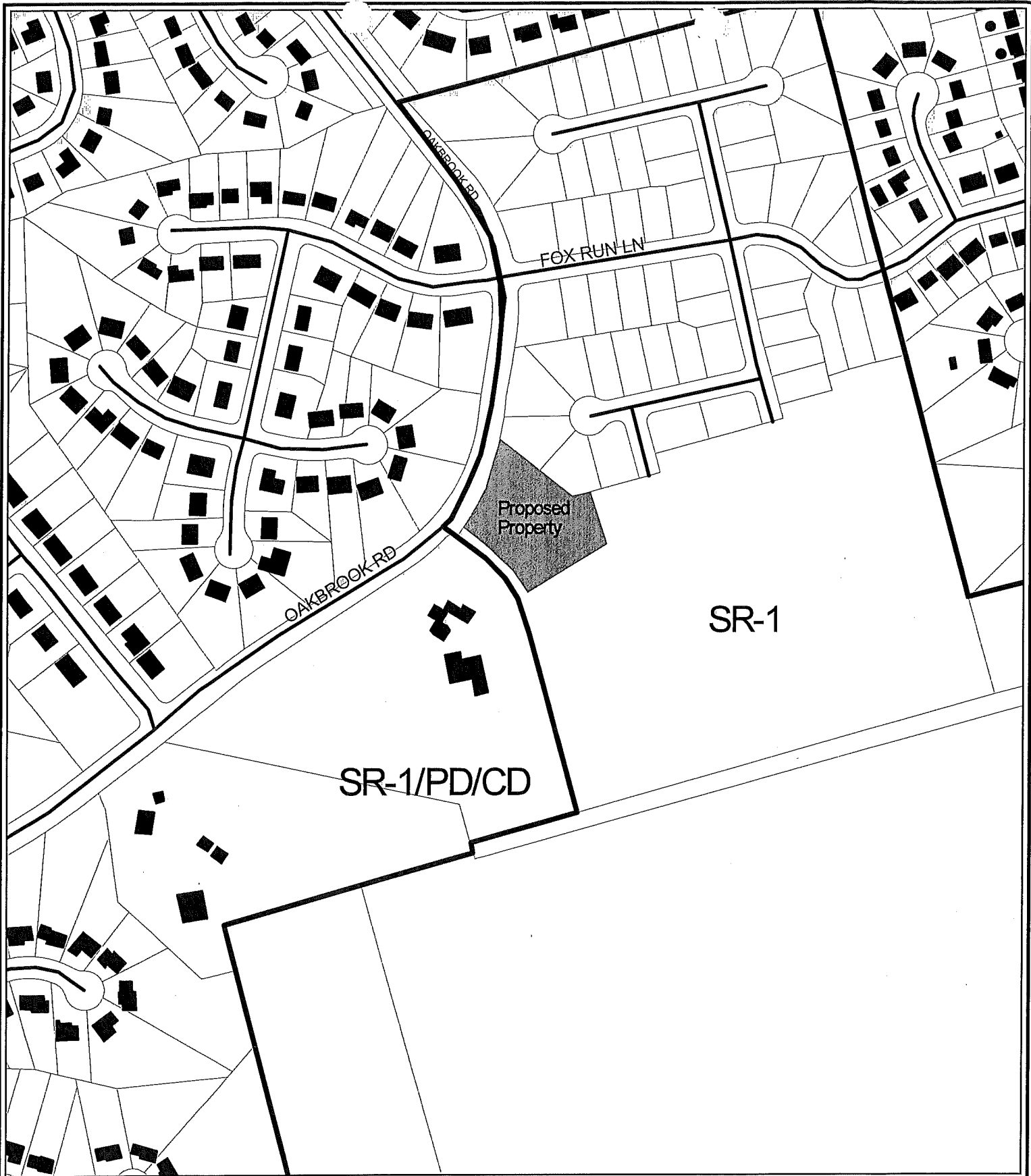


Mike Homer
Planner

MH\pr

Attachments

- Vicinity/Zoning Map
- Site Plan
- Staff Report prepared for the November 10, 1999, Board of adjustment meeting
- Meeting minutes from the November 10, 1999, Board of adjustment meeting
- Conditional Use Permit Application



