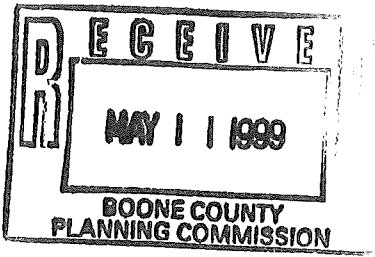


APPLICATION FORM



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 Mary Ann Twombly Phone Number 606 485 1234 Fax No. 606 485-2350 Applicant's Address P. O. Box 171 City Walton State KY 41094 Zip

4. Description of Request: I-1 conditional use permit

5. Name of Development Myers Truck Parts

6. Location of Development 13330 Service Road, Walton, KY

7. Acreage Under Review 2.25 acres

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

9. Owner of Property Greg Myers

Phone Number of Owner 485-6171 10.

Address of Property Owner 13330 Service Road, Walton, KY City State Zip

11. Proposed Use(s) on Site parts, towing, repair

12. Total Square Footage of Existing and/or Proposed Buildings 7,200 sqft

13. Current Zoning on Property I-1

14. Deed Book 547 Page No. 89 Group No. 2082

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? pre-existing

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.

Property Owner Applicants Signature: Greg Myers

Applicant Property Owner's Signature: Mary Ann Twombly, President 511

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 5-11-99 Fee Received 714.00 R# 20457
2. Is application complete?  Yes  No
3. Staff Reviewer Mark Jordan
4. Scheduled Board Action Date 6/9/99
5. Board Action:  
 Approved  
 **Approved with Conditions (See #6)**  
 Denial (See #7)
6. Conditions of Approval: See minutes when approved
7. Reasons for Denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

## STAFF REPORT

**APPLICANT:** Mary Ann Twombly, President, STI  
**LOCATION:** 13330 Service Road, Boone County, Kentucky  
**ZONING:** Industrial One (I-1)  
**DATE:** June 9, 1999

### Proposal

The applicant is requesting a Conditional Use Permit to allow an automotive repair facility in an existing building at 13330 Service Road, Boone County, Kentucky. The 2.25 acre site is the current location of Myers Truck Parts. The existing building is approximately 7,200 square feet in area, and is currently utilized for the storage and repair of truck parts.

The property was subject to a Conditional Use Permit application and approval on March 9, 1994. The request was approved by the Boone County Board of Adjustment and Zoning Appeals, subject to the seven (7) Staff concerns listed in the Staff Report dated March 9, 1994. In addition, the minutes dated March 9, 1994, indicate that there be no on-site repairs, no on-site storage or repair of semis, and any sign placed on the building not be illuminated (see copy of Staff Report and Boone County Board of Adjustment and Zoning Appeals minutes dated March 9, 1994).

Article 11, Section 1133 of the Boone County Zoning Regulations permits automotive repair facilities within an Industrial One (I-1) zoning district as a Conditional Use. The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit stated in Section 262 and the following criteria from Section 1133 of the Boone County Zoning Regulations:

### Conditional Uses and Criteria:

The requested use and appropriate accessories are permitted subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided:

- a. the activity is provided primarily in support of and obtains its trade from the employees of the district; or
- b. the activity is of integral relation to the purpose of the district;
- c. the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and

- d. provided the arrangement of uses, buildings, or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Surrounding Land Uses and Zoning

- North: Empire Gas zoned Industrial One (I-1)
- South: Vacant property zoned Industrial One (I-1)
- East: Vacant property zoned Industrial One (I-1)
- West: Interstate 75 / 71 and Mills Fence zoned Commercial Three (C-3)

The Boone County Comprehensive Plan Future Land Use Map indicates the area as Industrial. The text does not specifically mention the site nor does it mention the area other than to say that the Walton area should experience gradual commercial, residential, and industrial growth.

Staff Comments/Concerns:

1. Staff recommends the preservation of the existing vegetative/tree buffer along Service Road, and any remaining perimeter buffer surrounding the site.
2. Staff recommends that any automobile parts, tires, and any other items or materials incidental to the operation be completely screened from view of Service Road and neighboring properties. All repair of trucks and automobiles is to be conducted in the existing building, or the existing fenced areas.
3. The site will be required to go through Site Plan Review. Any expansion of the building, parking areas, or the site will require the submittal and Staff review and approval of a Major Site Plan.
4. The repair of trucks and automobiles should be the principal function and use of the business. The storage of discarded automobile parts, junk and abandoned vehicles, and other items incidental to the business is to be accessory and subordinate to the repair of trucks and automobiles. Staff strongly discourages the establishment of an automobile/truck salvage yard or storage yard. All vehicles towed on-site should be repaired and/or removed in a timely fashion.
5. The 2.25 acre site would allow for future expansion. Staff suggests that possible limits be established which restricts the size and intensity of the business.
6. Staff is concerned with the current condition of Service Road and feels that special consideration should be given to the impact this use will have on this road.

6. The Boone County Zoning Regulations permit a free-standing sign of 150 square feet in size and 10 feet in height for this site. Any requested deviation on the square footage or height of a free-standing sign will require approval of a Variance from the Boone County Board of Adjustment and Zoning Appeals.

