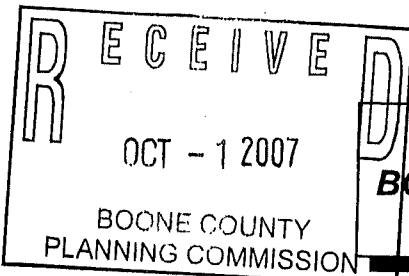


07-2MA-021-A



APPLICATION FORM

ZONING MAP AMENDMENT BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Richwood North Subdivision - Commercial Lots
- 2. Location of Project Frank Duke Blvd - Dixie Hwy., Florence, KY
- 3. Total Acreage of Site 5.72
- 4. Current Zoning of Site C-1/CD
- 5. Proposed Zoning (Classification being requested) C-3/CD
- 6. Proposed Uses (please specify each use) See attachment.

- 7. Names of Applicant(s) Richwood North, LLC
- Phone Number 502-484-5802 Fax No. 502-484-0457
- 8. Address of Applicant(s) PO Box 157
- Owenton KY 40359
- City State Zip

- 9. Name of Property Owner(s) Richwood North, LLC
- Phone Number 502-484-5802 Fax No. 502-484-0457
- 10. Address of Property Owner(s) PO Box 157
- Owenton KY 40359
- City State Zip

- 11. Proposed Building Intensities (please specify) See attachment.

- 12. Are there any existing buildings on the site? No
- How many? N/A

- 13. Deed Book 925 Page No. 849 Group No. 4869 2058

- 14. Are you also applying for:
- No Conditional Use Permit
- No Dimensional Variance

- 15. Have you submitted a Concept Development Plan? Yes
- 16. Have you had a pre-application meeting with BCPC Staff? Yes

17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

EXHIBIT

“A”

STAFF REPORT

Request of **Richwood North, LLC (owner)** for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3) for a 5.72 acre site located along the west side of Dixie Highway and on both sides of the intersection with Frank Duke Boulevard, and described as lots 126, 127, 128, and 129 of Richwood North Estates Subdivision, Boone County, Kentucky. The request is for a zone change to allow specified uses permitted in the C-3 zone.

November 7, 2007

REQUEST

This application proposes to change the existing zoning from Commercial One (C-1) to Commercial Services (C-3) for 5.72 acres fronting Dixie Highway at Frank Duke Boulevard. The property owner is requesting this change to allow the permitted uses within the C-3 zone, specifically "Auto parts and accessory stores." The Principally Permitted Commercial Services (C-3) uses have been attached with the stricken uses from the narrative (attached) shown as such.

SITE HISTORY

The Richwood North Subdivision has been zoned Suburban Residential Two (SR-2) since the Comprehensive Zoning Update in 1980. In 1996, the front portion of the property (approximately 12 acres) went through the Zoning Map Amendment process to change from Suburban Residential Two (SR-2) to Commercial One (C-1) to allow neighborhood retail and office uses.

In 2006 a request to change 6 acres from Commercial One (C-1) to Urban Residential One (UR-1) and modify the remaining Commercial One (C-1) property was approved with conditions. A copy of the signed condition letter is attached to this Staff Report.

ADJACENT LAND USES AND ZONING

- North: Shehan property zoned Commercial One (C-1), and the Amsterdam Village Subdivision (under construction) zoned Suburban Residential Two (SR-2).
- South: Mosby's Point Mobile Home Park zoned Mobile Home Park (MHP).
- East: Across Dixie Highway, property owned by Cuzick and Pilyer zoned Industrial One (I-1), Baumgartner and Robinson (Gathering Place Church & Zion Christian Academy) zoned Industrial One (I-1) and Industrial Two (I-2).

West: The 6 acre tract zoned Urban Residential One (UR-1) and the Richwood North Subdivision zoned Suburban Residential Two (SR-2).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Urban Density Residential" (UD) uses. This designation is described as "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre."

The Land Use Element text makes the following statement that relates to this area (Devon Area, page 147):

"The undeveloped land south of Mt. Zion Road is appropriate for Urban Density residential development or attached affordable housing. Innovative design and affordable construction should provide a good alternative to the mobile home parks that dominate the area, and which create negative visual impacts on the U.S. 25 corridor. Permanent attached housing is also preferable to mobile home park development, because less site preparation is necessary and more open space can be retained. Mobile home development should not extend south of the intersection with Maher Road. The planned reconstruction and widening of U.S. 25 will create the potential for redevelopment in much of this corridor. Mixed use development with prevalent interconnections is recommended."

The adopted Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- D. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- E. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban and rural forms ("Public Services and Facilities," Objective 2).

- F. Priorities for growth within any individual infrastructure system shall be based on the predicted needs of specific areas as prescribed by the future land use projections of this plan. No infrastructure system shall commit the county to excessive growth by the system's expansion ("Public Services and Facilities," Objective 3).
- G. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial, collector, and local streets. Existing connector streets shall be improved where needed ("Transportation," 2nd Goal, Objective 2).
- H. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

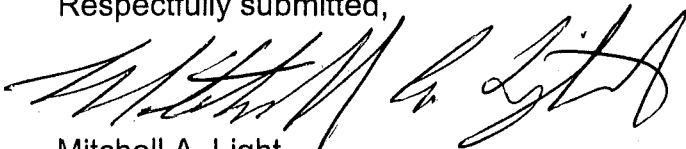
STAFF COMMENTS/CONCERNS

1. The applicant has submitted a copy of the 2006 Conditions of Approval with the C-3 code section attached with certain uses already stricken (attached). The Committee may want to discuss the remaining Principally Permitted uses when this item comes before them. The applicant is still agreeable to the remaining conditions as they apply to this application.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the 2001-02 Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

