

06-BCBOA-023-A

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



NOV 15 2008

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 _____
3. Applicant's Name Bayer Becker
Phone Number 812-537-9064 Fax No. 812-537-9505
Applicant's Address 777 Eads Parkway, Suite C
Lawrenceburg, IN 47025
City State Zip
4. Description of Request: Conditional Use for an professional service/office building.
The proposed building will be 2-stories in line with the character of the area.
5. Name of Development ONE UNION SQUARE
6. Location of Development 6027 & 6035 Jefferson Street
Burlington, Kentucky
7. Acreage Under Review 0.5590
8. Lot Number and Name of Subdivision (if part of a subdivision)
Shown as lot 25 & 26 in Plat Book 1 page 112 at the Boone County Clerk's Office
9. Owner of Property Justice Center Square, LLC
Phone Number of Owner 301/580-4552
10. Address of Property Owner 6609 Radnor Rd, Bethesda, MD
City State Zip 20817
11. Proposed Use(s) on Site A 2-story professional service/office building with a parking area
12. Total Square Footage of Existing and/or Proposed Buildings Proposed Bldg = 6708 SF
13. Current Zoning on Property SR 2 with a SC overlay
14. Deed Book 921, 901 Page No. 940, 856 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? Concept Plan
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] Bayer Becker

Property Owner's Signature: [Signature]

(over)

member, Justice Center Square, LLC.

6027 DB+Pg 901/856
6035 DB+Pg 921/940

**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 11-15-06 Fee Received \$1,271.00 R# 51865
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
12/13/06 **Approved with Conditions** (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 12/13/06 B.C.B.O.A.
MEETING MINUTES
7. Reasons for Denial: _____

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
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: Bayer Becker
LOCATION: 6027 & 6035 Jefferson Street, Boone County, KY
ZONING: Suburban Residential Two/Small Community Overlay (SR-2/SC)
DATE: December 13, 2006

PROPOSAL

The applicant is requesting a Conditional Use Permit to allow a two-story office/retail building with accessory parking to be constructed on property located at 6027 and 6035 Jefferson Street, Boone County, Kentucky.

Two (2) Concept Development Plans have been submitted with the request. Concept Development Plan A shows a two-story, 6,708 square foot office/retail building with 25 parking stalls. Access to the site is shown from Torrid Street and a public alley which is located to the north of the site.

Concept Development Plan B also shows a two-story, 6,708 square foot office/retail building and the same access on Torrid Street and the public alley. The difference between two plans is that Concept Development Plan B shows 28 parking spaces in the rear yard.

Building elevation drawings have been submitted for the proposed building. These elevations show that all facades of the building will be constructed with brick and that the roof will be asphaltic shingles. The elevations also show soldier course brick over the windows and coins on all the corners of the building.

APPLICABLE REGULATIONS

Article 20, Section 2012 of the Boone County Zoning Regulations requires office and retail uses (see attachments) proposed in the SC district to be approved through the conditional use permit process in 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 office and retail uses (see attachments) 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;
- 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.

SITE CHARACTERISTICS

The 0.559 acre site contains two single-family residences. However, the building at 6027 Jefferson Street was last used for business purposes. The building at 6027 Jefferson Street has parking along the public alley and a driveway which connects to the rear of the structure. The building at 6035 Jefferson has a single curb cut off of Torrid Street which connects to the rear yard. Both buildings will be removed or demolished if the proposed project is constructed.

The topography of the site falls from approximately 834 feet above sea level at the northeast property corner to approximately 822 feet above sea level at the southwest property corner. The site contains many mature evergreen and deciduous trees.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The following Goals and Objectives from the 2005 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 designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces (Business Activity – Retail and Office Objectives).

The following Future Land Use Development Guideline from the 2005 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. 141).

The 2005 Boone County Comprehensive Plan's "2030 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, pp. 150-152) makes the following statements regarding the general area:

- A. "Burlington proper will continue to experience growth-related pressures. The influence of residential subdivisions in the surrounding areas, and the associated traffic, will necessitate improved traffic controls and management, particularly at KY 18 and KY 338. Central Burlington includes a National Register Historic District. Historically important structures should be protected from development pressures, or be subject to appropriate adaptive re-use to retain the character of central Burlington. As Boone County grows, there will be a greater need for public facilities and services. The 2002 Burlington Town Strategic Plan 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. Proposed new construction or additions to existing structures shall be designed to be consistent with existing buildings within the same street block (Small Community Overlay District Recommended Changes, pg. 18).

SURROUNDING LAND USES & ZONING

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

South: Torrid Street, Single-Family Residential Dwelling, and Barn (SR-2/SC)

East: Jefferson Street and Boone County Justice Center (SR-2/SC)

West: Steele's Hometown Tire (former Burlington firehouse) (SR-2/SC)

STAFF COMMENTS

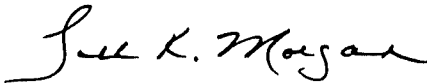
1. The submitted Concept Plans indicate that the proposed building has a gross floor area of 6,708 square feet and that there could be as few as 25 parking spaces on the site. The Boone County Zoning Regulations requires general commercial uses to provide one parking stall per 250 square feet of floor area ($6,708/250 = 27$ stalls). Staff would like to make the applicant aware that the Zoning Administrator will need to approve a shared parking agreement to allow fewer spaces on the site than what is required.
2. Staff would like the applicant to address if a restaurant could occupy a portion of the building. If not, Staff recommends a condition which would prohibit a restaurant.
3. Staff would like the applicant to address site lighting due to the proximity of the site to Jefferson Street, Torrid Street, and an adjoining single-family residence. If the project is approved, Staff recommends a condition which prohibits the overall height of the light poles from exceeding 15 feet. In addition, footcandle measurements along all property lines shall be limited to a reading of 1.0 or less.
4. Staff has the following comments regarding the elevation drawings that were submitted for the project:
 - A. Staff believes the two story building will blend in with the area because the site immediately adjoins Burlington Baptist Church and the Justice Center.
 - B. Staff recommends that option - i (see elevation drawings) should be selected for the front facade because the two doors gives this facade symmetry. Staff believes that a single door option would be more aesthetically pleasing if the front door was centrally located.

