

**BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION**

JAN 21 2004
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 Tim Hagedorn
Phone Number 959-200-0500 Fax No. 951-282-7031
Applicant's Address 1532 Proctorville Dr.
Burlington Ky 41005
City State Zip
- 4. Description of Request: To allow Rhino Linings a CUP to operate in the upper part of the building, change the front to 2 Garage doors, add parking and a block storage add
- 5. Name of Development Steele's Hometown Tire (old Burlington Firehouse)
- 6. Location of Development 2026 Tarrid St
Burlington, Ky. 41005
- 7. Acreage Under Review .9376
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property T & J Properties (John & Jackie Steele)
Phone Number of Owner (959) 534-5900 (959) 393-9269
- 10. Address of Property Owner 7980 McVillie Rd
Burlington Ky. 41005
City State Zip
- 11. Proposed Use(s) on Site Sprayed in Bed Linings and Truck accessories and Tire Storage.
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property SR 2/SC overlay
- 14. Deed Book 848 Page No. 448 Group No. 2029
- 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
- 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: [Signature]

Property Owner's Signature: Jacqueline Steele, member

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 1-21-04 Fee Received \$577.00 ~~FE~~ 37634
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
2-11-04 Approved
2-11-04 Approved with Conditions (See #6)
_____ Denial (See #7).
6. Conditions of Approval: SEE 2-11-04 BCBOA
MEETING MINUTES
7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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: Tim Hagedorn
LOCATION: 3026 Torrid Street, Boone County, KY
ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)
DATE: February 11, 2004

Proposal

The Applicant is requesting a Conditional Use Permit so the conditions of approval for 3026 Torrid Street can be modified. The applicant is seeking the following modifications to the Conditional Use Permit that was approved by the Boone County Board of Adjustment on December 11, 2002:

1. Allow a light truck repair shop, specializing in spray on bed liners, to operate in a 2,400 square foot tenant space in the Steele's Hometown Tire & Auto Service Shop (former Burlington Firehouse). The 2,400 square foot tenant space would be broken up into a 800 square foot showroom and 1,600 square foot service area, with two garage bays. The Applicant would remove the windows from the front facade of his tenant space and would install two new garage doors. The garage doors will match those being used by Steele's Hometown Tire and Auto Service.
2. Allow a 972 square foot (27' x 36') concrete block addition to be constructed onto the rear of Steele's Hometown Tire and Auto Service. The proposed addition would have a similar roof and would be painted the same color as the rest of the building. The addition will have a side entry garage door (facing Nicolas Street) and will be used to store incoming and outgoing tires.
3. Allow two new parking stalls to encroach into the 25' rear yard buffer.

Site History

12-11-02 The Boone County Board of Adjustment approved an approximate 6,180 square foot automotive repair and tire business (Steele's Hometown Tire) to operate out of the 9,180 square foot building. The remaining 3,000 square foot tenant space had to be occupied by a business which was principally permitted (numbers 5-35) in the Small Community Overlay (SC) zoning district. As part of this approval seven (7) conditions were imposed (see attachments).

Applicable Regulations

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional use permits as specified by the zoning order.

Article 20, Section 2012 of the Boone County Zoning Regulations permits "gasoline filling stations and automobile repair facilities and wash services for vehicles" as a conditional use within the Small Community Overlay (SC) district.

Article 40, Section 4000 of the Boone County Zoning Regulations defines an automotive repair facility as "a business establishment that repairs, rebuilds, reconditions, or services automobiles or automotive parts, including but not limited to any of the following activities: body and paint work; engine repair or rebuilding; installation, repair, or reconditioning of tires, brakes, transmissions, mufflers, automotive electrical or air conditioning systems, automotive upholstery, or automotive glass, all on an individual vehicle basis; changing of oil, other fluids, and filters; emissions testing."

Article 30, Section 3007 of the Boone County Zoning Regulations states that "property involving a conditional use and/or variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district."

Article 33, Section 3312 of the Boone County Zoning Regulations states that "all parking areas shall be stripped to facilitate movement into and out of the parking stalls."

Article 33, Section 3314 of the Boone County Zoning Regulations states that "all parking and loading areas set forth in Sections 3311 and 3325, including driveways, aisles, vehicle storage, outdoor storage, and vehicle circulation areas shall be improved with either asphalt concrete or portland cement concrete to provide a durable and dust free surface."

Article 33, Section 3325 of the Boone County Zoning Regulations requires two parking stalls per service bay, 1 stall per 250 square feet of office space or storage space, and 1 stall per company car.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 2012 of the Boone County Zoning Regulations.

