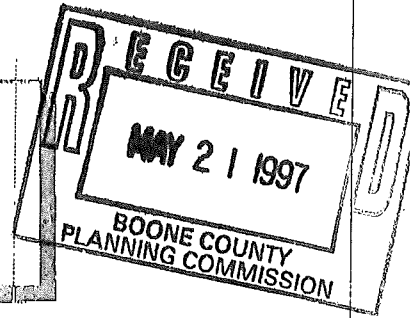


APPLICATION FORM

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. Boone Florence Walton Union
 2. (Check One)
 Conditional Use Permit Variance Appeal
 Change In Non-Conforming Use
 3. Applicant's Name Northern Kentucky Church of Christ
Phone Number (606) 647-7337 Fax No. N/A
Applicant's Address 7703 Ravenswood Drive
Florence Kentucky 41042
City State Zip
 4. Description of Request: Conditional use permit for construction of a church with access from Scott Drive.
 5. Name of Development Northern Kentucky Church of Christ
 6. Location of Development Between 14 and 28 Scott Drive, Florence, Kentucky
 7. Acreage Under Review 4.1825 Acres
 8. Lot Number and Name of Subdivision (if part of a subdivision)
Lot numbers 11 and 12 of Bluegrass Subdivision and adjoining lands to the north.
 9. Owner of Property Nola F. Sumner
Phone Number of Owner (502) 678-3999
 10. Address of Property Owner 11943 New Bowling Green Road
City Smith Grove State Kentucky Zip 42171
 11. Proposed Use(s) on Site Church
 12. Total Square Footage of Existing and/or Proposed Buildings 6000 Square Feet (Proposed)
 13. Current Zoning on Property SR-1 and SR-2
 14. Deed Book 238 Page No. 103 Group No. 2041B
 15. Is the site subject to a zone change? No
If yes, give date of approval N/A
 16. Have you submitted a Site Plan with this request? Yes
 17. Have you submitted a list of adjoining property owners with this request? Yes
 18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations

Applicant's Signature: [Signature]

Property Owner's Signature: Nola F. Sumner

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 May 21, 97 Fee Received 542.00 R# 13579
2. Is application complete? Yes No
3. Staff Reviewer [Signature]
4. Scheduled Board Action Date 6/11/97
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: SEE MINUTES AND CLUR
7. Reasons for Denial: _____

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(606) 334-2186 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

DEVELOPMENT: Northern Kentucky Church of Christ

APPLICANT: Northern Kentucky Church of Christ

LOCATION: Scott Drive, Florence, Kentucky

ZONING: Suburban Residential One and Two (SR-1 & SR-2)

DATE: June 11, 1997

Proposal

The applicant is requesting a Conditional Use Permit to allow the construction of a 5,580 square foot church on a 4.18 acre site, located along Scott Drive between Center Street and Hwy 42 in Florence, Kentucky. The site contains frontage along Scott Drive where access to the church is proposed and 30 feet of right-of-way along Center Street. The majority of the property runs behind houses that are located directly on Scott Drive in the shape of a "T". The property contains two zoning classifications. The site is zoned Suburban Residential One (SR-1) on the portion of the property that has frontage onto Scott Drive. The remaining property is zoned Suburban Residential Two (SR-2). In addition to the church the Concept Development Plan indicates a drop off area in front of the church, and two parking lots. The church is located in the back center of the property, north of the main parking lot. The main parking lot contains 51 spaces and an interior landscape island. The other parking, which is located in front of the church contains eight standard spaces and two handicap spaces. The plan also indicates that landscaping will be provided between the parking lot and the adjoining properties and between the driveway and the lot owned by Edward and Bertha Goetz. A copy of the originally proposed Concept Development Plan along with a revised Concept Development Plan accompanies this report. Minor changes have been made to the proposed parking areas, the driveway, and the size of the church. The applicant has also submitted a Traffic Impact Analysis, which indicates the impact the church may have on Scott Street.

Site History

The applicant made essentially the same request to the Florence Board of Adjustment and Zoning Appeals April 9, 1997. The Board voted to deny the applicant's request based on the following motion: "the parking problems, the water and sewer problems that would be created, the request is not harmonious or appropriate for the surrounding area, and it will adversely affect the character of the residential area."