Conclusion

The subject site is zoned Industrial one (I-1), which allows an automobile repair facility as a Conditional Use. The applicant's proposal must be determined by the seven (7) criteria the Boone County Board of Adjustment and Zoning Appeals must use to determine each Conditional Use request. It should be determined whether the use will create a hazardous situation due to the existing conditions of Service Road and whether this proposed use is harmonious and appropriate with the existing or intended character of the general vicinity.

Respectfully Submitted,

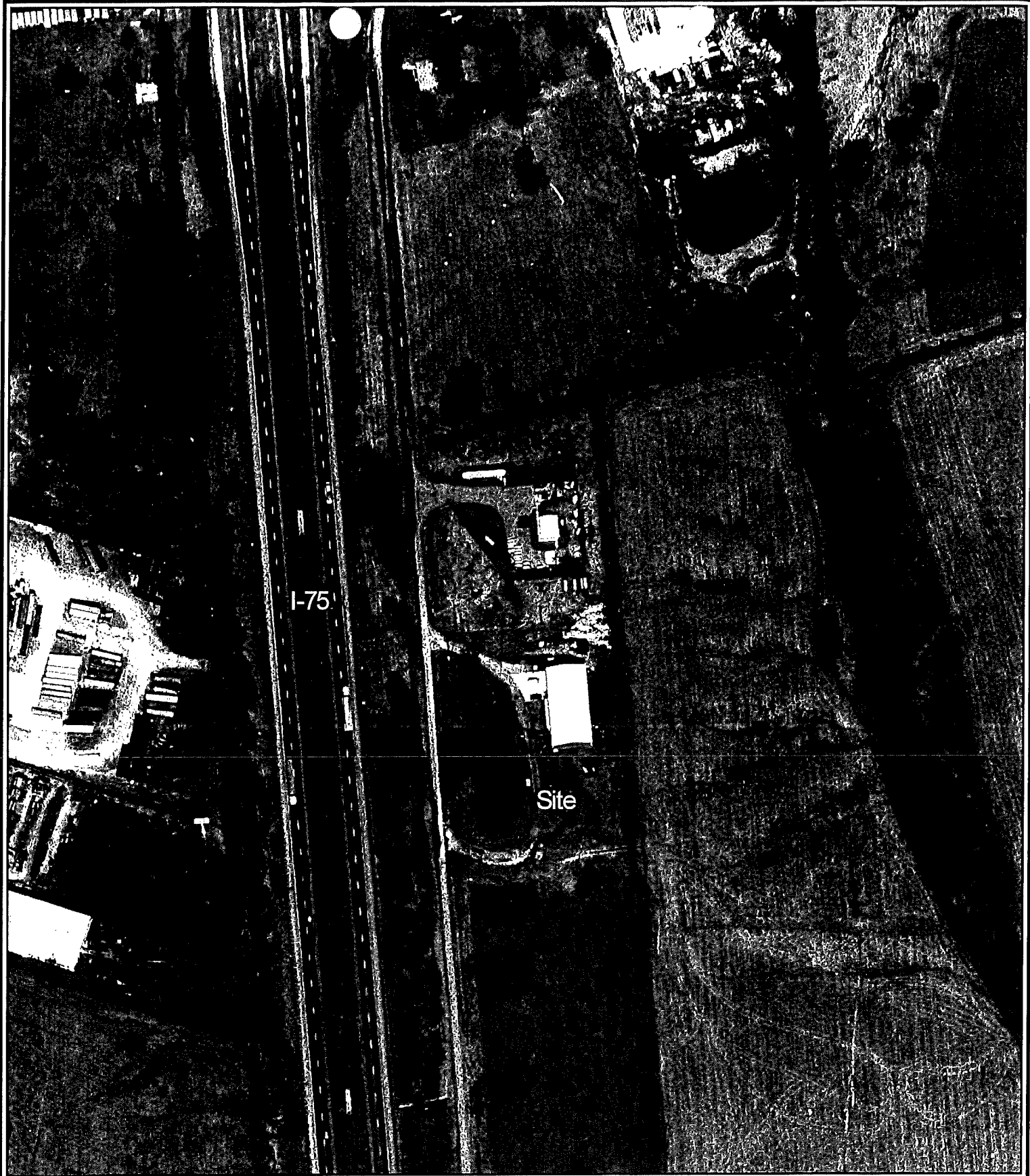


Mark E. Jordan  
Planner

MEJ\pr

Attachments

- Site Location Map
- Zoning Map
- Minutes of the March 9, 1994 Boone County Board of Adjustment and Zoning Appeals Business Meeting
- Staff Report dated March 9, 1994



# Site Location Map

## 13330 Service Road

200 0 200 Feet

1 inch equals 200 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
June 4, 1999



13080

13170

13192

I-1

I-1

I-1

I-1

13310

I-1

13316

I-1

Site

I-1

INTERSTATE

13220

# Zoning Map 13330 Service Road

200 0 200 Feet

1 inch equals 200 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
June 4, 1999



BOONE COUNTY BOARD OF ADJUSTMENT  
BUSINESS MEETING

March 9, 1994 - 6:30 P.M.