Findings listed in Section 262:

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 not 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 such services;

5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not 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 designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 20, Section 2012 of the Boone County Zoning Regulations allows an automobile repair facility as a conditional use in the SC district provided that:

- a. the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center;
- b. the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district; and
- c. historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the SC overlay. Additions and structural alterations will be reviewed for conformance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Relationship to the Comprehensive Plan

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question as a mixture of "Suburban Residential" and "Public/Institutional" uses. These designations are described as follows:

Suburban Residential – "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."

Public/Institutional – "Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc."

The Land Use Element (Burlington Area, p. 169) states the following regarding this area:

- A. "Central Burlington includes a National Register Historic District. Historically important structures should be protected from development pressures, or be subject to appropriate adaptive reuse to retain the character of central Burlington."

Surrounding Land Uses and Zoning

North: Burlington Baptist Church (SR-2/SC)

South: Burlington Pentecostal, Barber Shop, and Single Family Residential (SR-2/SC)

East: Single Family Residential (SR-2/SC)

West: Burlington Baptist Church (SR-2/SC)

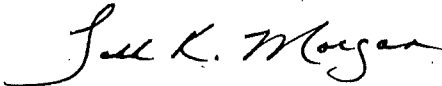
Staff Comments

1. To date, the property owners have not submitted a Site Plan application for the existing tire and automotive repair business. The Zoning Code Enforcement Officer has made the property owners aware that the Planning Commission is expecting a Site Plan to be submitted immediately after the Board of Adjustment acts on this Conditional Use Permit.
2. Since opening the tire and automotive repair business the property owners have kept a semi-trailer on the site to help them store incoming and outgoing tires. This type of outside storage is forbidden by the current conditions of approval. The property owner has indicated that the 972 square foot addition would allow them to store these tires.
3. Staff would like the Applicant to what chemicals are used in the "spray on" process.
4. Staff contacted Burlington Fire and the Boone County Building Department about the spray on bed liner business. Both agencies were familiar with the business because it is currently located in Commerce Park West. Their experience is that the gasses used in the process are inert.
5. Staff visited the facility in Commerce Park West while the applicant was spraying a truck. Staff did not detect any sound or odor outside the building.
6. Staff recommends that the Board should analyze the following criteria before granting the Conditional Use Permit:
 - a. The business will be operated and maintained so it will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
 - b. The business will not 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. If the Board grants approval of the request, Staff recommends the following conditions:
 - a. Condition 2, 3, and 4 from the December 12, 2002 approval
 - b. Condition 5 should be reworded if the proposed parking stalls are allowed in the 25' rear yard buffer.
 - c. The proposed exterior changes (building & roof materials, paint color, and garage doors) will be identical to those being used on the existing building.

Conclusion

KRS 100.237 and Sections 220 of the Boone County Zoning Regulations gives the Boone County Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request for a Conditional Use Permit.

Respectfully submitted,



Todd K. Morgan, AICP
Planner, Zoning Services

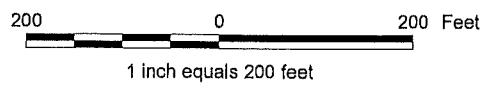
TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Letter From Property Owner
- Exhibit C – Concept Development Plan
- Exhibit D – Aerial Map
- Exhibit E – Zoning Map
- Exhibit F – Future Land Use Map
- Exhibit G – SC Regulations
- Exhibit H – 12/11/02 Conditions of Approval
- Exhibit I – Application



3026 Torrid Street Site Vicinity Map



Produced by the
Boone County Planning Commission
GIS Services Division
January 27, 2004



1/21/04

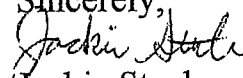
Todd Morgan
Boone Co. Planning Commission
2995 Washington St.
Burlington, KY 41005

