

**BOARD OF ADJUSTMENT  
BOONE COUNTY PLANNING COMMISSION**

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

**SECTION A:** (To be completed by applicant)

1. Check One  Boone  Florence  Walton  Union

2. Check One  Conditional Use Permit  Variance  Appeal  
 Change in Non-Conforming Use

3. Applicant: Brakes 4 Less/c/o Emory Williamson

Address: 109 S. McDuffie Street

Anderson SC 29624  
City State Zip Code

Phone Number: 706.834.8800


Fax Number: \_\_\_\_\_

Email: emory@mccoywright.com

4. Description of Request:

Lease the premises and conduct brake repair only - no overnight parking, no oil, engine repair, body repair or tires. All work conducted inside. Closed Sunday. Conditional Use Permit requested. No site plan change.

5. Name of Development: n/a

6. Location of Development: 8383  US Hwy 42

Florence KY 41042  
City State Zip Code

7. Acreage Under Review: .95

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

Parcel ID Number - 062.00-00-057.03

9. Current Owner: TD Global Properties, LLC/Terry Dwelley

Address: 10109 Russwill Lane

Union KY 41091  
City State Zip Code

Phone Number: 859-647-8400

Fax Number: \_\_\_\_\_

Email: Jeffrey R. Aylor <jeff@aylor-law.com>

10. Proposed Use(s) on Site: Brake repair.
11. Total Square Footage of Existing and/or Proposed Buildings: 7,610 sqft
12. Current Zoning: C-2 Commercial Two
13. 1121 213 2048B  
Deed Book Page Group Number
14. Is the site subject to a zone change:  Yes  No  
If yes, date of approval: \_\_\_\_\_
15. Have you submitted a Site Plan with this request:  Yes  No
16. Have you submitted a list of adjoining property owners with this request:  Yes  No
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

**ORIGINAL Property Owner's Signature:**

(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**ORIGINAL Applicant's Signature:**

(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

**SECTION B:** (To be completed by Planning Commission staff)

1. Date Received: 1/18/22 Fee Received: \$1116 Receipt #: 85459

2. Is application complete: \_\_\_\_\_

3. Staff Reviewer: T. Morgan

4. Scheduled Board Action Date: \_\_\_\_\_

5. Board Action: \_\_\_\_\_

\_\_\_\_\_ Approved

3/8/22 Approved with Conditions (see #6)

\_\_\_\_\_ Denial (See #7)

6. Conditions of Approval: SEE 3/8/22 Meeting Minutes  
AND C.L.U.R.

7. Reasons for Denial: \_\_\_\_\_

Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone: 859-334-2196 Fax: 859-334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)  
[www.boonecountyky.org](http://www.boonecountyky.org)

## STAFF REPORT

#2

APPLICANT: Brakes 4 Less

LOCATION: 8383 US 42

ZONING: Commercial Two (C-2)

DATE: March 8, 2022

### PROPOSAL

The applicant is requesting a Conditional Use Permit to allow a brake repair business to occupy the subject property. The building is currently occupied by AA Auto Sales/Lawn Garden Equipment.

Overview and summary lists were provided by the Applicant and they include the following bullets regarding the proposed brake business:

#### Overview

- 20+ years in business.
- Privately owned – not a franchise.
- Considered by most municipalities as a light automotive use.
- No overnight parking.
- All work conducted inside.
- Façade improvements on older buildings.
- Not open on Sundays.
- 7:30 A.M. to 5:00 P.M. operation.
- No oil, no tires, no engine work – “All We Do Are Brakes”.
- One hour service.
- 40 locations in 6 states including existing locations in Kentucky.
- Classified as an “Essential Business” and recession proof.

#### Summary/Benefits

- Improved façade.
- Conforming and complimentary low impact use.
- No impact on traffic.
- No site plan changes.
- Attractive to other retailers considering the area.
- Little to no difference in impact from previous use.
- No environmental issues

### BOARD OF ADJUSTMENT HISTORY

- A. In 1990, the Florence Board of Adjustment approved a Conditional Use Permit allowing the sale of used vehicles (cars, motorcycles and boats) on the property. The vehicles sales were in addition to the existing lawn and garden supply business. Seven (7) conditions were imposed on the approval (see attachments).

- B. In 1995, the Florence Board of Adjustment approved a Conditional Use Permit allowing condition #2 from the 1990 approval to be modified. Seven (7) conditions were imposed on the approval (see attachments).
- C. In 1998, the Florence Board of Adjustment approved a Conditional Use Permit which allowed the building to be retrofitted with a carwash and the car and lawn tractor sales to remain. A condition was imposed which required all the Staff comments found in the Staff Report to be addressed when the Major Site Plan application was submitted for review.

#### APPLICABLE REGULATIONS

- A. Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order, with such additional safeguards as will uphold the intent of the zoning order.
- B. The Board should evaluate the request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262, and 1023 of the Boone County Zoning Regulations.
  - 1. Findings listed in Section 262 (Findings for all Conditional Uses):
    - a. 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;
    - b. 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;
    - c. Will not be hazardous to existing or future neighboring uses;
    - d. 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;
    - e. 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;
    - \* f. 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;

- g. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.
2. Criteria listed in Section 1023 of the Boone County Zoning Regulations (C-2 District):
- a. The activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
  - \* b. The activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and
  - c. The arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.
- C. Section 1020 of the Boone County Zoning Regulations states that “the purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.”
- D. Section 1023 of the Boone County Zoning Regulations identifies automotive repair facilities as a conditional use within the C-2 district.

