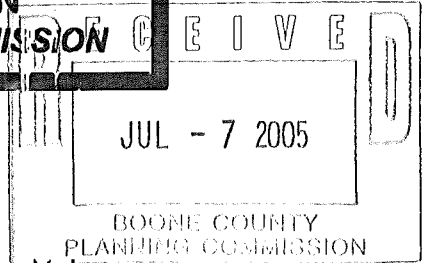


05-BCBA-013-A

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 [X] Florence _____ Walton _____ Union _____
2. (Check One) Conditional Use Permit [X] Variance _____ Appeal _____ Change in Non-Conforming Use _____
3. Applicant's Name Holthaus Signs Inc. Phone Number 513-861-0060 Fax No. 513-559-0975 Applicant's Address 8177 RIDGEWAY AVE CINTI OHIO 45229
4. Description of Request: INSTALL ELECTRONIC MESSAGE CENTER ON APPROVED POLE SIGN
5. Name of Development NORTH BEND SQUARE (TREMICK MARKET)
6. Location of Development 1950 N BEND RD HERBRON KY
7. Acreage Under Review 8.29 AC
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property TOEBBEN LTD Phone Number of Owner 859-331-1560 Address of Property Owner 541 BUTTERMILK PK CRES SPRGS KY 41017
10. Proposed Use(s) on Site INSTALL ELECTRONIC MESSAGE CENTER ON APPROVED POLE SIGN
11. Total Square Footage of Existing and/or Proposed Buildings
12. Current Zoning on Property
13. Deed Book 868 Page No. 849 Group No. 2002
14. Is the site subject to a zone change? No
15. 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: [Signature]

(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 7/7/05 Fee Received \$ 885.00 R42988
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
8/10/05 **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: Holthaus Signs Inc.
LOCATION: 1950 North Bend Road, Boone County, Kentucky
ZONING: Commercial Two (C-2)
DATE: August 10, 2005

Proposal:

The applicant has applied for a Conditional Use Permit to allow Remke Markets to install a 31.83 square foot (2' 8" x 11' 11") electronically changeable message board on the North Bend Square architectural free-standing sign. The shopping center identification sign will front on North Bend Road and will be 26 feet 9" tall and 147.43 square feet in area. The subject property is located at 1950 North Bend Road and is zoned Commercial Two (C-2).

Site History

01/27/04 – The Boone County Fiscal Court approves a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Commercial Two (C-2) and Suburban Residential Three (SR-3) for a 20.7 acre parcel.

The approval allows: (1) commercial buildings which are 45,000, 21,600 and 5,000 square feet in area to be constructed on an 8.1 acre lot (North Bend Square) and (2) 88 dwelling units to be constructed on a 12.5 acre parcel (Tanner's Cove)

09/09/04 – The Boone County Planning Commission approves a Site Plan for a 43,980 square foot retail building, 22,800 square foot retail building, and 5,000 square foot outlot. The shopping center also contains 214 parking spaces.

06/22/05 – The Boone County Planning Commission issues a sign permit to allow the construction of a 26' 9" tall, 147.43 square foot architectural free-standing sign for North Bend Square. The permit indicates that an electronically changeable message board was not approved because a Conditional Use Permit had not been issued by the Boone County Board of Adjustment.

Applicable Regulations

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

The Board should evaluate the applicant's Conditional Use Permit request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Section 262 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 34, Section 3430 of the Boone County Zoning Regulations permits electronically changeable message boards as a Conditional Use in the Commercial Two (C-2) zoning district provided that the following requirements are met:

- a. Such message boards will be considered a part of a permitted sign, free-standing or building mounted; up to fifty percent (50)% of the permitted sign area can be used for an electronically changeable message board.
- b. All such message boards shall meet the minimum standards of the Kentucky Transportation Cabinet and any other controlling local, state, or federal agency.
- c. Electronically changeable message boards shall not be permitted at intervals of less than six-hundred sixty (660) feet, measured along the centerline of each interstate of thoroughfare from which the sign will be visible, between lines through the center of the signs and perpendicular or radial to said centerline.
- d. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding contracting, or rotating shapes or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages.

- e. The message displayed on the board must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.

Relationship to the Comprehensive Plan

The Future Land Use Development Guidelines (pp.158-160) found in the Land Use Element state that developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor" (Design, Signs, and Historic Preservation).

The 2005 Boone County Comprehensive Plan's Adopted Goals and Objectives contains the following statement which relates to the request:

- a. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity", Goal).

Surrounding Land Uses and Zoning

North: Single-Family Residence (RSE) & Cardinal Cove Subdivision Home Owners Association Parcel (SR-1)

South: Tanner Road, Flick's Grocery Store (C-2), & Single-Family Residences (RSE)

East: Future Tanner's Cove Subdivision (SR-3)

West: KY 237, Global Way, & Park West International Subdivision (I-1)

Staff Comments

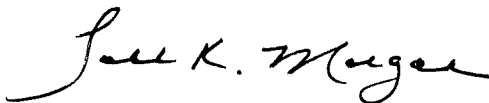
1. The electronically changeable message board will be used by Remke's to advertise grocery store specials. Staff wanted to point this out because the Concept Plan only shows a temperature reading being displayed on the electronically changeable message board.
2. The applicant has provided a letter which details how the sign complies with the electronically changeable message board standards that are listed in Section 3430 (2) of the Boone County Zoning Regulations (see Applicable Regulations section of Staff Report).