Respectfully submitted,

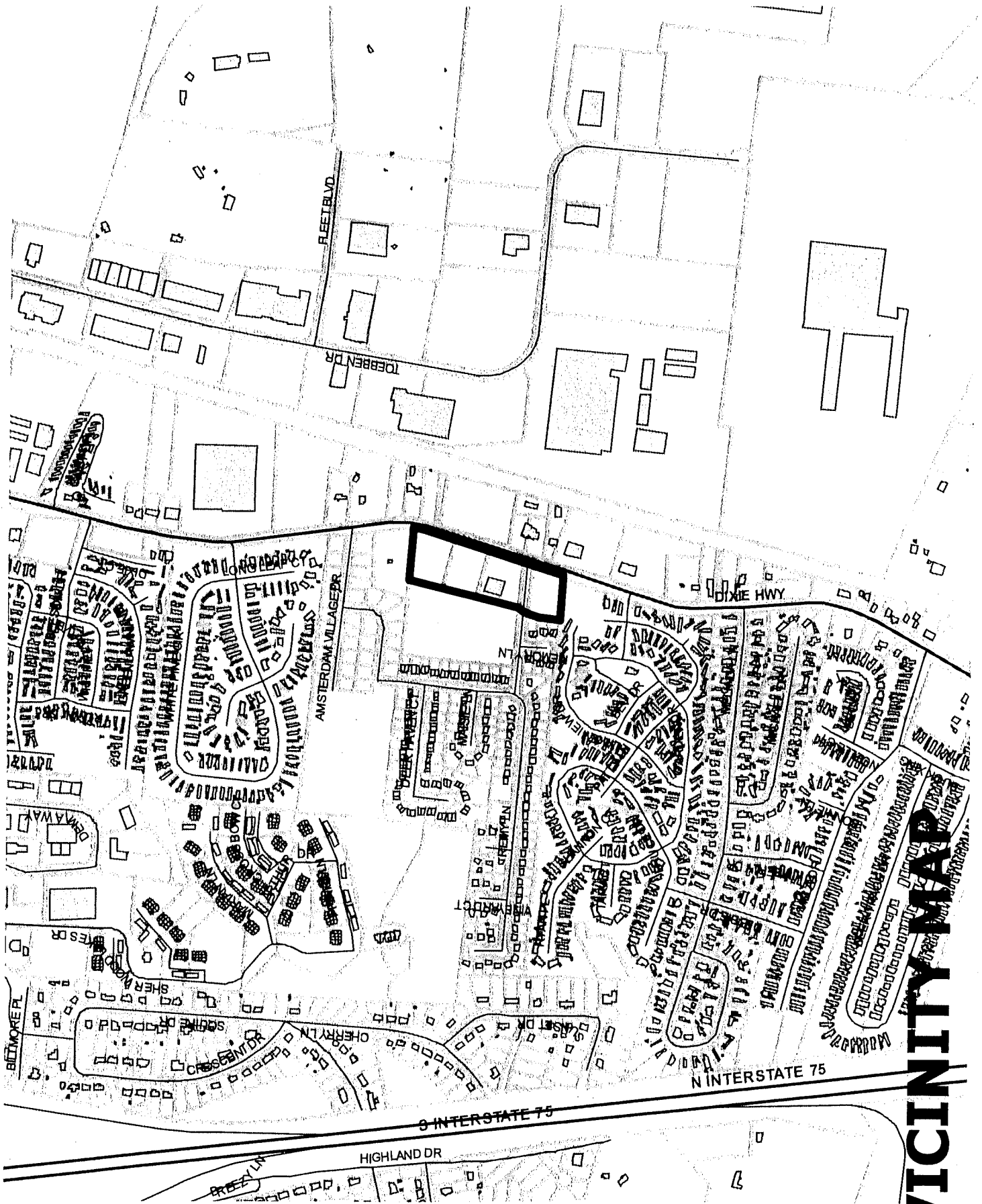


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

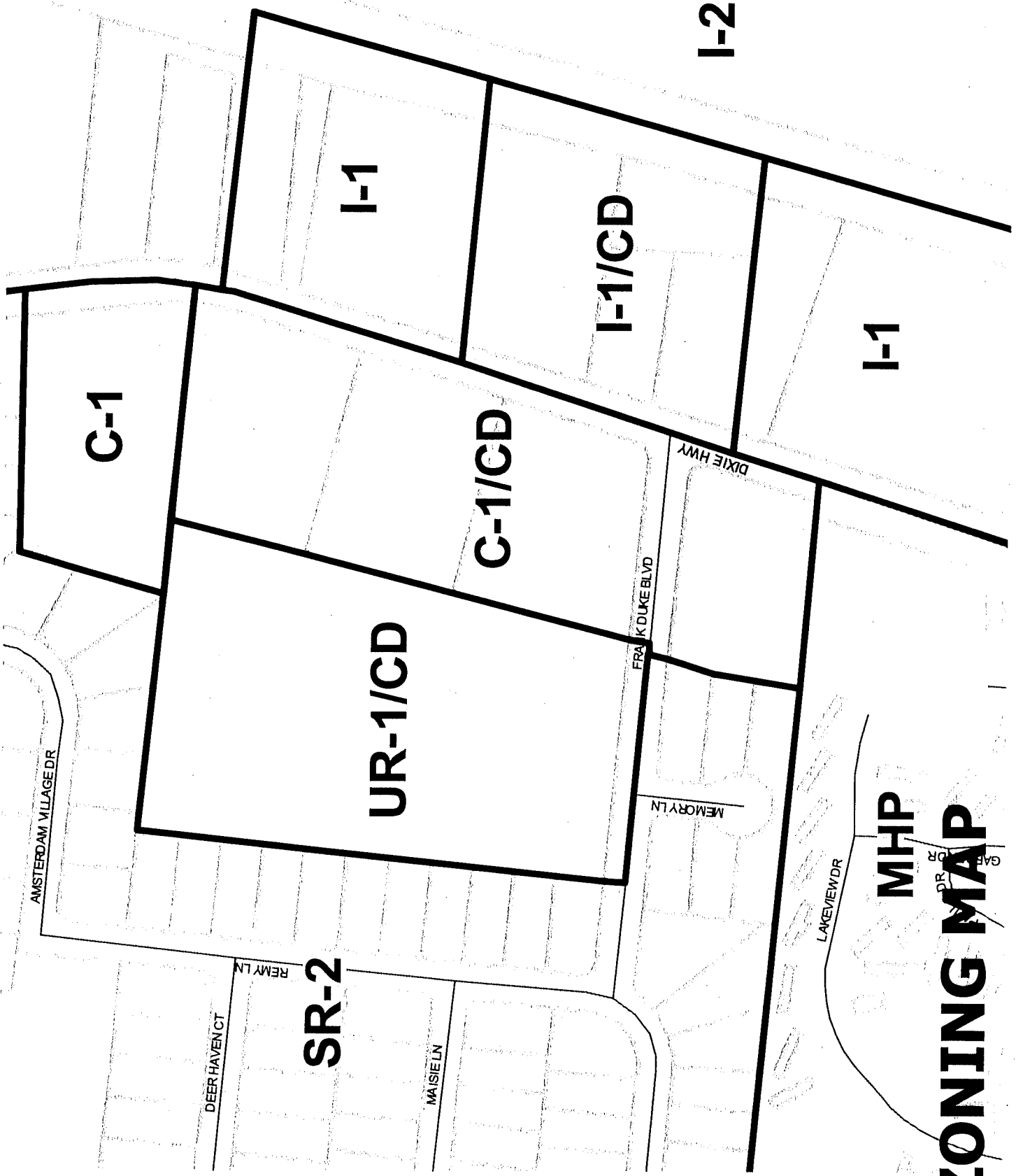
MAL/pr

attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- 2004 Aerial Photography
- 2006 Concept Development Plan
- 2006 Condition Letter with C-1 Uses
- C-3 Uses
- Application



VICINITY MAP



C-1

UR-1/CD

SR-2

I-1

C-1/CD

I-1/CD

I-2

I-1

MHP

ZONING MAP

AMSTERDAM VILLAGE DR

DEER HAVEN CT

REMY LN

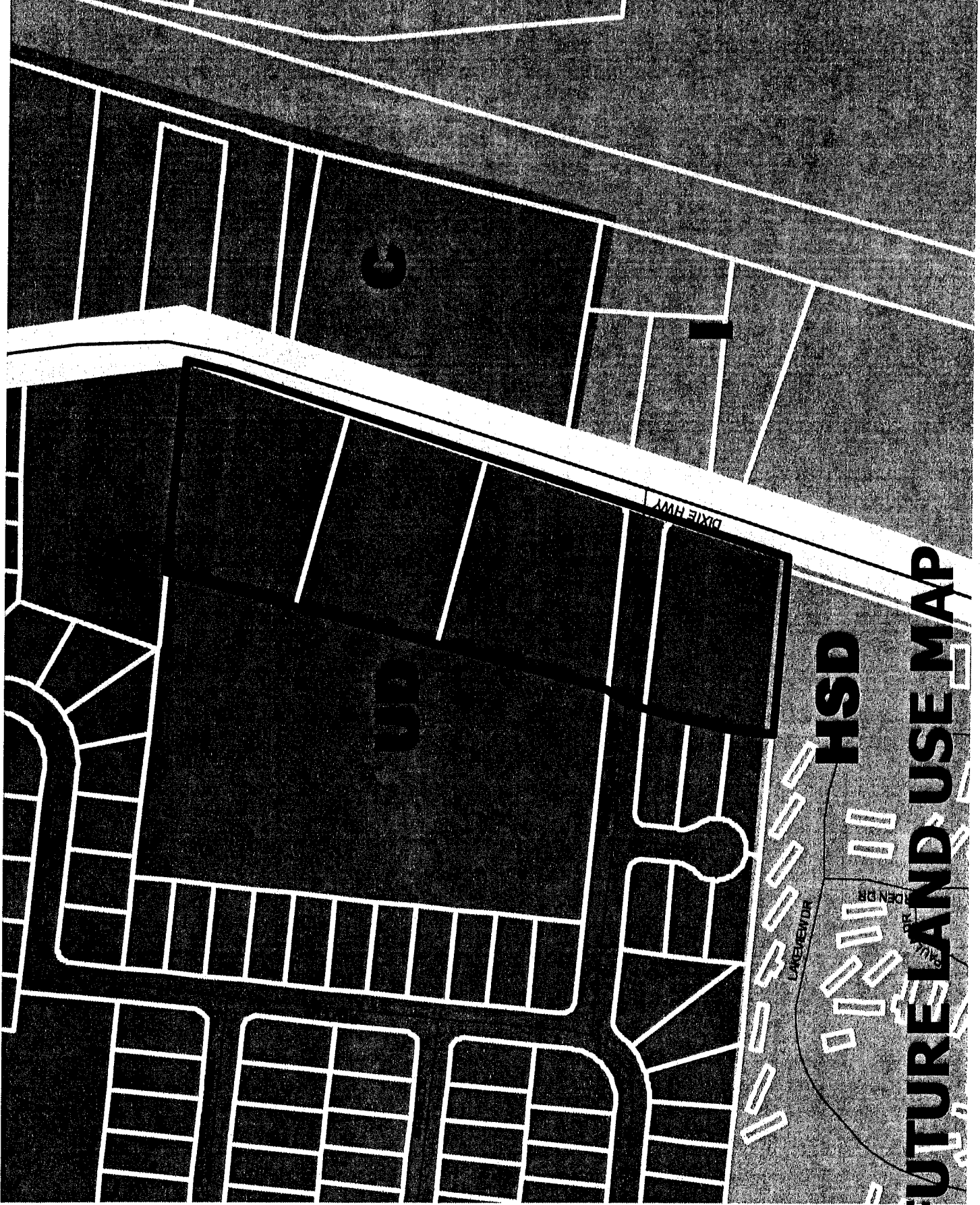
MAISIE LN

FRANK DUKE BLVD

MEMORY LN

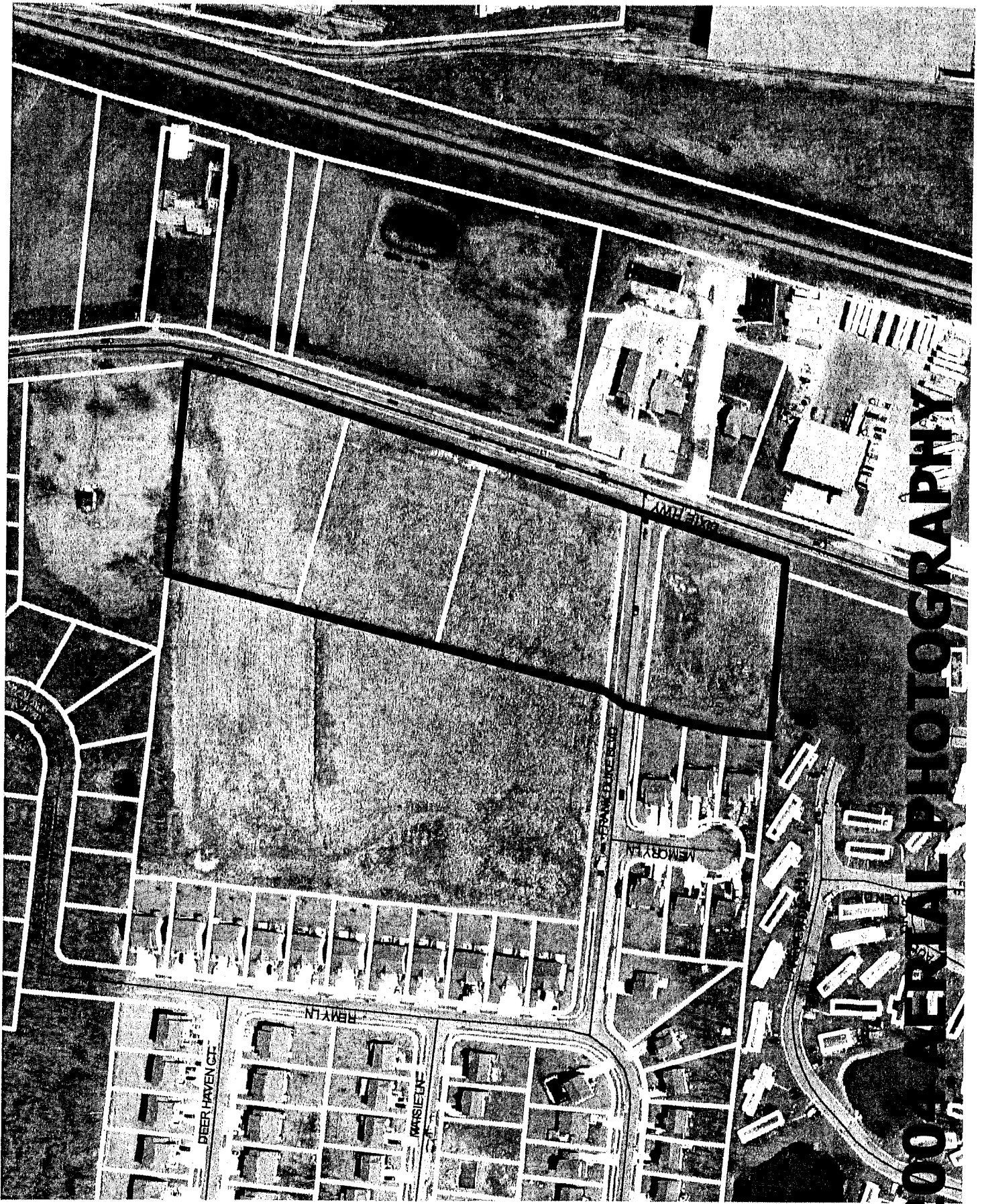
DIXIE HWY

LAKEVIEW DR

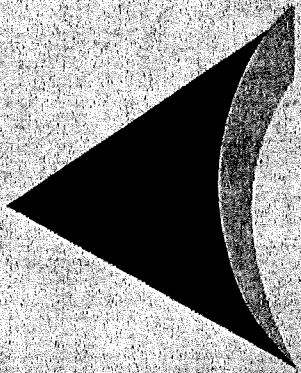


HSD

FUTURE LAND USE MAP



200 AERIAL PHOTOGRAPHY



ASHCRAFT
REAL ESTATE
SERVICES, INC.