A copy of the minutes from the April 9, 1997 Florence Board of Adjustment and Zoning Appeals meeting are included.

Article 2

Article 2, Section 220 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the authority to grant Conditional Use Permits and may prescribe appropriate conditions and safeguards as part of the terms under which a Conditional Use Permit is granted.

Article 2, Section 262 of the Boone County Zoning Regulations outlines the general standards applicable to all Conditional Uses. The Board should consider whether or not, the intended use:

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 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 school; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately and such services;
5. Will 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 involve uses, activities, process, materials, equipment and conditions of operation that will not 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 designed as not to create an interference with traffic on surrounding public thoroughfares.

Article 9

Article 9 "Residential Districts," Sections 933 & 943 of the Boone County Zoning Regulations, permits churches in Suburban Residential One (SR-1) and Suburban Residential Two (SR-2) zoning districts 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 Sections 933 and 943 of the Boone County Zoning Regulations:

Sections 933 and 943

- a.) The activity is an integral and subordinate function of a permitted use;
- b.) The activity will not contradict the low density character of the district;
- c.) The activity will not contradict the compact, but single family character of the district;
and
- d.) the arrangement of uses, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Relationship to the Comprehensive Plan

The 1995 Boone County Comprehensive Plan's Future Land Use Map indicates the site's future land use classification as "Suburban Density Residential" and is defined as single family housing of up to four (4) units per acre. *THAT ALTHOUGH PLANS 8/ACRE*

Surrounding Land Uses and Zoning

The site is surrounded by single family residences along Scott Drive and Center Street. These two areas are zoned Suburban Residential One (SR-1). The back area of the site runs parallel with another vacant lot that is located between the site and Liberty Court. These surrounding properties as well as the back of the site are zoned Suburban Residential Two (SR-2). The portion of the site nearest Hwy 42 abuts two lots which have frontage on Hwy 42. These two lots are also zoned Suburban Residential Two (SR-2).

Staff Concerns/Comments

1. If the request is approved by the Board, the applicant will be required to submit a Site Plan for review by the Boone County Planning Commission Staff.
2. The Concept Plan indicates that the driveway, which comes off of Scott Drive, will be located within a Florence storm sewer easement. If the request is approved, the applicant will have to gain permission from Florence Sewer and Water before a Site Plan will be approved showing the driveway in its current location.
3. Staff is curious about what plans the church has with the remaining acreage (approximately 2 acres) of the site. With access onto Center Street, the church could potentially convey the property into additional lots and sell the remaining acreage to someone else.

4. During the last hearing, one of the primary concerns by the Board and the audience was the additional traffic that the church would generate on Scott Street. It is Staff's opinion that the increase in traffic will not be significant for two reasons. First, the additional traffic that will occur on Wednesday evenings is after peak p.m. traffic hours. Second, the additional traffic that will occur on Sunday mornings is not during the work week. However, Staff is concerned that if other uses eventually occur on the site such as 12 step meetings or day care facilities, they could cause potential traffic problems on a Street that is not designed to handle the traffic that these and other uses could generate. These uses normally occur throughout the week, during and after peak traffic hours. Staff suggests that if a Conditional Use is approved to permit the church, conditions be added that prohibit these and other possible uses not directly associated with church services.

Conclusion

K.R.S. 100.237 gives the Florence Board of Adjustment and Zoning Appeals the authority to grant the applicant's request for a Conditional Use to permit the development of a church within a Suburban Residential One (SR-1) and Suburban Residential Two (SR-2). It is Staff's opinion that the proposed Conditional Use Permit will not adversely affect the Public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations if the stated Staff concerns and comments can be adequately addressed.