3. The closest electronically changeable sign to the proposed sign is located at First Financial Bank on North Bend Road. This First Financial Bank electronically changeable sign only advertises time and temperature and is located more than a mile to the south.
4. The latest electronically changeable message boards approved in Boone County have been the Walgreen's sign at the Dixie Highway/Goodridge Avenue intersection (approved by the Boone County Planning Commission) and the CVS Pharmacy sign at Dixie Highway/Rose Avenue intersection (approved by the Florence Board of Adjustment). Both Conditional Use Permit applications were approved with a condition that required monument style signs which were no more than 13' in height and 125 square feet in area (see attached Committee Reports). The sign type, height, and square footage limitations only applied if an electronically changeable message board were constructed into these signs. Architectural free-standing signs of 20 feet in height and 150 square feet in area are allowed on both lots if electronically changeable message board are not installed. Staff believes that the Planning Commission and Florence Board of Adjustment were concerned about: (1) objectives of the Boone County Comprehensive Plan, (2) the intended visual character of the Dixie Highway corridor, and (3) the possibility that motorists could be distracted when they attached these conditions.
5. There are no electronically changeable copy signs in the I-275/North Bend Road corridor which continuously change the message being displayed. In addition, the bottom of the electronic changeable sign will be more than 17 feet off the ground and will be visible for a considerable distance. As a result, Staff recommends that the Board should closely analyze the Future Land Use Development Guidelines from the Boone County Comprehensive Plan and Conditional Use Permit Findings #1 and #2 from Section 262 of the Boone County Zoning Regulations before acting on the request.