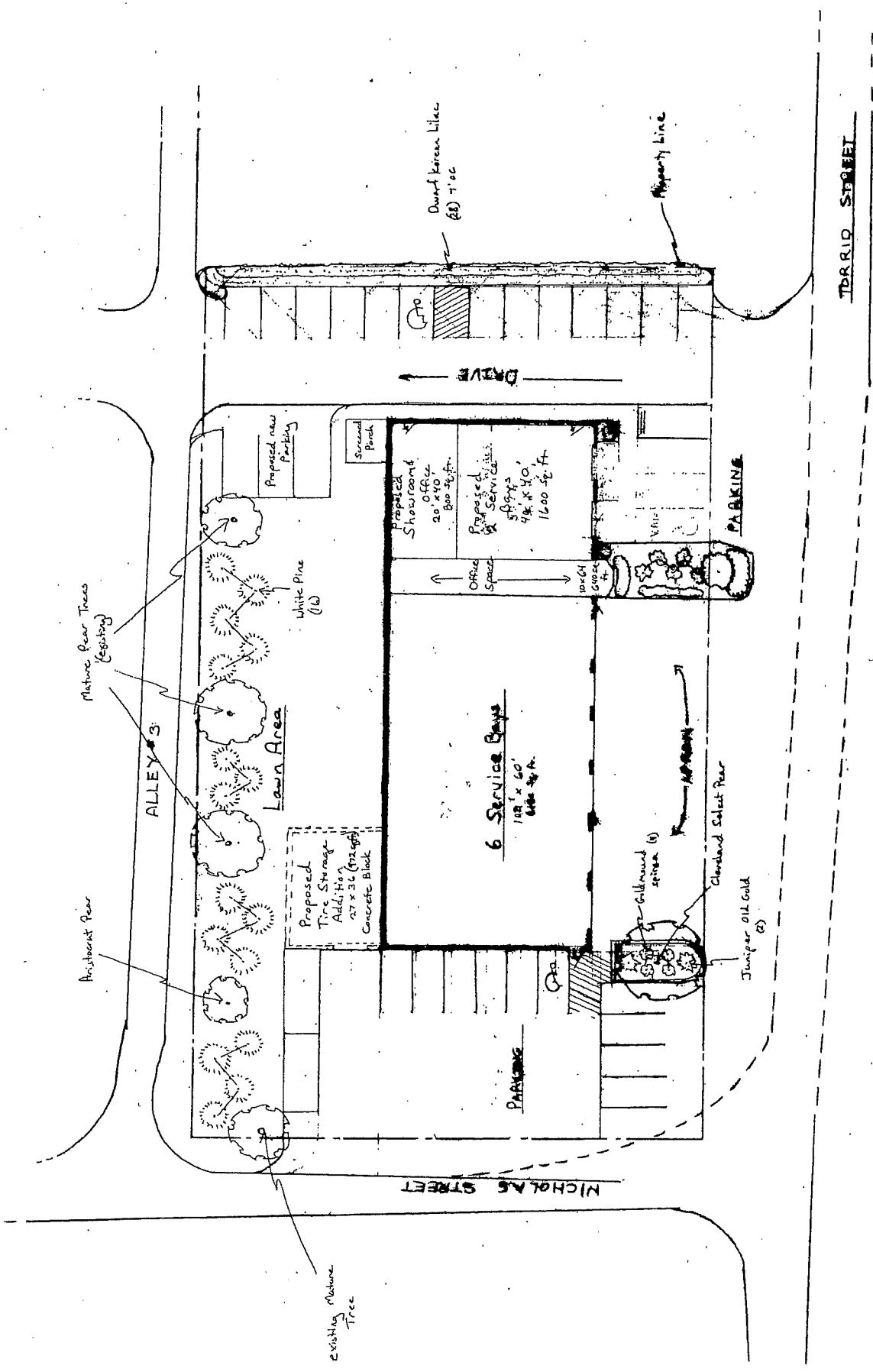
Dear Todd,

Enclosed you will find our application for a conditional use permit and the conceptual plan that goes with it. There are three things we are requesting.

- 1.) A conditional use permit that will allow Tri State Rhino Linings to operate in the upper part of the building known as The Old Burlington Firehouse. This business would be compatible with the auto and light truck repair business we already operate in the building. Tri State Rhino Linings is a franchise in the business of sprayed on bed liners and truck accessories. To operate this business would however require that we change the front of that part of the building from windows to garage doors that compliment the ones already on the building. There were originally garage doors in this area when the firehouse was first constructed so no major structural changes will be needed to make this conversion.
- 2.) Permission to add parking behind the screened at the rear of the building.
- 3.) Add a 27'x 36' concrete block tire storage area onto the existing building as shown on the drawing. The addition would have a similar roofline to the existing building and be painted the same color. Entry would be through a 10' garage door on the side of the building at the parking lot. This would alleviate a storage problem and facilitate the handling of incoming and outgoing tires.

If you have any other questions or need more information please call me @ 393-9269 or 371-0404 or Tim Hagedorn @ 282-0888.