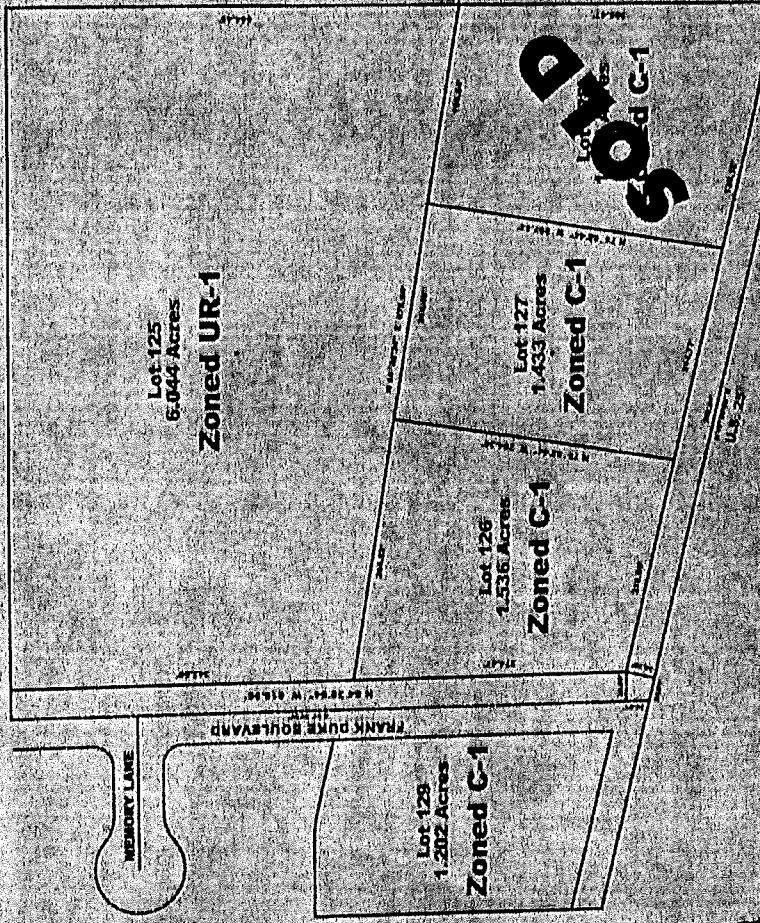
AVAILABLE LAND

Zoned C-1 & UR-1

Call: 800-728-5802

Email: info@ashcraftrealty.com

<http://www.ashcraftrealty.com>



JSE
10/31/2006

JEA 2 Properties, LLC (applicant) for EWG Corporation (owner)

**Zone Change – Commercial One (C-1) to Urban Residential One (UR-1)
Change in concept development plan – Commercial One (C-1) for 5.7 acres**

Planning Commission Conditions of Approval

5. The proposed driveway connecting the four (4) frontage outlots will act as a “connector road” providing a potential future connection to the Sheehan property to the north and Mosby’s Point to the south and will be shown on each major site plan and constructed as part of each site plan. **The developer agrees to work in good faith with said adjacent property owners to provide the requisite access/right-of-use easement across the connector road to permit the intended use of the property.**



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

August 22, 2006

Mr. Ed Ashcraft
P.O. Box 157
Owenton, KY 40359

RE: Conditions of Approval for the request of **JEA 2 Properties, LLC (applicant)** for **EWG Corporation (owner)** for a Zoning Map Amendment from Commercial One (C-1) to Urban Residential One (UR-1) for a 6.0 acre site located along the north side of Frank Duke Boulevard across from Memory Lane and east of the Richwood North Subdivision and a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres located along the west side of Dixie Highway (US 25) at Frank Duke Boulevard and east of the Richwood North Subdivision, Boone County, Kentucky. The request is for a Zoning Map Amendment and Change in an Approved Concept Development Plan to allow a multi-family development and commercial outlots.

Dear Mr. Ashcraft:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their August 16, 2006 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signature of the property owner in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Friday, September 1, 2006.

CONDITIONS

1. The architectural design of the structures shall be subject to design review by the Planning Commission's staff through the Site Plan Review procedure to assure compatibility, continuity within the subject areas, and appropriateness with the adjoining areas. The residential buildings within the subject areas shall use a minimum of 50% masonry on all elevations, and all commercial buildings shall use a minimum of 50% masonry or similar architectural quality materials on all elevations, provide similar architectural elements, and screen any roof mounted equipment.
2. A maximum of 18 (25%) of the proposed 72 apartment units will be three (3) bedroom. The remaining 54 (75%) will be a combination of one (1) and two (2) bedroom units.

3. The commercial outlots shall be limited to one (1) principal structure per lot. Only one (1) of the four (4) outlots may be developed for a multi-tenant building. The overall number of outlots may be reduced provided that only one (1) principal structure is still limited on each outlot.
4. No lot shall have direct vehicular access from Dixie Highway (US 25).
5. The proposed driveway connecting the four (4) frontage outlots will act as a "connector road" providing a potential future connection to the Sheehan property to the North and Mosby's Point to the South and will be shown on each major site plan and constructed as part of each site plan.
6. A photometric plan is required to be submitted as part of each Major Site Plan review application (residential and commercial) in order to show that the lighting fixtures will be shielded and cast downward so as to prevent light pollution and light spilling onto the neighboring properties and measurable light shall be less than 1 foot candle at all property lines.
7. The following are the Principally Permitted, Accessory and Conditional, Commercial One (C-1) uses with the excluded uses stricken:

COMMERCIAL ONE (C-1)

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor (~~Freestanding~~), beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services;

(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY) The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.

9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;

28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. ~~Recreation centers, gymnasiums, clubs and similar athletic uses;~~
32. Video stores;
33. ~~Funeral homes and crematoriums excluding cemeteries or mausoleums;~~

SECTION 1012

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - a. Temporary exhibit spaces;
 - b. Aquariums, botanical gardens and other natural exhibitions;
 - c. Stages and similar assembly areas;
 - d. Indoor target ranges and similar athletic uses;
2. ~~A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:~~
 - a. ~~Private garage and parking;~~
 - b. ~~Structures such as fences and walls;~~
 - c. ~~Buildings such as storage sheds;~~
 - d. ~~The keeping and use of appropriate household pets;~~
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;

Mr. Ed Ashcraft
August 22, 2006
Page 5

6. ~~Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;~~
7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers, (only permitted to be displayed in the ~~side or rear~~ of the property);
10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

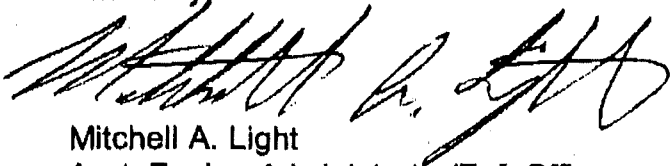
SECTION 1013

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 compatible with the organization of permitted and accessory uses to be protected in the district:

1. Gasoline filling stations ~~and automotive repair facilities;~~
2. Churches, synagogues, temples and other places of religious assembly for worship;

Sincerely,



Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

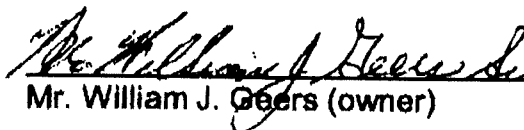
MAL\dw

Attachment

Mr. Ed Ashcraft
August 22, 2006
Page 6

Agreement

I, William J. Geers, (EWG Corporation), do hereby agree to the conditions of approval stated above for the Zoning Map Amendment from Commercial One (C-1) to Urban Residential One (UR-1) for 6.0 acres and a Change in an Approved Concept Development Plan in a Commercial One (C-1) zone for 5.7 acres located along the west side of Dixie Highway (US 25) at Frank Duke Boulevard, Boone County, Kentucky to allow a multi-family development and commercial outlots.

 8/29/06
Mr. William J. Geers (owner) (date)

Continued from "Conditions of Approval" letter from BCPC dated 8-22-2006.

9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1013

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 compatible with the organization of permitted and accessory uses to be protected in the district:

1. Gasoline filling stations and automotive repair facilities;
2. Churches, synagogues, temples and other places of religious assembly for worship;

SECTION 1014

Intensity

The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acres of land.

SECTION 1015

Minimum Size

There is no minimum size or extent required of a Commercial One district.

SECTION 1016

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1020

COMMERCIAL TWO (C-2)

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.