Respectfully Submitted,

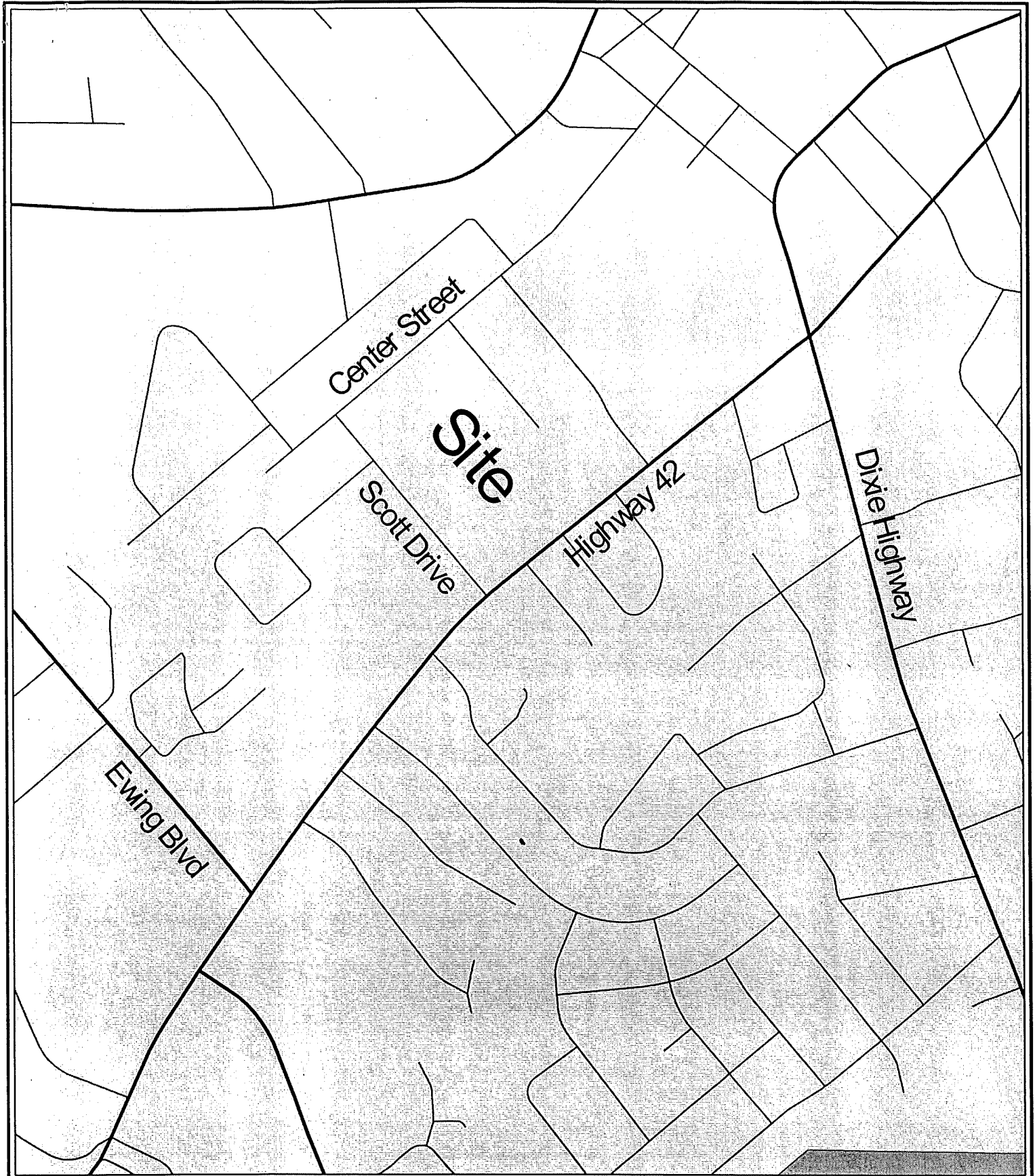


Edward Coleman
Planner

EC\par

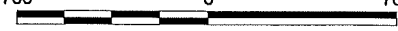
Attachments

- Location Map
- Revised June Concept Development Plan
- April Concept Development Plan
- April 9, 1997 Minutes
- Zoning Map
- Scott Drive Traffic Impact Study