Sincerely,

Jackie Steele



CONCEPTUAL PLAN

SCALE: 1" = 20'-0"

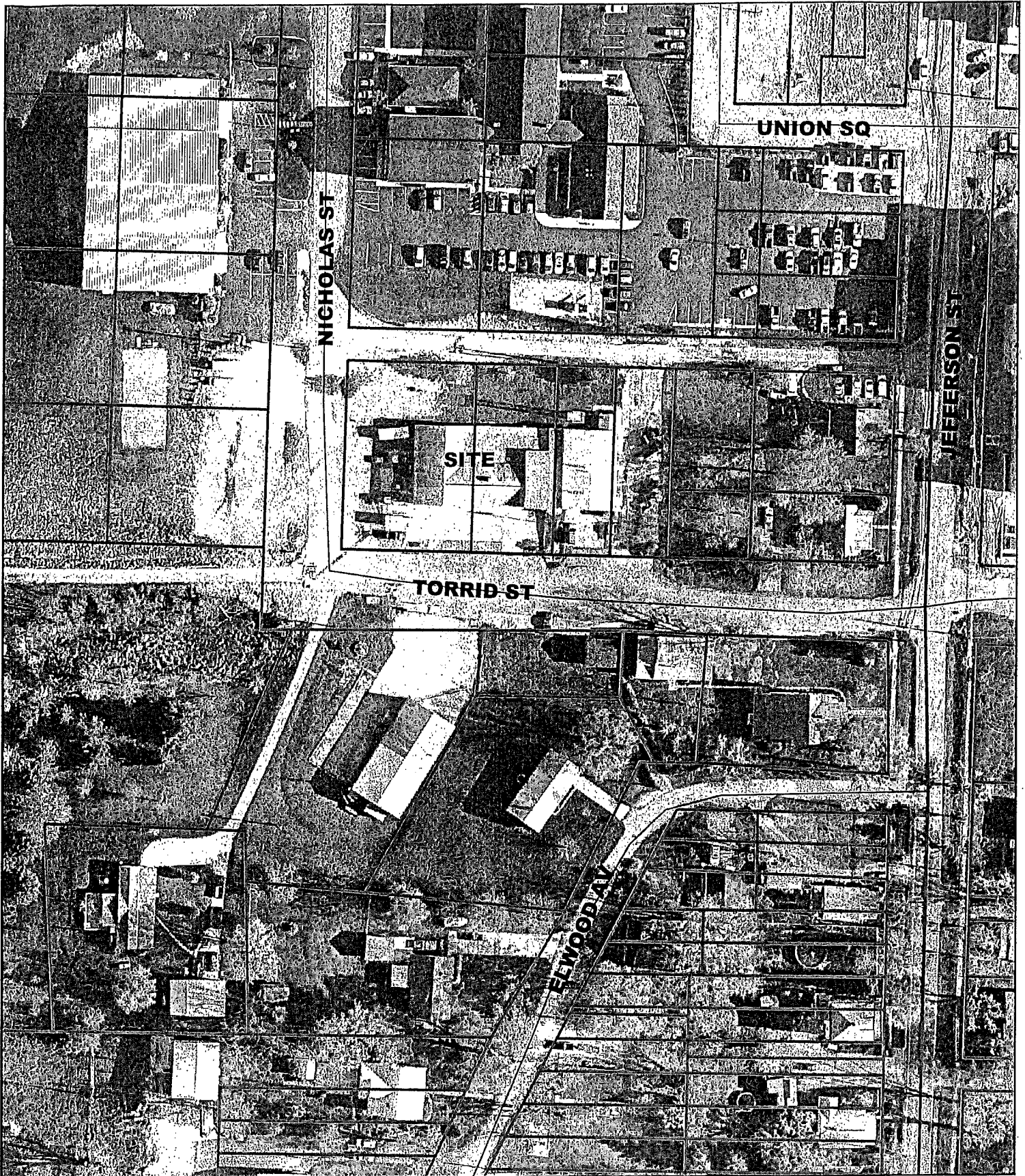
Area: .8376 A

Zone: SR2/SC

All required utilities are existing

Parking Provided: 80

Parking Required: 26