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Eating and drinking establishments including alcoholic beverages;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics - out - patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social

and fraternal organizations;

25. Art and craft galleries and similar exhibit space;

~~26. Aquariums, botanical gardens and other natural exhibitions;~~

~~27. Arcades and other amusement centers;~~

28. Motion picture theaters (indoor);

29. Bowling alley, skating rinks, roller skating rinks, ~~miniature golf courses golf driving ranges, and skateboard facilities;~~

30. Recreation centers, gymnasiums, clubs and similar athletic uses;

31. Motorcycles sales or bike shops excluding outside storage;

32. Churches, synagogues, temples and other places or religious assembly for worship;

33. Hotels and motels including convention facilities;

34. Pawn shops (**Not Applicable within the City of Florence**);

35. Auto parts and accessories stores;

36. Gasoline filling station;

SECTION 1022

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:

a. Stages and similar assembly areas;

b. Auditoriums, exhibition halls and other public assembly spaces;

c. Billiards;

d. Play lots and tot lots;

e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;

~~2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:~~

- ~~a. Private garage and parking;~~
 - ~~b. Structures such as fences and walls;~~
 - ~~c. Buildings such as storage sheds;~~
 - ~~d. The keeping and use of appropriate household pets;~~
3. Signage (See Article 34);
 4. Parking (See Article 33);
 5. Temporary buildings incidental to construction ;
 6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;
 7. Drive-up photo finishing services and automatic teller services;
 8. Indoor target ranges and similar athletic uses;
 9. Recycling collection points (See Article 31);
 10. Garment and Furniture centers (See Article 31);
 11. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
 12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

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 to be protected in the district:

1. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
2. Automotive repair facility and wash services for vehicles;
3. 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**);
4. Sale of satellite dishes;
- ~~5. 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);~~

~~6. Mini-warehouses or storage facilities (Does not apply in the City of Florence);~~

SECTION 1024

Intensity

The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025

Minimum Size

The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1030

COMMERCIAL SERVICES (C-3)

The purpose of the Commercial Services district is to provide, control and centralize those types of commercial activities which; a) depend on and generate high vehicular accessibility, visibility and traffic; and/or b) large outdoor single-purpose storage, display and parking areas and c) which do not fit the scale, character, trade area and general objectives of the other commercial districts in this article or the employment districts defined in Article 11. Such districts will generally be organized about regional or major community trade areas. Sites will be of suitable lands which can be appropriately buffered from surrounding urban uses. Districts will be located to have direct visibility from major arterials. District facilities and plans should be organized to accomplish as much clustering of compatible uses, sharing of parking and access, signage, lighting and other spaces and improvements as possible.

SECTION 1031

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
- ~~3. Commercial parking facilities and commercial recreational vehicle parking facilities;~~
4. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;

5. Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;
6. Major furniture, floor coverings, household appliances and home furnishing outlets;
7. Eating and drinking establishments including alcoholic beverages;
8. Sporting goods and accessories including the sales and service of new and used marine craft, recreational vehicles, camping trailers, bicycles, and motorcycles and other sporting equipment and sales;
- ~~9. Sale of mobile homes, sheds, car ports and other pre-fabricated buildings;~~
10. Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles;
11. Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);
12. Equipment (light), automobile, truck rental and leasing services;
13. Gasoline filling stations, automobile repair facilities, car and truck washes, but excluding junk yards, wrecking or other storage;
14. Sale of satellite dishes;
15. Florists including greenhouses;
16. General dry goods and merchandise stores;
17. Department stores, mail order houses, direct retail selling organizations of general merchandise;
18. Household appliances, china, glassware and metal ware;
19. Medical and dental laboratory services;
20. Travel arranging, transportation ticket and public event or promotional booking agencies;
21. Hotels and motels including convention facilities;
22. Auto parts and accessories stores;
- ~~23. Flea markets;~~
24. Churches, synagogues, temples and other places or religious assembly for worship;
25. The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120. **(APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)**
26. Pawn shops. **(APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)**

SECTION 1032

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses, buildings and structures customarily incidental and subordinate to any of the permitted uses and defined to be:
 - a. Stages and similar assembly areas;
 - b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Amusement centers;
 - d. Tennis courts and billiards;
 - e. Play lots, tot lots, recreation centers and similar athletic uses;
 - f. Swimming beaches and swimming pools;
 - g. General, leisure, ornamental and other park spaces;
- ~~2. A dwelling unit of the property owner, or owner operator, manager, or employee of the business including:~~
 - ~~a. Private garage and parking;~~
 - ~~b. Structures such as fences and walls;~~
 - ~~c. Buildings such as storage sheds;~~
 - ~~d. Appropriate storage of a recreation vehicle or unit;~~
 - ~~e. The keeping and use of appropriate household pets;~~
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;
7. The rental of trucks and trailers;
8. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1033

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 or service; or b) the arrangement of use, building or

structure will be compatible with the organization of permitted and accessory uses to be protected in the district;

1. Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district;
2. Truck stops.

SECTION 1034

Intensity

The intensity of use in a Commercial Services (C-3) district shall not exceed 18,000 square feet of gross floor area per acre of land.

SECTION 1035

Minimum Size

The minimum size and extent of a Commercial Services district, including all the contiguous private property so designated, shall not be less than three (3) acres.

SECTION 1036

Minimum Standards

See Article 31 for dimensional standards. (Site plan review required for all permitted uses, See Article 30)

SECTION 1040

COMMERCIAL FOUR (C-4)

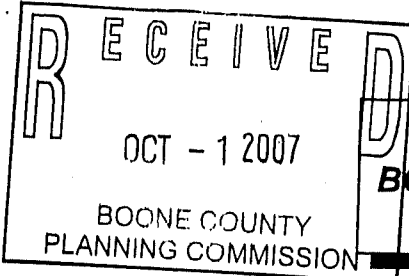
The purpose of the Commercial Four district is to provide locally oriented commercial services, either retail, recreational or office uses, in areas located near or adjacent to interstate highways and arterial roads. These areas are either currently or expected to experience rapid growth due to the population projections and recommended land uses in the Boone County Comprehensive Plan and in other land use studies. Such uses would serve to accommodate the service demands of an expanding local population that normally can't be met because of the limited type and scale of office, recreational or retail use in the immediate area. These types of uses are intended to serve the local population or community rather than regional interests. Such districts shall be located near or adjacent to interstate highways and along arterial roads whereby access and visibility are required to serve local residents. These districts shall be limited in size in order to provide maximum egress and ingress for the local population.

SECTION 1041

Principally Permitted Uses

The following uses are permitted, subject to the minimum and maximum size, standards and intensity provisions of this zoning district:

1. Grocery stores and supermarkets;
2. Convenience stores;
3. Banking services, savings and loan associations, credit unions and other credit services;
4. Postal services and packaging services provided the use is essential for pick-up and delivery



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Richwood North Subdivision - Commercial Lots
2. Location of Project Frank Duke Blvd - Dixie Hwy., Florence, KY
3. Total Acreage of Site 5.22
4. Current Zoning of Site C-1/CD
5. Proposed Zoning (Classification being requested) C-3/CD
6. Proposed Uses (please specify each use) See attachment.
7. Names of Applicant(s) Richwood North, LLC
8. Address of Applicant(s) PO Box 157, Owenon, KY 40359
9. Name of Property Owner(s) Richwood North, LLC
10. Address of Property Owner(s) PO Box 157, Owenon, KY 40359
11. Proposed Building Intensities (please specify) See attachment.
12. Are there any existing buildings on the site? No
13. Deed Book 925 Page No. 849 Group No. 4869
14. Are you also applying for: No Conditional Use Permit, No Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
Florence Public Services Dept.
Duke Energy
Sanitation District #1
Cincinnati Bell
Owen Electric Cooperative, Inc.
Boone County Public Works Department
Kentucky Transportation Cabinet
Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

- _____ Boone County Building Department
- _____ Northern Kentucky Health District
- _____ USDA NRCS/Boone County Conservation District
- _____ KY Division of Water
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

18. Project Jurisdiction/Location
 Unincorporated Boone County _____ Walton
 Florence _____ Union

19. Applicant's Signature James Elshuff, Managing Member
Property Owner's Signature James Elshuff, Managing Member

SECTION B (To be completed by BCPC Staff)

1. Date Received 10-1-07
2. Review Fee 1735.40 ~~1250~~ 54775
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - Number of copies of plan received**
4. Is application complete? _____ Yes _____ No
5. Staff Reviewer NICK LIGHT
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - _____ Approval
 - _____ Approval with Conditions
 - _____ Denial
9. Other: _____

**** Five (5) Copies Are Required**

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

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

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM**

November 7, 2007

7:30 P.M.

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett – Secretary/Treasurer, Mr. Bungler, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Charlie Reynolds, Mr. Patrick Reynolds, Mr. Rolfsen, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, AICP, Senior Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:40 PM and introduced the first item on the Agenda:

Applicant: Richwood North, LLC (owner)

Request: Zoning Map Amendment

The request of Richwood North, LLC (owner) for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3) for a 5.72 acre site located along the west side of Dixie Highway and on both sides of the intersection with Frank Duke Boulevard, and described as lots 126, 127, 128 and 129 of Richwood North Estates Subdivision, Boone County, Kentucky. The request is for a zone change to allow specified uses permitted in the C-3 zone.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). He also presented the 1996 Concept Plan, which is not included in the Staff Report.

The Chairman asked for the applicant's presentation.

Mr. John Ashcraft, a member of Richwood North, LLC and JEA 2 Properties, LLC (the company building the Family Dollar store), stated that they went through the C-2 and C-3 zones and eliminated some of the less desirable uses. They want the development to work with the surrounding area and they are more than willing to look at any other uses that the Planning Commission would like stricken from the list. He offered to answer any questions. This completed the applicant's presentation.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.

Mr. Carmichael questioned why they are requesting a change to C-3 versus C-2. He stated that C-2 and O-1 are between those classifications and allow uses that they have stricken to come back in.

Mr. Ashcraft responded that they are looking for uses that fit the area. He stated that if the uses are stricken out of C-1, they consider them stricken from C-1, C-2, O-1 and C-3. He stated that they want to allow an auto parts store and commented that everyone has seen O'Rielly Auto Parts. Mr. Carmichael stated that an auto parts store is allowed in C-2. Mr. Ashcraft agreed but stated that there are several other uses allowed in C-3 that would enhance the neighborhood. He stated that they do not want to have to come back to the Planning Commission when they get the next request. They are willing to listen to the concerns at the Committee Meeting and strike out other uses.

Mr. Carmichael asked the Committee to look closely at the following uses:

C-1

Principally Permitted Uses:

- #7 Liquor sales was eliminated, but C-2 and C-3 allow eating and drinking with alcoholic beverages

C-2

Principally Permitted Uses:

- #30 Recreation centers, gymnasiums, clubs and similar athletic uses. (Eliminated previously and should be eliminated again).
- #31 Motorcycles sales or bike shops excluding outside storage. (There is already a motorcycle shop not too far away).
- #33 Hotels and motels including convention facilities

Accessory Uses:

- #11 The rental of trucks and trailers

C-3

Principally Permitted Uses:

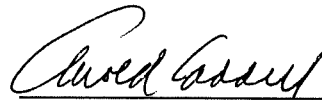
- # 7 Eating and drinking establishments including alcoholic beverages
- #12 Equipment (light), automobile, truck rental and leasing services (similar to rental trucks).
- #13 Gasoline filling stations, automobile repair facilities, car and truck washes, but excluding junk yards, wrecking or other storage
- #21 Hotels and motels including convention facilities

Mr. Carmichael stated that going from C-2 to C-3 for an auto parts store also increases the intensity, which could be as low as 8,000 square feet per acre or up to 11,000 square feet per acre in C-2 versus 18,000 square feet per acre in C-3.

