

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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name BRIGHT FUTURE PRESCHOOL Phone Number 859-907-9797 Fax No. _____ Applicant's Address 6024 ROGERS LANE BURLINGTON, KY. 41005
4. Description of Request: MODIFY CONDITION OF APPROVAL, REMOVE CONDITION OF APPROVAL - ADDITIONAL PARKING
5. Name of Development BRIGHT FUTURE PRESCHOOL
6. Location of Development 6024 ROGERS LANE BURLINGTON, KY
7. Acreage Under Review .5 ACRE
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property BLUE SKY DEVELOPMENT Phone Number of Owner 859-907-9797
10. Address of Property Owner III VILLAGE GREEN, COLD SPRING, KY City State Zip 41076
11. Proposed Use(s) on Site PRESCHOOL & OFFICES
12. Total Square Footage of Existing and/or Proposed Buildings 4000 SF
13. Current Zoning on Property SR-2/SC
14. Deed Book 582 Page No. 211 Group No. 2030
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? NO
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: Jim Helgefort
Property Owner's Signature: Jim Helgefort

**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 6-16-04 Fee Received \$577.00 R# 39200
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
7/14/04 **Approved**
_____ **Approved with Conditions** (See #6)
_____ **Denial** (See #7)
6. Conditions of Approval: NONE

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: Bright Future Preschool
LOCATION: 6024 Rogers Lane, Boone County, KY
ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)
DATE: July 14, 2004

PROPOSAL

The applicant is requesting a Conditional Use Permit to remove a condition of approval which was imposed by the Boone County Board of Adjustment and Zoning Appeals at their November 12, 2003 meeting. The condition of approval requires four (4) new parking spaces to be constructed or striped off in the 18 stall parking lot when the preschool occupies more than 1,000 square feet of the building.

SITE CHARACTERISTICS

The approximate half acre site contains a 4,000 square foot building and 18 striped parking stalls. The topography of the site is fairly level except for areas near the northeast and southern property lines (see topographical map).

SITE HISTORY

11/12/03 – The Boone County Board of Adjustment approved a Conditional Use Permit to allow a daycare (preschool) to operate in the lower level of the Crigler Building. The Board imposed the following conditions:

1. There will be at least four new parking spaces when the use expands beyond 1,000 square feet – this condition is triggered by approval of the Building Department application.
2. The proposed play area must be minimally enclosed with vinyl coated chainlink fencing. The applicant may select picket or solid fencing. The maximum fence height cannot exceed six feet.
3. The play area cannot extend into the corner side yard (the area between Metts Lane right-of-way and the northernmost building line).
4. The striped pedestrian aisles in the parking lot must remain and must be as wide as the sidewalks.

06/09/04 – The Board of Adjustment of Zoning Appeals interpreted condition of approval #1 from the above referenced application. The Board found that the intent of the condition required four new parking spaces to be provided even though the existing parking lot met the requirements of the Boone County Zoning Regulations.

APPLICABLE REGULATIONS

Article 20, Section 2012 of the Boone County Zoning Regulations permits "nursery and daycare centers" as conditional uses in the Small Community Overlay District (SC) under the following cases:

1. When the operation is locating in a building which is larger than 2,500 square feet;
2. When major exterior alterations or additions are proposed which increase the size of use or structure;
3. When the operation requires more than ten (10) parking spaces, or
4. The proposal requires the construction of a new building on a vacant lot.

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.

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 (General Standards Applicable to All Conditional Uses):

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 nursery and daycare centers as conditional uses 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 following Goals and Objectives from the 2000 Boone County Comprehensive Plan apply to the application:

- A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity - Goal).
- B. "Commercial uses shall be limited to strategic locations serving trade areas and neighborhood needs and shall have safe and effective access and ample parking space" (Business Activity – Commercial Objective #1).

The following Future Land Use Development Guideline from the 2000 Boone County Comprehensive Plan applies to the application:

- A. "Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects ..." (Buffering, p. 159).

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Suburban Residential" uses. This designation is described 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 (Burlington Area, p. 169) states the following regarding this area:

- A. "A comprehensive Burlington Plan should be finalized that addresses the unique transportation, parking, public facilities, historic preservation, and subdivision characteristics of the area."

RELATIONSHIP TO THE BURLINGTON TOWN STRATEGIC PLAN

The Burlington Town Strategic Plan recommends several improvements within the study area. The following passages relate to this proposal:

- A. Complete grid street pattern for Torrid Street, past Rogers Lane and Orient Street to KY 18, east of downtown. (Transportation recommendations, p. 6).