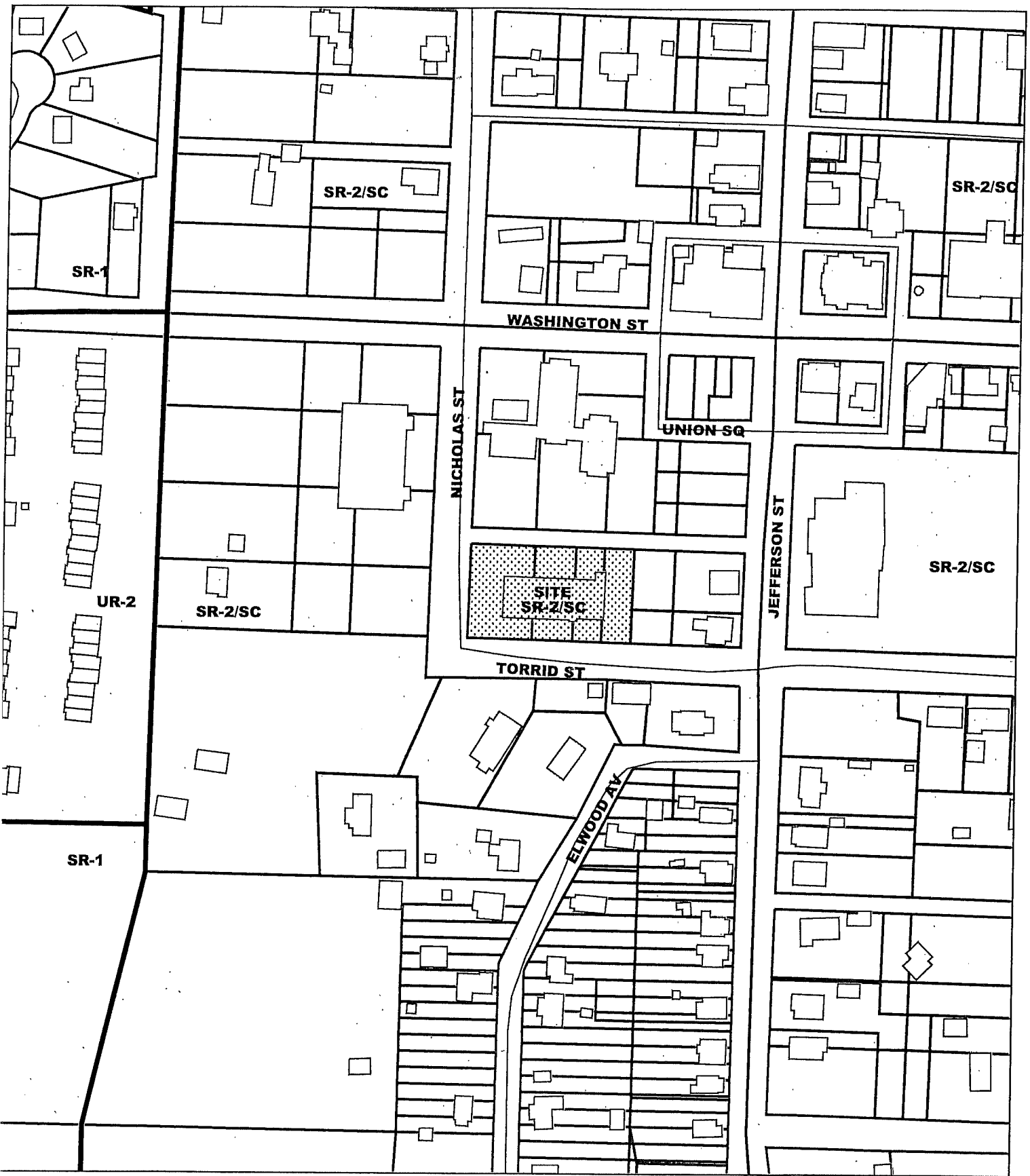
3026 Torrid Street Aerial Map

100 0 100 Feet

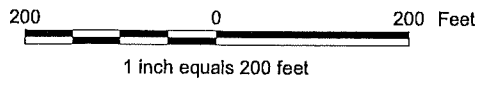
1 inch equals 100 feet

Produced by the
Boone County Planning Commission
GIS Services Division
January 27, 2004