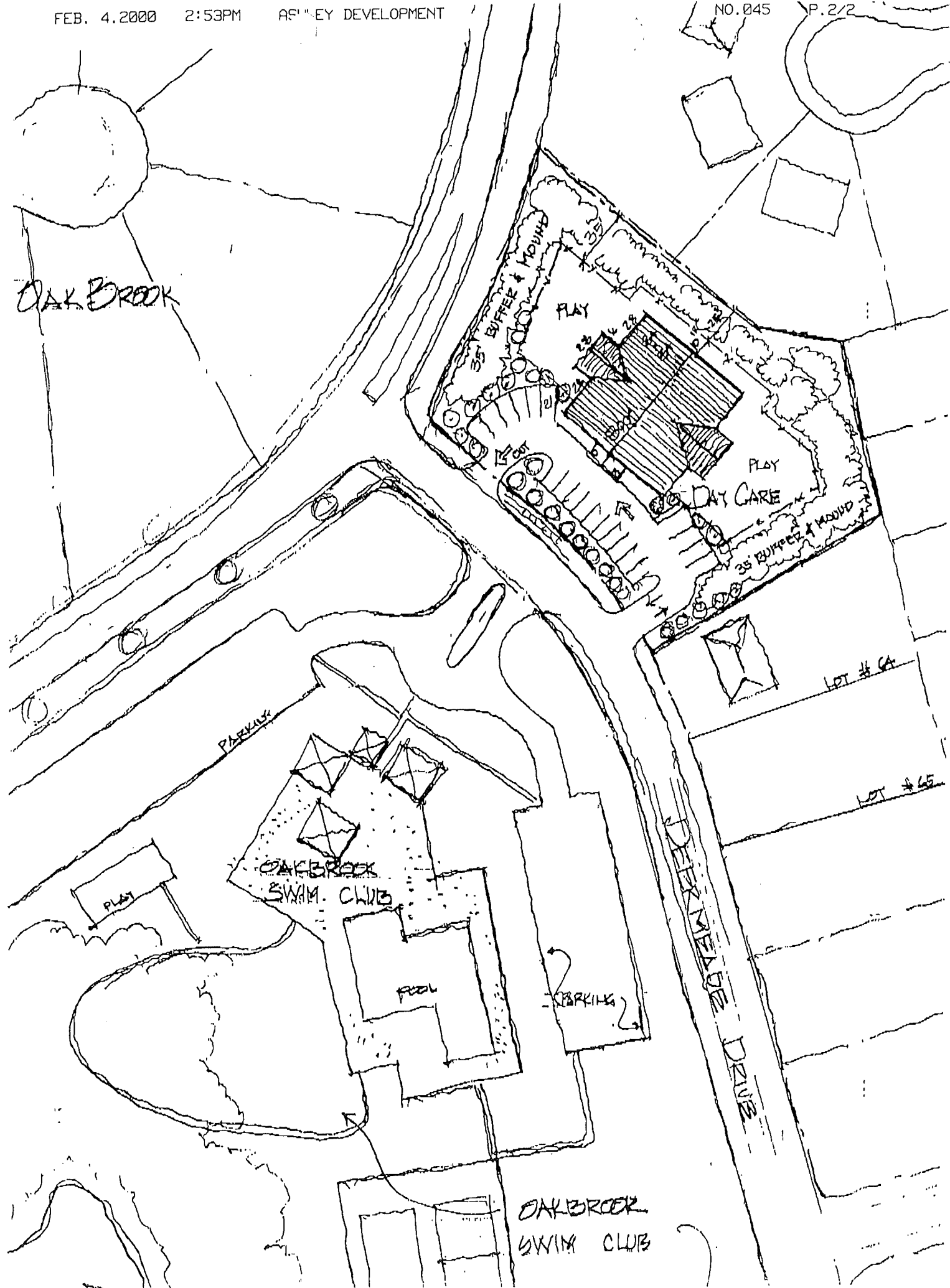
Site/Zoning Map Goddard School

300 0 300 Feet

1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 4, 2000



OAK BROOK



STAFF REPORT

APPLICANT: William Kreutzjans on behalf of Goddard School

LOCATION: Lots 61, 62, and 63 of the Highlands of Oakbrook Subdivision, Oakbrook Road, Boone County, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: November 10, 1999

Proposal

The applicant is requesting a Conditional Use Permit to allow a day care center at Lots 61, 62, and 63 of the Highlands of Oakbrook Subdivision, Oakbrook Road, Boone County, Kentucky. The enclosed Concept Development Plan indicates that the proposed building will be 84' x 95' (for a total square footage of 8,000 square feet), along with the required Buffer Yard Type "A" along the street frontages, and a Buffer Yard Type "C" along the rear and right side yard of the property. The plan also proposes a total of 27 parking spaces. Article 9, Section 933 of the Boone County Zoning Regulations permits nursery and day care centers as a Conditional Use in a Suburban Residential One (SR-1) zoning district, subject to the following criteria:

- a) the activity is an integral and subordinate function of a permitted use; or
- b) the activity will not contradict the low density character of the district; and
- c) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

In addition, the following general standards are applicable pertaining to Conditional Uses. The Board may consider whether such use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area.
3. Will be hazardous to existing or future neighboring uses;

4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Surrounding Land Uses and Zoning

- North: Fox Run Lane, Single Family Homes, zoned SR-1
- South: Beemon Lane, zoned SR-1
- East: Vacant Land (currently under development), zoned SR-1
- West: Oakbrook Swim and Tennis Club, zoned SR-1/PD/CD

Relationship to the Comprehensive Plan

The 1995 Boone County Comprehensive Plan identifies the subject site as Suburban Residential (SR), which is defined as Single Family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision.

The Land Use Element within the 1995 Boone County Comprehensive Plan refers to this area generally by stating, in part:

C-4: CAMP ERNST AREA

The large area between Hopeful Church Road and Oakbrook Road, south of KY 18 to Pleasant Valley Road, should develop in a Suburban Residential fashion. The area must develop with local access and limited access collector roads as a high priority. These should include the connection of Oakbrook Road to Pebble Creek Drive; Beemon Lane to Pleasant Valley Road; and, an east-west connector between Pleasant Valley Road, south of Stonegate Meadows. These collector road extensions should not allow parking or driveway access in order to facilitate the movement of traffic through the area, and should include multi-modal elements such as pedestrian paths and bike lanes, and bus stop areas.

Staff Comments/Concerns

1. The applicant should state the hours of operation of the facility, and the number of children that the facility will accommodate.
2. The applicant will be required to submit and obtain approval of a major Site Plan from the Planning Commission staff. Included in this review will be minimum requirements for landscaping and buffering, pursuant to Article 37 of the Boone County Zoning Regulations.

Conclusion

The applicant's request must be evaluated by the necessary criteria for granting Conditional uses listed in Section 262 of the Boone County Zoning Regulations.