Conclusion

K.R.S. 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,

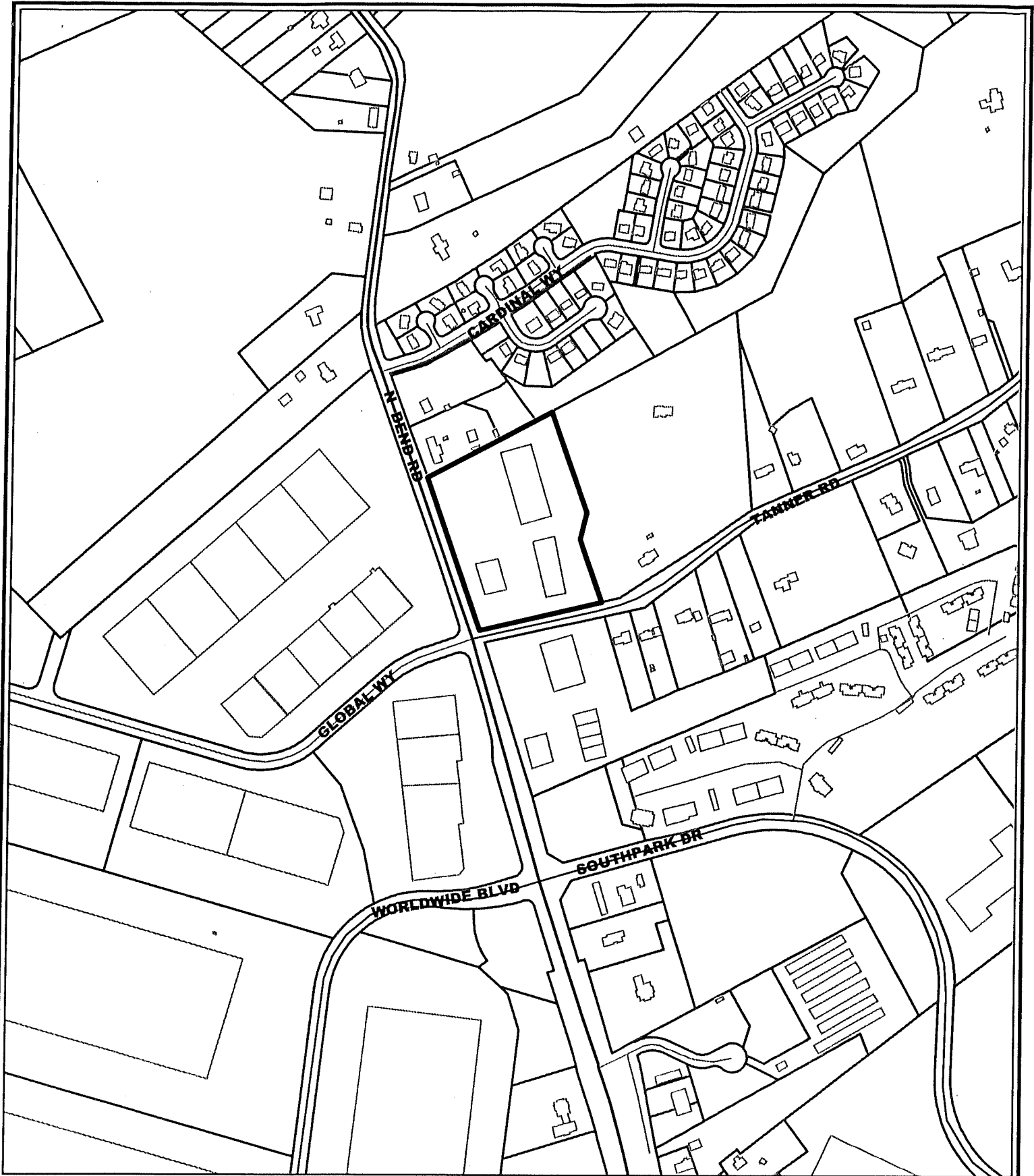


Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

- Exhibit A – Site Vicinity Map
- Exhibit B – Concept Development Plans
- Exhibit C – Letter From Applicant
- Exhibit D – Aerial Map
- Exhibit E – Zoning Map
- Exhibit F – Future Land Use Map
- Exhibit G – 06/22/05 Sign Permit
- Exhibit H – 04/12/04 Committee Report (Walgreens)
- Exhibit I – 06/08/05 Florence BOA Conditions
- Exhibit J – Application



North Bend Square Site Vicinity Map

500 0 500 Feet



1 inch equals 500 feet

Produced by the
Boone County Planning Commission
GIS Services Division
July 26, 2005



REMKE MARKET

Job Name

NORTH BEND

Job Location

RM-001

Design No.

11/2/04

Date

NOTED

Scale

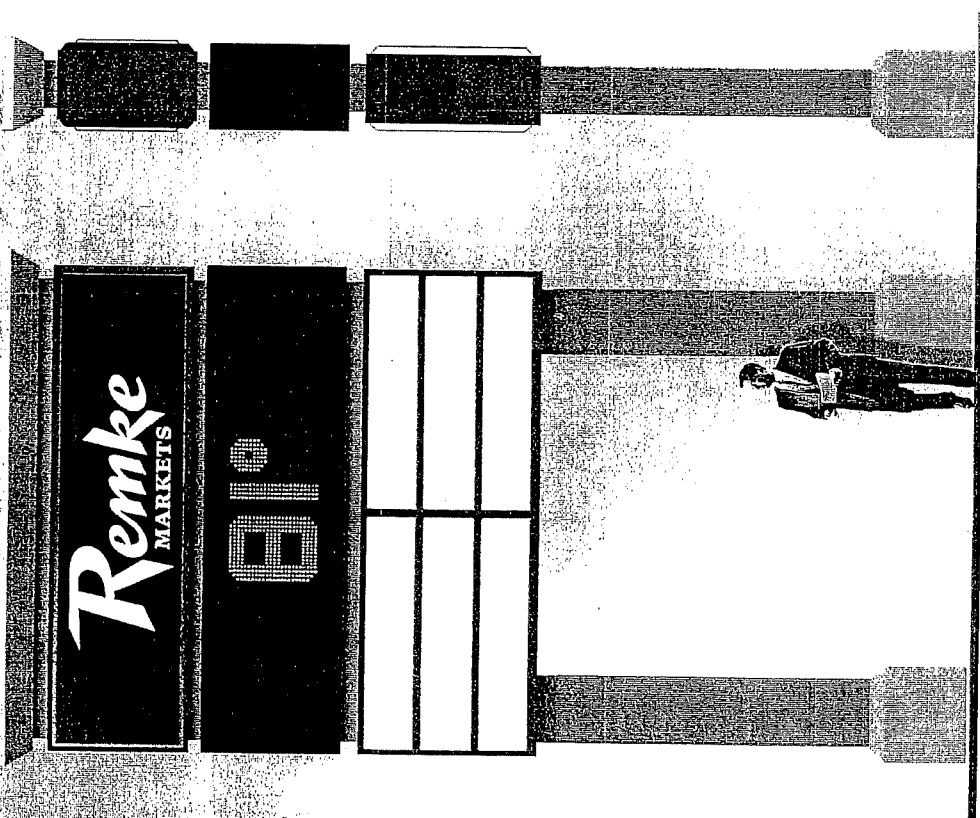
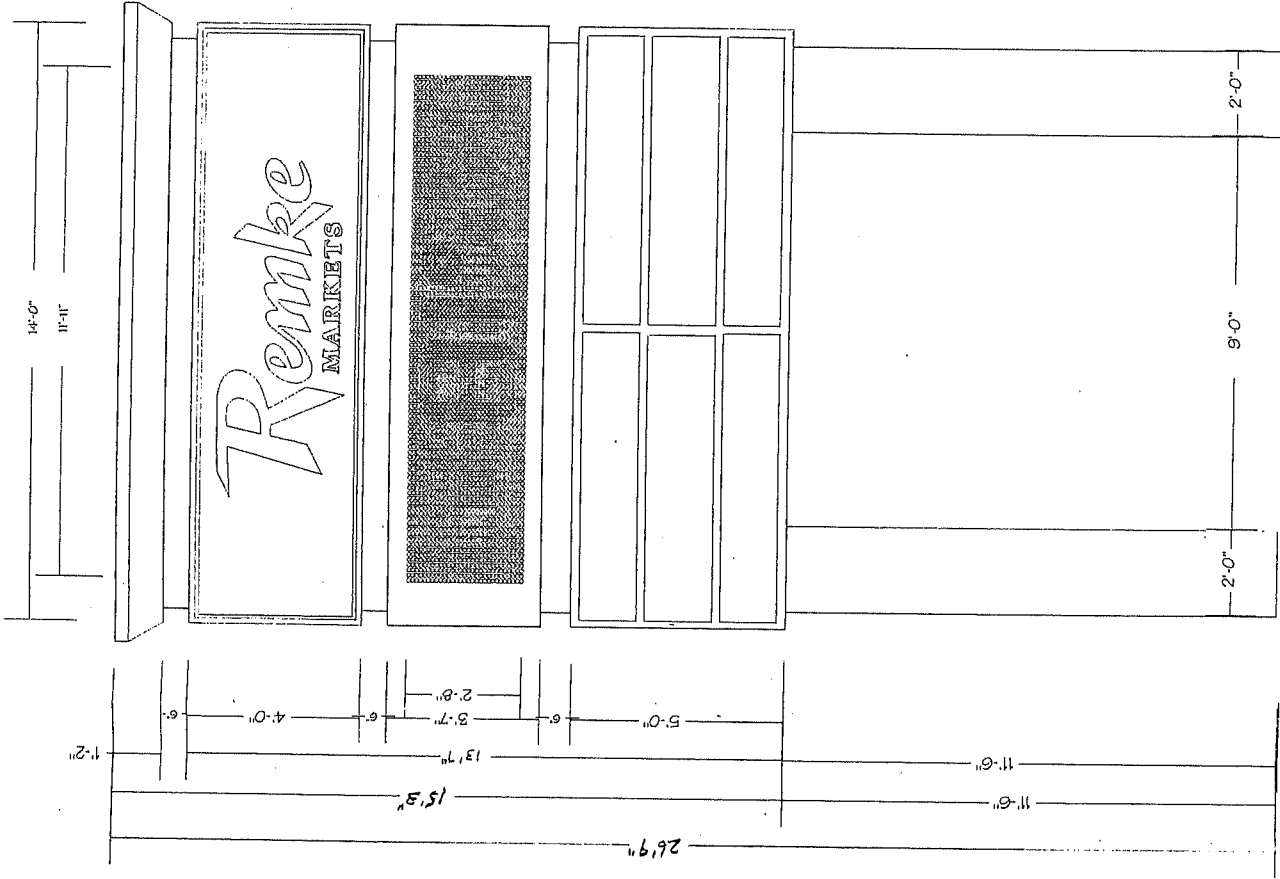
Notes