- C. Staff recommends that the north elevation (facing KY 18) and south elevations of the building should be reversed. Staff has this concern because the northern facade will be highly visible from the KY 18/Jefferson Street intersection. The extra windows will give the northern facade a much more finished look.
- D. Staff recommends that more scale and substance should be provided to the entry points if the gabled look is selected. It is recommended that the projection should extend further from the facade and the columns should be used instead of brackets. ^{gable} ^{needs to} ^{be used} ^{the} ^{to} ^{change} ^{to} ^{the} ^{facade} ^{treatment} ^{around} ^{the} ^{entry} ^{points}. ^{Another} ^{option} ^{would} ^{be} ^{to} ^{eliminate} ^{the} ^{applied} ^{gables} ^{and} ^{to} ^{change} ^{to} ^{the} ^{facade} ^{treatment} ^{around} ^{the} ^{entry} ^{points}. This could be done by recessing the door within the facade, adding transoms (larger than the ones shown), adding side lights, adding different masonry detailing to emphasize the entry points, or changing the material to cut stone or compatible appearing pre-cast concrete.
5. If the project is approved Staff recommends a condition which requires Buffers Yard A to be installed along Jefferson Street, Torrid Street, the public alley, and the rear property line.
6. Matt Becher, the Planning Commission's Rural/Open Space Planner, has requested that the applicant notify him 30 days prior to the buildings being relocated or demolished. This will provide him ample time to document both properties with drawings and photographs and allow interested parties an opportunity to salvage useable historic building materials from 6035 Jefferson Street in the event that the building is demolished.

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,

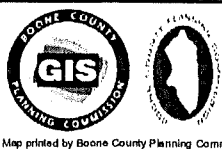


Todd K. Morgan, AICP
Senior Planner, Zoning Services

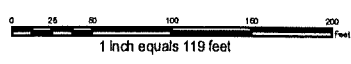
TKM/pr

Attachments

- Site Vicinity Map
- Concept Development Plans
- Floor Plan
- Building Elevations
- Applicant's Review of Criteria Necessary for Granting the Conditional Use Permit
- Aerial Map
- Zoning Map
- Future Land Use Map
- E-Mail From Matt Becher
- Application



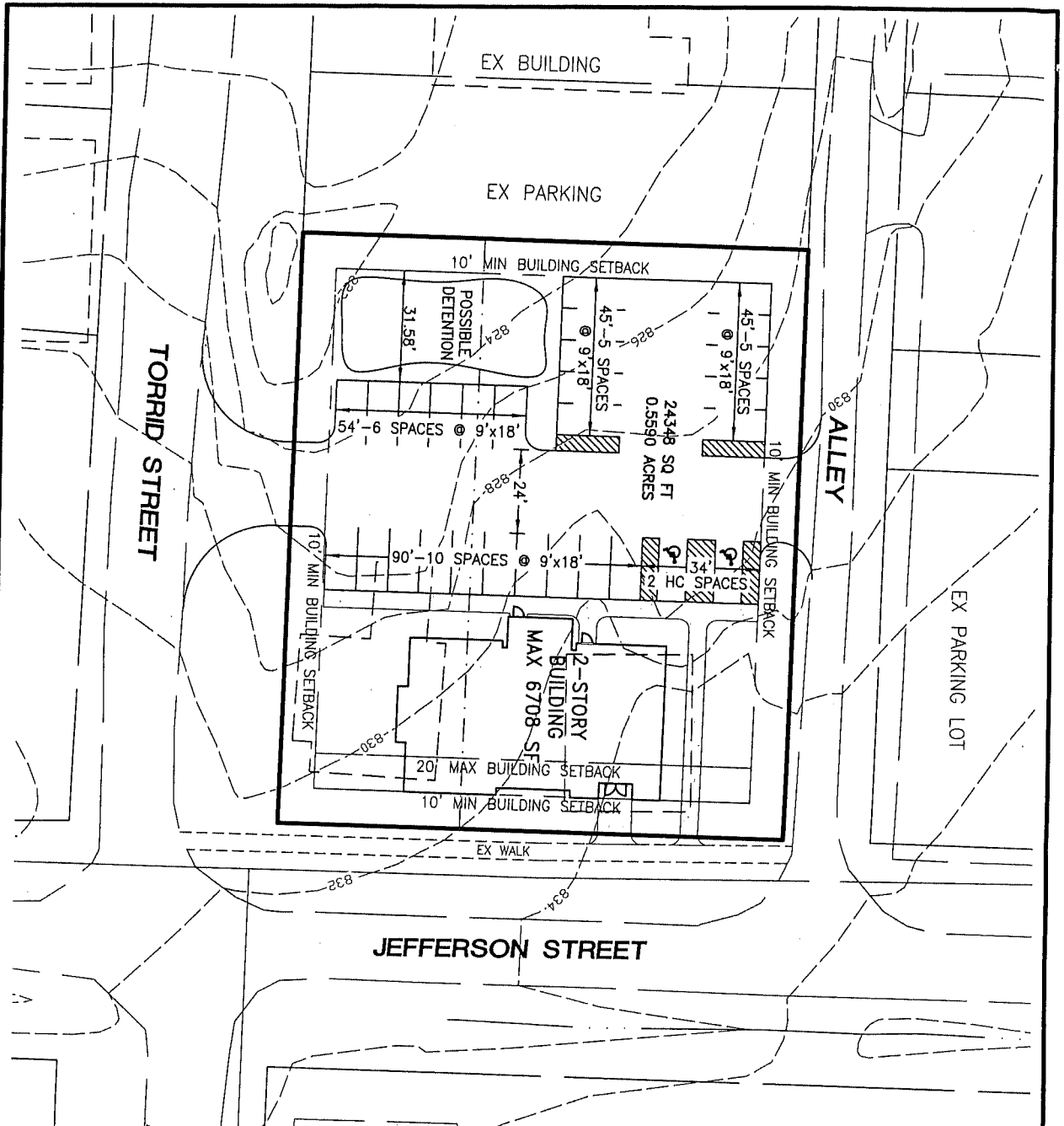
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State Plane Kentucky North MAD 1983