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BOARD MEMBERS PRESENT:

Mr. I. A. Archambault  
Mr. Dan Houston  
Mrs. Shirley Millar  
Mr. Walt Ryan  
Mr. George Whitton, Chairman

BOARD MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Whitton called the meeting to order at 6:30 P.M.

Approval of the Minutes:

Chairman Whitton stated that the Board members had received copies of the Minutes of the Boone County Board of Adjustment Meeting of February 9, 1994. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Houston moved that they be approved as mailed. Mr. Ryan seconded the motion and it carried unanimously.

Agenda Items:

1. The request of Wayne Fields for a Conditional Use Permit to operate a pet boarding and grooming facility with training classes and the sale of pet supplies. The property is located at 2726 Longbranch Road, Boone County, Kentucky. The property is zoned Rural Suburban Estates (RSE) and owned by Wayne L. and Fran Fields.

Chairman Whitton stated that this request was tabled at the last meeting to allow the Board members to visit the site. Mr. Houston moved to bring the request up off the table. Mr. Ryan seconded the motion and it carried unanimously.

Chairman Whitton advised that all of the Board members visited the site. He asked for the Board's comments. Mr. Archambault stated that he visited the site twice and saw an emerging community of lovely homes which are well spaced and well manicured. Mr. Houston agreed. Mrs. Millar stated with she did not visit the site with the Board, but did go to the area. She went both ways on the road to observe the sight distance. Mr. Ryan stated that he also did not visit the site at the same time as the Board, but he did visit the site and saw it the same as Mr. Archambault did. Chairman Whitton stated that he saw a rural community that is well kept and serene.

Chairman Whitton stated that the Board does not want to take a lot of testimony this evening. The testimony was taken last month. He noted that the attorney for the applicant was present. Counselor Wilson stated that the spokespersons last month were Mr. Fossett and Mr. Barton.

Mr. Fossett stated that they feel that all of the testimony has been presented and they object to any further testimony being taken. He stated that everyone had an opportunity to come to the Public Hearing that was advertised. They do not feel that there is anything new to be added.

Mr. Barton stated that he was under the impression that any new information would be permitted this evening.

Chairman Whitton asked if there was any new information, other than what was heard at the last meeting. Mr. Barton replied "yes".

Mr. Barton questioned why Mr. Fossett did not object to new testimony at the February 9 meeting. Chairman Whitton advised that it was stated at that time that unless something new came up that had not been heard, the Board did not want to rehear all of the testimony.

Counselor Wilson asked that Mr. Barton summarize what he feels is new information so the Board can determine if it should be heard. Mr. Barton presented an aerial photograph. Chairman Whitton advised that the aerial photograph had been presented by the Staff. Mr. Barton asked if there had been information about the sound/noises in the community.

Chairman Whitton stated that he sees the main issues as the character of the area, noise, and sanitation. He asked Mr. Barton if he agreed. Mr. Barton agreed and added that there is no county water line down Longbranch Road. In doing some investigation, he found that the animal shelter on Idlewild Road from December, 1993 thru February, 1994 has consumed over 78,000 gallons of water.

Chairman Whitton stated that the chair would entertain a motion. Counselor Wilson explained for the audience that this is a proposed Conditional Use Permit and, whichever way the Board goes, there have to be

reasons set forth as to why the Board is in favor or opposed to the permit being issued.

Mr. Archambault moved that the request be denied on the basis that it is not harmonious with the neighborhood and may change the character of the area, noise, and items #2 and #6 of the Staff Report. Mr. Ryan seconded the motion and it carried unanimously.

2. The request of Gregory Lee Myers for a Conditional Use Permit to allow the sale of truck parts and the rebuilding of transmissions and rear ends for large trucks on a 2.16 acre tract. The property is located at 13316 Service Road, Boone County, Kentucky. The property is zoned Industrial One (I-1) and currently owned by Empire Gas, Inc.

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Whitton asked if the applicant was present.

Mr. Gregory Myers offered to answer any questions.

Chairman Whitton stated that there is already a state highway sign which says "no semis". He asked if this use will require the use of tractor trailers to serve the business. Mr. Myers replied "no".

Chairman Whitton asked if there will be any on-site repair of vehicles brought to the site. Mr. Myers replied "no", and added that the customers bring the transmissions and rear ends in and he delivers them back to the customers, or they come back and get them. Chairman Whitton stated that there will be no on-site repair of any vehicles. Mr. Myers agreed and stated that he cannot afford that insurance. Chairman Whitton stated that there will not be any down vehicles stored on the site or anything like that. Mr. Myers agreed.

Chairman Whitton questioned how parts and accessories are delivered to the site. Mr. Myers stated that they come by UPS. Mr. Ryan questioned how much additional traffic there will be on the road. Mr. Myers stated that there would be an additional 15 to 20 cars per day.

Chairman Whitton asked if the accessories business will be incidental to the primary business. Mr. Myers stated that his primary business is selling truck parts like fuel pumps and things of that nature. Mr. Archambault stated that the second part of the request is the repair of transmissions. Mr. Myers stated that he also engages in that business.