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN

- A. The Our Boone County Plan 2040 Future Land Use Plan designates the site for “Commercial” uses which is described as retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.
- B. The following Our Boone County Plan 2040 Goals and Objectives apply to this application:

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the

business use and other land uses (Economy Goal B, Objective 1).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

#### SITE CHARACTERISTICS

- A. The subject site is located on the south side of US 42 and is approximately 0.95 acre in area. Access is provided from a single access point in the northeast portion of the site.
- B. The property contains an approximate 7,320 square foot (183' x 40') office/warehouse with a covered front porch and 3 garage bays. The building is largely constructed with metal siding. A 10' x 20' storage shed also exists in the rear portion of the parking lot.
- C. The front parking lot can accommodate up to three vehicles. One of the three parking spaces is an elevated ramp, which is used to display a vehicle that is for sale. Vehicle parking can also occur in an approximate 200 linear foot area (between access point and the shed) along the northeast property line. None of the parking areas are currently delineated with striped stalls.
- D. The site freestanding sign is located in the northwestern corner of the front parking lot.
- E. The rear 210' of the site is an open grass area that is fenced. The chain link fencing along the rear property line contains slats to help screen the adjoining households from view. This area also contains light poles and the lights appear to be oriented away from the residential area to the south.

#### SURROUNDING LAND USES AND ZONING

North: US 42 and Boone County Board of Education (PF)

South: Single-Family Residential Dwellings Fronting on Tamarack Drive (SR-1)

East: Victory Centre (C-2)

West: American Legion (C-2)

#### STAFF COMMENTS

- A. Staff would like the applicant to address the following:
  - 1. Are they buying or leasing the property?
  - 2. Staff had a conversation with the Applicant and it was explained that they plan on removing the covered porch, painting the building and garage bays (colors would match photos of other buildings), modifying the freestanding sign, and adding lifts inside the building.

Staff would like the applicant to clarify the following:

- Are any other building alterations proposed (building additions, additional garage bays, etc.)?
- Can the proposed paint scheme be explained? What portions of the building would be painted grey and red?
- Are any parking lot expansions proposed?
- Is any parking lot striping proposed?
- Would the raised concrete pad in front of the building stay or be removed?
- Is any additional exterior lighting proposed?
- What alterations are being considered to the freestanding sign?
- Would anything be stored outside?

B. Staff recommends the following conditions if the request is approved:

1. The only automotive repair use that is being approved is brake repair.
2. All brake repairs shall occur within the building.
3. No outside storage or display shall be permitted.
4. The parking lot shall be striped and a van accessible handicapped stall shall be provided.
5. No additional exterior lighting shall be permitted.
6. The building shall be improved per the applicant's description. *+ photos*
7. The freestanding sign on site shall be replaced or reconstructed as follows:

Option 1 - Remove the existing sign and replace it with a maximum 10' tall, 100 square foot monument sign (see the applicant's street view photo).

Option 2 - Alter the existing sign.

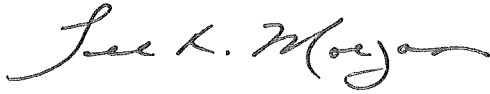
- Remove the top sign cabinet and supporting steel structure.
  - The manually changeable reader board shall be replaced with a Brakes 4 Less sign cabinet. No more than 50% of the new sign panel can contain manually changeable copy.
  - The catwalk structures shall be removed from the sign.
8. All proposed building mounted signs shall use channel letters.
  9. Any future business expansion (building additions, garage bay additions, parking additions) shall be subject to another Conditional Use Permit approval.

10. CONCLUSION

*The fence maintained*  
A. KRS 100.237 and Section 220 of the Boone County Zoning Regulations give the Florence Board of Adjustment and Zoning Appeals the authority to act on the Conditional Use Permit application.

*11. (no  
can stay  
w/ railing).  
Railing type  
to be  
coordinated  
w/ staff*