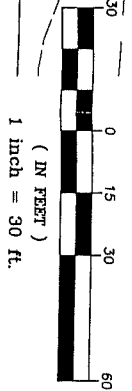
JEFFERSON STREET

TORRID STREET

ALLEY

EX PARKING

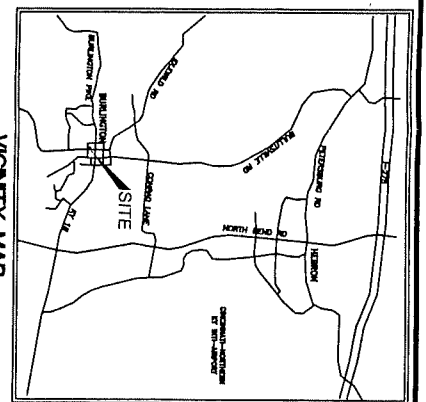
EX JUSTICE CENTER BUILDING



GRAPHIC SCALE

- PROJECT NOTES:**
1. TOTAL AREA = 0.5590 ACRES
 2. PROP USE = PROFESSIONAL OFFICES AND SERVICES
 3. PROP. BUILDING AREA = MAX 6708 SQ FT
 4. PARKING REQUIRED = 31 SPACES
 5. VARIANCE REQUESTED = 28 SPACES
 6. VARIANCE REQUESTED = 3 PARKING SPACES
 7. ALL UTILITIES AND DETENTION REQUIREMENTS SHALL BE DESIGNED DURING THE SITE PLAN STAGE.

NO SCALE



**JUSTICE CENTER SQUARE
6027 & 6035 JEFFERSON STREET**

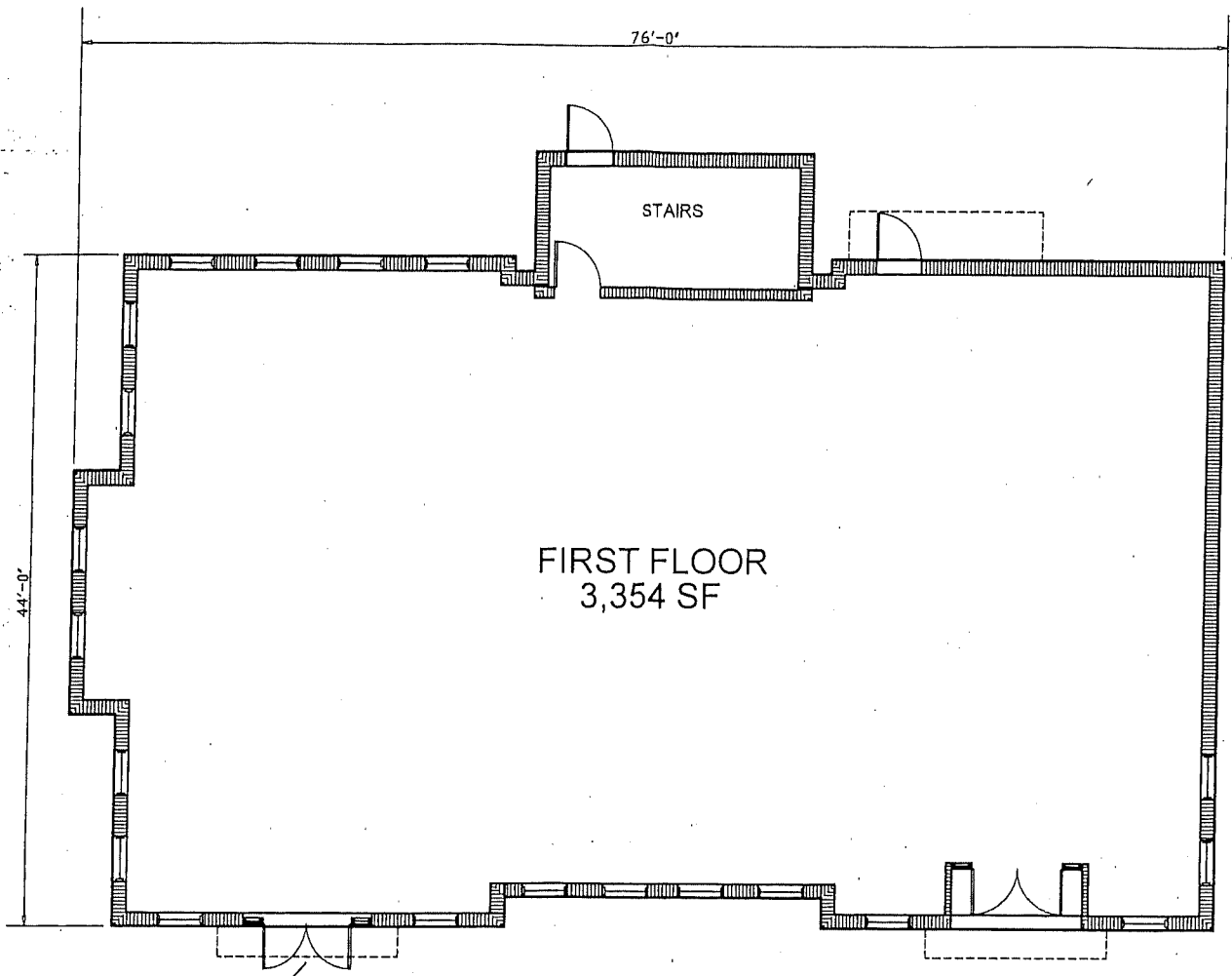
CITY OF BURLINGTON
BOONE COUNTY, KENTUCKY
NOVEMBER 2008

CONCEPT PLAN OPTION B



777 Eads Parkway, Suite C
Lawrenceburg, IN 47025 - 812.537.9064

Drawing: 06K094-000 CCS 061108
Scale: 1" = 30'
Drawn by: NPD
Checked by: JB
Issue Date: 11/09/06