Northern Kentucky Church of Christ

700 0 700 Feet



1 inch equals 700 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 4, 1997



APRIL 77

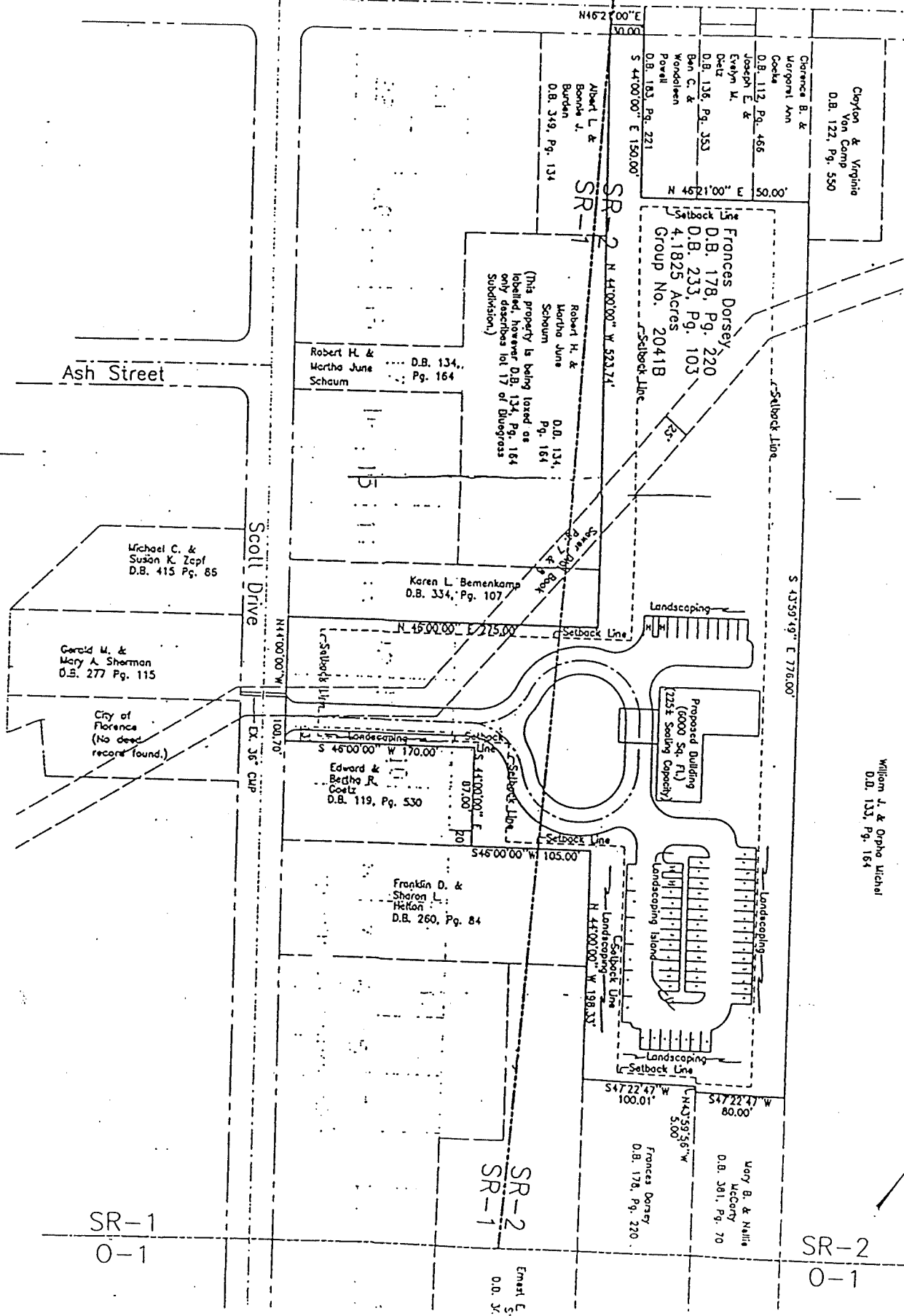
SR-1
SR-2

Center Street

Ash Street

Scoll Drive

OK 3/8" CURB



Florence
KY: 41042
record found



SR-1
0-1

SR-1
SR-2
Ernest E.
O.D. Y.