The Chairman advised the applicant to be prepared to discuss these items with the Committee.

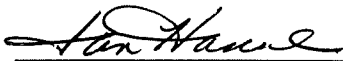
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on November 28, 2007 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on December 5, 2007 at 7:00 PM. The Chairman closed this Public Hearing.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
December 5, 2007
7:00 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mrs. Linda Herald
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Patrick Reynolds
Mr. Charlie Rolfsen
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Richard Knock, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd Morgan, AICP, Senior Planner
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Staff Member Todd Morgan presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

There being no discussion, **Mr. Rolfsen moved by resolution to the City of Union that the request be approved based on the Committee Report with the conditions. Mr. Bunger seconded the motion. A vote on the motion found all voting members in favor. Mrs. Kegley was not present and did not vote. The motion carried.**

Mrs. Kegley returned to the meeting at this time.

3. Zoning Map Amendment

The request of Richwood North, LLC (owner) for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3) for a 5.72 acre site located along the west side of Dixie Highway and on both sides of the intersection with Frank Duke Boulevard, and described as lots 126, 127, 128 and 129 of Richwood North Estates Subdivision, Boone County, Kentucky. The request is for a zone change to allow specified uses permitted in the C-3 zone.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

There being no discussion, **Mr. Bunger moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report with the conditions. Mr. Rolfsen seconded the motion and it carried unanimously.**

4. Wireless Communications Facility

The request of Fortune Wireless, Inc. for SBA Towers II, LLC (applicant) for Virginia Vandever (owner) for a Wireless Communications Facility located at 4199 Daniels Lane, Boone County, Kentucky. The request is for a 120-foot monopole with an additional 5-foot lightning rod.

Chairman Caddell stated that Agenda Item #4 is recommended for deferral to the March 19, 2008 Business Meeting at 7:00 PM. Mr. Charlie Reynolds so moved. Mrs. Poston seconded the motion and it carried unanimously.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: December 5, 2007

RE: Request of Richwood North, LLC (owner) for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3) for a 5.72 acre site located along the west side of Dixie Highway and on both sides of the intersection with Frank Duke Boulevard, and described as lots 126, 127, 128, and 129 of Richwood North Estates Subdivision, Boone County, Kentucky. The request is for a zone change to allow specified uses permitted in the C-3 zone.

REMARKS:

We, the Committee, recommend approval of this request based upon the following findings of fact and with the following conditions:

Findings of Fact

1. The Committee has concluded that the proposed Zoning Map Amendment and accompanying Concept Development Plan are in agreement with the Comprehensive Plan due to the following reason.
 - A. The Goals and Objectives state that "future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4)." All public utilities necessary for the development are either in place or will be extended by the developer.
2. The Committee has concluded that the proposal is in agreement with the applicable Future Land Use Development Guidelines as described in the Comprehensive Plan and the Goals and Objectives. Specific references to the guidelines and Goals and Objectives are outlined in the staff report for this request.
3. The Committee has concluded that the following conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The conditions listed below are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The architectural design of the structures shall be subject to design review by the Planning Commission's staff through the Site Plan Review procedure to assure compatibility, continuity within the subject areas, and appropriateness with the adjoining areas. The commercial buildings shall use a minimum of 50% masonry or similar architectural quality materials on all elevations, provide similar architectural elements, and screen any roof mounted equipment.

2. There shall be no outside storage permitted except for the accessory storage of rental trucks (i.e. U-Haul type) and they are only permitted in the rear of the property.
3. The commercial outlots shall be limited to one (1) principal structure per lot. Only one (1) of the four (4) outlots may be developed for a multi-tenant building. The overall number of outlots may be reduced provided that only one (1) principal structure is still limited on each outlot.
4. No lot shall have direct vehicular access from Dixie Highway (US 25).
5. The proposed driveway connecting the four (4) frontage outlots will act as a "connector road" providing a potential future connection to the Sheehan property to the North and Mosby's Point to the South and will be shown on each major site plan and constructed as part of each site plan. The developer agrees to work in good faith with said adjacent property owners to provide the requisite access/right-of-use easement across the connector road to permit the intended use of the property.
6. A photometric plan is required to be submitted as part of each Major Site Plan review application in order to show that the lighting fixtures will be shielded and cast downward so as to prevent light pollution and light spilling onto the neighboring properties and measurable light shall be less than 1 foot candle at all property lines.
7. The following are the Principally Permitted, Accessory and Conditional, Commercial One (C-1), Commercial Two (C-2), Commercial Services (C-3) and Office One (O-1) uses with the excluded uses stricken:

COMMERCIAL ONE (C-1)

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor (~~Freestanding~~), beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services;
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;

15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
- ~~31. Recreation centers, gymnasiums, clubs and similar athletic uses;~~
32. Video stores;
- ~~33. Funeral homes and crematoriums excluding cemeteries or mausoleums;~~

SECTION 1012
Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

- ~~1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - ~~a. Temporary exhibit spaces;~~
 - ~~b. Aquariums, botanical gardens and other natural exhibitions;~~
 - ~~c. Stages and similar assembly areas;~~
 - ~~d. Indoor target ranges and similar athletic uses;~~~~
- ~~2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - ~~a. Private garage and parking;~~
 - ~~b. Structures such as fences and walls;~~
 - ~~c. Buildings such as storage sheds;~~
 - ~~d. The keeping and use of appropriate household pets;~~~~
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
- ~~6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;~~
7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);

10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1013

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 compatible with the organization of permitted and accessory uses to be protected in the district:

1. Gasoline filling stations ~~and automotive repair facilities~~;
2. Churches, synagogues, temples and other places of religious assembly for worship;

COMMERCIAL TWO (C-2)

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Eating and drinking establishments including alcoholic beverages;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics - out - patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social and fraternal organizations;
25. Art and craft galleries and similar exhibit space;

- ~~26. Aquariums, botanical gardens and other natural exhibitions;~~
- ~~27. Arcades and other amusement centers;~~
28. Motion picture theaters (indoor);
29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;
30. Recreation centers, gymnasiums, clubs and similar athletic uses;
31. Motorcycles sales or bike shops excluding outside storage;
32. Churches, synagogues, temples and other places or religious assembly for worship;
- ~~33. Hotels and motels including convention facilities;~~
34. Pawn shops (**Not Applicable within the City of Florence**);
35. Auto parts and accessories stores;
36. Gasoline filling station;

SECTION 1022

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

- ~~1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - ~~a. Stages and similar assembly areas;~~
 - ~~b. Auditoriums, exhibition halls and other public assembly spaces;~~
 - ~~c. Billiards;~~
 - ~~d. Play lots and tot lots;~~
 - ~~e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;~~~~
- ~~2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - ~~a. Private garage and parking;~~
 - ~~b. Structures such as fences and walls;~~
 - ~~c. Buildings such as storage sheds;~~
 - ~~d. The keeping and use of appropriate household pets;~~~~
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction ;
- ~~6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;~~
7. Drive-up photo finishing services and automatic teller services;
8. Indoor target ranges and similar athletic uses;
- ~~9. Recycling collection points (See Article 31);~~
10. Garment and Furniture centers (See Article 31);
11. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

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 to be protected in the district:

1. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
2. ~~Automotive repair facility and wash services for vehicles;~~
3. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises (only permitted to be displayed in the side or rear of the property);
4. Sale of satellite dishes;
5. ~~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);~~
6. ~~Mini-warehouses or storage facilities (Does not apply in the City of Florence);~~

COMMERCIAL SERVICES (C-3)

SECTION 1031

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. ~~Commercial parking facilities and commercial recreational vehicle parking facilities;~~
4. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;
5. ~~Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;~~
6. Major furniture, floor coverings, household appliances and home furnishing outlets;
7. Eating and drinking establishments including alcoholic beverages;
8. Sporting goods and accessories including the sales and service of new and used marine craft, recreational vehicles, camping trailers, bicycles, and motorcycles and other sporting equipment and sales;
9. ~~Sale of mobile homes, sheds, car ports and other pre-fabricated buildings;~~
10. Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles;
11. Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);
12. ~~Equipment (light), automobile, truck rental and leasing services;~~
13. Gasoline filling stations, ~~automobile repair facilities,~~ car and truck washes, but excluding junk yards, wrecking or other storage;
14. Sale of satellite dishes;
15. Florists including greenhouses;
16. General dry goods and merchandise stores;

17. Department stores, mail order houses, direct retail selling organizations of general merchandise;
18. Household appliances, china, glassware and metal ware;
19. Medical and dental laboratory services;
20. Travel arranging, transportation ticket and public event or promotional booking agencies;
- ~~21. Hotels and motels including convention facilities;~~
22. Auto parts and accessories stores (**Reasonable repairs only i.e. batteries and wipers**);
- ~~23. Flea markets;~~
24. Churches, synagogues, temples and other places or religious assembly for worship;
25. The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120. (**APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY**)
26. Pawn shops. (**APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY**)

SECTION 1032

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

- ~~1. Recreation uses, buildings and structures customarily incidental and subordinate to any of the permitted uses and defined to be:
 - ~~a. Stages and similar assembly areas;~~
 - ~~b. Auditoriums, exhibition halls and other public assembly spaces;~~
 - ~~c. Amusement centers;~~
 - ~~d. Tennis courts and billiards;~~
 - ~~e. Play lots, tot lots, recreation centers and similar athletic uses;~~
 - ~~f. Swimming beaches and swimming pools;~~
 - ~~g. General, leisure, ornamental and other park spaces;~~~~
2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. Appropriate storage of a recreation vehicle or unit;
 - e. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
- ~~6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;~~
7. The rental of trucks and trailers (only permitted to be displayed in the side or rear of the property);
8. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1033

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 or service; or b) the arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district;

- ~~1. Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district;~~
- ~~2. Truck stops.~~

OFFICE ONE (O-1)

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News syndicate services and employment services;
12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;
14. Motion picture, audio-visual and similar media production and distribution services;
15. Physician and dental services including medical, dental laboratories and clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
24. Recreation centers, gymnasiums and other related recreational facilities;

25. The retail sale of office supplies and equipment;
- ~~26. Funeral homes and crematoriums excluding cemeteries or mausoleums.~~

SECTION 1112

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

- ~~1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - ~~a. Temporary exhibit spaces;~~
 - ~~b. Aquariums, botanical gardens and other natural exhibitions;~~
 - ~~c. Stages and similar assembly areas;~~~~
2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Automatic teller machines;
- ~~6. Single family dwelling unit;~~
7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1113

Conditional Uses

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 office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Child and adult care centers;
2. Convenient stores;
3. Beauty and barber services and tanning salons;
4. Laundering, dry cleaning and dyeing services, including self-service;
5. Shoe repair, shoe shining and hat cleaning services;
6. Florists, excluding greenhouses.