Respectfully Submitted,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

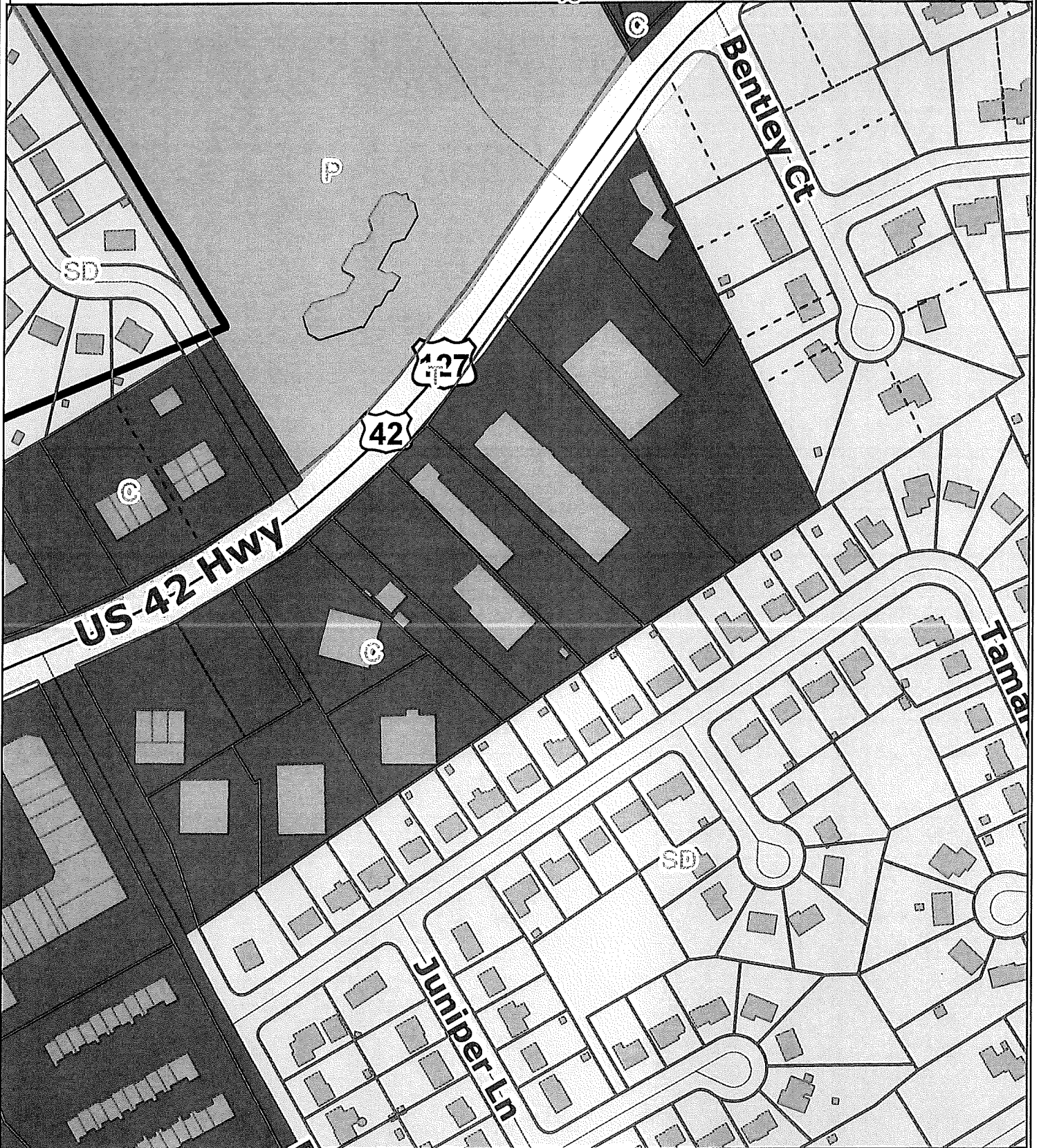
TKM/ss

Attachments

- \*Site Vicinity Map
- \*Zoning Map
- \*2040 Future Land Use Map
- \*Topographical Map
- \*2021 Aerial Map
- \*3/14/90 Florence Board of Adjustment Conditions
- \*5/10/95 Florence Board of Adjustment Conditions
- \*Application
- \*Business Overview
- \*Business Summary/Benefits
- \*Business Appearance
- \*Business Branding and Inside Appearance
- \*Street View

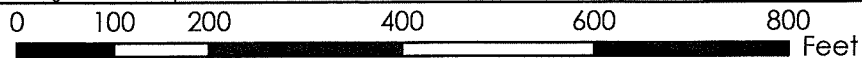
# 2040 FUTURE LAND USE MAP

www.boonecountygis.com



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1 inch = 200 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