SURROUNDING LAND USES & ZONING

North: Metts Lane, Single-Family Dwelling (SR-2/SC)

South: Right-of-Way, Single-Family Dwelling (SR-2/SC)

East: Barn, Garage, and Garden (SR-2/SC)

West: Rogers Lane & Boone County Justice Center (SR-2/SC)

STAFF COMMENTS

1. The applicant informed Staff that he was going to hire a Professional Engineer to determine if any more striped parking areas could be added to the existing lot. Staff still had not received an engineered drawing at the time the Staff Report was finalized.
2. The applicant indicated in his May 14, 2004 letter that upper level (2,000 square feet) would be comprised entirely of office space and that the lower level (2,000 square feet) would have 4 preschool classrooms. The parking requirements for the uses are as follows:

Office Use – one stall per 250 square feet (8 stalls required)

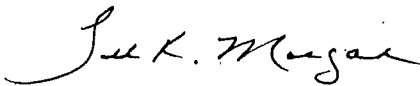
Preschool – two spaces per classroom and one stall for any company vehicle that is kept on site (8 stalls required).
3. Staff raised concerns about the adequacy of the parking in the November 12, 2003 Staff Report. Although the lot meets the parking requirements of the Boone County Zoning Regulations, Staff believed that the potential existed for the preschool and office uses to overcrowd the 18 stall parking lot during peak times.

4. Staff raised concerns about the feasibility of adding additional parking to the parking lot in its November 12, 2003 Staff Report.
5. Staff recommends that the Board should analyze if any additional parking should be required. While the existing parking area meets the requirements of the Boone County Zoning Regulations, Staff remains concerned where customers or employees will park when the parking lot is full.