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

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM**

November 7, 2007

7:30 P.M.

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett – Secretary/Treasurer, Mr. Bunger, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Charlie Reynolds, Mr. Patrick Reynolds, Mr. Rolfsen, and Mr. Schwenke.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; Mr. Todd Morgan, AICP, Senior Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:40 PM and introduced the first item on the Agenda:

Applicant: **Richwood North, LLC** (owner)

Request: **Zoning Map Amendment**

The request of Richwood North, LLC (owner) for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3) for a 5.72 acre site located along the west side of Dixie Highway and on both sides of the intersection with Frank Duke Boulevard, and described as lots 126, 127, 128 and 129 of Richwood North Estates Subdivision, Boone County, Kentucky. The request is for a zone change to allow specified uses permitted in the C-3 zone.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). He also presented the 1996 Concept Plan, which is not included in the Staff Report.

The Chairman asked for the applicant's presentation.

Mr. John Ashcraft, a member of Richwood North, LLC and JEA 2 Properties, LLC (the company building the Family Dollar store), stated that they went through the C-2 and C-3 zones and eliminated some of the less desirable uses. They want the development to work with the surrounding area and they are more than willing to look at any other uses that the Planning Commission would like stricken from the list. He offered to answer any questions. This completed the applicant's presentation.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition. There was no response.

The Chairman asked if there were any comments or questions from the Commissioners.

Mr. Carmichael questioned why they are requesting a change to C-3 versus C-2. He stated that C-2 and O-1 are between those classifications and allow uses that they have stricken to come back in.

Mr. Ashcraft responded that they are looking for uses that fit the area. He stated that if the uses are stricken out of C-1, they consider them stricken from C-1, C-2, O-1 and C-3. He stated that they want to allow an auto parts store and commented that everyone has seen O'Rielly Auto Parts. Mr. Carmichael stated that an auto parts store is allowed in C-2. Mr. Ashcraft agreed but stated that there are several other uses allowed in C-3 that would enhance the neighborhood. He stated that they do not want to have to come back to the Planning Commission when they get the next request. They are willing to listen to the concerns at the Committee Meeting and strike out other uses.

Mr. Carmichael asked the Committee to look closely at the following uses:

C-1

Principally Permitted Uses:

- #7 Liquor sales was eliminated, but C-2 and C-3 allow eating and drinking with alcoholic beverages

C-2

Principally Permitted Uses:

- #30 Recreation centers, gymnasiums, clubs and similar athletic uses. (Eliminated previously and should be eliminated again).
- #31 Motorcycles sales or bike shops excluding outside storage. (There is already a motorcycle shop not too far away).
- #33 Hotels and motels including convention facilities

Accessory Uses:

- #11 The rental of trucks and trailers

C-3

Principally Permitted Uses:

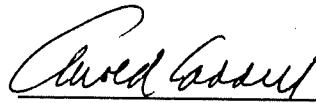
- # 7 Eating and drinking establishments including alcoholic beverages
- #12 Equipment (light), automobile, truck rental and leasing services (similar to rental trucks).
- #13 Gasoline filling stations, automobile repair facilities, car and truck washes, but excluding junk yards, wrecking or other storage
- #21 Hotels and motels including convention facilities

Mr. Carmichael stated that going from C-2 to C-3 for an auto parts store also increases the intensity, which could be as low as 8,000 square feet per acre or up to 11,000 square feet per acre in C-2 versus 18,000 square feet per acre in C-3.

The Chairman advised the applicant to be prepared to discuss these items with the Committee.

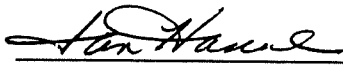
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on November 28, 2007 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on December 5, 2007 at 7:00 PM. The Chairman closed this Public Hearing.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: November 28, 2007

RE: Request of **Richwood North, LLC (owner)** for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3) for a 5.72 acre site located along the west side of Dixie Highway and on both sides of the intersection with Frank Duke Boulevard, and described as lots 126, 127, 128, and 129 of Richwood North Estates Subdivision, Boone County, Kentucky. The request is for a zone change to allow specified uses permitted in the C-3 zone.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Richwood North, LLC

November 28, 2007

Kim Bunger

Kim Bunger, Chairman

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Judy Arnett

Judy Arnett

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Greg Breetz

Greg Breetz

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Janet Kegley

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Susan Poston

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Charlie Rolfsen

Charlie Rolfsen

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Jim Carmichael (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Charlie Reynolds (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Bob Schwenke (Alternate)

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 4 FOR PROJECT _____ ABSENT
 _____ AGAINST PROJECT _____ ABSTAIN

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

December 3, 2007

Mr. John Ashcraft
P.O. Box 157
Owenton, KY 40359

RE: Conditions of Approval for the request of **Richwood North, LLC (owner)** for a Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3) for a 5.72 acre site located along the west side of Dixie Highway and on both sides of the intersection with Frank Duke Boulevard, and described as lots 126, 127, 128, and 129 of Richwood North Estates Subdivision, Boone County, Kentucky. The request is for a zone change to allow specified uses permitted in the C-3 zone.

Dear Mr. Ashcraft:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their November 28, 2007 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signature of the property owner in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Friday, November 30, 2007.

CONDITIONS

1. The architectural design of the structures shall be subject to design review by the Planning Commission's staff through the Site Plan Review procedure to assure compatibility, continuity within the subject areas, and appropriateness with the adjoining areas. The commercial buildings shall use a minimum of 50% masonry or similar architectural quality materials on all elevations, provide similar architectural elements, and screen any roof mounted equipment.
2. There shall be no outside storage permitted except for the accessory storage of rental trucks (i.e. U-Haul type) and they are only permitted in the rear of the property.
3. The commercial outlots shall be limited to one (1) principal structure per lot. Only one (1) of the four (4) outlots may be developed for a multi-tenant building. The overall number of outlots may be reduced provided that only one (1) principal structure is still limited on each outlot.
4. No lot shall have direct vehicular access from Dixie Highway (US 25).
5. The proposed driveway connecting the four (4) frontage outlots will act as a "connector road" providing a potential future connection to the Sheehan property to the North and Mosby's Point to the South and will be shown on each major site plan and constructed as part of each site plan. The developer agrees to work in good faith with said adjacent property owners to provide the requisite access/right-of-use easement across the connector road to permit the intended use of the property.

6. A photometric plan is required to be submitted as part of each Major Site Plan review application in order to show that the lighting fixtures will be shielded and cast downward so as to prevent light pollution and light spilling onto the neighboring properties and measurable light shall be less than 1 foot candle at all property lines.
7. The following are the Principally Permitted, Accessory and Conditional, Commercial One (C-1), Commercial Two (C-2), Commercial Services (C-3) and Office One (O-1) uses with the excluded uses stricken:

COMMERCIAL ONE (C-1)
SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. ~~Liquor (Freestanding)~~, beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services;
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;

28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
- ~~31. Recreation centers, gymnasiums, clubs and similar athletic uses;~~
32. Video stores;
- ~~33. Funeral homes and crematoriums excluding cemeteries or mausoleums.~~

SECTION 1012

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

- ~~1. Recreation uses or spaces of integral relation to the developed portions of the district including:
 - ~~a. Temporary exhibit spaces;~~
 - ~~b. Aquariums, botanical gardens and other natural exhibitions;~~
 - ~~c. Stages and similar assembly areas;~~
 - ~~d. Indoor target ranges and similar athletic uses;~~~~
- ~~2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - ~~a. Private garage and parking;~~
 - ~~b. Structures such as fences and walls;~~
 - ~~c. Buildings such as storage sheds;~~
 - ~~d. The keeping and use of appropriate household pets;~~~~
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
- ~~6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;~~
7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1013

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 compatible with the organization of permitted and accessory uses to be protected in the district:

- ~~1. Gasoline filling stations and automotive repair facilities;~~
2. Churches, synagogues, temples and other places of religious assembly for worship;

COMMERCIAL TWO (C-2)
SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Eating and drinking establishments including alcoholic beverages;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics - out - patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social and fraternal organizations;
25. Art and craft galleries and similar exhibit space;
- ~~26. Aquariums, botanical gardens and other natural exhibitions;~~
- ~~27. Arcades and other amusement centers;~~
28. Motion picture theaters (indoor);
- ~~29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities;~~
30. Recreation centers, gymnasiums, clubs and similar athletic uses;
31. Motorcycles sales or bike shops excluding outside storage;
32. Churches, synagogues, temples and other places or religious assembly for worship;
- ~~33. Hotels and motels including convention facilities;~~
34. Pawn shops (**Not Applicable within the City of Florence**);
35. Auto parts and accessories stores;
36. Gasoline filling station;

SECTION 1022

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

- ~~1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - ~~a. Stages and similar assembly areas;~~
 - ~~b. Auditoriums, exhibition halls and other public assembly spaces;~~
 - ~~c. Billiards;~~
 - ~~d. Play lots and tot lots;~~
 - ~~e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;~~~~
- ~~2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - ~~a. Private garage and parking;~~
 - ~~b. Structures such as fences and walls;~~
 - ~~c. Buildings such as storage sheds;~~
 - ~~d. The keeping and use of appropriate household pets;~~~~
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction ;
- ~~6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;~~
7. Drive-up photo finishing services and automatic teller services;
8. Indoor target ranges and similar athletic uses;
- ~~9. Recycling collection points (See Article 31);~~
10. Garment and Furniture centers (See Article 31);
11. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

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 to be protected in the district:

1. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
2. ~~Automotive repair facility and wash services for vehicles;~~
3. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises (only permitted to be displayed in the ~~side or rear~~ of the property);

4. Sale of satellite dishes;
5. ~~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);~~
6. ~~Mini-warehouses or storage facilities (Does not apply in the City of Florence);~~