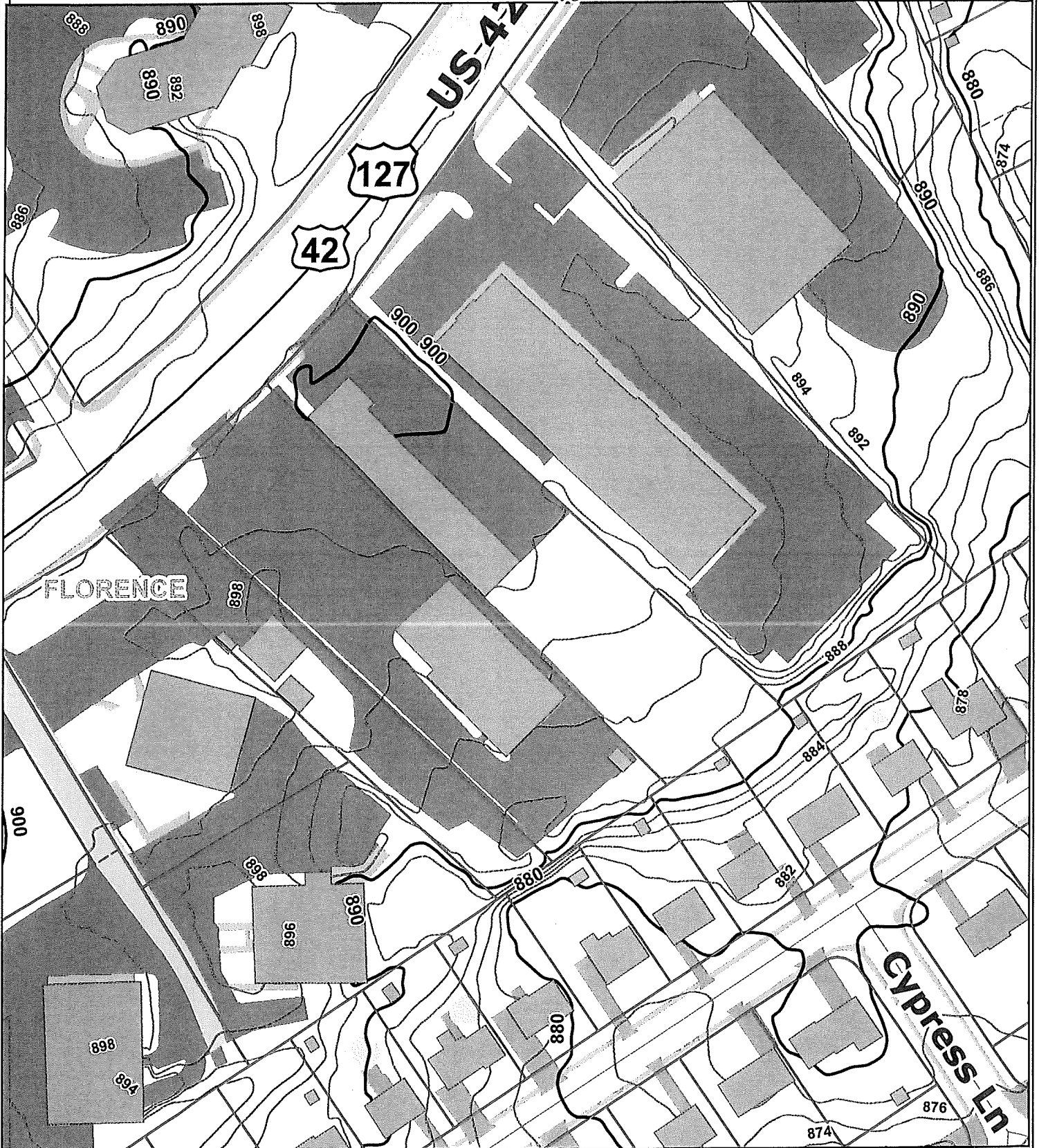


Map Created: xx/xx/2020

Map Project: xx/xx/2020  
ArcMap Document: \*mxd

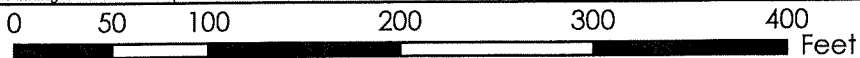
# TOPOGRAPHICAL MAP

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1 inch = 100 feet



Boo

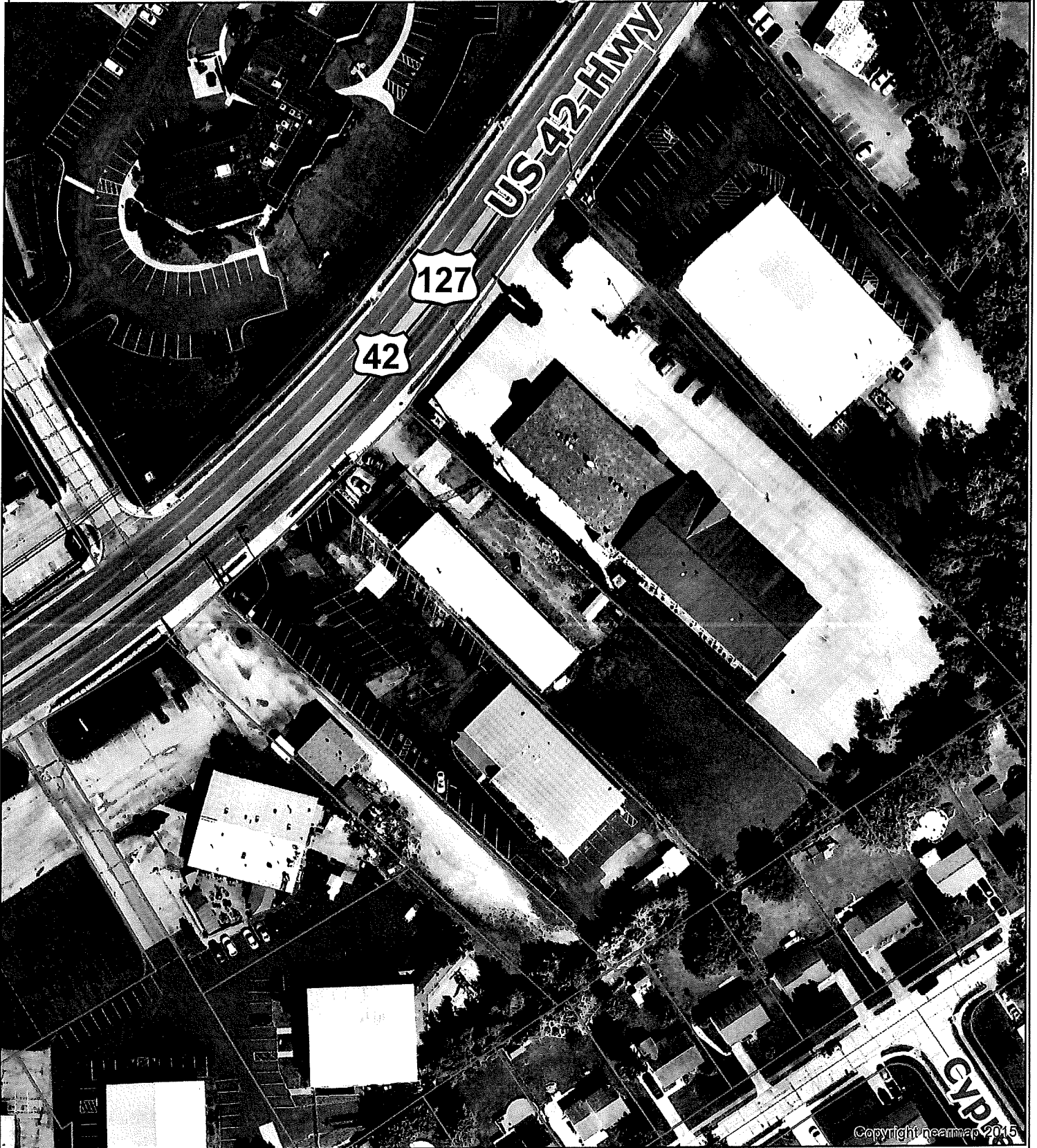


Map Created: xx/xx/2020

Boone County GIS  
Arch/Map Document: .mxd

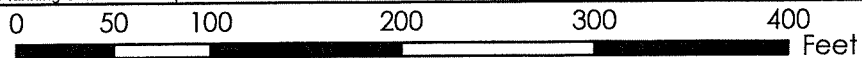
# 2021 AERIAL MAP

www.boonecountygis.com



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1 inch = 100 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: x/xx/2020

Map File: F:\GIS\Map 2021.mxd  
ArcMap Document: \*.mxd

# EXHIBIT A

CLUR# 90-FBOA-005

## CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of March 14, 1990, (Certificate of Land Use Restriction # 90-FBOA-005), for Terry Dwelly, property owner.

The Conditional Use Permit be granted subject to the following conditions:

1. That the rear one-half acre of the 0.953-acre tract not be included.
2. That only one vehicle be permitted to be displayed in the front of the building.
3. That vehicles be permitted to be displayed along the fence to the east provided a 20-foot access roadway is maintained between the building building and the vehicles.
4. That vehicles' only be placed on paved surfaces.
5. That maintenance of the automobiles for sale be limited to simple maintenance--such as, washing, oil changes of transmission oils and lubricants. There is no heavy mechanical work permitted on the property.
6. That the circulation lane be left open pending further consideration when the applicant presents his plan for a sign.
7. That the lighting be toward the lot or towards the front and not towards the residential area.

The approved Conditional Use Permitt as well as the preceding conditions apply to the property described in: DEED BOOK 270 PAGE NO. 46 Group No. 2048

STATE OF KENTUCKY, )  
                          ) SCT.  
COUNTY OF BOONE, )

I, JERRY W. ROUSE, CLERK OF THE COUNTY COURT IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF RECORDING WAS, ON THE 9 DAY OF April, 19 90, AT 2:55 P. M. RECORDED IN MY OFFICE FOR RECORD, WHEREUPON THE SAME, THE FOREGOING, AND THIS

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit as approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of May 10, 1995, (Certificate of Land Use Restriction # 95-FBOA-003-A), for Terry Dwelly, property owner.