Conclusion

KRS 100.237 and Section 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,

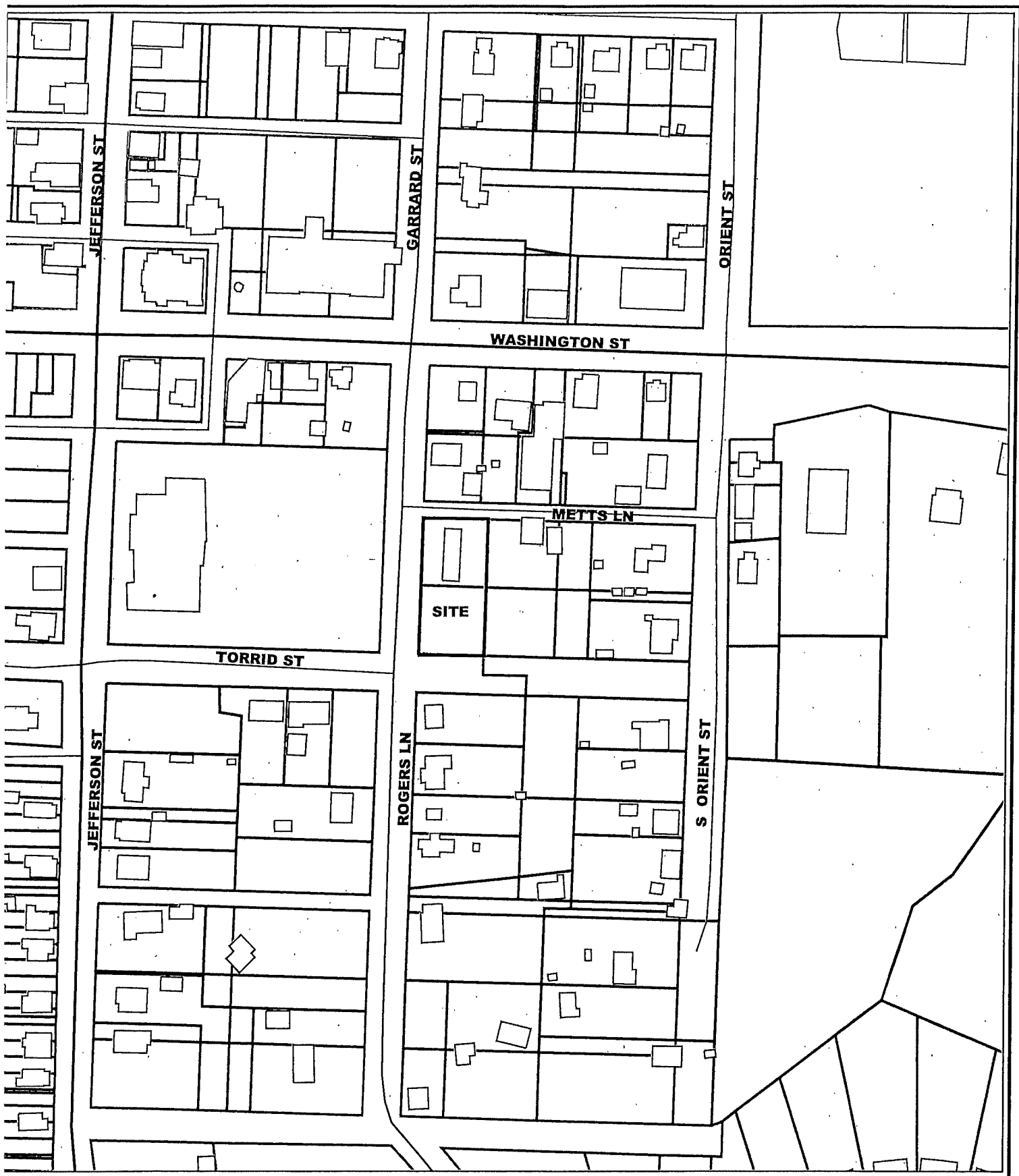


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

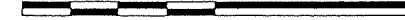
Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – 11/12/03 Meeting Minutes
- Exhibit C – 5/14/04 Letter From Applicant
- Exhibit D – 6/9/04 Memorandum to Boone County Board of Adjustment
- Exhibit E – Zoning Map
- Exhibit F – Future Land Use Map
- Exhibit G – Aerial Map
- Exhibit H – Topographical Map
- Exhibit I – Application



6024 Rogers Lane Site Vicinity Map

200 0 200 Feet



1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
July 6, 2004



3. The request of Jim Hilgefert for a Conditional Use Permit to allow a daycare to operate at 6024 Rogers Lane (Crigler Building), Boone County, Kentucky. The property is currently zoned Suburban Residential Two/Small Community Overlay (SR-2/SC).

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Jim Hilgefert stated that they propose a chainlink, vinyl-coated fence. They do not want to lose five feet of the playground area by putting in a 5-foot row of hedges. They prefer to put slats in the chainlink fence to act as a sound barrier and buffer and take the fence all the way to the property line. He stated that the flat part of the land is on the top and the land slopes downward towards the building. The play area will only go to the north corner of the building. They prefer to leave the fence open on the north and south sides for visibility and security. He stated that the residence is across Metts Lane. The hours of operation will be 6:30 AM to 6:30 PM and most of the children are picked up between 4 PM and 5 PM. Chairman Whitton clarified that there will be no nighttime hours and the hours of operation are approximately 6:30 AM to 6:30 PM. Mr. Hilgefert responded "correct".

Mr. Edwards asked the applicant to respond to Staff's question regarding number of classrooms, teachers, and enrollment. Mr. Hilgefert responded that the state requires 35 square feet per child. They are only using the northwest corner of the building and have to deduct space for restrooms, kitchen, etc. so the maximum would be 25 children in the space. They will likely take two-, three- and four-year olds and will probably have one classroom for each age. Teacher-child ratios are 10:1 or 12:1. They would use two parking spaces per teacher, which is six of the eighteen existing parking spaces, and the commercial use requires the remaining twelve spaces. They would like to add some parking, but it is not a priority at this time because there is ample parking now. In the future, they would add to the back property line to the east end and take the parking lot to the property line (approximately 9 feet). On the front southwest corner, they would add three feet. With restriping, they could increase from 18 spaces to 22 spaces, which is four additional parking spaces. They do not plan to do that when they open up since the classrooms will not be full -- there would only be eight children per classroom because of the requirement of 35 square feet per child.

Mr. McGruder asked the applicant to address Staff Comment #2 and the striped pedestrian aisleways. Mr. Hilgefert stated that they propose reducing the width of the aisleways to three feet in the front and two feet in the back. Mr. Morgan stated that the striped aisleways should come out to the sidewalk and be the same width. He reviewed the aerial photograph with the Board in regard to where the striped aisleways adjoin the sidewalk. The aisleways cannot be removed, but the applicant

may be able to reduce them to the width of the sidewalk. Mr. Hilgefort responded that the aisleways are currently wider than the sidewalks.

Mr. Morgan stated that the addition of parking would be done with a Minor Site Plan Review. He questioned the parking going all the way to the rear property line. He is not in favor of adding parking towards Rogers Lane because if someone pulls in there when someone is pulling out of one of those parking spaces, there would not be time to react. Mr. Hilgefort responded that he understands the concern and has only added three feet in the front.

Mr. McGruder asked if the applicant is changing from adding five parking spaces to adding only four parking spaces. Mr. Hilgefort responded "yes" and stated that they would add nine feet to the east end of the parking lot and three feet to the west side towards the Justice Center and, with the restriping, this would increase the parking from 18 spaces to 22 spaces. Mr. Edwards noted that the application says they are adding "13 feet". Mr. Hilgefort responded that it is a typing mistake and they meant "3 feet".