Respectfully submitted,

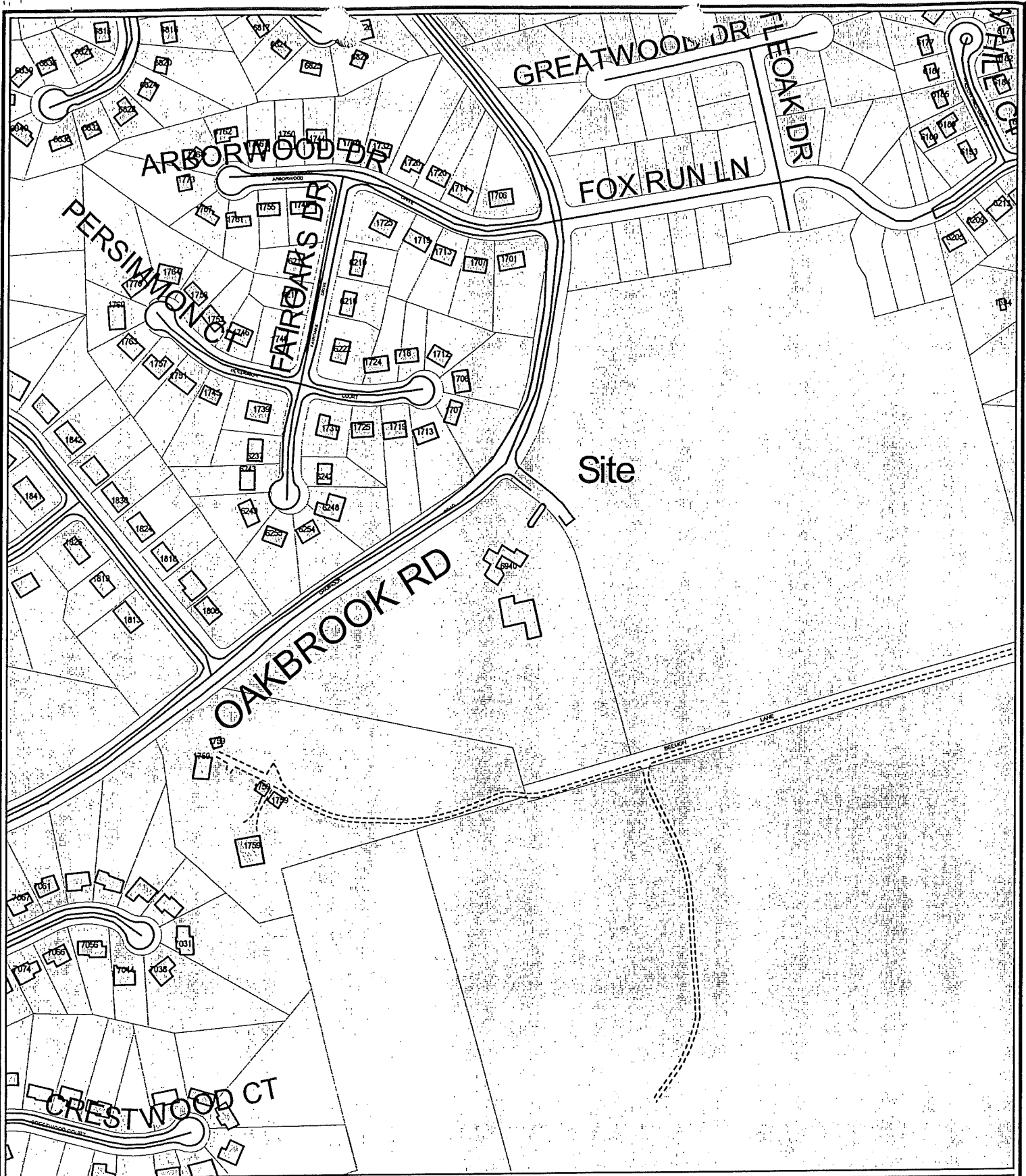


Mark E. Jordan
Planner

MEJ/pr

Attachments

- Site Vicinity Map
- Zoning Map
- Future Land Use Map
- Concept Development Plan