This drawing and the designs herein are protected under U.S. Copyright Law and shall remain the property of Preferred Resources of the Rosebud and may not be reproduced or used in any manner without the expressed written consent of Preferred Resources



P.O. Box 381
5769 Vice Lane
Burlington, KY 41005
(859) 586-4146

Sheet No. _____





July 19, 2005

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

Re: Electronic Message Center for Remke Markets
Hebron, KY

Dear Mr. Morgan,

As per our phone conversation, I am confirming the following information regarding Boone County Zoning, Section 3430, Subsection 3430.2 as follows:

- The square footage of the Electronic Message Center (EMC) is 32 sq. ft and the overall square footage of signage on the pylon sign is 179 sq. ft. which puts the EMC percentage at approx. 18% of the overall signage. This is well below the required maximum of 50%.
- Per the submitted letter from Mr. Ed Thompson, Kentucky Transportation Cabinet, this sign does not fall under the jurisdiction or regulations of the Commonwealth of Kentucky. Included in this finding is the exemption of the 660' spacing requirement.
- The messages displayed on this unit will conform to the limitations as described in Subsection 3430.2.d, including message "scrolling" and "traveling".
- The messages that will be displayed will be done so in such a manner that each message will be displayed for a five (5) second interval and in no instance will a message, or part thereof, flash on the message board.