Chairman Whitton asked if there was anyone else present who wished to speak regarding this request. There being no response, he asked if there were any further comments or questions from the Board.

Mr. Edwards asked the applicant to address Staff Comment 4.C. and the five-foot hedgerow. Mr. Hilgefort responded that they would do a vinyl-coated chainlink fence with slats to buffer the noise and buffer visually. He does not think the noise will be obtrusive and the children will not be there when people come home from work. They believe the fence will suffice as the barrier and do not want the five-foot hedgerow. They do not want hedges on the north and south sides so that people will be able to look in.

Ms. Nancy Wefer, who will be the Director of the facility, stated that the children like to look out and it would be beneficial to have the sides open. Mr. Hilgefort stated that they will only put the slats on the east side.

Mr. Morgan stated that there is currently a good distance between the play area and the single-family dwellings, but there are several lots of record there that could be developed. Normally between a commercial use and a single-family residential use buffer yards are at least 30 feet in the city and 25 feet in the county - but the applicant is talking about going all the way to the property line.

Counselor Wilson advised that a Conditional Use is not allowed as a matter of right and the Board needs to decide if this use with conditions would be suitable for this location. The Board needs to find reasons why it would or would not be suitable.

Mr. Edwards moved to grant the request for a Conditional Use Permit subject to the conditions that: (1) There be at least four new parking spaces, (2) Staff Comment

4A that the proposed play area must be minimally enclosed with vinyl coated chainlink fencing. The applicant may select picket or solid fencing. The maximum fence height cannot exceed six feet, and (3) Staff Comment 4B that the play area cannot extend into the corner side yard (the area between Metts Lane right-of-way and the northernmost building line). Mr. McGruder seconded the motion. In response to a comment from Mr. McGruder, Mr. Edwards amended his motion and added Condition (4) that the striped pedestrian aisles in the parking lot must remain and must be as wide as the sidewalks.

Mr. Morgan questioned the parking lot addition going right to the rear property line. Mr. Edwards responded that there is nine feet to the rear property line and the proposal is to extend the parking lot eight feet, so there would be one foot left there.

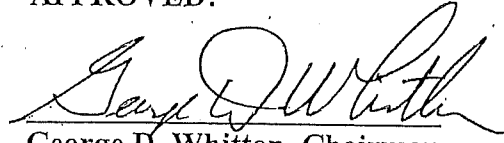
Mr. Hilgefert questioned Condition #2 and asked if the fencing only has to be enclosed on the east side, or on the north and south sides as well. Mr. McGruder clarified that Mr. Hilgefert was questioning the slats. Mr. Edwards responded that he understands the applicant's argument regarding the slats and it is not his intention that there be slats. Chairman Whitton stated that the motion is for fencing, but not slats. Mr. Hilgefert requested that the additional four parking spaces only be required if they expand from the initial 1,000 square feet. Mr. Morgan stated that they will initially occupy only half of the downstairs and may expand over time to occupy the entire first floor. The expansion would require Building Department approval, which he signs off on – so if further clarification is required, he can withhold signing off until it is resolved. Chairman Whitton questioned what would trigger the requirement of the additional parking spaces. Mr. Morgan responded that it would be the Building Department application.

Mr. Edwards amended his motion and moved to grant the request for a Conditional Use Permit subject to the conditions that: (1) There will be at least four new parking spaces when the use expands beyond 1,000 square feet – this condition is triggered by approval of Building Department application, (2) Staff Comment 4A that the proposed play area must be minimally enclosed with vinyl coated chainlink fencing. The applicant may select picket or solid fencing. The maximum fence height cannot exceed six feet, and (3) Staff Comment 4B that the play area cannot extend into the corner side yard (the area between Metts Lane right-of-way and the northernmost building line), and (4) that the striped pedestrian aisles in the parking lot must remain and must be as wide as the sidewalks. Mr. McGruder seconded the motion as amended and it carried unanimously.

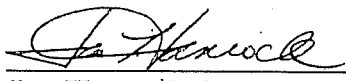
BOONE COUNTY BOARD OF ADJUSTMENT - November 12, 2003 - Page 6

There being no further business to come before the Board, Mr. McGruder moved to adjourn. Mr. Edwards seconded the motion. The meeting was adjourned by unanimous consent at 6:58 PM.