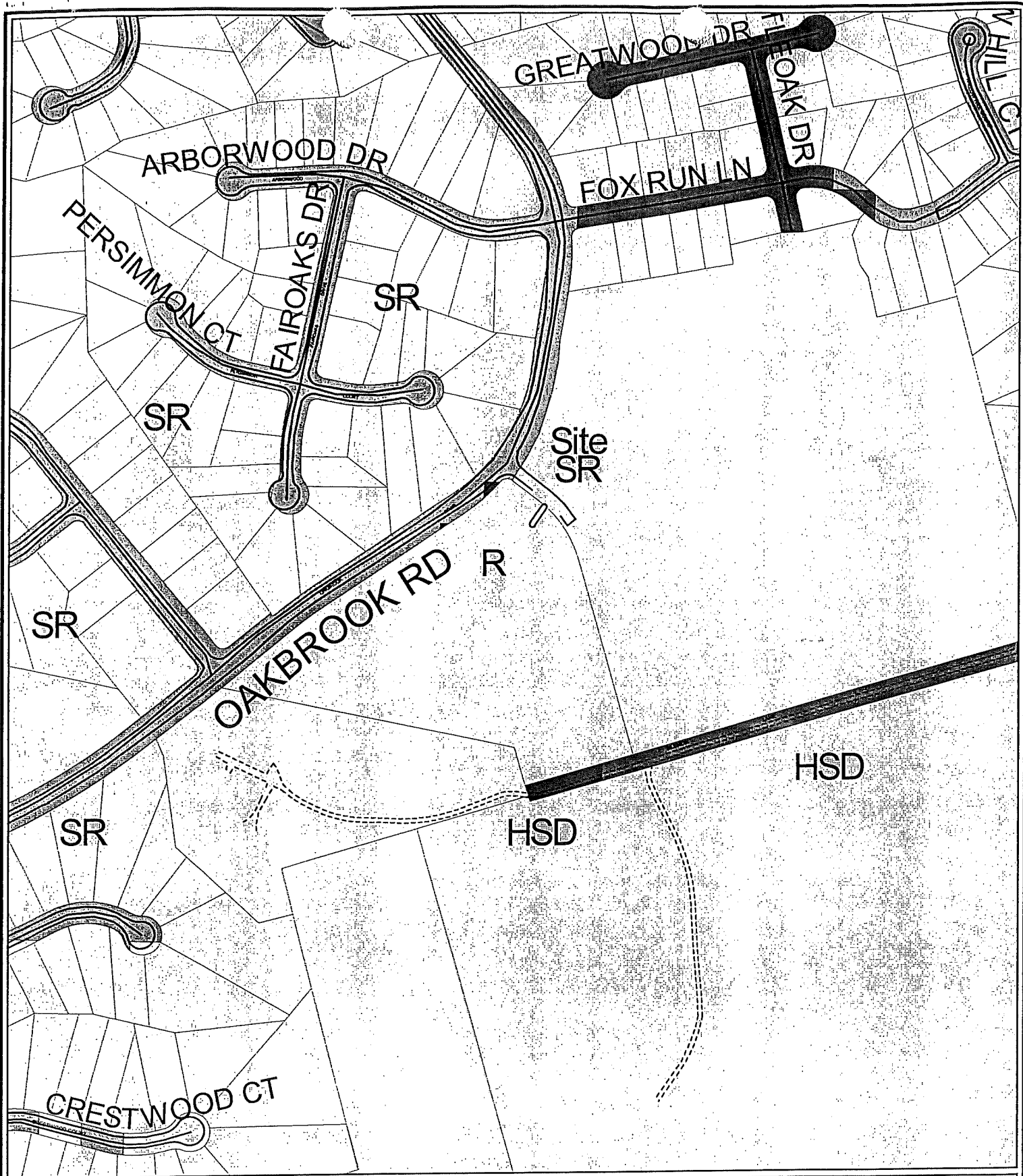


Site Vicinity Map Goddard School

300 0 300 Feet

1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
November 2, 1999





**Future Land Use Map
Goddard School**

300 0 300 Feet

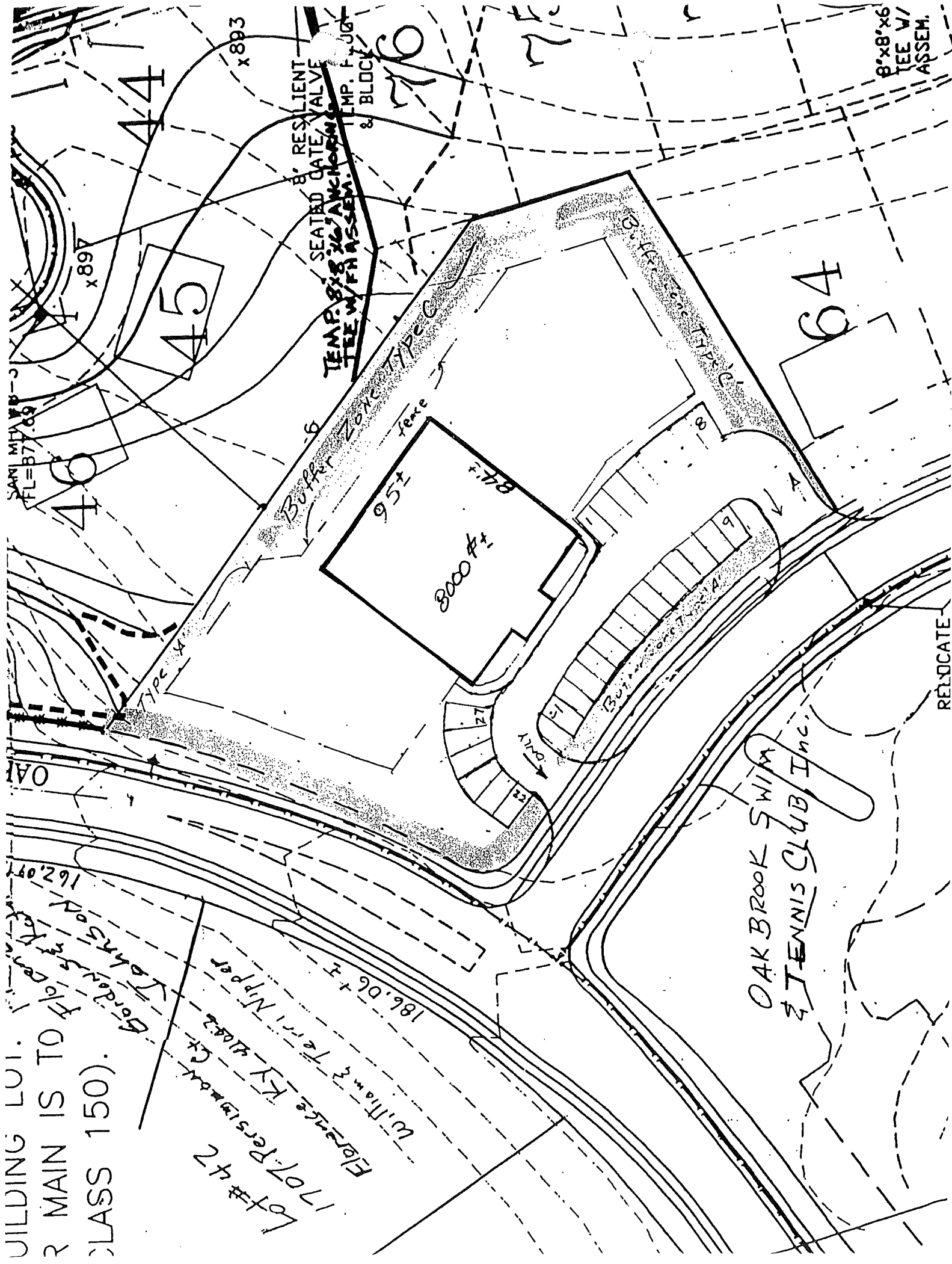
1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
November 2, 1999



BUILDING LOT.
R MAIN IS TO CLASS 150).