The following conditions will apply: (1) Two staggered rows of pine trees, at a minimum of six feet, be placed 7 foot on center at the rear of the subject property and that the trees be maintained and replaced as necessary. (2) That the emergency access drive be painted and striped with signs to designate the lane as a "No Parking" area. (3) The existing conditions of previous permit #4, #5, and #7 be incorporated as conditions. (4) If further paving is required to the back, a site plan review will be required by the applicant. (5) The paved area on the Workout America property which adjoins the applicants site cannot be used for the display of vehicles or parking for A & A Auto Sales. (6) The applicant is permitted to park three cars on the elevated pad, 3 more next to the pad, and 8 cars on the other side of the emergency lane. The cars shall be parked four to the front, a six foot gap, and four behind, for a total number 14 cars. The customer parking would be located directly behind this area along the fence as indicated on the drawing. (7) The first five conditions shall be in place before the applicant would be permitted to display anymore cars than permitted by the previous Conditional Use Permit.

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

described in: DEED BOOK 270 PAGE NO. 46 Group No. 2048B

State of Kentucky, County of Boone  
JERRY W. ROUSE, Clerk of the Boone County  
Court, do certify that the foregoing  
Misc. was, on the 14 day of Aug.  
1995, at 4:39 P.M, lodged in my office  
for record, and that it has been duly recorded in  
my said office, together with this and the  
certificate thereon endorsed.  
Given under my hand this 14 day of Aug.  
19 95.  
JERRY W. ROUSE, CLERK  
By Jerry Rouse D.C.

**BOARD OF ADJUSTMENT**  
**BOONE COUNTY PLANNING COMMISSION**

Five (5) scaled copies and one (1) 11 x 17 reduction of submitted drawings are required

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

**SECTION A:** (To be completed by applicant)

1. Check One  Boone  Florence  Walton  Union

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Anderson SC 29624  
City State Zip Code

Phone Number: 706.834.8800 Fax Number: \_\_\_\_\_

Email: emory@mccoywright.com

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5. Name of Development: n/a

6. Location of Development: 8383 [redacted] US Hwy 42

Florence KY 41042  
City State Zip Code

7. Acreage Under Review: .95

8. Lot Number and Name of Subdivision (if part of a subdivision):  
Parcel ID Number - 062.00-00-057.03

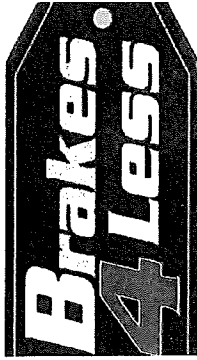
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Address: 10109 Russwill Lane

Union KY 41091  
City State Zip Code

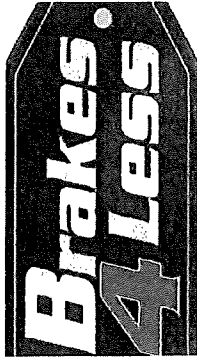
Phone Number: 859-647-8400 Fax Number: \_\_\_\_\_

Email: Jeffrey R. Aylor <jeff@aylor-law.com>



## Overview

- 20+ years in business.
- Privately owned – not a franchise.
- Considered by most municipalities as Light Automotive Use.
- No overnight parking.
- All work conducted inside.
- Facade improvements on older buildings.
- Not open on Sunday's.
- 7:30 am to 5:00 pm operation.
- No oil, no tires, no engine work – “All We Do are Brakes” .
- Fast food is a complimentary use for our brand and is reciprocal.
- One hour service.
- 40 locations in 6 states including existing locations in Kentucky.
- Classified as an “Essential Business” and recession proof.



## Summary/Benefits

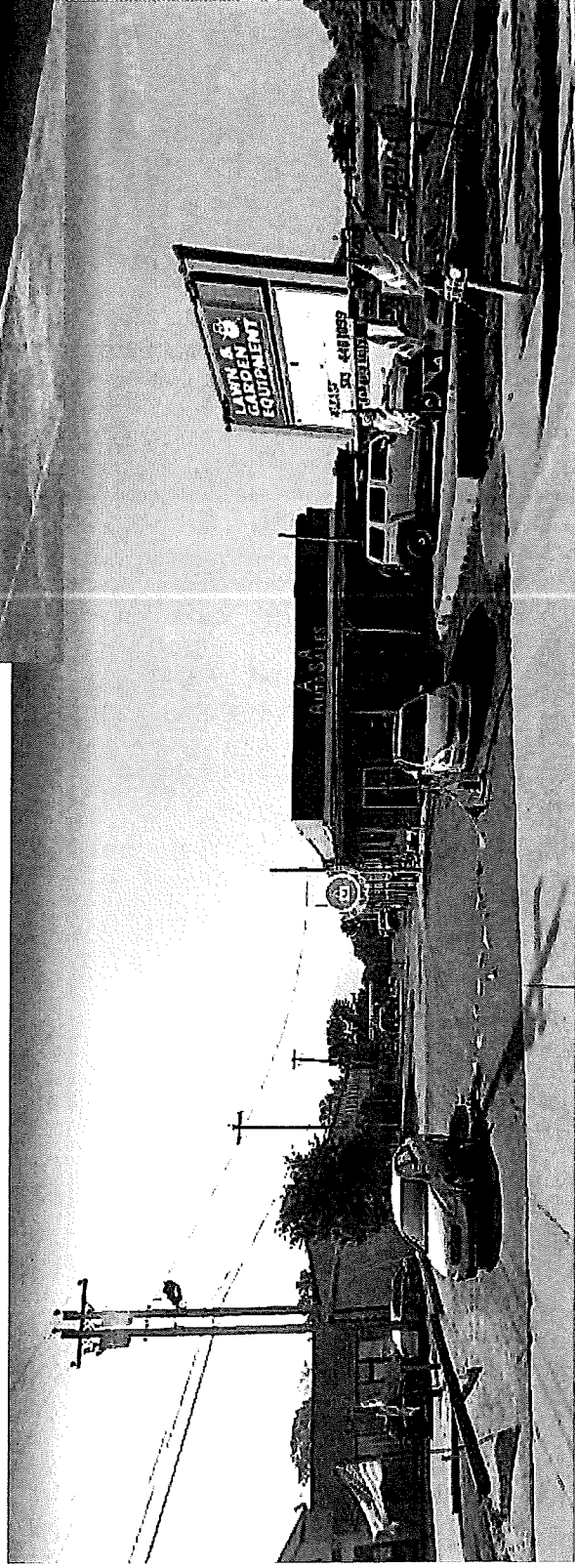
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- *Improved facade.*
- *Conforming and complimentary low impact use.*
- *Enhanced tax base.*
- *Employment.*
- *No impact in traffic.*
- *No site plan changes.*
- *Attractive to other retailers considering the area.*
- *Several locations – committed to the market.*
- *Little to no difference in impact from previous use.*
- *No environmental issues.*