APPROVED:


George D. Whitton, Chairman

Attest:


Jan Hancock, Recording Secretary

May 14, 2004

To: Todd Morgan
Boone County Planning Commission

From: Jim Hilgefort
Blue Sky Development (Bright Future)

Re: Parking for 6024 Rogers Road

Dear Todd,

Thank you for meeting me in the parking lot this past Monday to review our parking requirements.

Evidently, we do not need a new building permit to finish the other side of the first floor. The bottom left side was inspected by the state fire Marshall, John Oliver, and the Boone County building inspector. At that time, they said that we did not need a new permit to complete the renovation on the bottom right side of the building.

Since we don't need a new building permit, I wanted to document the parking plan that we discussed for your review and approval. Again, per the code, our existing parking lot of 18 spaces exceeds the code required 16 spaces for the building.

As we discussed, we will only have 2 classrooms in the lower right side of the building. Per the code, we need only 2 parking spaces per classroom or 4 total. We have 4 allocated for this side.

The other side also has 2 classrooms and 4 spaces allocated for it. This gives us 8 total for the lower level.

The upstairs office space also requires 1 parking space for every 250 s.f. of office space. There are 2,000 s.f. total requiring 8 parking spaces. We have 8 allocated for the office space.

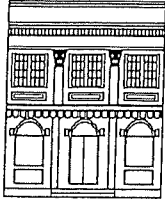
The total required is by the code is 16 spaces for both floors. We currently have 18 parking spaces and thus exceed the requirement.

We will at a later date, probably in the fall, still follow through with the original parking plan that was approved at the prior Planning and Zoning meeting. That is, as we discussed, adding onto to the back side of the parking lot as well as the front right side, sealing, resurfacing, and re-striping the right side only to add an additional one or 2 parking spaces.

If you need any additional information, please call me at 859-907-9797.

Thanks and have a great day!
Jim Hilgefort

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

MEMORANDUM

Phone: (859) 334-2196

Fax (859) 334-2264

E-mail: plancom@boonecountyky.org

TO: Boone County Board of Adjustment

FROM: Todd K. Morgan, AICP *TKM*
Planner, Zoning Services

DATE: June 9, 2004

RE: 6024 Rogers Lane – Interpretation of Conditional Use Permit Condition from the November 12, 2003 Boone County Board of Adjustment Meeting

Site History

A Conditional Use Permit was approved by the Boone County Board of Adjustment on November 12, 2003 to allow a daycare to operate in the lower level (2,000 square feet) of the building. The upper level (2,000 square feet) was to remain as office space.

During the Public Hearing, the Applicant (Jim Hilgefert) indicated that proposed daycare would have approximately four classrooms and that they would be adding 4 spaces to the existing 18 stall parking lot. The Staff Report raised concerns about the adequacy of the parking lot at peak times.

The project was approved with the following condition:

"There will be at least four new parking spaces when the use (daycare) expands beyond 1,000 square feet – this condition is triggered by approval of the Building Department application."