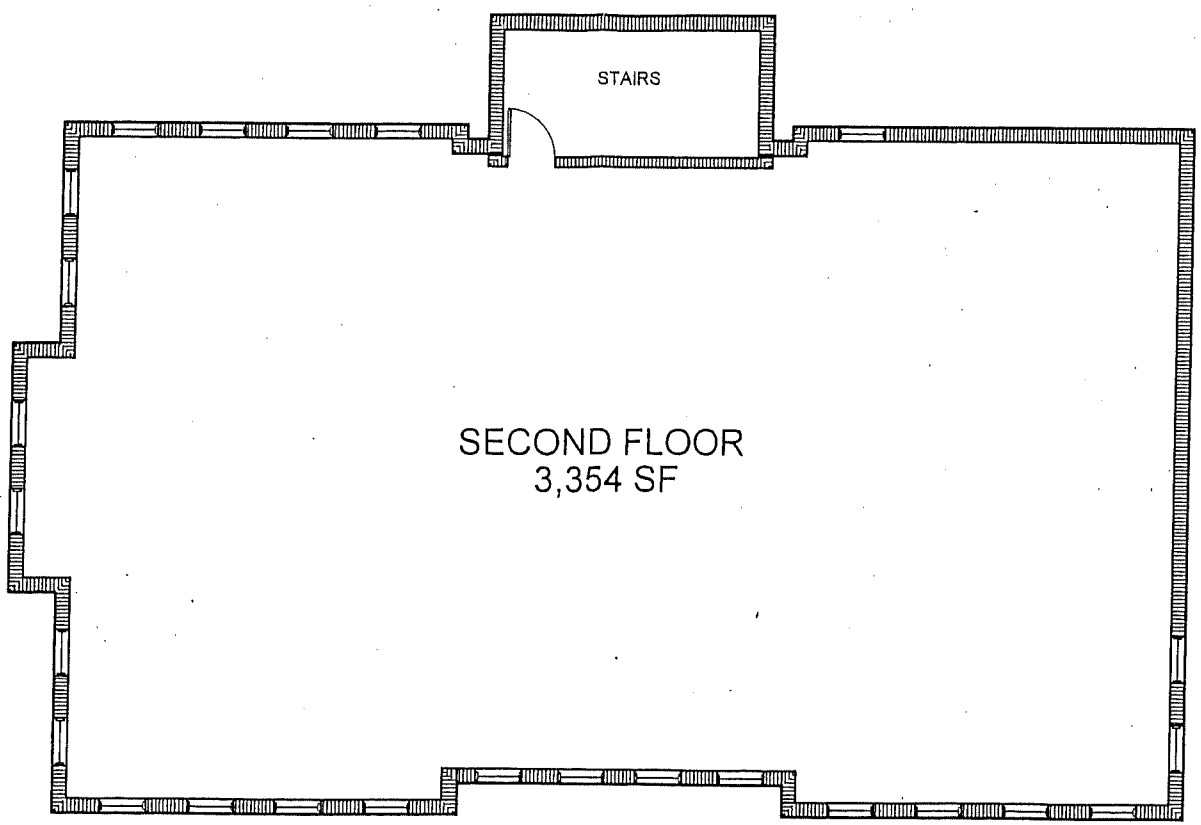


OPTIONAL
SECOND
ENTRANCE



FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

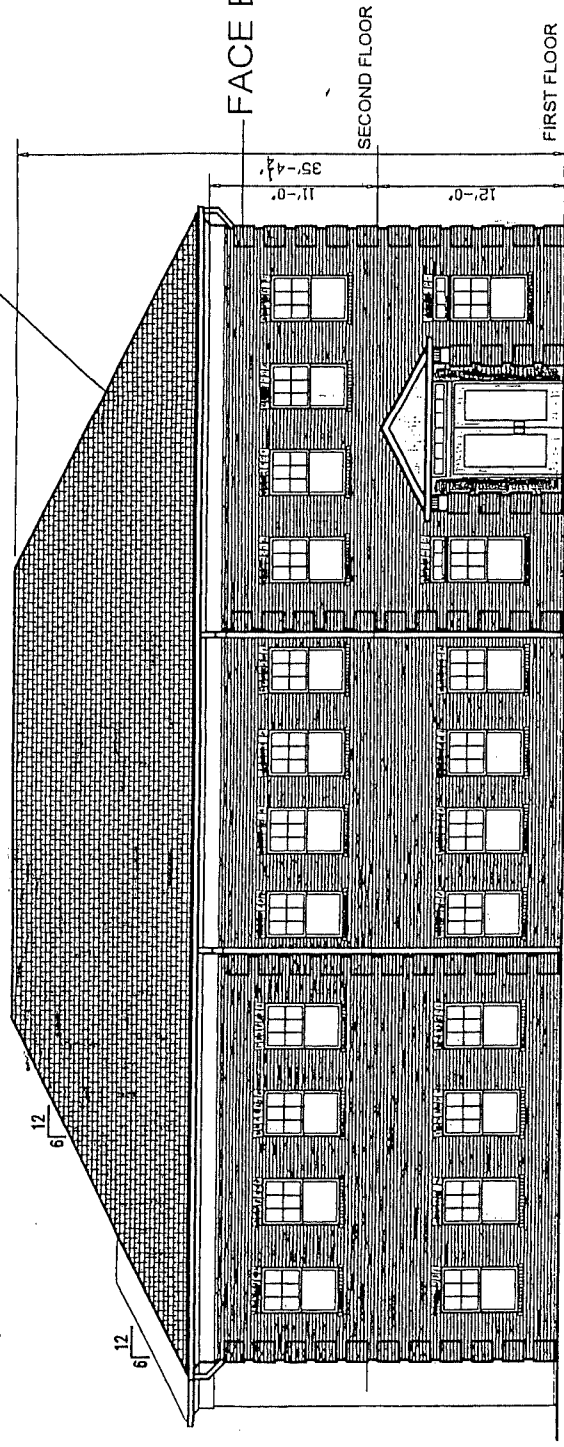


SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

ASPHALT SHINGLE ROOFING

FACE BRICK



EAST ELEVATION - FRONT

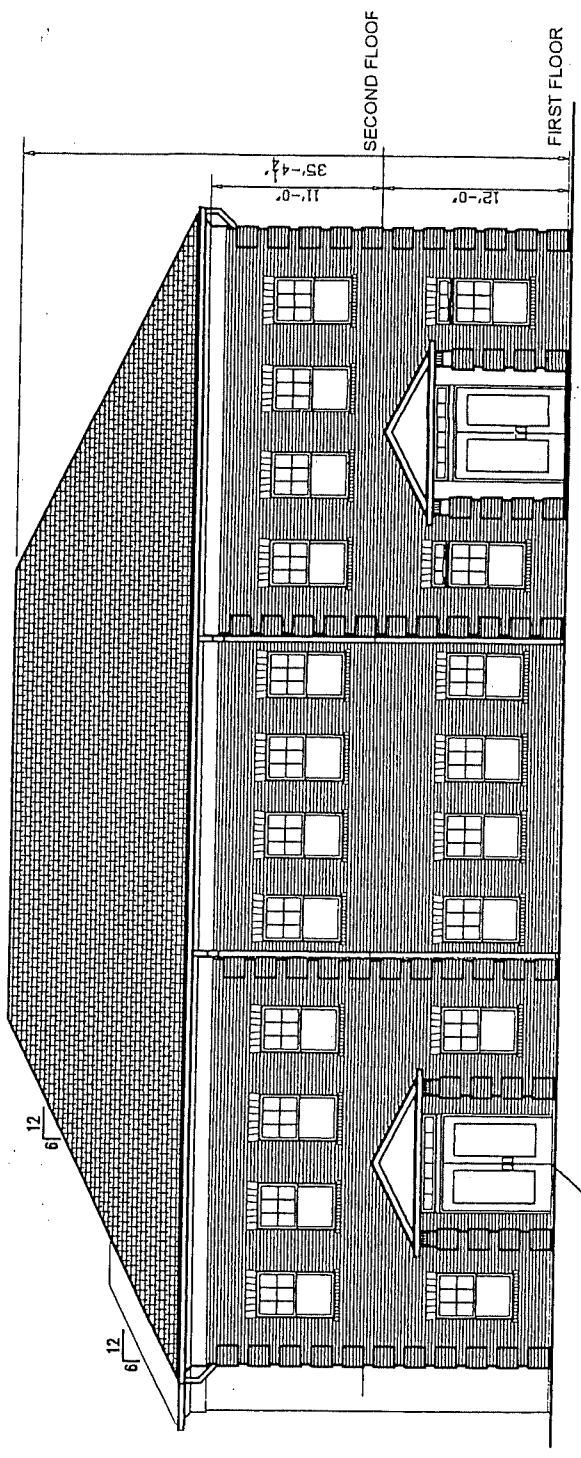
SCALE: 1/8" = 1'-0"