1707 Persimmon Ct
Elizabethtown, KY 40122
162.04

SAME MTA # B-3
FL = B77.09



OAK BROOK SWIM & TENNIS CLUB, Inc.

RELOCATE

8" x 8" x 6" TEE W/ FASSEM.

x 893

x 897

44

45

46

64

6" RESILIENT SEATED GATE VALVE
TEMP. 8" x 8" 26" ANCHORING TEE W/ FASSEM. LAMP. FT. JUG & BLOCK

TYPE C
TYPE B
TYPE A

3000 sq ft

95 ft x 77 ft

DRIVE

27

31

8

9

13

13

186.06

Lot # 42

1707 Persimmon Ct

Elizabethtown, KY 40122

162.04

1707 Persimmon Ct

Elizabethtown, KY 40122

162.04

1707 Persimmon Ct

Elizabethtown, KY 40122

162.04

1707 Persimmon Ct

Elizabethtown, KY 40122

162.04

1707 Persimmon Ct

Elizabethtown, KY 40122

162.04

1707 Persimmon Ct

Elizabethtown, KY 40122

4. The request of William Kreutzjans on behalf of Goddard School for a Conditional Use Permit to allow a child day care center on Lots 61, 62, and 63 of the Highlands of Oakbrook Subdivision, Oakbrook Road, Boone County, Kentucky. The property is currently zoned Suburban Residential One (SR-1).

Staff Member Mark Jordan presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Bill Kreutzjans stated that a day care center would be harmonious to the neighborhood. The site is adjacent to Oakbrook Road, which is a collector road, and across the street from the Oakbrook Swim Club. He provided the Board with pictures of the Goddard School they built in Crestview Hills and the one in Fort Mitchell that is nearly complete (see Exhibit 1). He stated that the proposed building will be one-story and in keeping with the height of the houses. He stated that they are the developers of the land immediately around the site (the Highlands of Oakbrook which they are developing and selling to Drees, and Drees is in agreement with the request). He stated that he called all of the adjacent property owners and talked to all but one. He stated that they have shown Buffer Yard A and Buffer Yard C around the use. Buffer Yard C is 25 feet wide and they will have to meet the requirements regarding the number of trees and plants. The building is surrounded by buffer areas. They have 27 parking spaces (25 spaces and 2 handicap spaces). There will be 8 to 10 teachers and the owner, and the rest of the spaces will be for the users of the facility. They have found this number of parking spaces to be adequate at their other facility. Access to the facility is off the street the Swim Club is on and that street will eventually tie into the Arlinghaus subdivision and continue over to the Pleasant Valley area and Beemon Lane.

Chairman Whitton questioned the outside play area. Mr. Kreutzjans responded that they have a fence around it and they have better than 4,000 square feet of play area on each side of the building.

Chairman Whitton questioned the hours of operation. Mr. Kreutzjans responded that the hours are 7 AM to 6 PM and added that there is a need for this type of facility.

Mrs. Millar questioned the ages of the children.

Mr. Richard Mina with Goddard Schools responded that the children are infants to age five. Mrs. Millar questioned an after school program. Mr. Mina responded that there will be an after school program for ages 5 to 8. Mr. Edwards questioned the number of children. Mr. Mina responded that state licensing will probably allow 135 to 150 children, and that number is determined once the building is complete. Mr. Edwards asked if that is approximately the same number as the other two schools. Mr. Mina responded "yes".

Chairman Whitton questioned the staff. Mr. Mina responded that there will be a staff of 8 to 10, plus the owner.

Mrs. Millar asked if it is strictly a day care facility or is it a school? Mr. Mina responded that there is a kindergarten program and stated that it is an early learning child care center. Chairman Whitton noted that it is called a "school" and commented that the "school" is the kindergarten. Mr. Mina agreed.

Ms. Glenna Walker stated that she operates the school in Crestview Hills and will be the owner of this facility. She stated that the teachers have to be certified and there is a lesson plan for each classroom. Even for the infants, activities are set up so that they are stimulated. There is interaction with the children.

Mr. Richard Wentz, attorney representing the developer, stated that this type of day care center located within the development is safer for people using it because they do not have to travel outside the development for this service. It is in a residential neighborhood and people are traveling at slower speeds. The school can be accessed without traveling on KY 18, U.S. 42, or other roads with high speed limits. He feels that the project meets the seven criteria for a Conditional Use Permit. Mr. Wentz requested approval.