Chairman Whitton questioned the sign. Mr. Myers stated that the sign would be on the roof of the building and possibly two-feet high. Chairman Whitton stated that it would be a building-mounted sign, not a free-standing sign. He asked if it would be lit. Mr. Myers replied "no".

Mr. Ryan asked if the applicant is planning to leave most of the trees. Mr. Myers stated that some of the trees will have to be removed, but not all of them. Mr. Ryan questioned the chainlink fence. Mr. Myers stated

that there will be a chainlink fence with the green and white stripping from the back side of the building all the way to the end of the property. Mr. Ryan asked if the fence would be just on the back and not on the sides. Mr. Myers stated that he wants the sides exposed.

Mr. Myers stated that he does not think the traffic will do any more damage to the existing road than Empire Gas bringing propane in.

Chairman Whitton asked if there was anyone else present who wished to speak.

Jeff Waylor stated that he has been doing business with Mr. Myers for several years. If this request is denied, then his business will probably have to go to Ohio since there is no other local business around that does transmissions and rear end rebuilding.

In response to questions from Chairman Whitton, Mr. Waylor stated that he usually takes out the rear end or the transmission, or has someone else do it, and he requests that they take it to Mr. Myers. They take it in a pickup truck. After it is repaired, either they pick it up or Mr. Myers brings it back. Mr. Myers does not do any installations.

Mr. Ryan asked why the applicant wants this location. Mr. Myers advised that his existing building is being bought by the state for a new bridge on the south end of Walton. His business is on South Main Street in Walton.

Chairman Whitton asked how long Mr. Myers had been in this kind of business. Mr. Myers replied "about 12 years". He added that he let his existing building go down because he had been dealing with the state for over six years about the property and he knows that the condition of his present property is a concern to some of the people present.

John Smith, 13556 Service Road, stated that he has no problems with the request.

Eddie Eifel, Manger of Empire Gas in Walton, stated that the road sign the state put up about no tractor trailers was put up in the last seven months. The problem was that some of the tractor trailers were taking a shortcut on U.S. 25 and going down to the deadend and turning around back there. The tractor trailers come down there as part of his operation and he does not know why the sign was put up after they had gone in there.

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

Patricia Parsons, 13482 Service Road, stated that she has been before the Board before about Service Road. She stated that she had Minutes from prior meetings of the Board concerning Conditional Use Permits on Service Road. She referred to the Minutes of the June 10, 1987 meeting where she submitted the fact that Service Road was a Class A State Highway with a weight of 44,000 pounds. The permit for a fireworks facility was denied because they were going to bring in fireworks by tractor trailer. At that time, she gave some information to the Board which Mr. Bob Yeager at the

State Department had given to her. She noted her comments in the Minutes. Mrs. Parsons stated that they had the sign put up because they were having so much trouble with the trucks coming in there and she reminded the State Department that there are no trucks beyond 44,000 pounds allowed on the road. The road is 12 feet wide. The side of the road is in bad shape.

Chairman Whitton noted that the applicant is saying there will be no tractor trailers on the road.

Mrs. Parsons stated that she also has Minutes from the meeting that allowed Empire Gas to be there and they said they were going to have to bring in one tanker truck a week. They do sometimes bring in a truck that hauls other tanks that block the road and she has had to call the police about this. Her main concern is the traffic on the road. She met a truck on the road and had to back up into someone's driveway and let it go by. It is very dangerous. Using the Staff slide presentation, she indicated that there is almost no place to get off the road. She was on vacation when the permit was issued for Empire Gas. She indicated two houses as you go around the corner and stated that they both have small children. She is concerned that there not be any more traffic on the road until the state does something about the road. It is a state road. If they want to bring business out there, they need to do something about the road first. The road cannot hold 15 more cars or trucks a day until the state does something about the road. The road is unsafe. She offered to submit the Minutes of the June 10, 1987 and the July 11, 1990 meetings for the record. Chairman Whitton advised that they were on file.

Lucille Martin, Service Road, stated that her concern is the repeated issuance of Conditional Use Permits. There has not been a single business out there yet that has not required a Conditional Use Permit. The permits have been violated and there is no enforcement.

Mr. Gene Parsons, Service Road, stated that one morning at 5 AM right after the gas company moved in there was a trailer loaded with tanks and no trailer under it sitting in the middle of the road. He finally got around it. He called the Boone County police. He stated that if you come around the curve and meet a truck, you have to get off the road. There is no reason for the road to be the way it is.

Chairman Whitton questioned why Mr. Parsons would not want a business there that has a low traffic load and does not require semis. Mr. Parson stated that he does not want either business. Chairman Whitton explained that the property is zoned industrial and some commercial use is going to be on that property. Mr. Parsons stated that the property where the houses are is not industrial. Chairman Whitton stated that the subject property is for industrial use and there will be a business of some type there unless it is rezoned. Mr. Parson asked if Chairman Whitton would want this next to his house. Chairman Whitton explained that there is going to be business on the property. He added that he would rather not live next to industrial property. Mr. Parson stated that his house is as good as anybody else's. Chairman Whitton explained that he is not denying that, but the reality is that the property is zoned industrial and this Board cannot change the zoning. The Board is considering a Conditional Use for an industrial piece of property. Mr. Parsons stated that the road

has to be better than it is now. Chairman Whitton explained that that issue is beyond the jurisdiction of this Board. Mr. Parsons stated that there will be tractor trailers coming there looking for parts. Chairman Whitton again explained that the Board cannot change the zoning.