SR-2
0-1

Chairman Holland chaired the meeting at this time and introduced the second item on the Agenda:

2. The request of the Northern Kentucky Church of Christ for a Conditional Use Permit to allow the construction of a church on a 4.18 acre tract located between 14 and 28 Scott Drive (Lots 11 and 12 of Bluegrass Subdivision), Florence, Kentucky. The property is zoned Suburban Residential One and Suburban Residential Two (SR-1/SR-2).

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report). He advised that copies of the Concept Plan submitted by the applicant are available.

The Chairman asked for the applicant's presentation.

Mr. Mark Rosenberg with Bayer & Becker Engineers questioned the easement. Mr. Coleman reviewed the plan with him in this regard. Mr. Rosenberg stated that he believes it is a sanitary sewer easement. Mr. Coleman explained that there is a sanitary sewer line in the area, but there is a storm sewer easement running through the property that belongs to the City of Florence. They will need to get permission from the City of Florence to construct within the easement.

Mr. Rosenberg stated that the church has a signed agreement with the Goetz to obtain additional property to get the driveway in there. They will trade property on the Goetz west property line and the church will give them 20 feet of property on their back line. He stated that they will engineer the site appropriately and not adversely change the creek channel. He stated that the driveway is possible between the culvert headwall and the Goetz driveway. It is reasonable with the property trade.

Chairman Holland asked Mrs. Goetz if they had been contacted by the church to buy their land. Mrs. Goetz responded "yes". Mr. Rosenberg provided Mr. Coleman with a copy of their agreement.

Mr. Ashcraft questioned the lot to the north of the Goetz property. Mr. Rosenberg advised that Lot #12 is part of the church's property. Mr. Ashcraft stated that the storm sewer easement is mostly on the church's property. Mr. Rosenberg agreed.

Mr. Ashcraft asked if the church is purchasing property from Dorsey's. Mr. Rosenberg advised that the property owner's name is Sumner.

Mr. Ashcraft questioned if the property along U.S. 42 shown as "Frances Dorsey" is cut out of the parcel. Mr. Rosenberg advised that it is and he reviewed the plat with Mr. Ashcraft. Mr. Ashcraft commented that they are the people who have the most to gain by selling their property and they have reserved a place on U.S. 42. Mr. Marvin Saylor, speaking for Northern Kentucky Church of Christ, agreed that the Dorseys are keeping their property on U.S. 42.

Chairman Holland asked if there was anyone else present from the church who wished to speak. There being no response, he asked if there were any comments from the Board. There being none, he asked if there was anyone present who wished to speak in opposition to the request.

Frank Michael stated that he owns the property shown in the name of William J. and Ortha Michael. He is the heir of that property. He stated that every time there is a hard rain, the sewer lid on his property gets blown off. He stated that allowing this request will landlock his property and the only entrance he will have is from U.S. 42 -- which means that he would have to sacrifice his building on that property to get to his property. He operates his business from that building. The request will also hurt the value of his property. He stated that there is a water problem back there now and when it rains water lays in his yard and in his neighbor's yard. Taking this property from natural soil to asphalt will ruin their properties.

Dale Stephens, 232 Center Street, stated that he and his neighbors are concerned about the 30-foot easement that opens up on Center Street. He questioned access on Center Street being denied. Chairman Holland advised that it could be a condition if the request is approved.

Mr. Ashcraft questioned the church's intention for the 30-foot easement. Mr. Saylor advised that the church has no intention of using that 30-foot easement and intends to use only the driveway off Scott Street. Mr. Ashcraft questioned why they have the 30-foot easement. Mr. Saylor advised that it is part of the land.

Julie Lankite, 208 Center Street, asked if this is the same Church of Christ that was torn down on Turfway. Mr. Saylor responded "no".

Franklin Helton stated that he does not want the church back there. He does not want a parking lot back there. He stated that there is a water problem already and the culvert is not big enough to handle the water now. He stated that with this much blacktop, the runoff will be worse than ever.

John Black, who lives at the corner of Center Street and Scott Drive, commented in regard to the traffic and parking problems that exist now when there is a funeral on Scott Street and from everyday traffic. He stated that there is not enough room for another 63 cars on Wednesday night, Sunday morning, and Sunday afternoon. He is opposed to more traffic going through there.