COMMERCIAL SERVICES (C-3)

SECTION 1031

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. ~~Commercial parking facilities and commercial recreational vehicle parking facilities;~~
4. Sales of lumber, building materials, heating and plumbing equipment, electrical supplies, hardware and farm equipment;
5. ~~Sales, automotive repair, or lease of new and used motor vehicles including tires, batteries and accessories;~~
6. Major furniture, floor coverings, household appliances and home furnishing outlets;
7. Eating and drinking establishments including alcoholic beverages;
8. Sporting goods and accessories including the sales and service of new and used marine craft, recreational vehicles, camping trailers, bicycles, and motorcycles and other sporting equipment and sales;
9. ~~Sale of mobile homes, sheds, car ports and other pre-fabricated buildings;~~
10. Garden and landscape sales, lawn furniture and the like, farm and garden supply outlets including equipment and vehicles;
11. Food lockers including preparation facilities and individualized household goods storage lockers (mini warehouses);
12. ~~Equipment (light), automobile, truck rental and leasing services;~~
13. Gasoline filling stations, ~~automobile repair facilities,~~ car and truck washes, but excluding junk yards, wrecking or other storage;
14. Sale of satellite dishes;
15. Florists including greenhouses;
16. General dry goods and merchandise stores;
17. Department stores, mail order houses, direct retail selling organizations of general merchandise;
18. Household appliances, china, glassware and metal ware;
19. Medical and dental laboratory services;
20. Travel arranging, transportation ticket and public event or promotional booking agencies;
21. ~~Hotels and motels including convention facilities;~~
22. Auto parts and accessories stores (**Reasonable repairs only i.e. batteries and wipers**);
23. ~~Flea markets;~~
24. Churches, synagogues, temples and other places or religious assembly for worship;
25. The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120. (**APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY**)
26. Pawn shops. (**APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY**)

SECTION 1032

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

- ~~1. Recreation uses, buildings and structures customarily incidental and subordinate to any of the permitted uses and defined to be:
 - ~~a. Stages and similar assembly areas;~~
 - ~~b. Auditoriums, exhibition halls and other public assembly spaces;~~
 - ~~c. Amusement centers;~~
 - ~~d. Tennis courts and billiards;~~
 - ~~e. Play lots, tot lots, recreation centers and similar athletic uses;~~
 - ~~f. Swimming beaches and swimming pools;~~
 - ~~g. General, leisure, ornamental and other park spaces;~~~~
- ~~2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - ~~a. Private garage and parking;~~
 - ~~b. Structures such as fences and walls;~~
 - ~~c. Buildings such as storage sheds;~~
 - ~~d. Appropriate storage of a recreation vehicle or unit;~~
 - ~~e. The keeping and use of appropriate household pets;~~~~
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
- ~~6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;~~
7. The rental of trucks and trailers (only permitted to be displayed in the side or rear of the property);
8. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1033

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 or service; or b) the arrangement of use, building or structure will be compatible with the organization of permitted and accessory uses to be protected in the district;

- ~~1. Welding or limited fabrication of metal products provided the use is of office or service contract and not storage or manufacturing which is more appropriate to an industrial district;~~
2. Truck stops.

OFFICE ONE (O-1)

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News syndicate services and employment services;
12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;
14. Motion picture, audio-visual and similar media production and distribution services;
15. Physician and dental services including medical, dental laboratories and clinics;
16. Legal, engineering, architectural, education and scientific research services;
17. Accounting, auditing and bookkeeping services;
18. Charitable and social services administration offices;
19. Professional membership organizations and labor organizations and civic associations;
20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
22. Veterinary services not including the boarding of animals;
23. Business colleges or schools;
24. Recreation centers, gymnasiums and other related recreational facilities;
25. The retail sale of office supplies and equipment;
26. ~~Funeral homes and crematoriums excluding cemeteries or mausoleums.~~

SECTION 1112

Accessory Uses

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. ~~Recreation uses or spaces of integral relation to the developed portions of the district including:~~
 - a. ~~Temporary exhibit spaces;~~


- ~~b. Aquariums, botanical gardens and other natural exhibitions;~~
- ~~c. Stages and similar assembly areas;~~
- 2. Accessory uses for an office facility:
 - a. Garages and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
- 3. Signage (See Article 34);
- 4. Parking (See Article 33);
- 5. Automatic teller machines;
- ~~6. Single-family dwelling unit;~~
- 7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1113
Conditional Uses

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 office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

- 1. Child and adult care centers;
- 2. Convenient stores;
- 3. Beauty and barber services and tanning salons;
- 4. Laundering, dry cleaning and dyeing services, including self-service;
- 5. Shoe repair, shoe shining and hat cleaning services;
- 6. Florists, excluding greenhouses.

Sincerely,

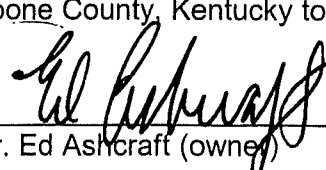


Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

MAL/pr

Agreement

I, Ed Ashcraft, do hereby agree to the conditions of approval stated above for the Zoning Map Amendment from Commercial One (C-1) to Commercial Services (C-3) for a 5.72 acre site located along the west side of Dixie Highway and on both sides of the intersection with Frank Duke Boulevard, and described as lots 126, 127, 128, and 129 of Richwood North Estates Subdivision, Boone County, Kentucky to allow specified uses permitted in the C-3 zone.


Mr. Ed Ashcraft (owner)

12-5-07
Date

DEED

KNOW ALL MEN BY THESE PRESENTS:

That EWG Corporation, a Kentucky Corporation, Grantor, in consideration of \$250,000.00 the receipt whereof is hereby acknowledged, does hereby bargain, sell and convey to JEA2 Properties, LLC, a Kentucky Limited Liability Company, Grantee, its successors and assigns forever, the following described real estate, lying and being in County of Boone and Commonwealth of Kentucky, to wit:

Grantor Mailing Address:

Grantee Mailing Address:

Group No.: 4869

Property Address:

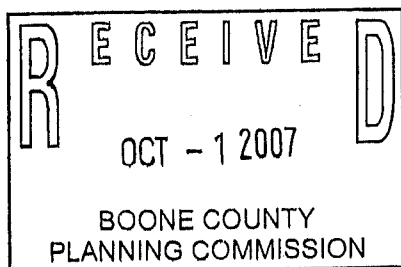
Plat Cabinet 5, Slide 354

Lot 128 of Richwood North Estates Subdivision, Section 5, as shown on the Plat filed in Boone County Clerk's office in Burlington, Kentucky, Plat Cabinet 5, Slide 354, being part of the same property conveyed to EWG Corporation, a Kentucky Corporation, as referenced in the Deed recorded in Deed Book 666, Page 269, of the Boone County Clerk's office.

Together with all the PRIVILEGES and APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said JEA2 Properties, LLC, a Kentucky Limited Liability Company, Grantees, its successors and assigns forever, and the Grantor HEREBY COVENANTING with the Grantee, JEA2 Properties, LLC, a Kentucky Limited Liability Company, its successors and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED and that Grantor will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF the said Grantor hereunto sets its hand this
17 day of Nov, 2006.

GRANTOR:

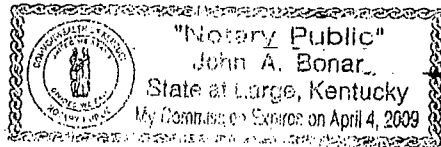


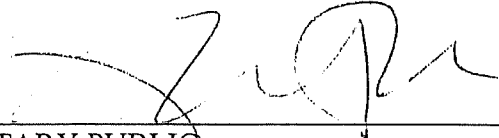
William J. Geers
EWG Corporation, A Kentucky Corporation,
By and through William J. Geers, President of
EWG Corporation, and is authorized to
execute this Deed on behalf of EWG
Corporation, a Kentucky Corporation pursuant
to Corporate Resolution

O'HARA, RUBERG,
TAYLOR, SLOAN
& SERGENT
Attorneys at Law
25 Crestview Hills
Mall Road, Suite 201
P.O. Box 17411
Covington, Kentucky
41017-0411
(859) 331-2000

COMMONWEALTH OF KENTUCKY :
:SS
COUNTY OF KENTON :

The foregoing instrument was sworn to and acknowledged before me this 17th day of November, 2006, by William J. Geers, President of EWG Corporation, and as authorized to execute this Deed on behalf of EWG Corporation, a Kentucky Corporation pursuant to Corporate Resolution.






NOTARY PUBLIC
My Commission Expires: _____

CERTIFICATE OF CONSIDERATION

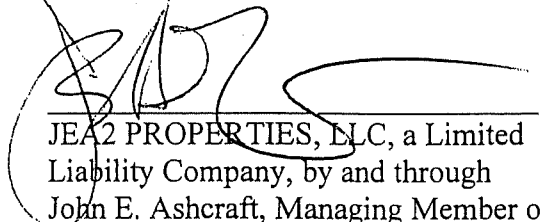
We, EWG CORPORATION, a Kentucky Corporation and JEA2 Properties, LLC, a Kentucky Limited Liability Company, their successors and assigns forever, do hereby certify, pursuant to KRS Chapter 382, that the above-stated consideration in the amount of \$250,000.00 is the true, correct and full consideration paid for the property herein conveyed, and that the fair market value of the above property is \$250,000.00. We further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.00.

GRANTOR:



EWG Corporation, A Kentucky Corporation,
By and through William J. Geers, President of
EWG Corporation, and as authorized to
execute this Deed on behalf of EWG
Corporation, a Kentucky Corporation pursuant
to Corporate Resolution

GRANTEE:

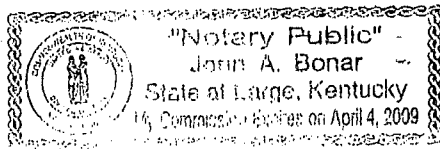


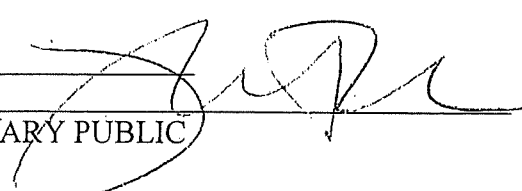
JEA2 PROPERTIES, LLC, a Limited
Liability Company, by and through
John E. Ashcraft, Managing Member of
JEA2 Properties, LLC, a Kentucky Limited
Liability Corporation

O'HARA, RUBERG,
TAYLOR, SLOAN
& SERGENT
Attorneys at Law
25 Crestview Hills
Mall Road, Suite 201
P.O. Box 17411
Covington, Kentucky
41017-0411
(859) 331-2000

COMMONWEALTH OF KENTUCKY :
:SS
COUNTY OF KENTON :

The foregoing instrument was sworn to and acknowledged before me this 17th day of November, 2006, by William J. Geers, President of EWG Corporation, and is authorized to execute this Deed on behalf of EWG Corporation, a Kentucky Corporation pursuant to Corporate Resolution.