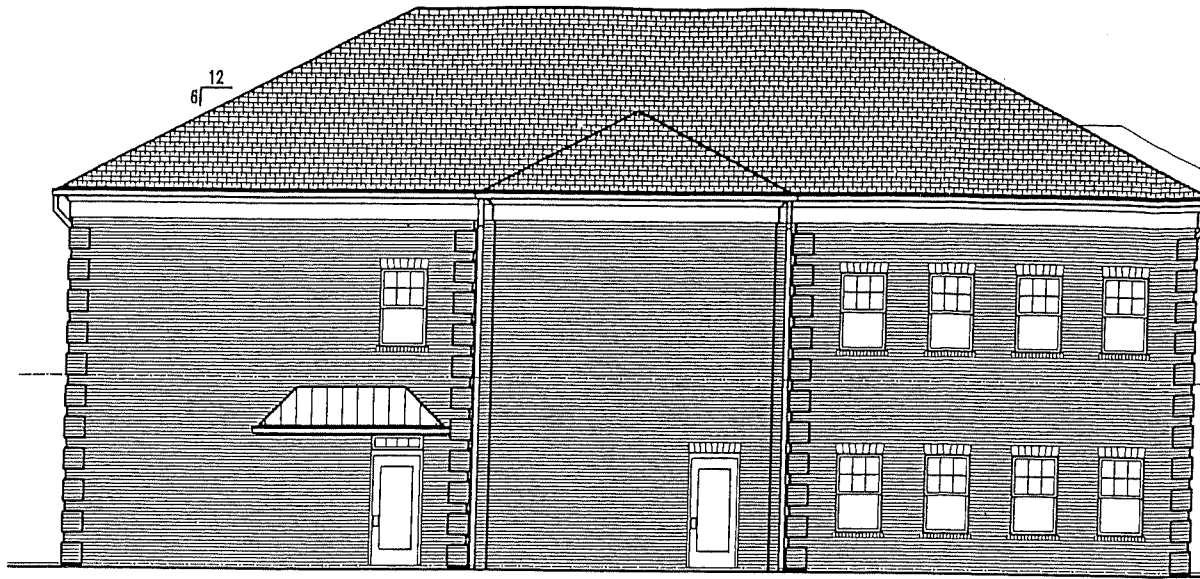
OPTIONAL SECOND ENTRANCE

OPTION - i

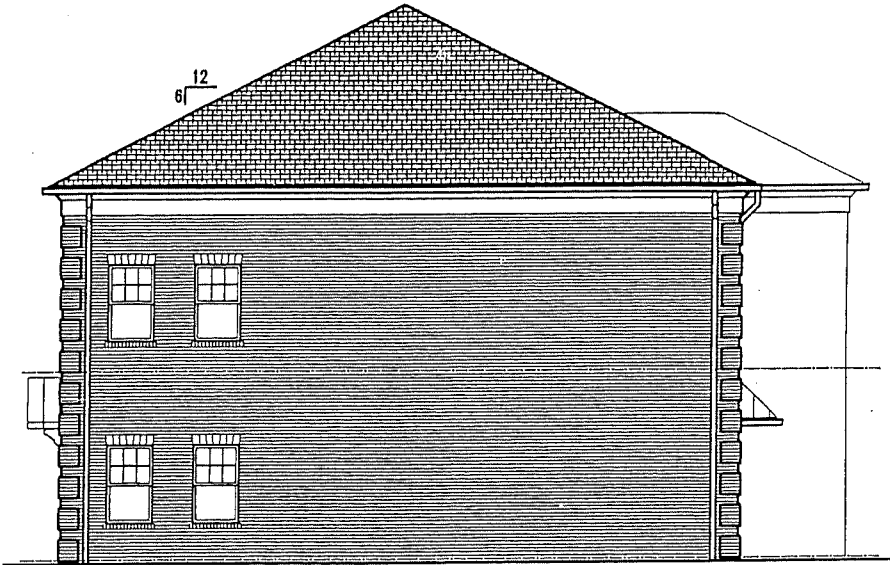
EAST ELEVATION - FRONT

SCALE: 1/8" = 1'-0"

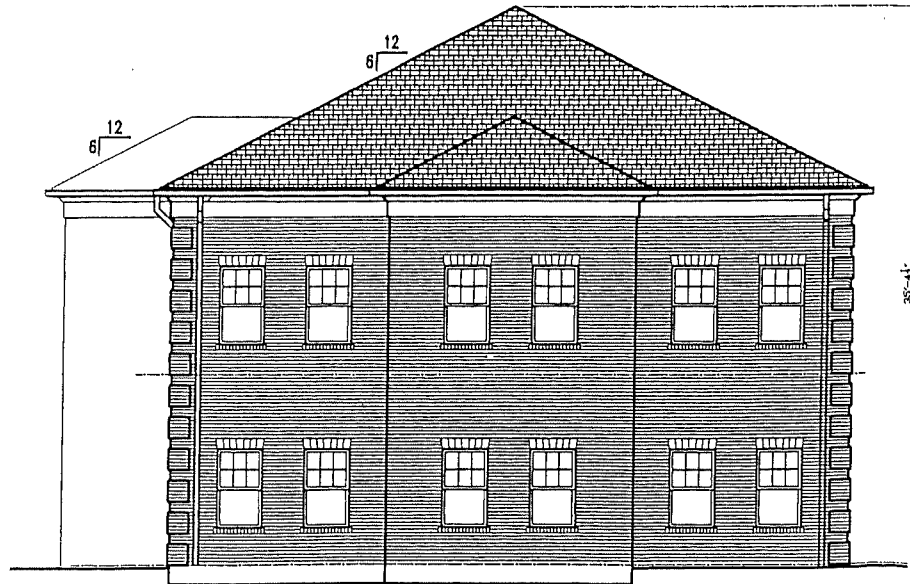




WEST ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

Section 2012—SC Overlay District Conditional Use Criteria

The proposed use 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:
The proposed 2 story professional service and retail building will fit into the character of the small community character of the Burlington downtown. The brick exterior will be similar with the surrounding buildings. The professional use of the building will also be compatible with the uses for the new Justice Building and County Administration Building. The proposed One Union Square development will blend with the scale and character of the surrounding area and will not conflict with the principal purpose and intent of the Small Community Overlay District.
- 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:
The proposed site layout and building are designed to protect the integrity of the purpose of the Small Community Overlay District. The building will be close to the street with entrances at the front of the building to encourage pedestrian traffic. The parking is provided behind the building to remain screened from the heart of the historical setting of downtown Burlington. The parking will still allow for vehicular traffic to accommodate to the busy and always moving people of today. The purpose of the design is to blend with the structures and character of the area.
- C. Historical and architectural characteristics are protected from inappropriate alteration to existing structures and new buildings are sensitive to the established character of the Small Community Overlay:
The proposed building is a new structure, which is designed to be sensitive to the historic character of the downtown. The exterior is proposed to be brick, which was and currently is a material used in the area. The entire design of the project is centered on maintaining the character of the surrounding area.

Section 262—General Conditional Use Criteria

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:

The proposed use and design will be harmonious with the intent and objectives of the Small Community Overlay District. The proposed office and professional service uses for the building will be oriented to serve the people working and living in the surrounding area. The Small Community Overlay District is provided to maintain the character of the historic and new buildings of the area. The One Union Square development will preserve the intent of the zoning order of the district.