Frank Michael stated that there is also the concern of safety of the kids. Mr. Black agreed. He stated that the traffic is horrendous with people cutting through from KY 18 to U.S. 42. He stated that too much traffic goes through there now and another 63 cars is too much.

Bonnie Connors, a resident of Liberty Court, stated that Scott Drive is essentially a one-lane street because of the on-street parking. She is concerned about the additional traffic and would like something done to Scott Drive to allow for the extra traffic.

Counselor Wilson advised that the Board does not have the power to regulate parking on a city street.

Diane Whalen, a resident of Catherine Avenue, asked if anyone has contacted Mr. Hedges at Water & Sewer to see if this request is feasible.

Mr. Coleman advised that he has talked to Mr. Hedges and Mr. Hedges has seen the plan. He stated that Mr. Hedges indicated that they cannot do it the way it is indicated on the plan now unless they have engineering drawings showing a retaining wall given the slope.

Ms. Whalen indicated the property to the left of the church where 10 parking spaces are shown, and noted that nothing is shown on the property that goes from there over to Center Street. Mr. Saylor stated that there are no plans at all for the area from the edge of the parking lot over to the 30-foot easement. Ms. Whalen added "at this time". Chairman Holland questioned future plans for the area. Mr. Saylor stated that they do not have any future plans for that area now. Chairman Holland asked if they plan to have parking there if the church grows. Mr. Saylor responded "no".

Ms. Whalen asked if the 63 parking spaces will be adequate and questioned if that is all the members they have. Mr. Rosenberg advised that they are only required to have 63 parking spaces. That is the code.

Counselor Wilson explained that the question is "Do you need more than 63 parking spaces?". Mr. Saylor responded "Not as of now". Mr. Ashcraft stated that they expect the church to grow. Mr. Saylor stated that they have enough ground for the future.

Mr. Michael asked if the congregation is now 63 people. Mr. Saylor responded "no" and advised that they average 90 - 100 people including the children. Chairman Holland stated that the obvious goal is to grow.

Mr. Coleman advised that the number of parking spaces is based on the number of seats in the church -- one parking space per five seats is required.

Chairman Holland asked if anyone else wished to speak.

Susan Zapf, a resident of Scott Drive directly across from where the driveway for the church would be, stated that the traffic on Scott Drive is horrendous now. She stated that everyone goes through the stop sign and goes 40 MPH down the street. She would rather see single-family homes there than the church. She is not against the church, other than the traffic that would be involved. She asked if the church has plans for day care, which would cause more traffic every day of the week.

Mr. Saylor stated that they do not have day care or a senior citizen home. He stated that the church will be used to meet in on Sunday mornings and Sunday evenings.

Susan Zapf stated that when cars are parked on the street, cars cannot pass and have to pull over. If there are 50 cars going into the church at the same time, they will be backed up and down the street.

Chairman Holland advised that if the request is approved, the Board can add a condition that there be no day care.

Susan Zapf stated that the last time there was a flood, it looked like a river there and the hillside was covered with four feet of water. She stated that she has pictures of this. (Pictures were not shown or submitted).

Alice Bonner, who lives at the corner of Scott and Ash Streets, stated that the residents do not have anywhere to park now on their street because it is so full of cars. When she has company, they also have no place to park. She stated that cars cannot pass on Scott Street because there is not enough room. People go through the stop sign going 40 - 50 MPH. She is not against the church, but the traffic is bad now and she is against more traffic.

John Rolling, a resident of Center Street, stated that there is too much traffic now. He stated that the church would be at the bottom of the hill and it is already a three-way stop. He stated that there will be too much traffic and possibly wrecks.

Lee Denter, a resident of River Court, is concerned about the aesthetics. She questioned what the church will look like.

Mr. Ashcraft requested an architectural concept of the church. Steve Mayo, speaking for the church, submitted pictures of the proposed building and renderings of the site. Chairman Holland stated that this information should have been submitted. Mr. Mayo stated that they were not informed that it was needed.

Chairman Holland questioned the construction. Mr. Mayo stated that the building will be brick all the way around. It will be approximately 5500 square feet. The front portion that juts out will face Scott Street. He stated that it will not be an elaborate building. He stated that they will address any water or runoff problems at the proper time.