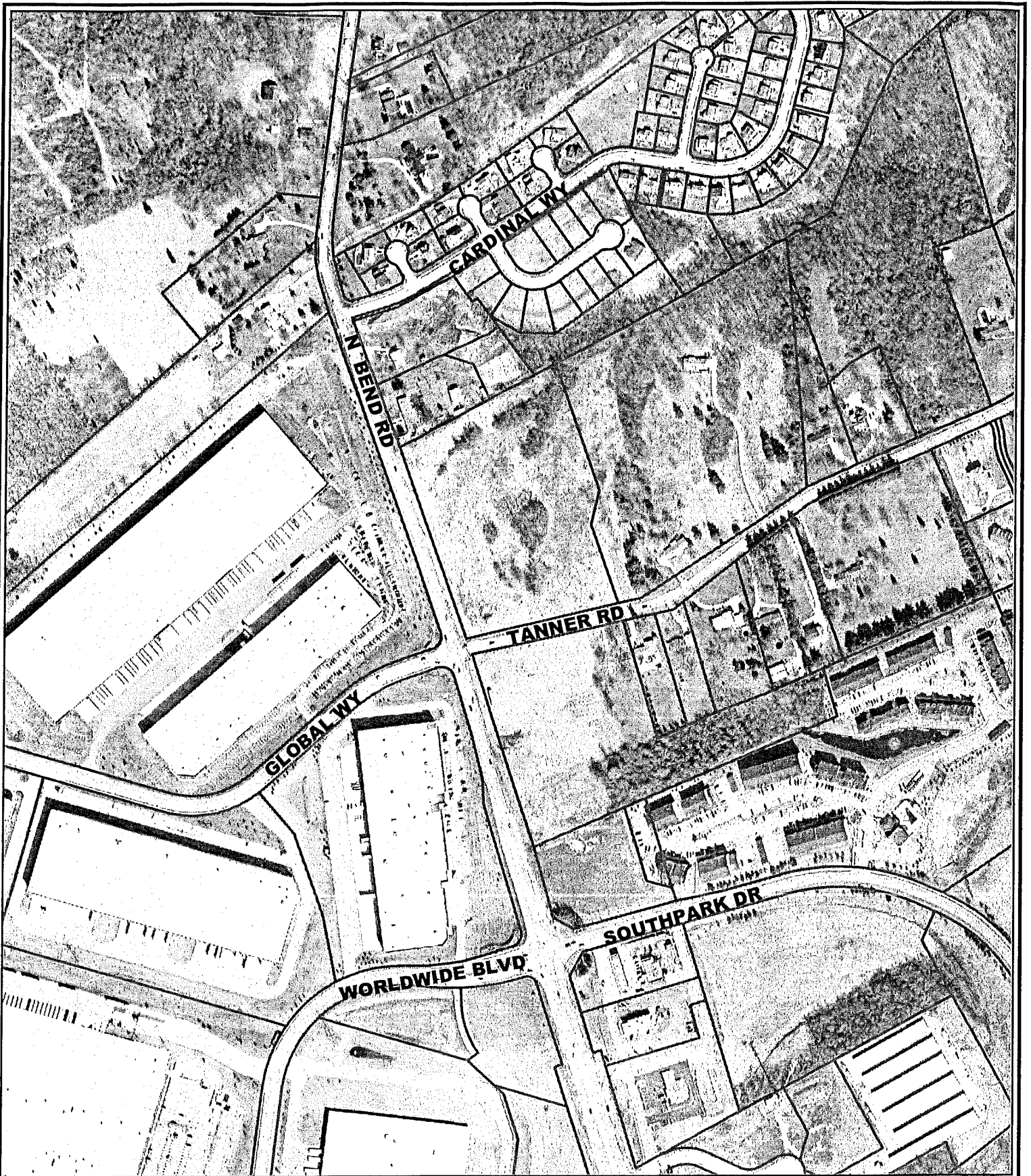
I hope this covers the items which we spoke about and do appreciate your assistance in moving this project forward. Remke Markets is excited about its new location, its reception by the community and the opportunity to utilize this EMC as part of a community service.

Best regards,

A handwritten signature in black ink that reads 'Mike Cassidy'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mike Cassidy
Preferred Resources, LLC