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:

The proposed use is conceptually designed to be harmonious with the intended character of the area. The project began with knowing and respecting the design and character of the area and became the lead inspiration of the design. The building is designed for a brick exterior to blend with the surrounding structures. The placement of the building, closer to the street, is to promote the pedestrian traffic, which is the historical emphasis of the area. The parking is located in the rear of the building so that it is screened from the main views of the downtown area. This design is to help centralize parking in the center of blocks of historical areas, while maintaining the building up front as the focus.

3. Will be hazardous to existing or future neighboring uses:

The proposed use will not be hazardous to the existing or future neighboring uses. The office and professional services will be similar with the existing uses and complimentary to future uses that are held to the same standards.

4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services:

The proposed use will be adequately served by all necessary utilities. The design will comply and follow all regulations for storm water to maintain drainage and prevent impact to neighboring properties. The property is served by well-maintained streets for vehicular access and is also proposed to adequately provided sidewalks for safe pedestrian traffic.

5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community:
The proposed use will provide jobs and services to the local area, which helps in the balance of fiscal planning of the entire county. The use will not be detrimental to the economic welfare of the community.

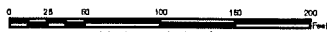
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare or odors:
The proposed use will not have any activities, which will produce any waste, or materials that would have a negative impact to the surrounding area. The use will be office and professional service in nature, which will not be detrimental to the area or the general welfare of the community.

7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares:
The design of the site locates the vehicular access points from side streets to reduce interference to traffic on Jefferson Street, which is a main thoroughfare in and out of Burlington. The vehicular access to the property is also created to maintain a safe distance between the vehicular and pedestrian traffic that would be attracted to this site.