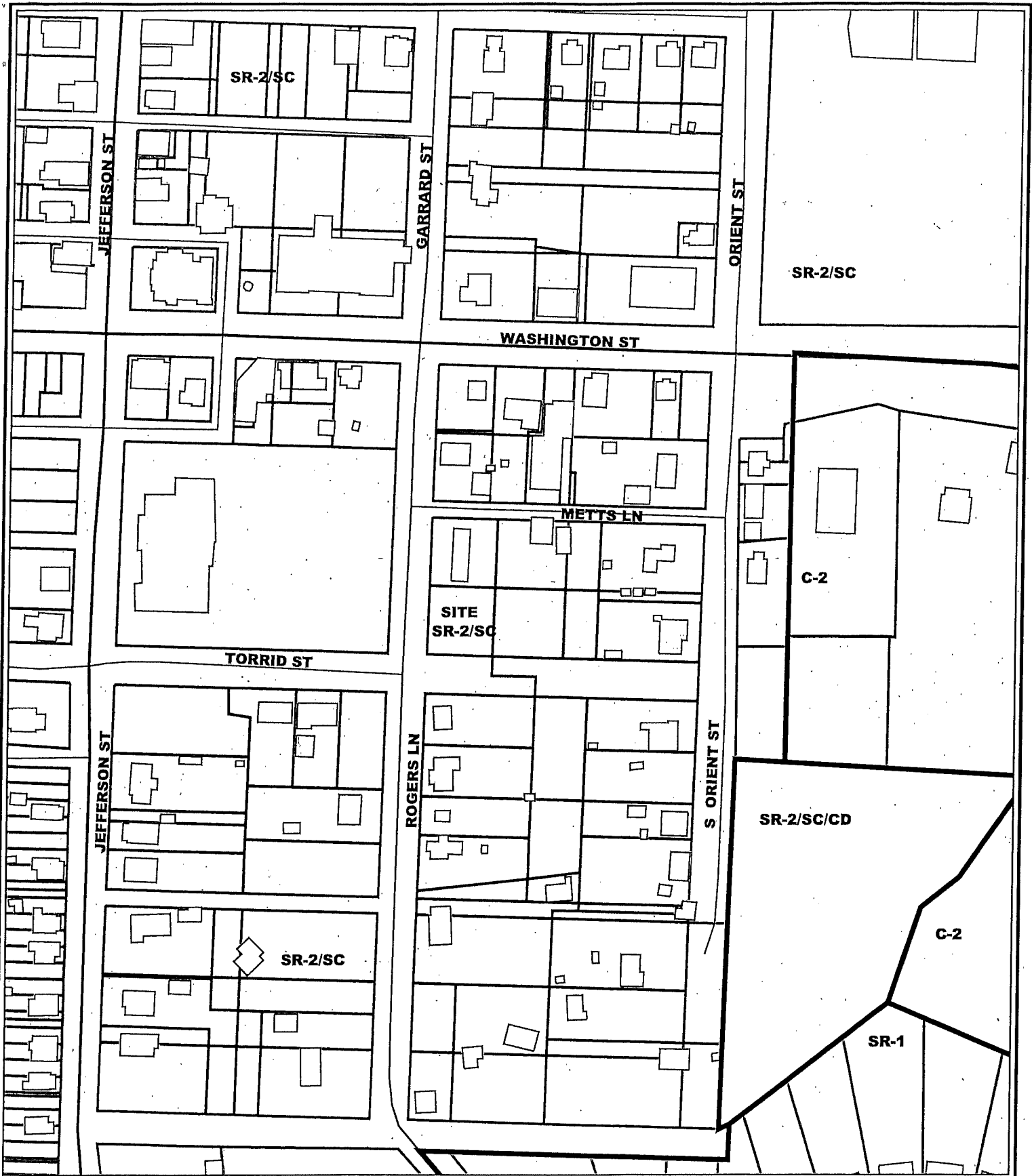
Interpretation of Condition

The Applicant sent Staff a letter on May 14, 2004 indicating that the existing parking on the site exceeded the requirements and that they would like to add the additional parking spaces sometime in the future, probably this fall. Article 33 of the Boone County Zoning Regulations requires the following parking spaces for the building:

- 2 stalls for every daycare classroom (4 classrooms x 2 = 8 stalls)
- 1 stall for every 250 square feet of office space (2,000 / 250 = 8 stalls)

Staff would like the Board to verify the following:

- (1) Does the intent of the condition require four additional parking stalls at the time the daycare exceeds 1,000 square feet?
- (2) Are the four additional stalls required even if the number of existing stalls exceeds the minimum parking requirements?