# Professional Appearance

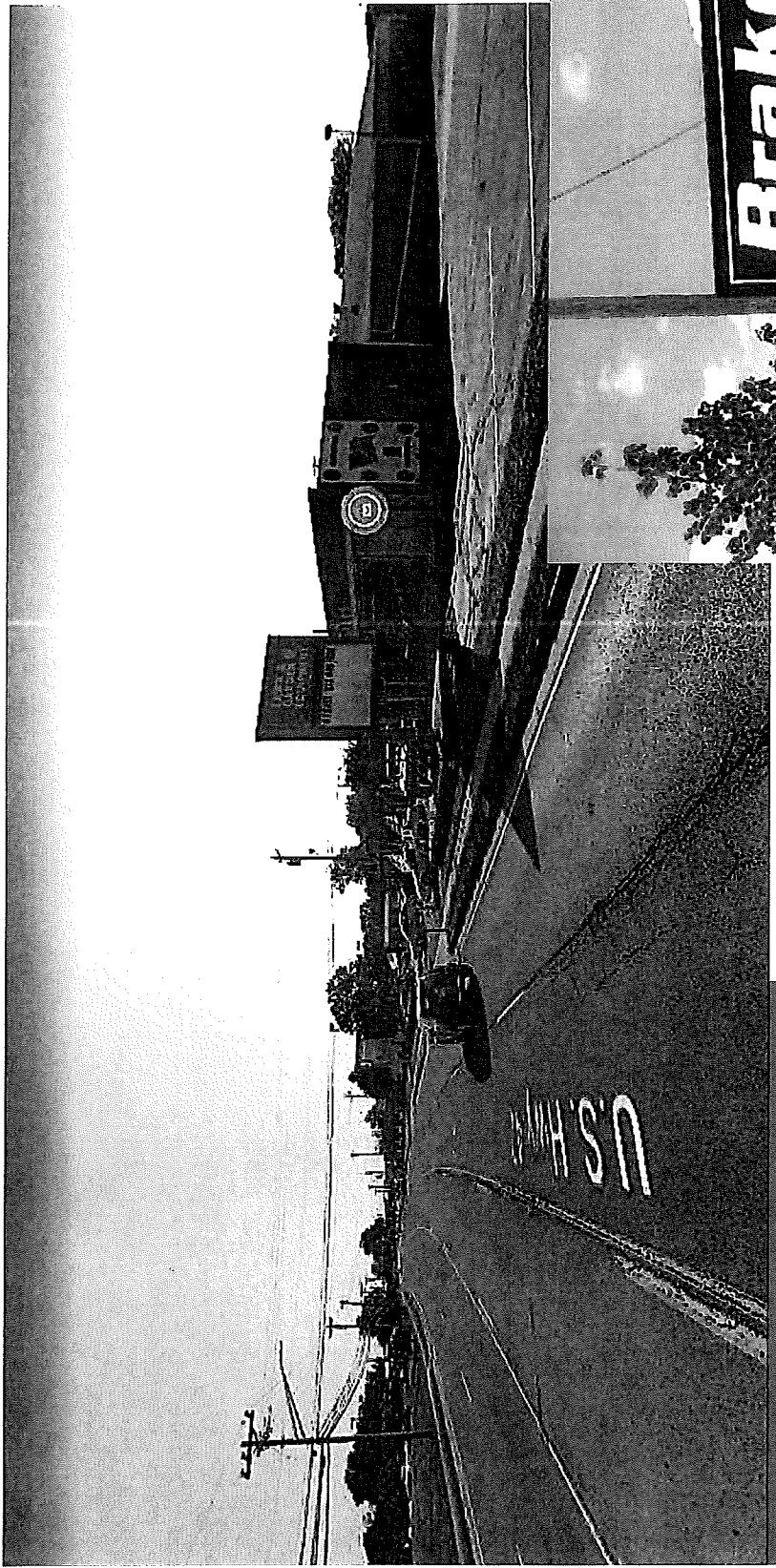


# Former Wendy's Hamburgers Converted





**Attractive Branding**



Street View





Proposed: 8383 US Hwy 42, Florence, KY 41042

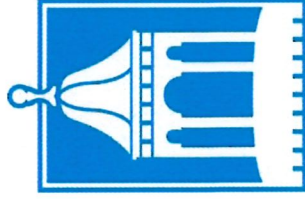
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# Supplemental Conditional Use Permit Application

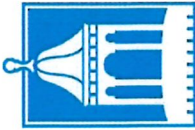
Zoning: C-2 –Commercial Two

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- *Legal Description*
- *Zoning Map & Code*
- *Impact Map*
- *Neighboring Properties*
- *Overview of Use*
- *Photo Addendum*
- *Summary of Benefits*



**BOONE COUNTY**  
KENTUCKY  
Board of Adjustment



**BOONE COUNTY**  
KENTUCKY

# Legal Description

## EXHIBIT "A"

GROUP: 2048 B & 928  
PIDN: 062.00-00-057.03

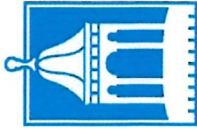
STREET ADDRESS:  
8383 US Highway 42, Florence 41042