Thelma Sturgeon, a resident of Service Road since 1968, stated that they were rezoned, but they were never informed.

Counselor Wilson advised that the Update for the Comprehensive Plan will be in 1995. Mrs. Sturgeon stated that people should be informed when property around them is being rezoned. Counselor Wilson explained that in the county-wide update, the owner of this property may have been notified. Property can be rezoned as part of the county-wide update. He stated that there is a county-wide update going on now. Chairman Whitton stated that if Mrs. Sturgeon wishes to make her objections known, she should contact the planning office and make a point to be at those hearings. There is a process currently underway that could possibly grant her some relief.

Mrs. Sturgeon stated that she has called the state about the road several times, but gets no results. The road is a cowpath and there does not need to be any more traffic on it. They have to get off the road if they meet anything. She asked that the Board do something about the road.

Counselor Wilson advised that the Board has no authority over this road or any other road in the county. Mr. Ryan stated that the only way the state is probably going to do anything is by getting more traffic on the road.

Mr. Parsons submitted a letter from Mr. Watkins, who lives on the road, and was unable to attend this meeting due to the weather.

Chairman Whitton stated that he understands how narrow the road is, but since the property is zoned commercial, there are a lot worse businesses than this one that could occupy the site without even coming before this Board.

Mrs. Parsons stated that what the applicant wants to do does not fit the site. Chairman Whitton explained that it is a Conditional Use. Mrs. Parsons stated that it does not fit or he would have a permit now. Chairman Whitton explained that the applicant is following the procedure in the zoning ordinance.

Counselor Wilson explained that a Conditional Use means it is a use that can fit in certain areas zoned I-1, and may not be suitable for all areas zoned I-1. It is a fairer statement to say that it may or may not fit. The proposed use is listed as a Conditional Use in the zone.

Mrs. Parsons questioned what a normal I-1 use would be. Chairman Whitton explained that there are 42 permitted uses including textile mills, printing, fabrication of metal, truck stops, etc., and wholesale trade of automobile accessories and parts. He commented that he does not know why this use would not fit in that category. Mr. Archambault stated that there could be a lot worse use there.

Mrs. Parsons stated that her property is zoned residential. In the 1980 county wide zoning, it was all zoned industrial and they protested and were zoned residential. Chairman Whitton explained that that process is occurring now and she should make her feelings known at those hearings.

Mrs. Parsons asked that the Board put off making a decision until the state comes out and does a traffic count. She stated that the road is dangerous and any more traffic on the road will be detrimental to the school buses and anything else that goes on the road.

Chairman Whitton stated that tomorrow a bulldozer could come out and put in a use that would have tractor trailer trucks coming in and out all day long -- which they have a right to do as far as the zoning is concerned. Mrs. Parsons stated that they cannot do that because of the state. Chairman Whitton explained that they have the right to do it under the current zoning and would not have to appear before this Board.

Chairman Whitton asked if there were any further comments or questions.

Mrs. Millar referred to Staff Concern #4 in regard to the retail sale of truck parts. She stated that it is her understanding that the truck part sales is the primary business. Mr. Myers stated that it is 50%.

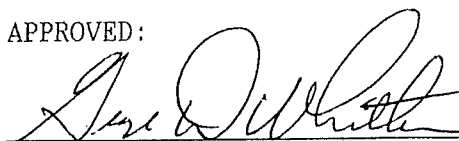
Mr. Houston stated that the Board cannot deny the request because the road is not updated. The Board has no control over the road.

Mr. Houston moved that the Conditional Use Permit be granted on the condition that the seven Staff Concerns be followed and that there be no large truck traffic. Chairman Whitton stated that part of the discussion was that there be no on-site repairs. Mr. Houston stated that that is in the Staff Report. Chairman Whitton asked if there was a second to the motion.

Mrs. Millar asked to amend the motion to say that there be no outside storage and specifically that there be no on-site storage or repair of semis, and that the sign be placed on the building and not be lit, in addition to the Staff Concerns. Mr. Houston agreed to so amend the motion. Mrs. Millar seconded the motion and it carried unanimously.

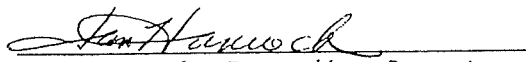
There being no further business to come before the Board, Mr. Archambault moved that the meeting be adjourned. Mr. Ryan seconded the motion. The meeting was adjourned by unanimous consent.