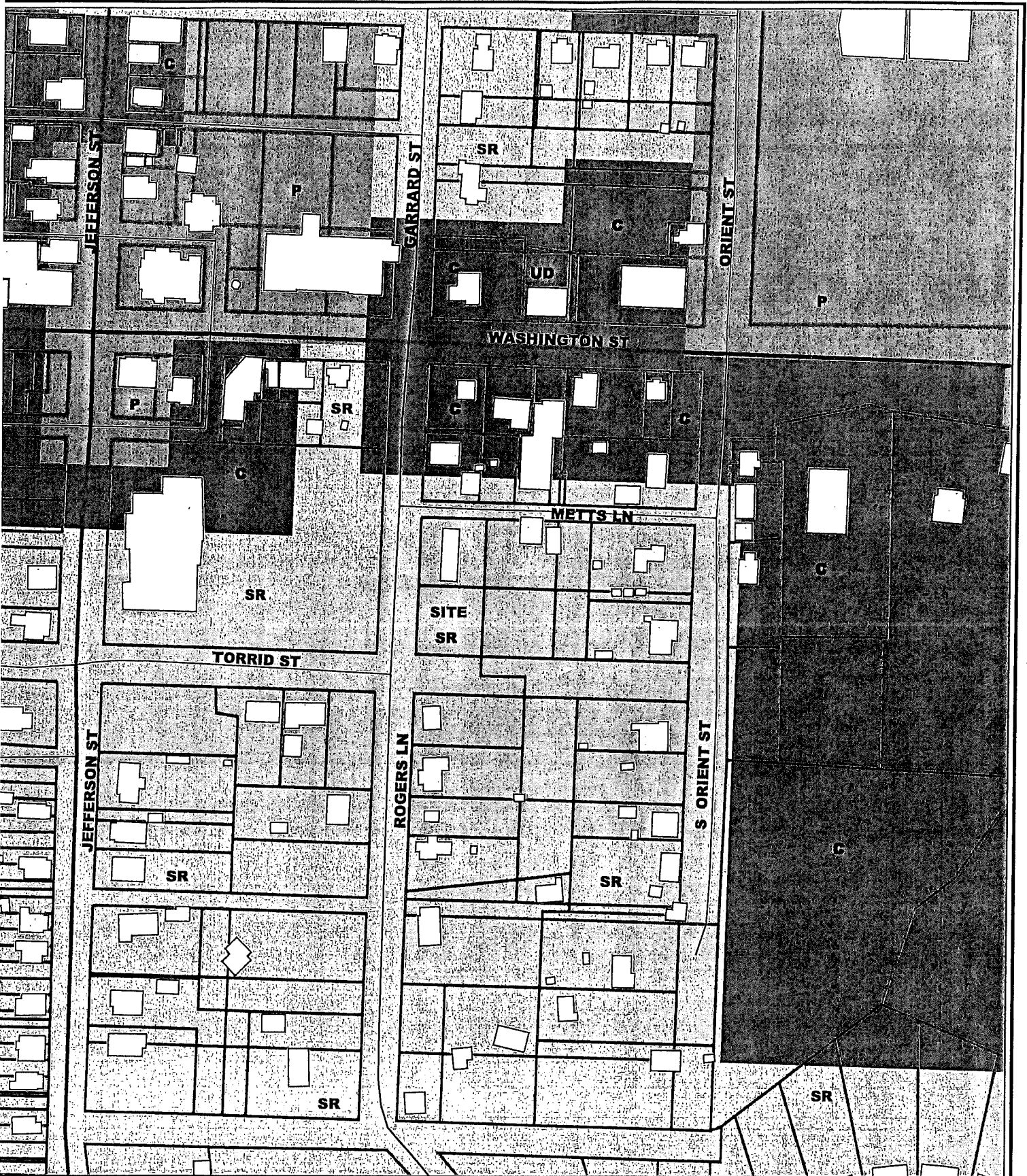


6024 Rogers Lane Zoning Map

200 0 200 Feet

1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 July 6, 2004





6024 Rogers Lane Future Land Use Map

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1 inch equals 200 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 July 6, 2004