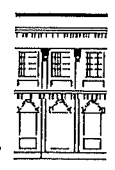


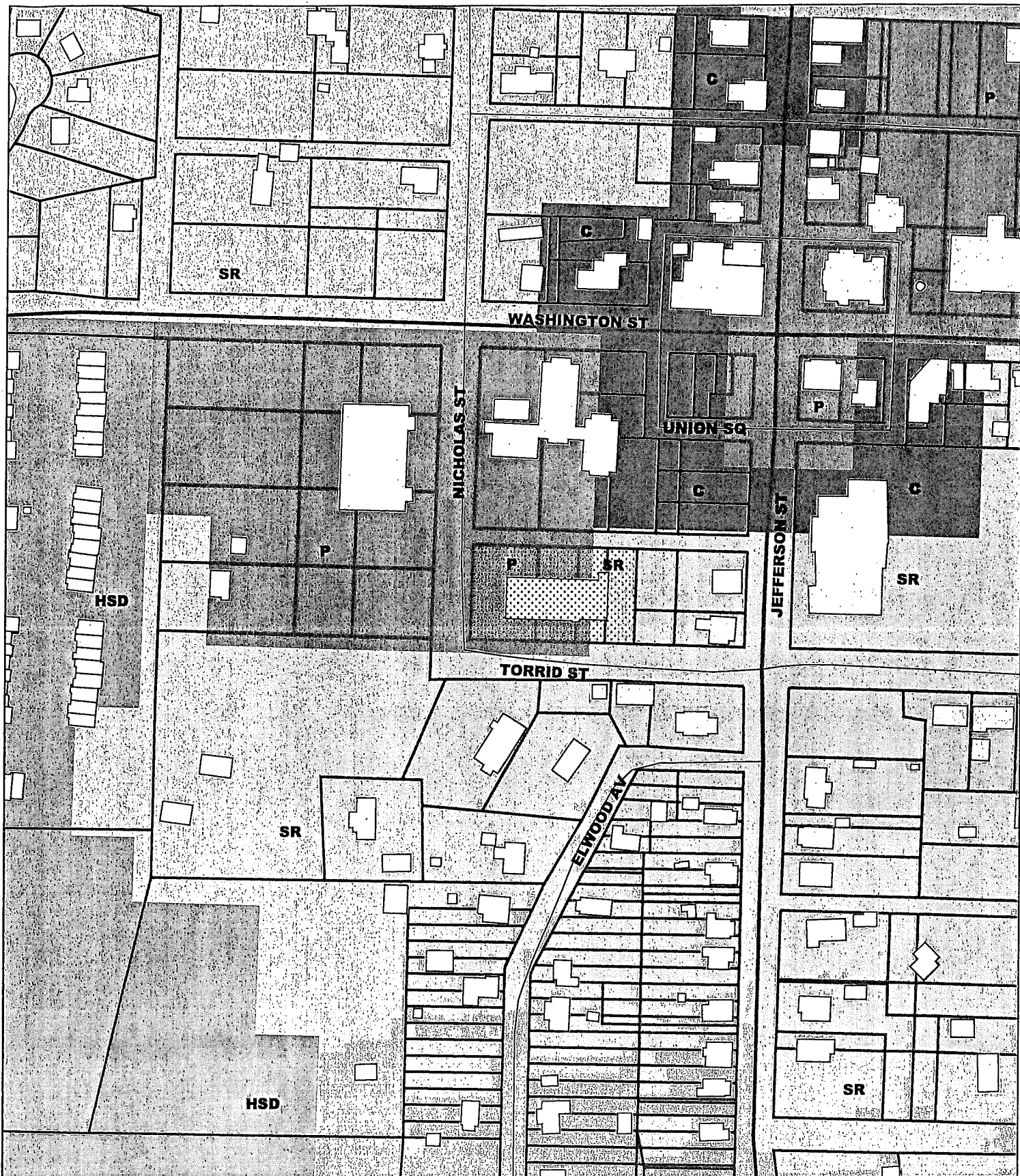


3026 Torrid Street Zoning Map



Produced by the
Boone County Planning Commission
GIS Services Division
January 27, 2004





3026 Torrid Street Future Land Use Map

200 0 200 Feet



1 inch equals 200 feet

Produced by the
Boone County Planning Commission
GIS Services Division
January 27, 2004



ARTICLE

20

SMALL COMMUNITY OVERLAY DISTRICT

SECTION 2000

Intent

The intent of this article is to provide for the maintenance and development of small community centers where an integrated variety of land uses are essential to the vitality, viability, and well-being of the community. These circumstances are most prevalent in the many small, traditional community centers and town sites of Boone County, and may be appropriate to meet the needs of new community development in the County as well.

The integration and variety of land uses found in small community centers often cannot practically be accommodated by the other basic zoning districts established by this order. This article creates an overlay district which may be established in areas appropriate for use as small community centers.

SECTION 2010

Principally Permitted Uses

1. All principally permitted uses of the basic underlying district(s);
2. Detached single family residences;
3. Bed and Breakfast Inns with four or less guest rooms;
4. Duplexes and multi-family residential units if the use is located within an existing building which requires no building additions which increase the square footage of the structure.

The following commercial uses are principally permitted if they are located within an existing building which is 2,500 square feet or smaller and requires ten or less parking spaces:

5. Eating and drinking places including alcoholic beverages;
6. Grocery stores and supermarkets, retail sales of meat, fish, seafood, dairy and poultry products, bakery, produce and speciality foods;

7. Research, development and testing service of an office nature;
8. Liquor, beverage, drug and proprietary stores;
9. Banking services (excluding drive-thru facilities) savings and loan associations, credit unions and other credit services, title services, security brokers, dealers and finance companies;
10. Accounting, auditing and bookkeeping services;
11. Postal services, direct mail and advertising services;
12. Physician, dental, and optical goods and services, medical clinics and specialists, laboratory and out patient services and drug store;
13. Veterinary services and pet grooming services, but not including the boarding of animals;
14. Beauty and barber services and tanning salons;
15. Nursery and day care centers;
16. Motion pictures theaters, play houses, puppet shows and similar entertainment (indoors only);
17. Art, music and dancing schools, libraries and museums;
18. Apparel stores, general merchandise, mail ordering houses, shoe stores, specialty clothing or boutiques;
19. Jewelry stores and repair;
20. Radio, t.v., music supplies, cameras, photographic supplies;
21. Art, craft and hobby supplies and products, gifts and novelties;
22. Furniture, home furnishings antiques and used merchandise including furniture repair and upholstery;
23. Books, stationery, newspapers and magazines;
24. Florists excluding greenhouses;
25. Sporting goods including bicycles;
26. Hardware stores, retail sales of paint, glass and wallpaper stores, draperies, curtains, and floor coverings;
27. Household appliances china, glassware and metal ware including repairs and services;
28. Photographic services;
29. Churches, synagogues, temples and other places of religious assembly for worship;