Located generally in Boone County Group #2048 and on the Southeast side of U.S. Highway #42, Northeast of and near Evergreen Drive and described thus; BEGINNING at the common corner of a parcel of 2.0 acres described in D.B. 220 at page 90 and a parcel of 2.0 acres described in Deed Book 198 at page 271 in the Southeast line of U.S. Highway #42; thence with said line of said Highway S40-42W 84.75 feet; thence leaving said highway line S48-56-41E reaching and running with a common wall of two sections of a building at 43.4 feet to a total distance of 434.60 feet to a stake in the South line of the parent 2.0 acres parcel; thence therewith N52-7-27E 103.53 feet to a 1" pipe; thence with the Northeast line of the parent parcel N51-4W 455.32 feet to the place of beginning containing 0.949 acres and subject to legal easements of record and in existence.

The above described parcel comprises part of parcel #1 of 2.0 acres which was conveyed by Robert Reeves to L and R Enterprises by a deed recorded in D.B. 220 at page 90, Group #2048 of the Boone County Clerk's records at Burlington, Kentucky.

This description was prepared by Noel Walton, KY. Reg. P.E. and L.S. from surveys made by David G. Walton, Ky. Reg. P.E. and L.S. on January 15, 1979.





**BOONE COUNTY**  
KENTUCKY

# Zoning Code

## SECTION 1023 Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the [Board of Adjustment and Zoning Appeals](#) provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the arrangement of uses, [buildings](#) or [structures](#) will be mutually compatible with the organization of permitted and accessory uses 10.6 to be protected in the district:

Garden and landscape sales including florist greenhouses, lawn furniture and the like;

[Automotive repair facility](#) and wash services for vehicles;

Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises (**Does not apply in the City of Florence**);

Small scale sales or leasing of new and used [recreational vehicles](#) requiring the storage of no more than fifty (50) vehicles on the premises (**Does not apply in the City of Florence**);

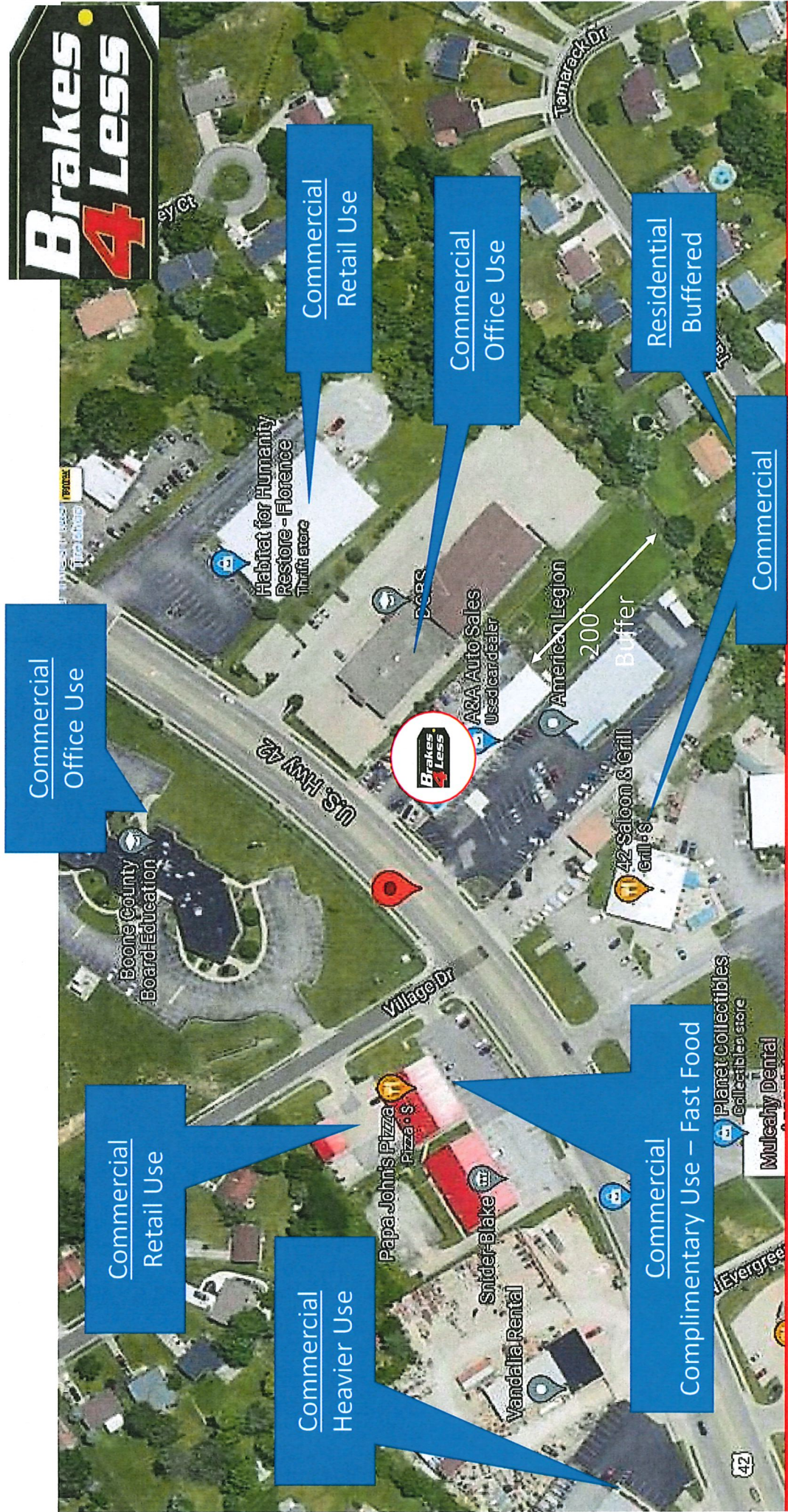
Mini-warehouses or storage facilities (**Does not apply in the City of Florence**);

Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

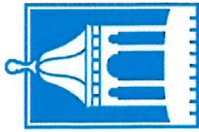
Indoor [kennels](#) for [household pets](#); except in the City of Florence where indoor kennels for household pets are only allowed when not [adjoining](#) a residential zoned property.