APPROVED:



George D. Whitton, Chairman

Attest:



Jan Hancock, Recording Secretary

S 05-20-00 E  
344.13'

S 05-20-00 E  
155.00'

N 84-40-00 E  
267.21'

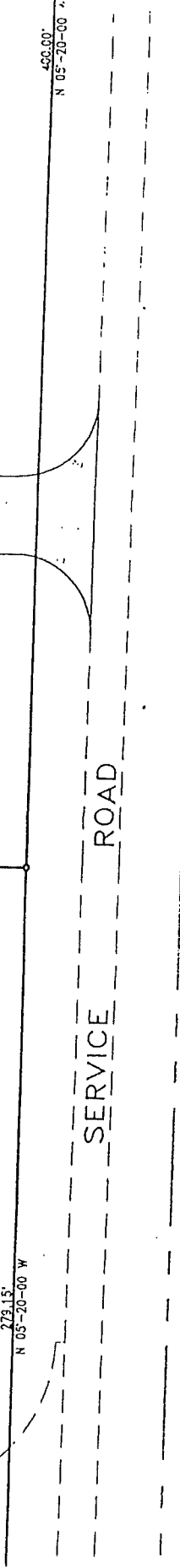
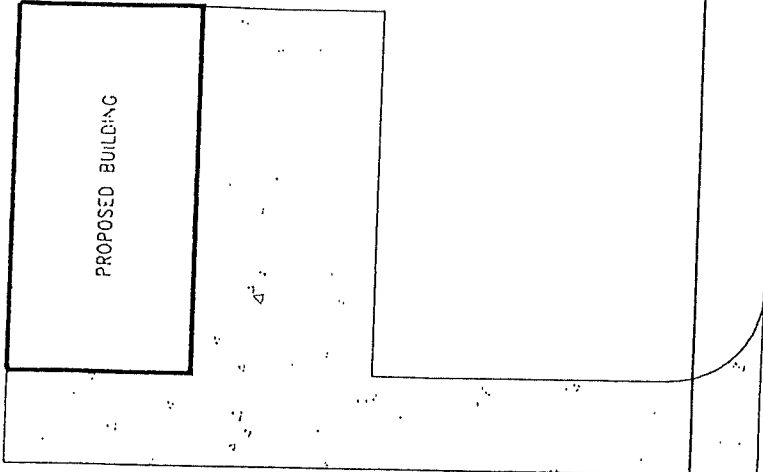
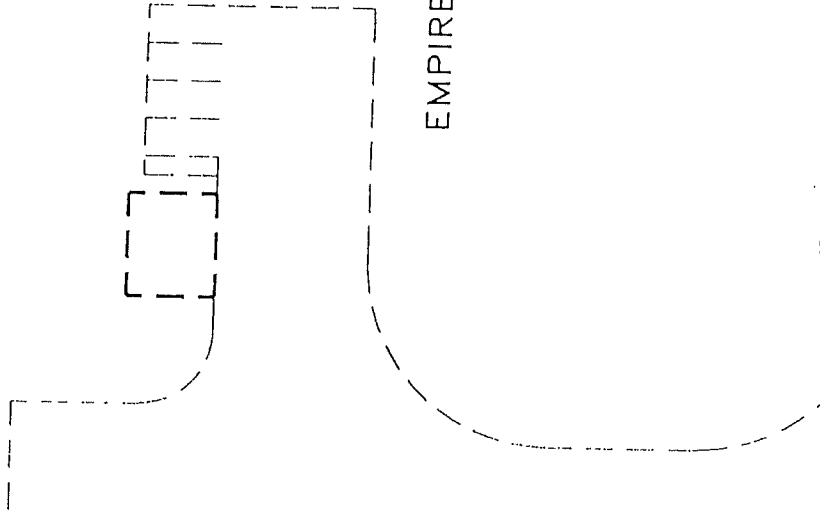
279.15'  
N 05-20-00 W

450.00'  
N 05-20-00 W

SERVICE ROAD

PROPOSED BUILDING

EMPIRE GAS



I think the proposed property & building of Greg Meyers on Service Road should be permitted as allowed under the proper zone change. They will abide by the codes set forth.

This is on the outlet end of Service Road where it is a clear portion of the road.

Another thing that should be considered is that they have a nice home on this road now.

This is a more desirable business than many that could locate here.  
Charles H. Watson Jr.  
13776 Service Rd.

S 07-20-00 E  
344.13

EMPIRE GAS

279.15'  
N 05-20-00 W

460.00'  
N 05-20-00 \*

SERVICE ROAD

# STAFF REPORT

DEVELOPMENT: Meyers Truck and Parts  
 APPLICANT: Gregory Lee Meyers  
 LOCATION: 13316 Service Road, Boone County  
 ZONING: Industrial One (I-1)  
 DATE: March 9, 1994

The applicant is requesting a Conditional Use Permit to construct a 6,250 square feet building located on Service Road in Boone County, Kentucky (see sheet #1). The use would allow the sale of truck parts and the rebuilding of transmissions and rear ends for large trucks on a 2.16 acre tract of land (see sheet #2). The applicant's site is located within Boone County but is surrounded by the City of Walton. This particular parcel of property has not been annexed into the City of Walton.