Mr. Ashcraft advised that the water would be addressed at Site Plan Review. Counselor Wilson stated that the Board has the right to address the water if it goes to the issue of the use being compatible with the area and suitable to the site.

Mr. Ashcraft stated that he would be more comfortable if the access was off U.S. 42 rather than off Scott Street. He questioned why they do not purchase access to U.S. 42.

Mr. Mayo stated that if an access to U.S. 42 was available and within their means, they would approach it -- but this is what is available and what they have proposed. He stated that they would like to have a U.S. 42 access.

Chairman Holland commented that the water runoff problem may cost them more than the church is going to cost. He stated that there would be a lot of digging and concrete work.

Mr. Michael stated that there are tremendous water problems there.

Mr. Ashcraft stated that the Board had to deny Heritage Assembly of God because they wanted access to Russell Street and this is a very similar situation. The Board felt that access was more appropriate on U.S. 42 and had to deny that request. He stated that with the water problem, he does not see this being much different than the issue on Russell Street. He stated that this is a small church now and, hopefully, in ten years it will be ten times its size -- but this property probably will not accommodate it.

Mr. Mayo stated that they are moving out of a location because they are expanding and this property should allow them to double their capacity. They do not see having to grow. Mr. Ashcraft stated that they have a lot of land there. Mr. Mayo stated that it was a parcel and they bought it as a parcel. Mr. Ashcraft stated that if he was on the church board, he would not want to go and buy more land -- he would want to expand here. With expansion comes more roof area and more parking area. He questioned when Staff reviews a Site Plan if they review it with the currently proposed building and not a future building.

Mr. Coleman stated that the review is based on what is proposed at the time, not future expansion. It is based on the impervious area created versus the existing pervious area. Mr. Rosenberg stated that they will address these issues and compensate for hard surface on the site in regard to stormwater runoff.

Mr. Stephens questioned their present location. Mr. Mayo advised that they are at 38 Kentaboo. Mr. Ashcraft stated that they were before the Board a few years ago to expand their parking lot. Mr. Mayo agreed.

Chairman Holland asked if there were any further comments.

Julie Lankite asked what the church would do to the property values in the area. Chairman Holland advised that the Board cannot address that issue and he does not know the answer to that question.

Chairman Holland asked if anyone else wished to speak. There being no response, he asked if there were any further comments from the Board. There being none, Mr. Ewing moved to deny the Conditional Use Permit based on the parking problems, the water and sewer problems that would be created, the request is not harmonious or appropriate for the surrounding area, and it will adversely affect the character of the residential area. Mrs. Ward seconded the motion and it carried unanimously.

ELECTION OF OFFICERS:

Mr. Ashcraft moved by acclamation that Mr. Holland continue as Chairman. Mr. Ewing seconded the motion.

Mr. Ashcraft moved by acclamation that Mr. Ewing continue as Vice Chairman. Chairman Holland seconded the motion.

OTHER:


Mr. Coleman advised that he will contact Paul Kohake in regard to the problems at the Entire Auto Care site.

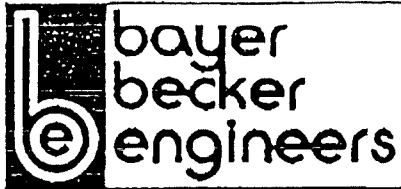
There being no further business to come before the Board, Chairman Holland moved to adjourn the meeting. Mr. Ewing seconded the motion. The meeting adjourned by unanimous consent at 8:30 P.M..

APPROVED:


Charles F. Holland, Chairman

Attest:


Jan Hancock, Recording Secretary



700 Nilles Road
Fairfield, OH 45014
(513) 829-2149
fax (513) 829-2457

June 3, 1997

Mr. Ed Coleman
Boone County Planning Commission
2995 Washington Street
Burlington, KY - 41005

Re: Northern Kentucky Church of Christ
Additional Traffic information

Dear Mr. Coleman,

As per our discussion last week regarding the Northern Kentucky Church of Christ, we have performed further evaluation of Scott Drive.