Multi-family and/or attached [dwelling units](#) including customary accessory uses; designated resident parking shall be provided when dwelling units are part of a mixed use or multi-use building or development.

[Body-art services](#) when not adjoining a residential zoned property. (**Applies to the City of Florence Only**)



Little to No Difference from Existing Use or Impact – All Surrounding Uses are C2



**BOONE COUNTY**  
KENTUCKY

## Neighboring Properties

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**Boone County Board of Education**  
C-2/Office Use  
8330 U.S. Highway 42  
859-283-1003

**Boone County Department for Medicaid – Cabinet for Health & Family Services**  
C-2/Office Use  
8311 U.S. Highway 42  
859-371-6900

**American Legion Boone Post 4**  
C-2/Specialty Use  
8387 U.S. Highway 42  
859-817-0924

**Papa John's Pizza**  
C-2/Retail Use  
8402 U.S. Highway 42  
859-283-9999

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# Overview

- 20+ years in business.
- Privately owned – not a franchise.
- Considered by most municipalities as Light Automotive Use.
- No overnight parking.
- All work conducted inside.
- Facade improvements on older buildings.
- Not open on Sunday's.
- 7:30 am to 5:00 pm operation.
- No oil, no tires, no engine work – “All We Do are Brakes”.
- Fast food is a complimentary use for our brand and is reciprocal.
- One hour service.
- 40 locations in 6 states including existing locations in Kentucky.
- Classified as an “Essential Business” and recession proof.



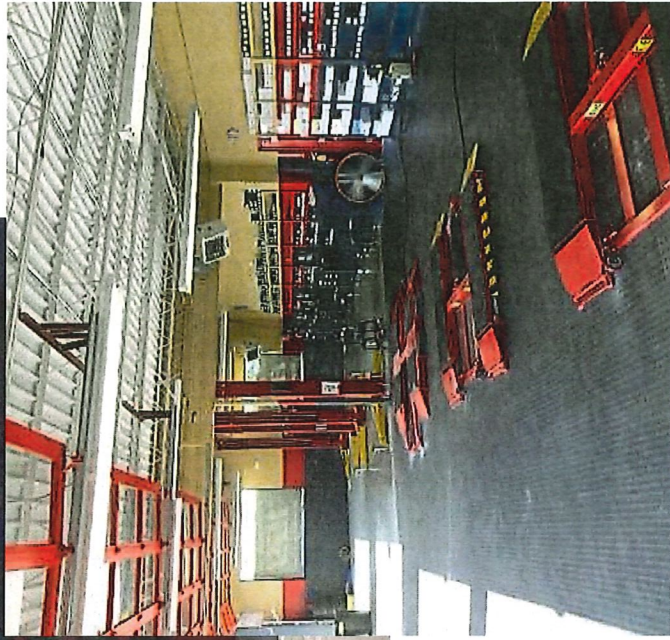
Street View

# Professional Appearance



# Former Wendy's Hamburgers Converted





**Attractive Branding**



## Summary/Benefits

- *Improved facade.*
- *Conforming and complimentary low impact use.*
- *Enhanced tax base.*
- *Employment.*
- *No impact in traffic.*
- *No site plan changes.*
- *Attractive to other retailers considering the area.*
- *Several locations – committed to the market.*
- *Little to no difference in impact from previous use.*
- *No environmental issues.*

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
TD Global Properties, LLC  
8383 US 42  
Florence, KY 41042
2. ADDRESS OF PROPERTY  
8383 US 42  
Florence, KY 41042
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
Brakes 4 Less
4. DEED BOOK 1121      PAGE NO. 213      GROUP NO. 2048B
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



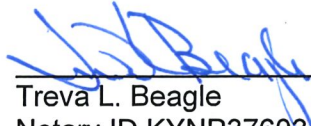
\_\_\_\_\_  
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

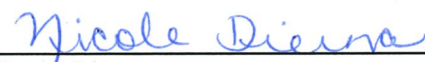
COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the  
Boone County Planning Commission this 10<sup>th</sup> day of March, 2022.

  
\_\_\_\_\_  
Treva L. Beagle  
Notary ID KYNP37603  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2025

This instrument was prepared for recording purposes only by:

  
\_\_\_\_\_  
Nicole Dierna  
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 Florence Board of Adjustment and in accordance with the current zoning in effect as of March 8, 2022, Certificate of Land Use Restriction (#22-FBOA-001-A), for TD Global Properties, LLC, Property Owner(s).

The following conditions will apply:

1. The only automotive repair use that is being approved is brake repair.
2. All brake repairs shall occur within the building.
3. No outside storage or display shall be permitted.
4. The parking lot shall be striped, and a van accessible handicapped stall shall be provided.
5. The exterior lighting on site shall not change or be expanded.
6. The building shall be improved per the applicant's description, rendering, and photos.
7. The freestanding sign on site shall be replaced or reconstructed as follows:
  - a. Option 1 - Remove the existing sign and replace it with a maximum 10' tall, 100 square foot monument sign (see the applicant's street view photo).
  - b. Option 2 - Alter the existing sign:
    - Remove the top sign cabinet and supporting steel structure.
    - The manually changeable reader board shall be replaced with a Brakes 4 Less sign cabinet. No more than 50% of the new sign panel can contain manually changeable copy.
    - The catwalk structures shall be removed from the sign.
8. All proposed building mounted signs shall use channel letters.
9. Any future business expansion not shown on the submitted rendering shall be subject to another Conditional Use Permit approval. This includes building additions, garage bay additions, and parking additions.
10. The fence along the rear property line shall remain and be maintained.
11. The elevated parking pad in the front parking lot can remain and be converted to a small seating area. The railing installed around the pad shall be approved by Boone County Planning Commission Staff through the Minor Site Plan application process to verify it meets code.

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