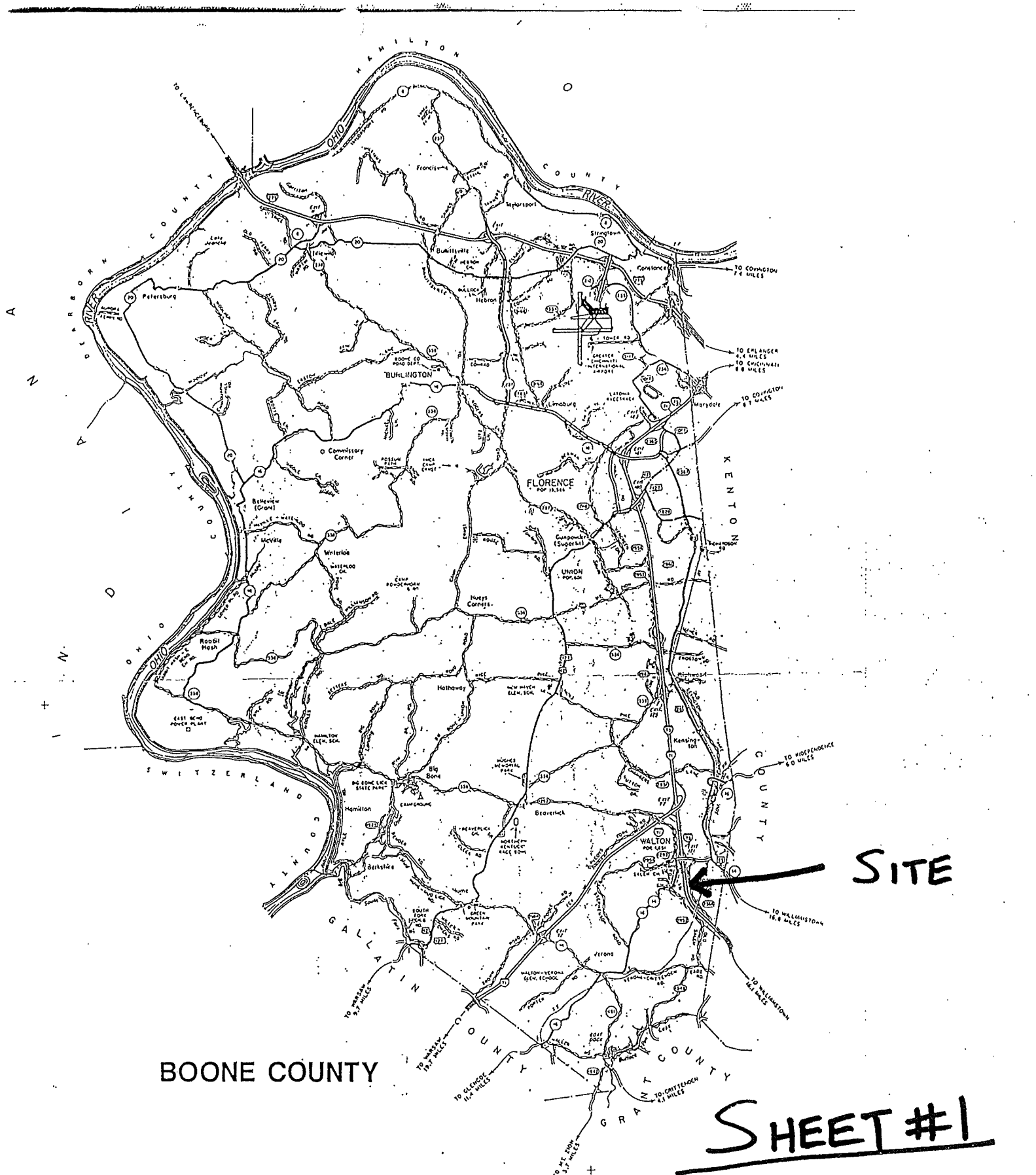
The proposed use is permitted with a conditional use by the Boone County Zoning Regulations in Article 11, Section 1133, Item 5: Gasoline service stations and vehicle maintenance facilities. In determining the appropriateness of the use the Board must also consider:

- a) the activity is provided primarily in support of and obtains its trade from the employees of the district;
- b) the activity is of integral relation to the purpose of the district;
- c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district;
- d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

## Surrounding Land Uses and Zoning (see sheet # 3)

North: Empire Gas zoned (I-1)  
 South: Vacant property zoned Industrial One (I-1)  
 East: Vacant property zoned Industrial One (I-1)  
 West: Interstate 75/71 and Mills Fence zoned Commercial Three (C-3)

The Boone County Comprehensive Plan Future Land Use Map indicates the area as Industrial. The text does not specifically mention the site nor does it mention the area other than to say, that the Walton area should experience gradual commercial, residential, and industrial growth.