Services at Northern Kentucky Church of Christ will be held on Wednesdays at 7:30 P.M. and Sundays at 9:45 A.M. and 6:00 P.M. Due to the light traffic on a Sunday Morning, we have chosen the Wednesday evening to evaluate.

A manual traffic count was performed on Scott Drive on Monday, June 2, 1997 for the period of 7-9 P.M. (see attached) The 7-9 P.M. time period was chosen because it encompasses one-half hour prior and following a standard Wednesday service. As you can see from the attached, 35 vehicles pass the site from 7-7:30 P.M. and 27 vehicles from 8:30-9:00 P.M.

We have had further discussions with the church regarding the number of trips to be generated. For each service they expect 25 vehicles coming to the site. Of the 25 vehicles, 95% (24 vehicles) will approach Scott Drive from Route 42. These 24 vehicles would then make a right turn into the site.

7-9:00 P.M. is generally an off peak period for most roadways as evidenced by the low traffic volumes. The majority of traffic will be making a right turn into the site, which is a flowing movement versus a left turn where one must wait for a gap to turn.

(continued on Page 2)

Page 2 continued: Northern Kentucky Church of Christ
Additional Traffic information
June 3, 1997

Due to the existing low volumes on Scott Drive, the impact caused by Northern Kentucky Church of Christ will be minimal.

If you should need any further information, please call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Etta M. Reed".

Etta M. Reed

EMR/gc

cc: Mr. Joe McCameron, Northern Kentucky Church of Christ

Bayer & Becker Engineers

MANUAL TRAFFIC COUNT DATA

Page: 1

SINGLE VEHICLE ANALYSIS

Date: 6/02/97

Location: Scott Drive

Starts: 6/02/97 At 7:00 PM

Notes:

Ends: 6/02/97 At 9:00 PM

Operator: CAR

Interval: 15 min. Intervals: 8

Weather: Cloudy

Interval Begins:	Scott Drive Northbound	Scott Drive Southbound
7:00	5	8
7:15	12	10
7:30	5	5
7:45	5	5
Hour	27	28
8:00	7	4
8:15	8	2
8:30	3	10
8:45	8	6
Hour	26	22
Survey Total:	53	50

COPY

CLUR # 97-FBOA-007-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER (S)

Nola F. Sumner
11943 New Bowling Green Road
Smith Grove, Kentucky 42171

2. ADDRESS OF PROPERTY

Scott Drive
Florence, Kentucky

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Northern Kentucky Church of Christ

DEED BOOK: 178

PAGE NO.:220

GROUP NO.: 2041 B

4. TYPE OF RESTRICTION (S) (Check all that apply)

Zoning Map Amendment: From to Conditional Use Permit

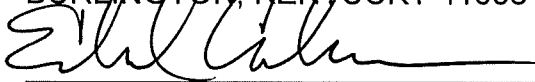
Development Plan Conditional Zoning

Subdivision Plat (Unrecorded) 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

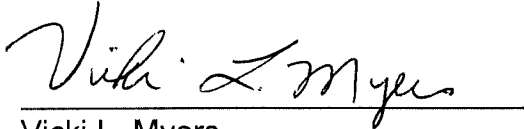
Edward Coleman, Planner

Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledge before me by Edward Coleman, on behalf of
the Boone County Planning Commission this 27th day of June 1997.

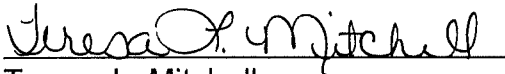


Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:

April 17, 1999

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 Conditional Use Permit, approved by the Florence Board of Adjustments and in accordance with the current zoning in effect as of June 11, 1997 Certificate of Land Use Restriction (# 97-FBOA-007-A), for Nola F.

Sumner, Property Owners

The following conditions will apply: 1). The Building is to be 5580 sq ft with 51 parking spaces. 2). The remaining portion of the property except the driveway onto Scott Street is to remain as green space. 3). The applicant has agreed to sell or give the portion of the property with frontage on Center Street to the two adjacent Center Street property owners, in order to prevent any other future access to the property. 4). This property shall be given away or sold before construction begins.

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

described in: DEED BOOK 178

PAGE NO. 220

Group No. 2041B