30. Professional services and professional offices to include legal, architecture, engineering, real estate, insurance, accounting, financial, travel agencies and similar type uses;
31. Dry cleaning services (excluding cleaning on site), shoe repair and tailoring;
32. Welfare and charitable services;
33. Funeral homes (excluding crematoriums), cemeteries or mausoleums;
34. Primary, elementary, secondary schools, colleges and universities, vocational or trade schools and special training and schooling facilities;
35. Business associations and professional membership organizations including civic, social and fraternal organizations;

SECTION 2011

Accessory Uses

All accessory uses, buildings, and structures permitted in the basic, underlying district(s) are permitted in the SC overlay district. In addition, uses that are customarily and incidental to the uses permitted as principally permitted uses or conditional uses will also be permitted by right within the SC overlay district, including the following:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
2. Dwelling units including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
3. Accessory dwelling units;
4. Signage (See Article 34);
5. Parking (See Article 33);
6. Temporary buildings incidental to construction;

7. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;
8. Manufacturing, refinishing or production of crafts and household items sold on premises.

SECTION 2012

Conditional Uses and Criteria

The following uses and appropriate accessory uses may be permitted subject to the approval and conditions of the Board of Adjustment and Zoning Appeals provided that: a) the activity is an integral part of the area's function as a small community center, and is not of scale, nature, or character which will detract from or conflict with the principal purpose and continued well-being of the center; b) the arrangement of use, building, or structure is compatible with the arrangement or organization of permitted and accessory uses which are to be protected in the district; and c) historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the SC overlay. Additions and structural alterations will be reviewed for conformance with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

1. All conditional uses specified for the basic, underlying zoning district unless permitted as a principally permitted use by Section 2010;
2. Any use that requires a drive-thru, pursuant to Section 3155;
3. Gasoline filling stations and automobile repair facilities and wash services for vehicles;
4. Dry cleaning services;
5. Garden and landscaping sales including florist greenhouses, lawn furniture and the like;
6. Funeral homes with crematoriums;
7. Motorcycles sales or bike shops excluding outside storage;
8. Recreation centers, gymnasiums, clubs and similar athletic uses;
9. Police, fire, civil defense and other protective and related services;
10. The writing, publishing, and printing of newspapers, periodicals, and books;
11. Bed and Breakfast Inns with more than four guest rooms;

The Principally Permitted uses number 5 thru 35 shall be conditional uses if they are located within an existing building which is larger than 2,500 square feet, requires any major exterior alterations or additions which increase the size of use or structure, requires more than ten parking spaces, or requires the construction of a new building on a vacant lot.

SECTION 2014

Intensity

The maximum intensity for uses principally permitted by the SC overlay district shall be 12 dwelling units per acre for residential uses and 12,000 square feet of building area per acre for all other uses listed. The intensity of conditional uses in the SC overlay district shall be subject to approval of the Board of Adjustment and Zoning Appeals.

SECTION 2015

Minimum Standards

All permitted, accessory and conditional uses, buildings and structures in the SC overlay district are subject to the supplemental, parking and loading, landscaping and signage regulations of this order unless exempted by the Board of Adjustment and Zoning Appeals when literal conformance to such regulations would be to the detriment of the district. All uses in this article are subject to Site Plan Review as specified in Article 30, or Zoning Permits as specified in Article 4 of this Zoning Order as applicable.

Setback standards within the Small Community Overlay District shall be as follows:

Front Yard: 20 feet maximum, however, existing buildings which are located further than 20 feet from the front property line shall be permitted to construct an addition which is consistent with the existing building setback on the subject lot, or if no structure exists on the lot, those on immediately adjacent lots on the same side of the street;

Side Yard: 10 feet minimum

Rear Yard: 20 feet minimum

Certain circumstances may arise where an increase in the setback is necessary or desired. When these situations occur a Variance may be granted in accordance with the provision of Article 2. All uses within the Small Community Overlay regardless of the underlying zoning designation shall be subject to the sign regulations found within Section 3446 of Article 34.