Counselor Wilson asked that the pictures submitted be shared with the public.

Chairman Whitton asked if there was anyone present in opposition to the request.

Mr. Ed Shafer, 7277 Ridge Edge Court in the Summits, stated that this property sets five or six feet above the street -- so this building will set up higher and be prominent. He does not think an 8,000 square foot building will be harmonious with a single-family subdivision. This would be a large structure for Oakbrook. There is no other commercial development in Oakbrook except at the entrance on KY 18 and the potential for commercial development at Pleasant Valley Road and Oakbrook -- which would be a more appropriate location for this use. He stated that the proposed activity is not an integral part of the subdivision. The school in Crestview Hills is away from a subdivision. He stated that 27 parking spaces on three lots is more automobiles than if the lots were developed as housing units. The proposal is not in keeping with low density. He stated that 135 to 150 children is a major operation and there will be a lot of traffic with them being dropped off and picked up daily. They will not come three or four to a car. There will be a traffic mess there, it is not harmonious with the area, and it should be located in an area more conducive to commercial development. He is opposed to the request. Mr. Shafer asked if a school is a Conditional Use in this area.

Mr. Jordan responded "yes" and stated that the school would be associated with the day care facility.

Mr. Shafer stated that he feels that it is more of a school than a day care center. He asked if a school by itself is permitted in SR-1. Mr. Jordan responded that a school is permitted in a Public Facilities zoning district. Mr. Shafer stated that a school would not be permitted on this site without a zone change. He repeated that this use is more of a school than a day care center. He stated that when you have certified teachers, lesson plans, and classrooms, it is a school and not day care. He questioned the definitions of "school" and "day care".

Counselor Wilson explained that the question posed was whether schools would be an allowable Permitted Use or a Conditional Use in the zone and the answer is "no".

Mr. Shafer stated that he is a member of the Oakbrook Community Association and has spoken with two administrators and the managing agent and they were not aware of this proposal. He stated that the President of the Association, Mr. Bowman, is an employee of the Drees Company and he would be in favor since they are selling the lots. He would be

interested in the opinion of the resident members, not the Drees Company members.

Mr. Jordan stated that schools are not a Conditional Use in SR-1, but nurseries or day care centers are.

Mr. Shafer stated that this use has been defined as a school, which is not permitted in the SR-1 zone. He is opposed to the request.

Chairman Whitton asked if there was anyone else present who wished to speak in opposition. There was no response.

Mr. Wentz stated that he believes they will be licensed by the state as a day care center. By state law, it is a day care center, not a school. He believes Kentucky licensure should govern on this issue. In regard to the elevation of the property, Mr. Kreutzjans stated that they plan to buffer with mounding and the development will be in keeping with the neighborhood.

Mr. Shafer questioned how high the building would be in relation to a normal ranch style house. Mr. Kreutzjans responded that it will be no higher than a two-story house.

Mr. Mina stated that they use the term "school", but it is a child care center and it is licensed by the state as child care. He stated that 135 to 150 children sounds like a lot, but they do not typically have that many at a time. The plan is set up for full-time and half-time, and for people to use the facility one, two, or three days a week. There is an accredited kindergarten and they take infants up to age five. It is an early learning center.

Chairman Whitton questioned how many children typically there are in this size facility.

Mr. Mina explained that a parent can sign up for only half a day a week. One of his children goes two days a week. The program is set up to cater to the parents. He stated that it is not a school under the Zoning Ordinance. They operate seventy one child care centers in the mid-Atlantic region and they are very concerned about how a building fits into an area. None of their schools look the same and in some towns they use siding versus brick, or other features to fit aesthetically into the neighborhood. He stated that this is a small child care center compared to the industry.

Mrs. Millar questioned if operating a kindergarten qualifies the facility as a school or day care center. Counselor Wilson responded that there is not one feature to pick out to make that decision. It is being proposed as a day care center, but is it's primary use a school? He stated that if it is considered day care, the issue is if it is suitable in this location.

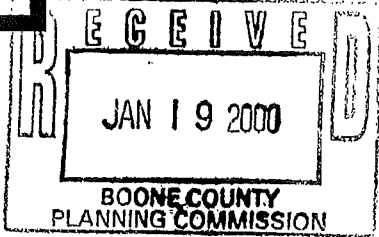
Mr. Wentz stated that under the law, a school is a school and a day care center is a day care center. If it is operated as a school, it has to be accredited as a school. He stated that state law governs if it is a school or a day care center. He suggested that the Board rely on how it is licensed.