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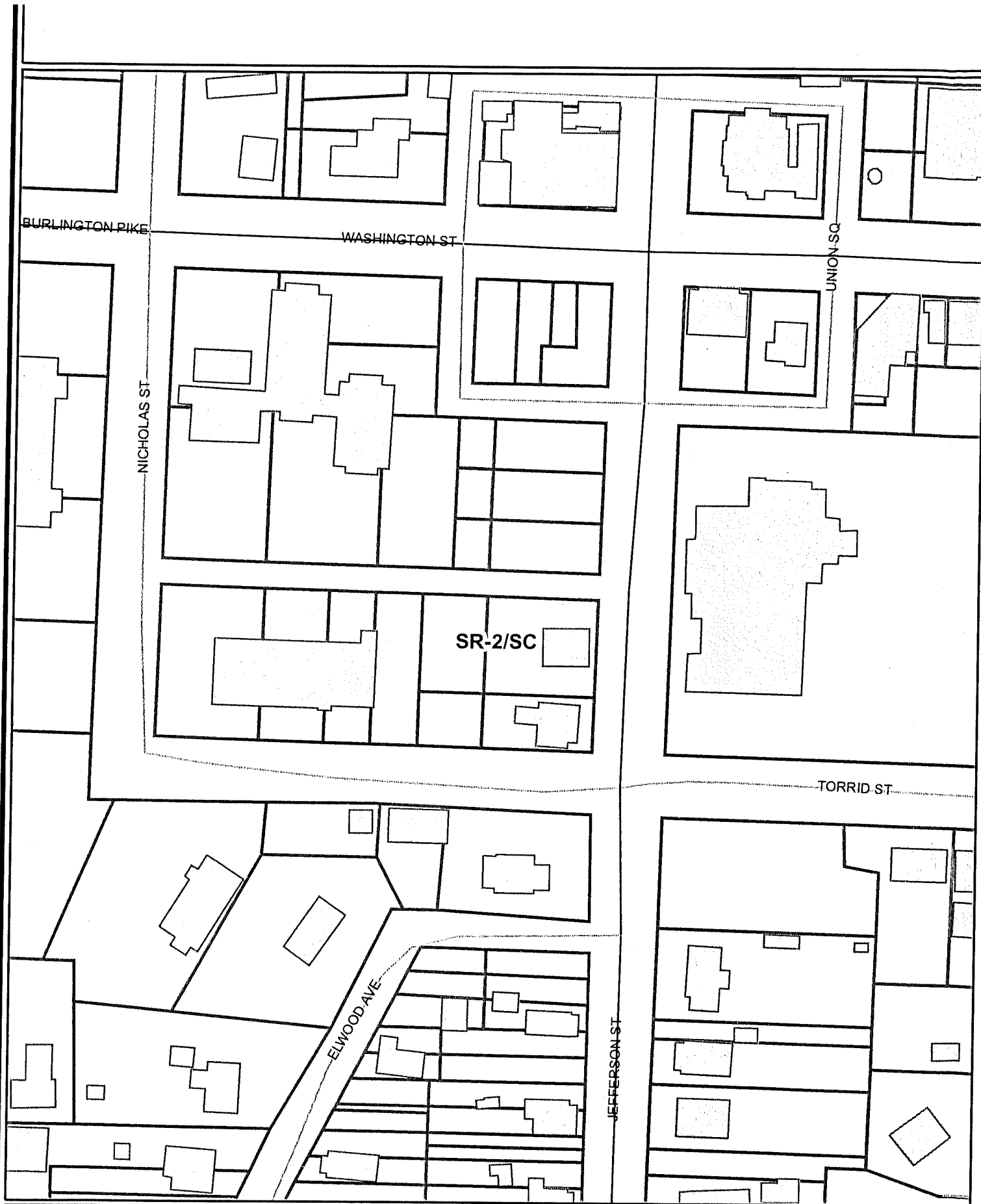


1 inch equals 128 feet

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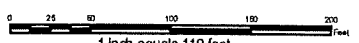
State Plane Kentucky North NAD 1983