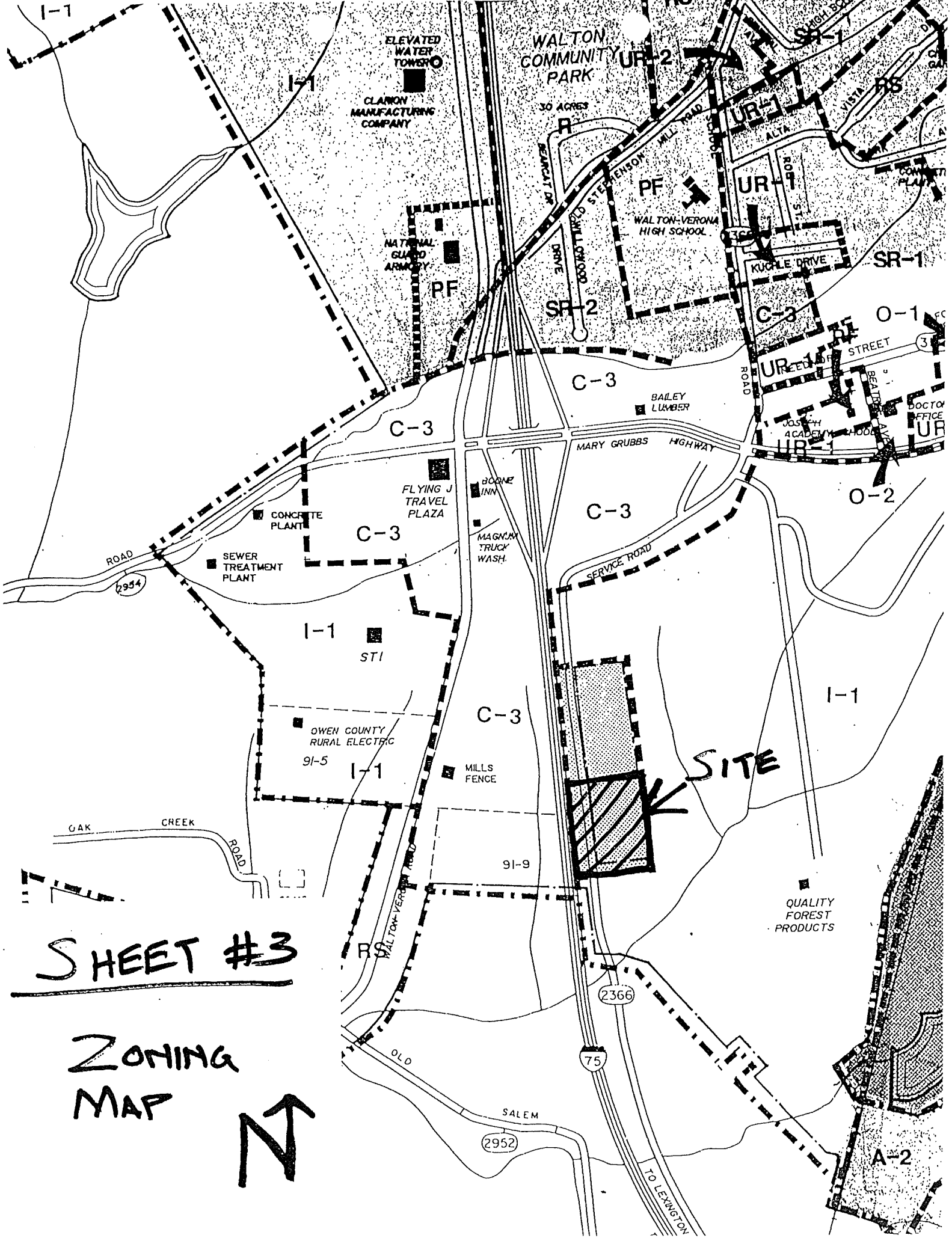


BOONE COUNTY

**SITE**

**SHEET #1**

**LOCATION MAP**



SHEET #3

ZONING  
MAP



COPY

CLUR # 99-BCBOA-010-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Greg Myers  
13330 Service Road  
Walton, Kentucky 41094

2. ADDRESS OF PROPERTY

13330 Service Road  
Boone County, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Myers Truck Parts

DEED BK.: 547

PAGE NO.:89

GROUP NO.:2082

4. 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

5. 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

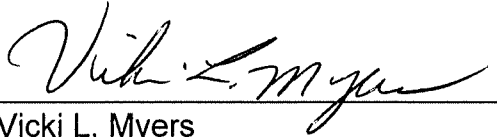
  
SIGNATURE OF COMPLETING OFFICIAL

Mark Jordan, Planner, Zoning Services  
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

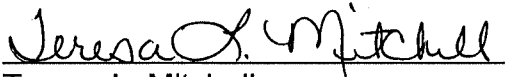
Subscribed, sworn to, and acknowledge before me by Mark Jordan, on behalf of the  
Boone County Planning Commission this 7<sup>th</sup> day of July, 1999.



Vicki L. Myers  
NOTARY PUBLIC, State at Large

My commission Expires:  
April 17, 2003

This instrument was prepared for recording purposes only by:



Teresa L. Mitchell  
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 Condition Use Permit approved by the Boone County Board of Adjustments and in accordance with the current zoning in effect as of June 9, 1999 Certificate of Land Use Restriction (# 99-BCBOA-010-A), for Greg Myers, Property Owners.

The following conditions will apply: (1): The Site be kept clean and sightly with no more the fifty vehicles, which are to be behind the screening fence at all times; (2) the lighting is not to spill over; (3) no vegetation is to be removed; (4) That there are to be no abandoned trucks with signs on them; (5) that storage is only permitted behind a closed in fence; (6) that any automobile parts, tires, and any other items or materials incidental to the operation be completely screened from view of Service Road and neighboring properties. All repair of trucks and automobiles is to be conducted in the existing building, or the existing fenced

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

described in: DEED BOOK 547

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Group No. 2082