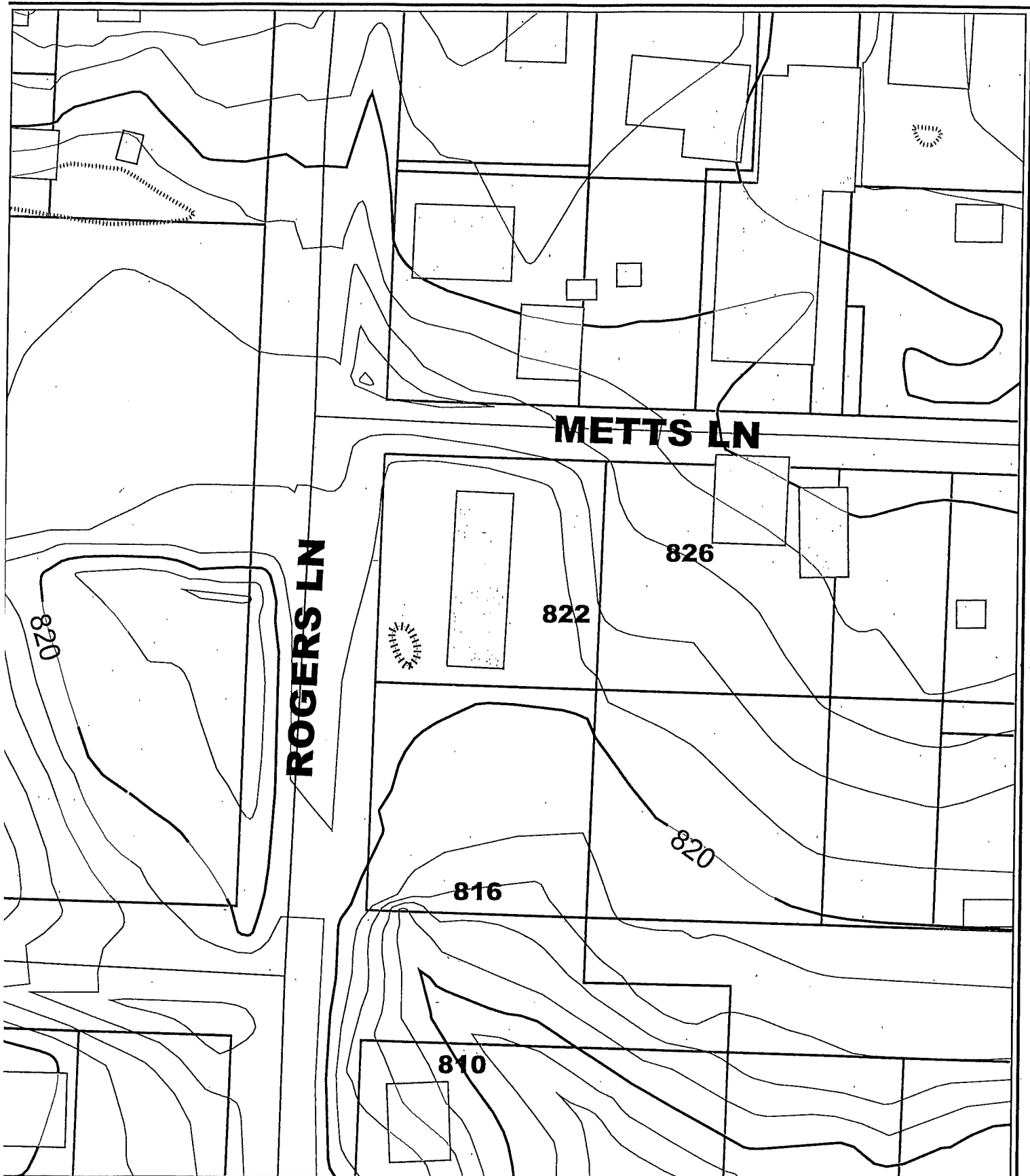


6024 Rogers Lane Aerial Map

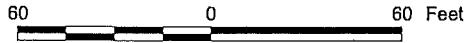
100 0 100 Feet

1 inch equals 100 feet
Produced by the
Boone County Planning Commission
GIS Services Division
July 6, 2004



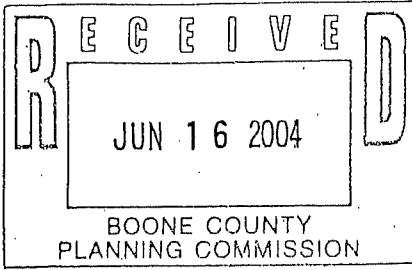


6024 Rogers Lane Topographical Map



1 inch equals 60 feet
Produced by the
Boone County Planning Commission
GIS Services Division
July 6, 2004





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 [checked] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [checked] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name BRIGHT FUTURE PRESCHOOL Phone Number 859-907-9797 Fax No. _____ Applicant's Address 6024 ROGERS LADE BURLINGTON, KY. 41005
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6. Location of Development 6024 ROGERS LADE BURLI
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9. Owner of Property BLUE SKY DEVELOPMENT Phone Number of Owner 859-907-9797
10. Address of Property Owner 111 VILLAGE GREEN, COLD SPRING, KY. City State Zip 41076
11. Proposed Use(s) on Site PRESCHOOL & OFFICES
12. Total Square Footage of Existing and/or Proposed Buildings 4000 SF
13. Current Zoning on Property SR-2/SC
14. Deed Book 582 Page No. 211 Group No. 196
15. Is the site subject to a zone change? NO
16. Have you submitted a Site Plan with this request? NO
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: Jim Helgefort
Property Owner's Signature: Jim Helgefort

(over)

COPY

CLUR #04-BCBOA-023-A

CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Blue Sky Development
111 Village Green
Cold Spring, KY 41076

- 2. ADDRESS OF PROPERTY
6024 Rogers Lane
Burlington, KY 41005
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Bright Future Preschool

- 4. DEED BOOK 582 PAGE NO. 211 GROUP NO. 2030

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 Zoning Map Amendment: Conditional Use Permit
From _____ To _____
 Development Plan Conditional Zoning
 Subdivision Plat Other:
(Not Recorded)
 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

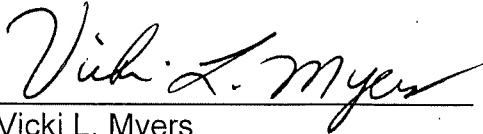
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

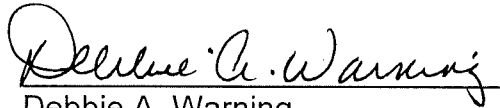
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 15 day of July, 2004.



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 July 14, 2004 Certificate of Land Use Restriction (#04-BCBOA-023-A), for Blue Sky Development, Property Owner(s).

The following conditions will apply:

No conditions.

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

DEED BOOK 582

PAGE NO. 211

GROUP NO. 2030