SR-2/SC

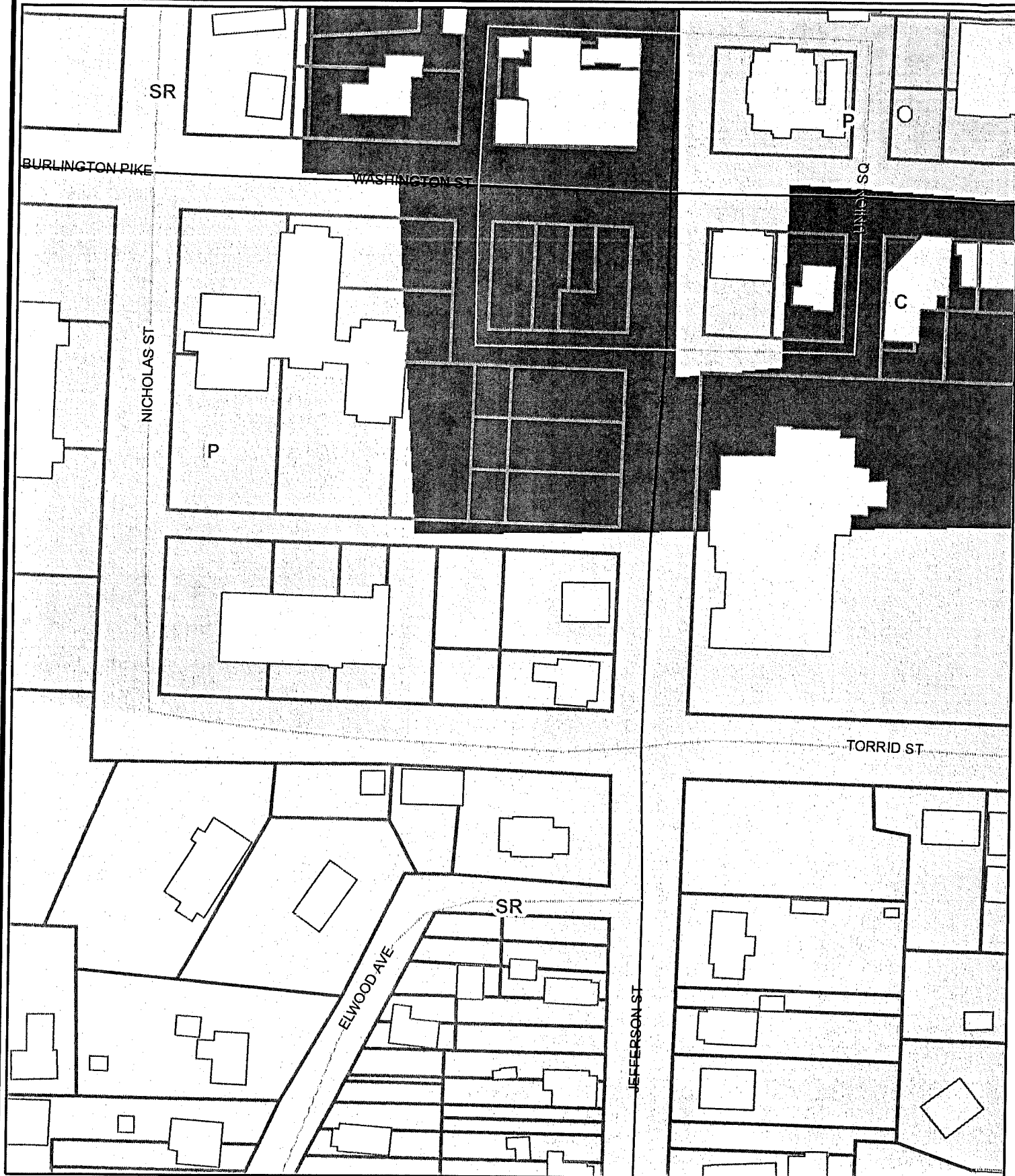


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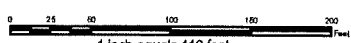


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1 inch equals 119 feet

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State Plane Kentucky North NAD 1983

Todd Morgan

From: Matt Becher
Sent: Wednesday, December 06, 2006 3:45 PM
To: Todd Morgan
Subject: Proposed Office Building at 6027 and 6035 Jefferson St., Burlington

Todd,

I have reviewed the historic inventory files and visited the site of the proposed office building on South Jefferson St.

The house at 6035 Jefferson is a brick ranch dating to c. 1960. It has not been recorded for the Kentucky Historic Inventory and is not mentioned in either the 1979 or 2004 Burlington National Register District nominations.

The house at 6027 Jefferson is a c. 1920s bungalow of frame construction with a brick porch. This property was documented by the countywide historic structures survey in 1993. It is listed in the Kentucky Historic Inventory as Be-604, but has no assigned historic name. This house was within the Burlington National Register District boundary as drawn in 1979. It lies outside the current boundary, which was drawn in 2004. However, in my opinion, the property still retains some historic significance.

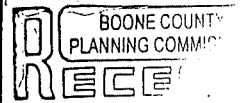
On behalf of the Boone County Historic Preservation Review Board, I am requesting permission to (1) document both properties with drawings and photographs and (2) access for interested parties to salvage usable historic building materials from the older house at 6035 Jefferson St. prior to demolition. In order to complete these tasks, I am requesting 30 days notice prior to demolition.

Please let me know if you have any additional questions/concerns about the property.

Thanks,
Matthew E. Becher, AICP
Rural/Open Space Planner
Boone County Planning Commission
P.O. Box 958
Burlington, KY 41005
859-334-2111
859-334-2264 (fax)
mbecher@boonecountyky.org
Matt Becher
Rural/Open Space Planner

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



NOV 15 2006

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16. Have you submitted a Site Plan with this request? Concept Plan
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] Bayer Becker

Property Owner's Signature: [Signature]

(over) member, Justice Center Square, LLC.

COPY

CLUR #06-BCBOA-023-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Justice Center Square, LLC
6609 Radnor Road
Bethesda, MD 20817

2. ADDRESS OF PROPERTY

6027 Jefferson Street
Burlington, KY 41005
DEED BOOK 901 PAGE NO. 856

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)

One Union Square

6035 Jefferson Street
Burlington, KY 41005
DEED BOOK 921 PAGE NO. 940

4. 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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005



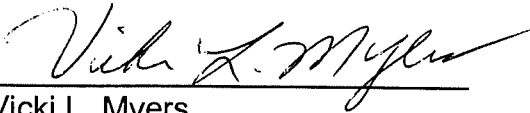
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

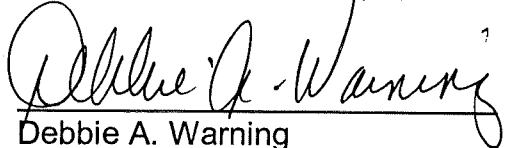
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 28 day of December, 2006.



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
2950 Washington Street, Room 317
P.O. Box 958
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 December 13, 2006 Certificate of Land Use Restriction (#06-BCBOA-023-A), for Justice Center Square, LLC, Property Owner(s).

The following conditions will apply:

- 1) There are to be 27 parking spaces, either by a shared parking agreement with the church or by adjusting the parking.
- 2) There is to be no restaurant in the building.
- 3) The height of the light poles is not to exceed 15 feet.
- 4) The north elevation is to be the same as the south elevation with the exception of the center windows.
- 5) More scale and substance needs to be provided to the entry point on the front façade by choosing one of the following options:
 - a. The gable projection needs to extend further from the façade and columns need to be used instead of brackets.
 - b. Eliminate the applied gables and change the façade treatment around the entry points. This could be done by recessing the door within the façade, adding transoms (larger than the one shown), or side lights, or different masonry detailing to emphasize the entry point or changing the material to cut stone or compatible appearing pre-cast concrete.
- 6) Buffer Yard A is required to be installed along Jefferson Street, Torrid Street, the public alley, and the rear property line.
- 7) The applicant shall contact the Planning Commission thirty days prior to the two existing buildings being torn down or relocated.

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