cc. Scott Holthaus, Holthaus Signs



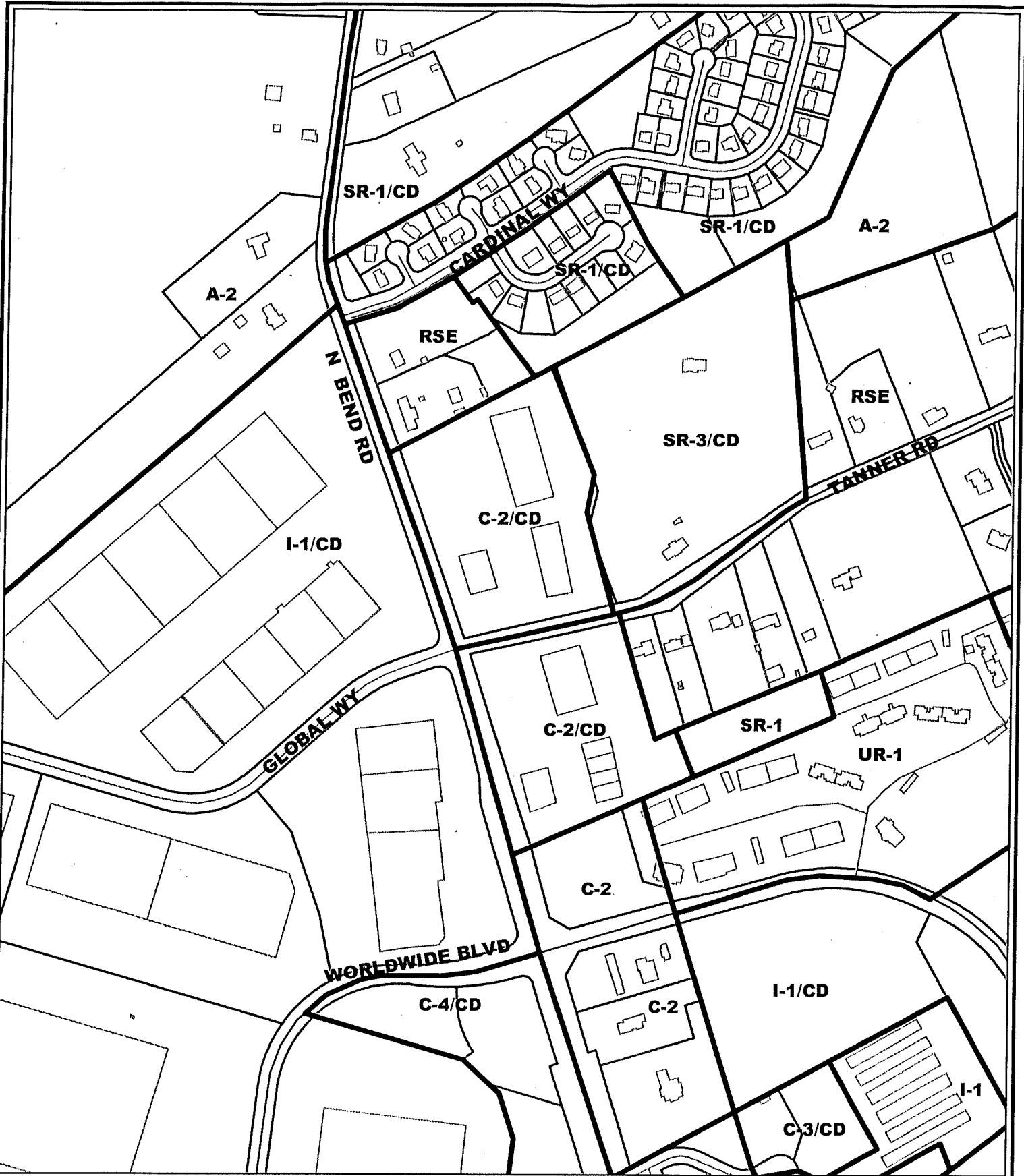
North Bend Square 2004 Aerial Map

400 0 400 Feet

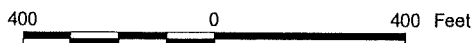
1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
July 26, 2005



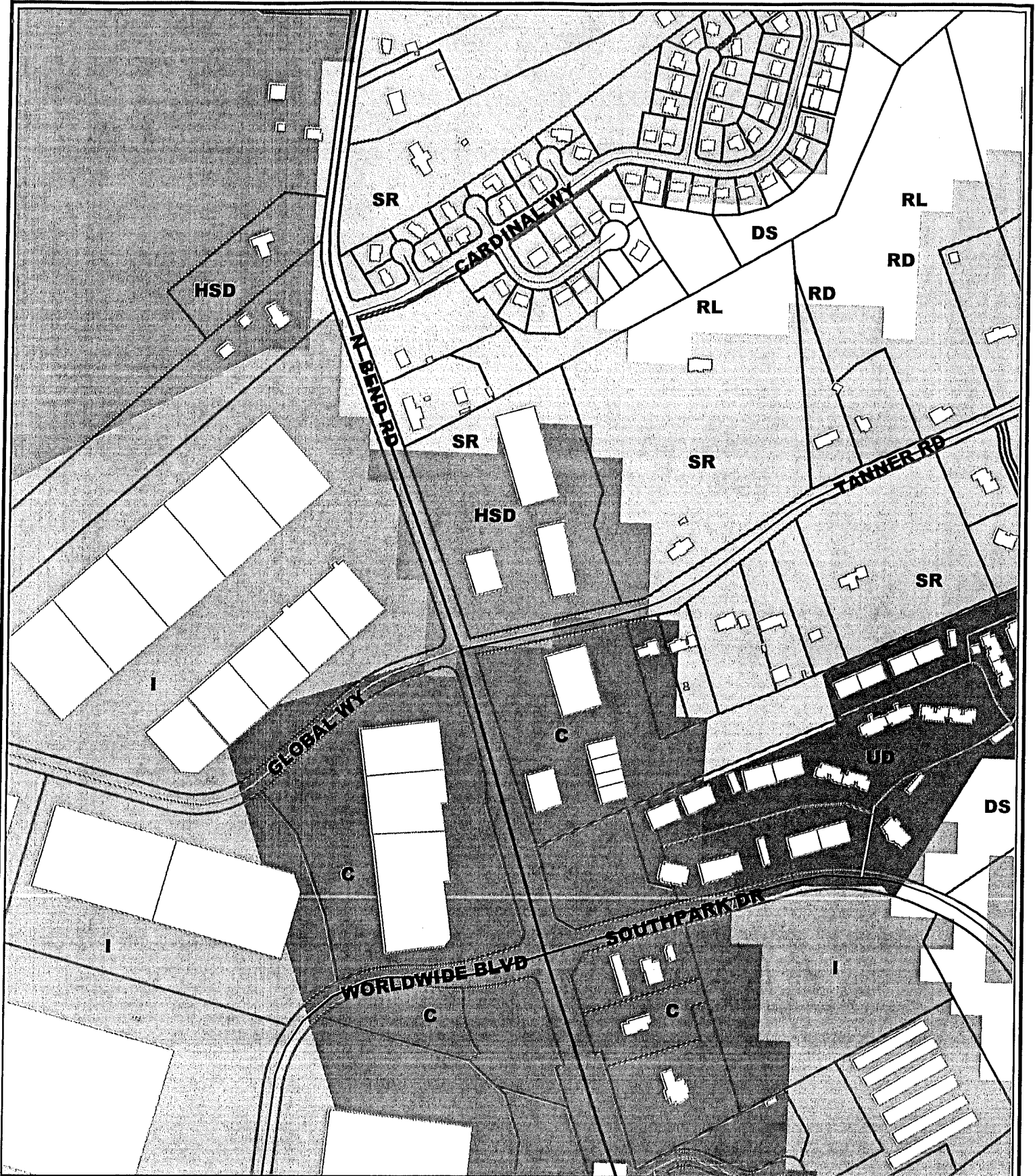


North Bend Square Zoning Map



1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 July 26, 2005





North Bend Square Future Land Use Map

400 0 400 Feet

1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
July 26, 2005



**BOONE COUNTY PLANNING COMMISSION
SIGN PERMIT**

****NOTE:** *Prior to the placement of any approved sign, a building permit may be required from the Boone County Building Inspector - contact at 334-2218 for requirements.*