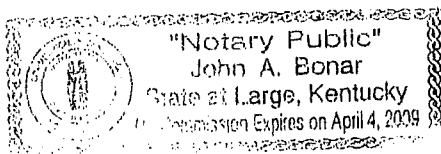


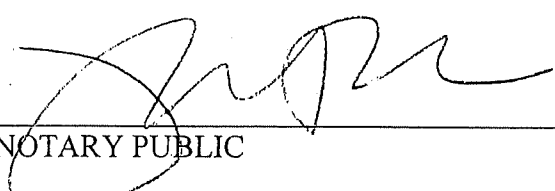

NOTARY PUBLIC

My Commission Expires: _____

COMMONWEALTH OF KENTUCKY :
:SS
COUNTY OF KENTON :

The foregoing instrument was sworn to and acknowledged before me this 17th day of November, 2006, by John E. Ashcraft, Managing Member of JEA2 Properties, LLC, a Kentucky Limited Liability Corporation.

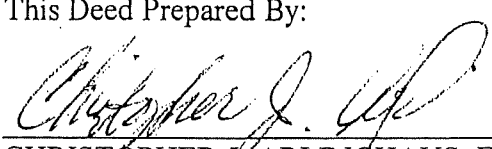



NOTARY PUBLIC

My Commission Expires: _____

NO TITLE EXAM PERFORMED BY DEED PREPARER

This Deed Prepared By:



CHRISTOPHER J. ARLINGHAUS, ESQ.
O'HARA, RUBERG, TAYLOR, SLOAN & SERGENT
25 CRESTVIEW HILLS MALL ROAD, SUITE 201
P.O. BOX 17411
COVINGTON, KY 41017-0411
859-331-2000
CJA:mc

E:\DQCS\geers.gen\DEED.wpd

O'HARA, RUBERG,
TAYLOR, SLOAN
& SERGENT

Attorneys at Law
25 Crestview Hills
Mall Road, Suite 201
P.O. Box 17411
Covington, Kentucky
41017-0411
(859) 331-2000

DEED

KNOW ALL MEN BY THESE PRESENTS:

That EWG Corporation, a Kentucky Corporation, Grantor, in consideration of \$700,000.00, the receipt whereof is hereby acknowledged, does hereby bargain, sell and convey to Richwood North, LLC, a Kentucky Limited Liability Company, Grantee, its successors and assigns forever, the following described real estate, lying and being in County of Boone and Commonwealth of Kentucky, to wit:

Grantor Mailing Address:

Grantee Mailing Address:

Group No.: 4869

Property Address:

Plat Cabinet 5, Slide 354

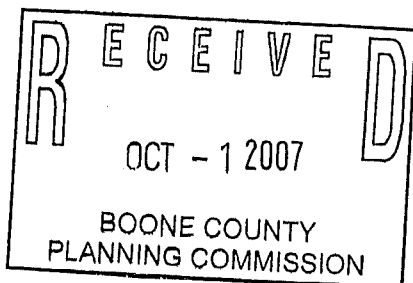
Lots 125, ~~126~~, ~~127~~ and 129, of Richwood North Estates, Subdivision, Section 5, as shown on the Plat filed in Boone County Clerk's office in Burlington, Kentucky, Plat Cabinet 5, Slide 354, being part of the same property conveyed to EWG Corporation, a Kentucky Corporation, as referenced in the Deed recorded in Deed Book 666, Page 269, of the Boone County Clerk's office.

Together with all the PRIVILEGES and APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said Richwood North, LLC, a Kentucky Limited Liability Company, Grantees, its successors and assigns forever, and the Grantor HEREBY COVENANTING with the Grantee, Richwood North, LLC, a Kentucky Limited Liability Company, its successors and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED and that Grantor will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF the said Grantor hereunto sets its hand this 17 day of Nov, 2006.

GRANTOR:

William J. Geers
EWG Corporation, A Kentucky Corporation,
By and through William J. Geers, President of
EWG Corporation, and as authorized to
execute this Deed on behalf of EWG
Corporation, a Kentucky Corporation pursuant
to Corporate Resolution



O'HARA, RUBERG,
TAYLOR, SLOAN
& SERGENT

Attorneys at Law
25 Crestview Hills

Mall Road, Suite 201

P.O. Box 17411

Covington, Kentucky

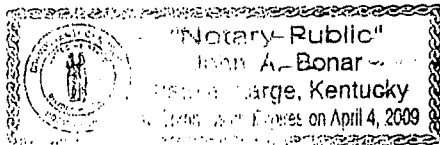
41017-0411

(859) 331-2000

UB 125
P 849

COMMONWEALTH OF KENTUCKY :
:SS
COUNTY OF KENTON :

17th The foregoing instrument was sworn to and acknowledged before me this
day of NOVEMBER, 2006, by William J. Geers, President of EWG
Corporation, and is authorized to execute this Deed on behalf of EWG Corporation, a
Kentucky Corporation, pursuant to Corporate Resolution.



[Signature]
NOTARY PUBLIC
My Commission Expires: _____

CERTIFICATE OF CONSIDERATION

We, EWG Corporation, a Kentucky Corporation and Richwood North, LLC, a Kentucky Limited Liability Company, their successors and assigns forever, do hereby certify, pursuant to KRS Chapter 382, that the above-stated consideration in the amount of \$700,000.00 is the true, correct and full consideration paid for the property herein conveyed, and that the fair market value of the above property is \$700,000.00. We further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.00.

GRANTOR:

[Signature]
EWG Corporation, A Kentucky Corporation,
By and through William J. Geers, President of
EWG Corporation, and is authorized to
execute this Deed on behalf of EWG
Corporation, a Kentucky Corporation pursuant
to Corporate Resolution

GRANTEE:

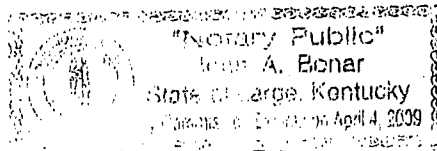
[Signature]
Richwood North, LLC, a Limited
Liability Company, by and through
James E. Ashcraft, Managing Member of
Richwood North, LLC, a Kentucky Limited
Liability Corporation

O'HARA, RUBERG,
TAYLOR, SLOAN
& SERGENT

Attorneys at Law
25 Crestview Hills
Mall Road, Suite 201
P.O. Box 17411
Covington, Kentucky
41017-0411
(859) 331-2000

COMMONWEALTH OF KENTUCKY :
:SS
COUNTY OF KENTON :

The foregoing instrument was sworn to and acknowledged before me this 17th day of November, 2006, by William J. Geers, President of EWG Corporation, and as authorized to execute this Deed on behalf of EWG Corporation, a Kentucky Corporation pursuant to Corporate Resolution.

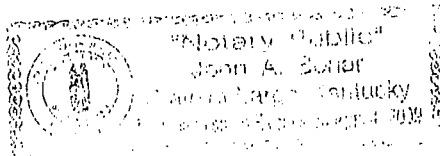


[Signature]
NOTARY PUBLIC

My Commission Expires: _____

COMMONWEALTH OF KENTUCKY :
:SS
COUNTY OF KENTON :

The foregoing instrument was sworn to and acknowledged before me this 17th day of _____, 2006, by James E. Ashcraft, Managing Member of Richwood North, LLC, a Kentucky Limited Liability Corporation.



[Signature]
NOTARY PUBLIC

My Commission Expires: _____

NO TITLE EXAM PERFORMED BY DEED PREPARER

This Deed Prepared By:

[Signature]

CHRISTOPHER V. ARLINGHAUS, ESQ.
O'HARA, RUBERG, TAYLOR, SLOAN & SERGENT
25 CRESTVIEW HILLS MALL ROAD, SUITE 201
P.O. BOX 17411
COVINGTON, KY 41017-0411
859-331-2000

CJA:mc
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O'HARA, RUBERG,
TAYLOR, SLOAN
& SERGENT
Attorneys at Law
25 Crestview Hills
Mall Road, Suite 201
P.O. Box 17411
Covington, Kentucky
41017-0411
(859) 331-2000

Rec'd 3-24-08

Ordinance 08-02

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF RICHWOOD NORTH, LLC (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM COMMERCIAL ONE (C-1) TO COMMERCIAL SERVICES (C-3) FOR A 5.729 ACRE SITE GENERALLY LOCATED ALONG THE WEST SIDE OF DIXIE HIGHWAY AND ON BOTH SIDES OF THE INTERSECTION WITH FRANK DUKE BOULEVARD, AND DESCRIBED AS LOTS 126, 127, 128 and 129 OF RICHWOOD NORTH ESTATES SUBDIVISION, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Commercial One (C-1) to Commercial Services (C-3) for a 5.72 acre site generally located along the west side of Dixie Highway and on both sides of the intersection with Frank Duke Boulevard, and described as lots 126, 127, 128 and 129 of Richwood North Estates Subdivision, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment being a zone change from Commercial One (C-1) to Commercial Services (C-3) for a 5.72 acre site generally located along the west side of Dixie Highway and on both sides of the intersection with Frank Duke Boulevard, and described as lots 126, 127, 128 and 129 of Richwood North Estates Subdivision, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Commercial One (C-1) zone is more particularly described in DEED BOOK 925, PAGE NO. 849 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval for a Zoning Map Amendment request are the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

SECTION III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

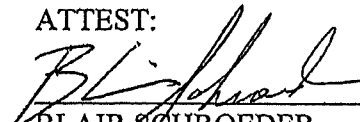
Introduced and given First Reading on the 27th day of November, 2007.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 18th day of December, 2007, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.

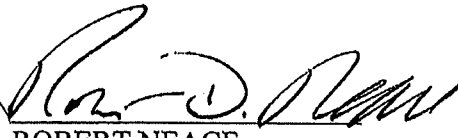


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



BLAIR SCHROEDER
FISCAL COURT CLERK



ROBERT NEACE
COUNTY ATTORNEY

2-21-08
DATE PUBLISHED