Mr. Shafer stated that there is a small sign on the property, the request is advertised in the newspaper, and abutting property owners have to be notified -- but if it were more widely publicized, there would be more objection to it. He stated that this use will detract from the value of the community -- but people do not know about it because they do not read the Boone County Recorder.

Mrs. Millar stated that this is a Conditional Use but, based on the training she has attended, a day care center is more desirable at the entrance to a development and not in the middle of a development. She moved to deny the request on the basis that it will contradict the low density character of the district based on the size of the development and that it is in the middle of the development. Mr. Ryan seconded the motion. A roll call vote on the motion found Mrs. Millar, Mr. McGruder, and Mr. Ryan in favor. Mr. Edwards and Chairman Whitton were opposed. Mr. Edwards stated that he believes the application meets the criteria for a Conditional Use in SR-1 and meets the general standards applicable to a Conditional Use. The motion carried by a vote of 3 to 2.

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations
SECTION A (To be completed by applicant)

- (Check One)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit _____ Variance _____ Appeal _____
Change in Non-Conforming Use _____
 - Applicant's Name WILLIAM KREUTZJANS FOR GODDARD SCHOOL
Phone Number 606 341-0050 Fax No. 606 341-4625
Applicant's Address 3005 DIXIE HWY
EDGEWOOD KY 41017
City State Zip
 - Description of Request: CONDITIONAL USE PERMIT TO DEVELOP / BUILD A DAY CARE CENTER IN SR-1 ZONE
 - Name of Development HIGHLANDS OF OAKBROOK
 - Location of Development EAST SIDE OF OAKBROOK ROAD BETWEEN OAKBROOK SWIM CLUB & FOX RUN LANE
 - Acreage Under Review ONE ACRE PLUS
 - Lot Number and Name of Subdivision (if part of a subdivision)
PRELIMINARY PLAT LOTS 61, 62, 63 OF HIGHLANDS OF OAKBROOK
 - Owner of Property KREUTZJANS YEAGER PROPERTIES, LLC
Phone Number of Owner 606 341-0050 10.
Address of Property Owner 3005 DIXIE HWY, EDGEWOOD, KY 41017
City State Zip
 - Proposed Use(s) on Site DAY CARE CENTER
 - Total Square/Footage of Existing and/or Proposed Buildings 8,000 SF
 - Current Zoning on Property SR-1
 - Deed Book 657 Page No. 213 Group No. 2032 12039
 - Is the site subject to a zone change? NO
If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? YES - CONCEPTUAL
 - Have you submitted a list of adjoining property owners with this request? YES
 - I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: William Kreutzjans

Property Owner's Signature: John Yeager

(over)

COPY

CLUR #00-BCBOA-010-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Kreutzjans Yeager Properties, LLC
3005 Dixie Hwy.
Edgewood, KY 41017

2. ADDRESS OF PROPERTY

Oakbrook Dr.
Florence, KY 41042

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Goddard School

4. DEED BOOK 657

PAGE NO. 213

GROUP NO. 2032 & 2039

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:
From To

Conditional Use Permit

Development Plan

Conditional Zoning

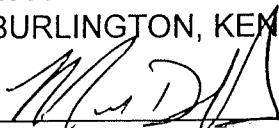
Subdivision Plat
(Not Recorded)

Other:

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005



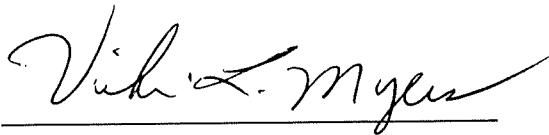
SIGNATURE OF COMPLETING OFFICIAL

Mike Homer, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

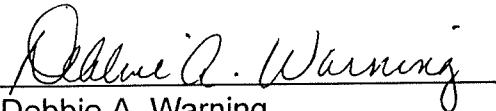
Subscribed, sworn to, and acknowledged before me by Mike Homer on behalf of the
Boone County Planning Commission this 16 day of March, 2000.



Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2003

This instrument was prepared for recording purposes only by:



Debbie A. Warning
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of March 8, 2000 Certificate of Land Use Restriction (#00-BCBOA-010-A), for Kreutzjans Yeager Properties LLC, Property Owner(s).

The following conditions will apply:

1. Grading is required to reduce the overall elevation, leaving a berm to buffer the property from surrounding residences and keep the visual impact of the building to a minimum.
2. The applicant is required to submit and obtain approval of an Major Site Plan from the Boone County Planning Commission Staff.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 657

PAGE NO. 213

GROUP NO. 2032 & 2039