A Sign Permit is hereby granted to Holthaus Signs for Remke Markets for property located at 1950 North Bend Road, Boone County, Kentucky and zoned C-2/CD, for the purpose of erecting signage in accordance with Article 34, Section 3413 of the Boone County Zoning Order (Ordinance), subject to the following special conditions/descriptions:

1. One architectural free-standing sign, 147 square feet in area and 26.75 feet in height.

*Electronically changeable message center is not included in this permit.

Failure to comply with the above cited Zoning Regulations and special conditions, shall render this permit null and void and to no effect.

6/22/05
DATE


Patty Bachman
Planner, Zoning Services

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairwoman

DATE: April 21, 2004

RE: Request of **McBride Dale Clarion Attn., Anne F. McBride (applicant)** for **Suburban Motors Inc. and Mabel Hudson (owners)** for a Change in an approved Concept Development Plan in a Commercial Two (C-2) zone and Commercial Services (C-3) zone to allow retail sales and a retail pharmacy; and Variances from the Boone County Zoning Regulations including a Variance from Section 3215 "Minimum Spacing of Driveways" to allow a reduction in the required driveway spacing, a Variance from Section 3216 "Minimum Corner Clearance of Driveways from Intersecting Streets" to allow a reduction in spacing between a driveway and street intersection, a Variance from 3620 "Landscaping Along Street Frontages" to allow a portion of a street frontage landscaping area to be reduced from 10 feet to 0 feet, and a Variance from Section 3630 "Building Landscaping" subsection 2 to allow a reduction in the width of the required building landscape area from 4 feet to 2 feet; and a Conditional Use Permit to allow a sign with an electronically changeable message board, all for a 1.435 acre site located at 6615 (existing single-family residence) and 6617 Dixie Highway (formerly Tom Gill Chevrolet Body Shop), Florence, Kentucky. The request is for a Change in an approved Concept Development Plan and Variances to allow retail sales and a retail pharmacy and a Conditional Use Permit to allow a freestanding sign with an electronically changeable message board.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions.

FINDINGS OF FACT:

1. The Committee has concluded that the request is in agreement with the 2000 Boone County Comprehensive Plan for the following reasons:
 - A. The Future Land Use Map designates the majority of the site for "Commercial" uses. This designation is described by the Plan as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The principal use of the proposed development is a retail pharmacy with two drive through lanes and an accessory parking lot.
 - B. The Committee has concluded that the proposal is in agreement with text of the Land Use Element. The "Florence Central" section (pg. 162) makes the following statements that relate to the request:

"Much of Florence's future growth will occur from annexation, however, the City should balance this annexation growth with high density infill and redevelopment growth along the major transportation corridor of the City." The Committee has determined that the redevelopment/infill proposal was along one of the city's major transportation corridors (Dixie Highway).

"Overall, a mixing of uses can be accommodated within the City of Florence and the existing residential communities can be protected if proper buffers and design are incorporated into the developments. The redevelopment of property into commercial uses must be carefully designed in order to minimize impact of adjacent residential property." The Committee determined that the adjoining residential property to the south will be protected by a 30 foot wide landscape buffer that is planted along the property line. This buffer yard will be planted entirely on the subject property and will meet the Buffer Yard C requirements from Article 36 of the Boone County Zoning Regulations.

- C. The Areas of Future Commercial Activity (pg. 70) states that "building vacancies are visible along the major commercial corridors in Florence. The market and infrastructure impacts of future large scale or regional commercial uses on the existing Florence commercial districts must be considered. Furthermore, it is important to encourage the reuse of vacant commercial buildings instead of creating new commercial districts." The Committee has determined that the proposal involves the redevelopment of vacant commercial property and does not create a new commercial district.
2. The Committee has concluded that the requested variances fulfill the applicable findings, standards, and criteria outlined in KRS 100.241 to 100.247, which includes the findings outlined in Section 251 of the Boone County Zoning Regulations. Specifically, the Committee made the following determinations:

The strict application of the 230 foot corner clearance requirement and 275 foot driveway spacing requirement create unnecessary hardships because they prevent the development from having a curb cut along Dixie Highway. In addition, the Committee analyzed the Applicant's Traffic Study and determined that the requests will not adversely affect the public health, safety, or welfare. The submitted traffic study indicates that the corner clearance is sufficient and that the Marshall Motors curb cut to the east had little trip generation during peak hours.