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 December 11, 2002 Certificate of Land Use Restriction (#02-BCBOA-029-A), for Burlington Fire Department, Property Owner(s).

The following conditions will apply:

- 1) No exterior building improvements are allowed with this approval.
- 2) The parking lot is to be paved and striped in accordance with the *Boone County Zoning Regulations*.
- 3) No outside storage of any kind permitted on the site with the exception of cars waiting for repairs, a waste oil storage container, and a used anti-freeze storage container.
- 4) Any future expansions (building or parking) will need to be approved by the Boone County Board of Adjustment.
- 5) The rear yard shall be screened with Buffer Yard C. This buffer is a minimum of 25' wide and contains 8 evergreens and 4 large trees per 100 linear feet. The eastern property line shall be screened with 5' wide hedge row. The southwestern portion of the site shall contain another landscape island. This island will be similar in size to the existing landscape island and will contain at least 1 large tree and some shrubbery.
- 6) The principally permitted uses (numbers 5-35) of the SC district will be permitted in the 3,000 square foot lease space.
- 7) The proposed businesses will be operated and maintained so that they are harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

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

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
JAN 21 2004
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 Tim Hagedorn
Phone Number 859-260-0988 Fax No. 859-282-7031
Applicant's Address 1538 Procluturn Dr.
Burlington Ky 41005
City State Zip
- 4. Description of Request: To allow Rhino Linings a CUP to operate in the upper part of the building, change the front to 2 Garage doors, add parking and a back storage add.
- 5. Name of Development Steele's Hometown Tire (old Burlington Firehouse)
- 6. Location of Development 3026 Tarrid St
Burlington, Ky. 41005
- 7. Acreage Under Review .8376
- 8. Lot Number and Name of Subdivision (if part of a subdivision) _____
- 9. Owner of Property J & J Properties (John & Jackie Steele)
Phone Number of Owner (859) 534-5900 (859) 393-9269
- 10. Address of Property Owner 7980 McVillie Rd
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City State Zip
- 11. Proposed Use(s) on Site Sprayed in Bed linings and Truck accessories and Tire Storage.
- 12. Total Square Footage of Existing and/or Proposed Buildings _____
- 13. Current Zoning on Property SR2/SC overlay
- 14. Deed Book 848 Page No. 448 Group No. _____
- 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
- 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: _____

Property Owner's Signature: Jacqueline M. Steele, member

COPY

CLUR #04-BCBOA-006-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

J & J Properties
7980 McVile Road
Burlington, KY 41005

2. ADDRESS OF PROPERTY

3026 Torrid Street
Burlington, KY 41005

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Steele's Hometown Tire

4. DEED BOOK 848

PAGE NO. 448

GROUP NO. 2029

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

Zoning Map Amendment:
From _____ To _____

Conditional Use Permit

Development Plan

Conditional Zoning

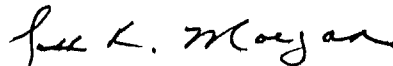
Subdivision Plat
(Not Recorded)

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

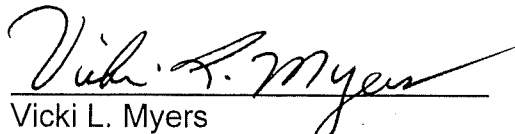
Todd K. Morgan, Planner, Zoning Services

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

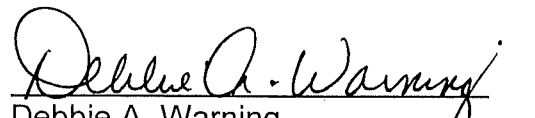
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 23 day of February, 2004.


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

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 February 12, 2004 Certificate of Land Use Restriction (#04-BCBOA-006-A), for J & J Properties, Property Owner(s).

The following conditions will apply:

- 1) The parking lot is to be paved and striped in accordance with the *Boone County Zoning Regulations*.
- 2) No outside storage of any kind permitted on the site with the exception of cars waiting for repairs, a waste oil storage container, and a used anti-freeze storage container used in the Steele's Hometown Tire business.
- 3) Any future expansions (building or parking) will need to be approved by the Boone County Board of Adjustment.
- 4) The entire rear yard shall be screened with Buffer Yard C; except for an area where 2 to 3 parking stalls were shown encroaching into this buffer. (See concept plan in Planning Commission Office). This buffer is a minimum of 25' wide and contains 8 evergreens and 4 large trees per 100 linear feet. The eastern property line shall be screened with 5' wide hedge row. The southwestern portion of the site shall contain another landscape island. This island will be similar in size to the existing landscape island and will contain at least 1 large tree and some shrubbery.
- 5) The proposed exterior changes (building and roof materials, paint color and garage doors) are to be identical to those being used on the existing building.

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