The variances to reduce the 10 foot wide street frontage landscape requirement and 4 foot wide building landscaping buffer requirement arise from special circumstances which do not generally apply to land in the general vicinity. The 1.435 acre site is a redevelopment site which does not have uniform property boundaries. These boundaries make it difficult to meet all the building, parking, and landscaping standards. In particular, the Goodridge Drive street frontage area tapers down substantially between the northwest and southwest property line. The Committee also determined that the requests would not alter the essential character of the area because the Concept Plan shows that the Goodridge Drive street frontage buffer will have an average width of 10 feet.

3. The Committee has concluded that the requested Conditional Use Permit fulfills the applicable findings, standards, and criteria outlined in KRS 100.237, which includes the findings outlined in Sections 262 and 3430 of the Boone County Zoning Regulations. Specifically, the sign 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.
4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed letters demonstrating agreement with the Concept Development Plan conditions.

CONCEPT DEVELOPMENT PLAN AGREED CONDITIONS

1. Deliveries and trash removal will only take place between the following hours:

Monday – Friday: 8 AM – 9 PM

Saturday – Sunday: 9 AM – 6 PM
2. The height of the light poles (fixtures 7 and 8) closest to the curb cut on Goodridge Drive curb cut shall be no taller than 24 feet.

CONDITIONAL USE PERMIT CONDITIONS*

3. The sign must be monument style and shall not exceed 13 feet in height and 125.4 square feet in area. The sign type, height and square footage restrictions apply only if an electronically changeable message board is attached to the sign;
4. Any message displayed on the sign must appear for a minimum of 5 seconds. In addition, scrolling, running, and flashing images shall be prohibited on the message board.

*KRS 100.203 (6) (b) states that Conditional Use Permit applications which are submitted with a Zoning Map Amendment (or Concept Development Plan) shall be heard and decided by the Planning Commission. Property owner agreement is not required.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Concept Development Plan Committee Vote.

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit and Variance approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of June 8, 2005 Certificate of Land Use Restriction (#05-BCBOA-005-A), for WEC 99J-31 LLC c/o CVS Corp PA Store #6120, Property Owner(s).

The following conditions will apply:

- 1) The height of the sign is to be reduced to thirteen feet and it can be no more that 125 square feet in area.
- 2) The sign is to be monument style.
- 3) The sign is limited to one illumination color and that color is red.
- 4) Conditions 1, 2, and 3 listed above apply only if an electronically changeable message board is integrated into the permitted on-site freestanding sign.

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

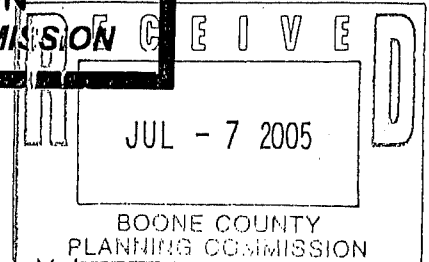
DEED BOOK 772

PAGE NO. 629

GROUP NO. 2043A

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)

1. [X] Boone _____ Florence _____ Walton _____ Union _____

(Check One)

2. [X] Conditional Use Permit _____ Variance _____ Appeal _____ Change in Non-Conforming Use _____

3. Applicant's Name Holthaus Signs Inc Phone Number 513-861-0060 Fax No. 513-559-0975 Applicant's Address 8177 RIDGEWAY AVE CINTI OHIO 45229 City State Zip

4. Description of Request: INSTALL ELECTRONIC MESSAGE CENTER ON APPROVED POLE SIGN

5. Name of Development NORTH BEND SQUARE (TREMKE MARKET)

6. Location of Development 1950 N BEND RD HEBRON, KY

7. Acreage Under Review 8.29 AC

8. Lot Number and Name of Subdivision (if part of a subdivision)

9. Owner of Property TOEBBEN LTD

Phone Number of Owner 859-331-1560

10. Address of Property Owner 541 BUTTERMILK PK CRTS SPRGS KY 41017 City State Zip

11. Proposed Use(s) on Site INSTALL ELECTRONIC MESSAGE CENTER ON APPROVED POLE SIGN

12. Total Square Footage of Existing and/or Proposed Buildings

13. Current Zoning on Property

14. Deed Book 868 Page No. 849 Group No. 2002

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: [Signature]

(over)

COPY

CLUR #05-BCBOA-013-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Toeppen Ltd.
541 Buttermilk Pike
Crescent Springs, KY 41017
2. ADDRESS OF PROPERTY
1950 North Bend Road
Hebron, KY 41048
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Remke Markets
4. DEED BOOK 868 PAGE NO. 849 GROUP NO. 2002
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



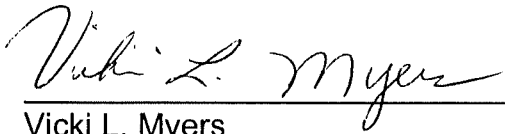
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

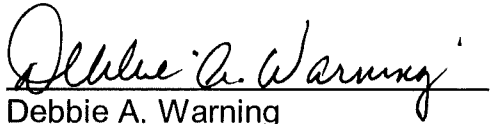
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 11 day of August, 2005.



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 August 10, 2005 Certificate of Land Use Restriction (#05-BCBOA-013-A), for Toeppen Ltd., 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 868

PAGE NO. 849

GROUP NO. 2002